

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 28, 1947
10:20 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

August Prohl, University of Texas student, came before the Council and requested that the Mobile Retail Grocers Ordinance be amended to permit him to operate a hot dog trailer in the University neighborhood in order to defray his expenses while attending school. The matter was referred to the City Manager to see what could be worked out.

S. G. Garrett came before the Council regarding the zoning of his property located at the intersection of Red River and 32nd Streets, stating that inasmuch as Mr. E. J. Hood was going ahead with his project, and Mrs. Monroe had let the contract for her building, that the Council take action on the previous hearing and grant the zoning change. The Council called a re-hearing on the matter for September 18, and directed that notice of re-hearing be advertised.

Bascom Giles came before the Council on the matter of his previous request that the City pave East 38 $\frac{1}{2}$ Street from East Avenue to Airport Boulevard, allowing a lighter type of paving; said street leading to his Addition consisting of eighty lots on which houses were being erected. That would add a million dollars in tax values to the City's tax rolls. J. E. Motheral, Director of Public Works, reported that the cost of paving the entire strip on East 38 $\frac{1}{2}$ Street under city specifications would entail an expenditure of \$80,600.00, with the City's part being more than 50%, and eliminating curbs and gutters, grading and surfacing, the cost would be \$31,200.00, in addition to culverts that would have to be built at

Vineland, Alexander, and Lafayette Street, at a cost of \$16,800.00 . Following the discussion, the Council took the matter under advisement pending an inspection of the area.

Pursuant to published notice thereof, the public hearing on the application of Jasper Glover to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Lot 10, Block 5, Outlot 9, Division "B", Grandview Heights, and known as 1101 Prospect Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

Jasper Glover, proponent, plead for the change on the grounds that he wanted to operate a grocery store and hamburger stand in order to make a living for himself and to provide employment for six other people.

O. R. Lott and Ben Thompson, spokesmen for approximately ten property owners, opposed the change on the grounds that this was one of the choice residential districts for colored people and they wanted to keep it as such; and that there was a business district within three blocks, which was ample to serve the needs of the community.

No other property owners or interested persons desiring to be heard, Councilman Johnson moved that the hearing be closed, and the action of the Board of Adjustment be sustained and the change be denied. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Sam Roselle

I. Referred to the Board by the City Council on : August 14, 1947

II. Property affected:

1012 West 6th Street, being 46'x200' of Lot F, Block D, Raymond Homestead.

III. To be changed:

From : "C" Commercial

To : "C-2" Commercial

IV. Considered by the Board on : August 26, 1947

V. Parties appearing:

For : Sam Roselle

Against: John Q. Gaines, for himself and Walter Wilcox, Lucile Morley, Monte Smith Martin; George P. Coulter; Mrs. Dorothy Journeay, Mrs. H. B. Granberry; Mrs. J. A. Jenkins; Mrs. Lana Simpson; Mrs. Pickens Matthews; Mrs. C. P. Ledbetter; Mrs. Irene Rowse; M. L. Coker; H. A. Butcher, for himself and Milton Smith; Mrs. Sophie Domschke; Howard Taylor; Mrs. H. L. Marks, for McKean Estate.

VI. Action of the Board : Not recommended

For the following reasons:

1. The property requested to be changed to "C-2" Commercial is one lot in the center of a "C" Commercial District at 1012 West 6th Street.
2. The applicant affirms that he wishes to sell packaged beer in his grocery store. He further stated that he feared he would have to go out of business if he does not sell beer, or have something that the other merchants in that vicinity do not have.
3. While the present applicant may confine his activities to the sale of beer by the case for off-site consumption, the change of this lot would allow the present or future owners to use the same for all the other uses permitted in a "C-2" District which would adversely affect the surrounding property.
4. Objection to the applicant's sale of beer and particularly to the other uses which would be permitted if this were a "C-2" District was registered by a large number of neighboring property owners who declared it their desire to maintain and preserve the present commercial district of West 6th Street, which indicated that there is not a public demand and a necessity for this service. West 6th Street as far as West Avenue is now zoned "C-2" Commercial, but only a very minor portion is now used for this purpose.
5. The Board deemed that granting this request for the benefit of a single owner and applying to a single lot over the protest of the neighborhood would create a spot zone of the worst type and be contrary to the spirit and purpose and general principle of the Zoning Ordinance.

(Sgd) H. F. Kushne
Chairman. "

A public hearing on the foregoing application of Sam Roselle for change in zoning was called for Thursday, September 18, at 11:00 A. M.

