

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 30, 1947  
10:40 A.M.

Council Chamber, City Hall

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

## Roll call

Present : Councilmen Bartholomew, Johnson, Mayor Miller, and  
Councilman Thornberry - 4

Absent : Councilman Glass- 1

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

The reading of the Minutes was dispensed with.

A committee from the Austin League of Women Voters came before the Council and asked that the Mayor issue a proclamation proclaiming the week of November 16-22 as "Atomic Energy Week"; and also extended an invitation to the City Council to attend the lectures and radio broadcasts to be sponsored by said League during that week.

A group of residents of Park Place, with William Kay Miller as spokesman, came before the City Council and submitted a petition signed by a large number of residents on said street asking that said street be made a one-way street and the south side be reserved for parking in order to lessen the traffic hazard. The matter was referred to the Traffic Division for recommendation, and the City Manager was directed to contact the University officials with a view to getting East 23rd Street paved, the City to pay for street intersections and the University to pay for the street. Petitioners were advised that the City would re-mark Park Place, and also have a policeman there to watch the traffic.

Mr. William L. McGill, representing the Red Cross Chapter, submitted a request that the City furnish a site for a building the Red Cross has bought, to be moved here from Camp Swift to house said organization. Lamar Park and the Butler tract were discussed as probable sites, and

Mr. McGill was asked to find out if the building could be moved across the river in the event the Butler tract is selected as a site.

Otto Gruetzner, lessee, and Wallace Lundgren, representing Comfort, Inc., came before the Council in the matter of their appeal from the action of the Building Inspector in refusing permit to install canvas covering over the used car lot at 501 San Antonio Street. Reports from the Fire Marshal and the Building Inspector recommending that the permit be denied, were submitted by the City Manager. After considerable discussion, at the request of the applicants, action on the matter was deferred for further investigation.

Walter Bonugli came before the Council in the matter of his request for a storm sewer in the alley between Harris Avenue and Landon Lane in the vicinity of the Robert E. Lee School, now pending. The Director of Public Works reported that the cost of the work was estimated at Four Thousand Dollars and that an easement through the property of Mrs. Oglesby would have to be secured. The matter was taken under consideration and referred to the Director of Public Works to find out if the necessary easement could be secured and the cost of same, and report back to the Council.

Travis C. Briggs, co-partner in the operation of The Lariat, located at 219 West 8th Street, came before the Council in the matter of their application for permit to sell beer at their restaurant, now pending. Councilman Thornberry moved that, in view of the court's decision and the ruling of the City Attorney, the permit be denied. The motion was seconded by Councilman Johnson, and same prevailed by the following vote:

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

Noes : None

Absent: Councilman Glass

Councilman Johnson moved that on account of the absence of Councilman Glass, action on the applications of W. L. Brown, Geo. W. Bickler, Mrs. Kathleen Pratt, and Mrs. S. E. Gideon for change in zoning of their properties, pending from the last regular meeting, be deferred to the next regular meeting. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of Charles Page, Jr., for Jack Taylor, for change in zoning, from "A" Residence District to "B-1" Residence District of Lot 13, Longview Terrace, Outlot 31, Division "D", known as 2315 Longview Street, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of A. C. Cade, Lessee, for change in zoning, from "C" Commercial District to "C-1" Commercial District, of Lots 7, 8, 9, and part of 10, Block 27, Division "E", located at the southwest corner of 19th and San Antonio Streets, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of Westenfield Development Company, by Tom Graham, for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 1 and 22, Tarry-Town, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

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Applicant : Mrs. Ellen Wagner

- I. Referred to the Board by the City Council on : October 16, 1947
- II. Property affected:

Part of Lots 2 and 3, and all of Lot 4, Block D, Ridgetop Addition, being located at the southeast corner of Airport Boulevard and East 51st Street.

- III. To be changed

From: "A" Residence District

To : "C" Commercial District

- IV. Considered by the Board on: October 28, 1947

- V. Parties appearing:

For : Sam N. Wagner

Against: Geo. F. Zimmermann for Wm. Zimmermann

VI. Action of the Board : Change not recommended

For the following reasons:

1. The applicant affirms that his three brothers are planning some type of commercial development, possibly a contracting office, on this property in the near future if the zoning classification is changed to "C" Commercial but that no definite plans have been made.
2. Objection to the change was expressed on the grounds that this would be a spot zone which is objectionable and, if granted, would cause others in the neighborhood to request changes on their property, thereby creating an area of spot zones which would be a handicap if there is ever a need for a larger area for a Community Center in the neighborhood, and that this request is not in response to a public demand or need.
3. To grant this change would be creating a spot zone not large enough to provide a Community Center to serve the neighborhood and not in response to any public demand or necessity since no definite plans for development of this property have been made and a contractor's plant or storage yard would not be permitted on the property under a "C" Commercial classification according to the present regulations.
4. The Board deemed that this change should not be granted to create a spot zone which might later materially affect the selection of a larger site for a possible Community Center in this neighborhood if the need develops.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Bartholomew moved that a public hearing on the above application for change in zoning of Mrs. Ellen Wagner be called for Thursday, November 20, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None  
Absent: Councilman Glass

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

Applicant : Mr. and Mrs. Martin L. Anderson and H. A. Beatty

- I. Referred to the Board by the City Council on: October 16, 1947

II. Property affected:

Lot 2, Block 1, Forest Hills Addition, being located on the north side of Manor Road between Lafayette Avenue and French Place and locally known as 1916 Manor Road.

III. To be changed

From : "C" Commercial District

To : "C-2" Commercial District

IV. Considered by the Board on : October 28, 1947

V. Parties appearing:

For : Mr. and Mrs. Anderson and Mr. Beatty

Against: P. S. Mangum, J. A. Santos, Mr. and Mrs. James Sellstrom, Mrs. J. L. Von Rosenberg, Mrs. W. P. Thomas, Mrs. C. B. Johnson, S. L. Young, and a number of property owners whose names appeared on the petition but who did not speak verbally.

VI. Action of the Board: Change not recommended.

For the following reasons:

1. The request for this change in the zoning classification was made by the lessee of the property who was joined by the owners in asking for the change to permit the sale of package beer in a grocery store for off-site consumption, and the lessee affirms that he considers it necessary to the conduct of his business, the request being made in response to requests from his customers for this service.
2. A large number of property owners in this neighborhood appeared protesting this change on the grounds that there are now several business establishments dispensing beer, wine or liquor on the south side of Manor Road now serving this area, and they do not want any type of beer, wine or liquor establishments on the north side of the street, that they do not object to the present "C" Commercial zone but would object to other uses permitted in a "C-2" Commercial District in addition to the handling of beer or liquor, that there is no demand from the neighborhood for this type of business, and that to change the zoning of this property to "C-2" Commercial would lower the commercial value of adjacent property in the "C" Commercial District. A petition signed by a large number of property owners and one letter were filed.
3. Mr. Mangum affirmed that he had bought this subdivision for the purpose of developing a residential district where families could locate and rear children and that the handling of beer or liquor would adversely affect this area.

4. The Board deemed that this change to "C-2" Commercial District is not advisable owing to the opposition expressed by people who own property or reside in this immediate neighborhood and that the change requested is not in response to any public demand or necessity by residents of this area, that the grocery store has been operating for some time without the sale or handling of beer, and that to grant the change of zoning would create a spot "C-2" Commercial District in an existing "C" Commercial District which is a part of a large residential area partly governed by deed restrictions, and this "C" Commercial District was intended to serve the domestic needs of this residential area.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Thornberry moved that a public hearing on the above application of Mr. and Mrs. Martin Anderson and H. A. Beatty for change in zoning be called for Thursday, November 20, 1947. The motion carried by the following vote:

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

Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 13 AND 14, BLOCK 5, THE HIGHLANDS; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND FIRST AND SECOND HEIGHT AND AREA DISTRICT ON OUTLOTS 14 AND 30, DIVISION 0; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON THE SOUTH HALF OF BLOCK 172 AND SOUTHEAST ONE-QUARTER OF BLOCK 173, ORIGINAL CITY; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

The ordinance was read the second time and Councilman Johnson 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

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

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

Noes : None

Absent: Councilman Glass

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

Councilman Thornberry 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:

- (1) A gas main in AVONDALE ROAD, from a point 150 feet east of Alta Vista Avenue, west to Alta Vista Avenue, the centerline of which gas main shall be 26 feet north of and parallel to the south property line of said Avondale Road.