The application of Joe A. Wukasch for change in zoning, from "B" Residence District to "C" Commercial District of property located at 4208 Duval Street, being Lots 5 and 6, Block B, Statesman property, was received. The matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council of the City of Austin hereby approves as a filling station site the property located on the west side of Burnet Road north of Lawnmont Avenue, which property fronts 100 feet on Burnet Road and being further known as Lot 4, Block 2, of the Resubdivision of Shoalmont Addition, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, and hereby authorizes the said S.W. Ligon to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said S. W. Ligon has failed and refused, and will continue to fail and refuse to perform any such conditons, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
August 28, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of S. W. Ligon for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located on the west side of Burnet Road north of Lawnmont Avenue, which property fronts 100 feet on Burnet Road, and being further known as Lot 4, Block 2, of the Resubdivision of Shoalmont Addition, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by S. W. Ligon, and we hereby advise that

the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that S. W. Ligon be granted permission to construct, maintain and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property lines, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-873.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-873, and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Driskill Hotel Corporation, acting by and through R.M. Krause, Architect, owners of Lots 28, 29, and a portion of Lot 30, of Outlot 57, Division E, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, has made application to the City of Austin for permission to construct an entrance platform and retaining walls in the west sidewalk area of Neches Street south of East 19th Street, and to also construct a retaining wall across Neches Street at Waller Creek; and

WHEREAS, Neches Street south from East 19th Street is a dead end street; and

WHEREAS, a bridge will probably never be built connecting Neches Street with East 18th Street; and

WHEREAS, a plan has been prepared showing the proposed entrance platform and retaining walls, which plan is hereto attached marked 2-G-302, and made a part hereof; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Driskill Hotel Corporation, acting by and through R.M. Krause, Architect, owners of Lots 28, 29, and a portion of Lot 30, of Outlot 57, Division E, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, be permitted to construct an entrance platform and retaining walls in the west sidewalk area of Neches Street and to also construct a retaining wall across Neches Street at Waller Creek, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-G-302, which plan is hereby made a part of this resolution; and further subject to the condition that all concrete curb, ramp, driveway, and sidewalk construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the Director of Public Works of the City of

Austin and in accordance with lines and grades furnished by the Department of Public Works of the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a Lease and Rental Contract in behalf of the City of Austin with the Texas Aeronautics Commission, acting for and on behalf of the State of Texas, for four hundred (400) square feet of floor space in the Administration Building of the Austin Municipal Airport, the lease to commence on the 1st day of September, 1947, and ending on the 31st day of August, 1949, such space to be used by the Texas Aeronautics Commission as office space and hangar; the Lessee to pay to the City of Austin One Hundred Forty Dollars (\$140.00) per month for rental of the premises leased, together with an additional Twelve Dollars and Fifty Cents (\$12.50) per month for hangar space when available, all in accordance with a written contract executed in quadruplicate and in compliance with the Charter of the City of Austin and the laws of the State of Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

A gas main in COLETO STREET from East 22nd Street northerly 124 feet, the centerline of which gas main shall be 10 feet east of, and parallel to, the west property line of said Coletto Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III RELATING TO SIGNAL LIGHTS AND BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Glass introduced the following ordinance:

AN ORDINANCE VACATING AN ALLEY THROUGH BLOCK 3, SUNSET HEIGHTS ADDITION IN THE CITY OF AUSTIN, PRESERVING UTILITY EASEMENT RIGHTS THEREIN; AND DISPENSING WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Gant, James C., 3101 Hollywood Street	Higgins, Outboard, 1947 Model, "Dolores", 8-passenger
Curry, P.W., 1627 Barton Springs Road	Higgins, Inboard, 1946 Model, "Chrislu" 6-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of CHOICE CLYDE HAMBLIN, 1918 Eastside Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of LAWRENCE MACKEY, Colored, 1105 Olive Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of ELMER LEON NOAH, 2900 South Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of OLNEY DAVIS THOMAS, Jr., 1420 West 51st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of IMOGENE WILLIAMS, Colored, 1309 Hackberry Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of ELIAS OWENS, 504 Bowie Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, Motor No. DAA-543822, State License No. JB-1071, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of J. E. CRIDER, 2011 Alta Vista, for a license to operate as a taxicab a 4-door Mercury, 1940 Model, Motor No. 153435, State License No. BE-7048, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of IMOGENE WILLIAMS, Colored, 1309 Hackberry Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1937 Model, Motor No. 10101447, State License No. JC-2057, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of STATE GRILL, 415 Congress Avenue, by George A. Wiest, for a Retail Dealer's Beer License, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of SCHOONER BAR, 719 East 6th Street, by Isaac Nohra, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of BOHLS FOODS, 821 BARTON SPRINGS ROAD, by Edgar N. and Richard A. Bohls, for an Off Premise Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Attest:

Helen M. Allen

City Clerk

APPROVED:

Tom Miller

MAYOR