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

- (2) A gas main in TOWNES LANE, from a point 46 feet east of Hillview Road westerly 259 feet, the centerline of which

gas main shall be 7.5 feet south of and parallel to the north property line of said Townes Lane.

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

- (3) A gas main in ALTA VISTA AVENUE, from a point 84 feet north of Mariposa Drive northerly 133 feet, the centerline of which gas main shall be 13.5 feet east of and parallel to the west property line of said Alta Vista Avenue.

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

- (4) A gas main in BONHAM TERRACE, from a point 109 feet east of Kenwood Avenue northeasterly 318 feet, the centerline of which gas main shall be 17.5 feet south of and parallel to the north property line and 15 feet west of and parallel to the east property line of said Bonham Terrace .

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

- (5) A gas main in WALSH AVENUE, from a point 141 feet south of West 5th Street southerly 76 feet, the centerline of which gas main shall be 8 feet west of and parallel to the east property line of said Walsh Avenue.

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

- (6) A gas main in WEST 11TH STREET, from Meriden Lane easterly 297 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 11th Street.

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

- (7) A gas main in EAST 7TH STREET EXTENSION, from a point 698 feet west of Prospect Avenue easterly 952 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 7th Street Extension.

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

- (8) A gas main in EAST 7TH STREET, from East 7th Street Extension easterly 285 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 7th Street.



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

- (9) A gas main in MORELOS STREET, from East 7th Street easterly 393 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Morelos Street.

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

- (10) A gas main in GROVER AVENUE, from a point 135 feet south of Houston Street northerly 95 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Grover Avenue.

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

- (11) A gas main in LEONA STREET, from a point 117 feet south of East 13th Street northerly 73 feet, the centerline of which gas main shall be 18 feet west of and parallel to the east property line of said Leona Street.

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

- (12) A gas main in PEDERNALES STREET, from a point 130 feet north of East 6th Street north to Diaz Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Pedernales Street.

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

- (13) A gas main in DIAZ STREET, from Pedernales Street easterly 448 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Diaz Street.

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

- (14) A gas main in SOUTH 2ND STREET, from a point 168 feet south of Fletcher Street southerly 157 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said South 2nd Street.

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

- (15) A gas main in SOUTH 3RD STREET, from a point 33 feet north of Oak Crest Avenue south to Oak Crest Avenue, the centerline of which gas main shall be 13.5 feet east of and parallel to the west property line of said South 3rd Street.

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

- (16) A gas main in SOUTH 3RD STREET, from Oak Crest Avenue southerly approximately 330 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said South 3rd Street.

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

- (17) A gas main in RED RIVER STREET, from East 13th Street southerly 300 feet, the centerline of which gas main shall be 18 feet east of and parallel to the west property line of said Red River Street.

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

- (18) A gas main in EAST 5TH STREET, from a point 32 feet east of Springdale Road easterly 808 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said East 5th Street.

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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

The following report of the City Health Officer was submitted by the City Manager:

"October 22, 1947

Memorandum to : Mr. Guiton Morgan, City Manager

Memorandum from : B. M. Primer, M. D., City Health Officer

Subject: Report on the Spellman Packing Company, Brownwood, Texas.

We are attaching report made by Herbert E. Hargis, Sanitary Engineer, of the Spellman Packing Company of Brownwood, Texas, who have made a request to bring meat into Austin.

The report indicates that this packing company is handling meat in a sanitary manner and with the exception of Federal inspection is meeting the minimum requirements of our Austin Meat Ordinance.

We would recommend:

1. That Mr. Spellman be given a permit to furnish meat to the George Kies Company sausage plant of Austin, Texas.
2. That this permit be limited to one year, subject to renewal.
3. That all meat brought into Austin for this purpose should carry in addition to the stamp a letter from the local veterinarian, Dr. J. N. Chastain, to the effect that he has inspected and approved this shipment.

Respectfully,

(Sgd) B. M. Primer, M. D. "

Councilman Bartholomew moved that the Spellman Packing Company of Brownwood, Texas, be granted a permit to furnish meat to the George Kies Company sausage plant of Austin, Texas, subject to the stipulations set forth in the foregoing report of the City Health Officer. The motion carried by the following vote:

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

Noes .: None

Absent: Councilman Glass

The following Memorandum from the Director of Utilities was submitted by the City Manager:

"October 29, 1947

Memorandum to : Gulton Morgan, City Manager

Subject : High Service Pump - Water Plant

We are attached hereto a tabulation of the bids received on a 10,000 gpm high service pump to be installed in the pumping plant, located at the Power Plant.

We recommend that the award be made to San Antonio Machine and Supply Company for the best bid on a Byron Jackson Pump and Elliot Motor. The bid of \$15,455.00 submitted, included the pump and a 900 HP motor; however, after a study of the performances of the pump, we find that a 800 HP motor can be used, which would reduce the total cost of this unit \$670.00, making the net cost to the City, \$14,785.00.

This bid is not the lowest bid submitted; however, considering operating costs over a period of ten years, this pump proves to be the cheapest pump for the City of Austin.

This pump and motor has a promised delivery of 30 weeks from the date of purchase. This would give us the opportunity of having this unit ready for operation by June 1, 1948.

(Sgd.) Walter E. Seaholm  
Director of Utilities. "

Councilman Johnson moved that the recommendations of the Director of Utilities and the City Manager be approved and the bid of the San Antonio Machine and Supply Company on the Samsco Byron Jackson Pump be accepted; said bid being in the amount of \$15,455.00, with a net cost to the City of \$14,785.00. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The City Manager submitted a request from the Missouri Pacific Lines that the ordinance regulating the speed of trains in the City of Austin be amended to allow a speed of twenty-five miles per hour outside of the area between East Avenue and West Avenue, which is to remain at six miles per hour, together with a legal opinion of the

City Attorney on the matter. It was the sense of the Council that the recommendation of the City Manager that the request be not granted unless said Railway Company signalizes every crossing, be approved.

The offer of J. T. Duke to buy property at the corner of Sharon Lane and Bridle Path owned by the City was taken under advisement.

The application of LEON E. CASHAW, Colored, 1912 East 12th Street for a license to operate as a taxicab a 1940 Model 4-door Chevrolet, Engine No. 3248362, State License No. EL-3896, 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

The application of IRA CLEO SMITH, 601 Davis Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of THOMAS EUGENE TOWNSLEY, 500 West 6th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of JESSE RALPH WOODALL, 1312 West 49th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of BLACK & WHITE CAFE, by O. E. Jordan and A.R. Enochs, 418 East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Glass

The application of BLUE FRONT CAFE, by Hugh Warmoth, 416 East 6th Street, for a retailer's "On-Premise" 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

The application of ISAAC'S CAFE, by Davis Bassist, 404 East 6th Street, 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Absent: Councilman Glass

The following report of the Board of Adjustment was received:

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

---

Applicant: Robt. P. Toomey

I. Referred to the Board by the City Council on : October 16, 1947

II. Property affected;

3.954 acres out of the Decker League fronting 208 feet on Barton Springs Road, with a depth of 150 feet, and being located on the north side of Barton Springs Road across the street from Kinney Avenue.

III. To be changed

From: "C" Commercial District

To : "C-1" Commercial District

IV. Considered by the Board on : October 28, 1947

V. Parties appearing:

For : Mr. Baumgartner

Against: Herman Jones for P. W. Curry

VI. Action of the Board : Change not recommended

For the following reasons:

1. The applicant affirms that the reasons for requesting this change of zoning classification is to make permissible the serving of beer with meals in a restaurant which he is now operating and that while the serving of beer is not essential, it would tend to increase his business.
2. Objection to this change was expressed on the grounds that this property is too near Zilker Park recreational area and that the present "C-1" Commercial District along South Lamar Boulevard should not be extended further west along Barton Springs Road, and that this would increase the traffic danger to people going to and from Zilker Park, especially since a great deal of bicycle riding is done along Barton Springs Road and the automobile traffic has increased tremendously and will continue to do so as the large residential developments south of Zilker Park are built up.
3. The Board deemed that this change should not be made on the grounds that this is not the proper location for a "C-1" zone near the large recreational areas of Zilker Park and the Butler Tract, and that this would be a spot zone, and if changed would inspire others in this area to request similar changes, and that an extension of the "C-1" zone along Barton Springs Road would not be the proper classification, and the sole effect of this change would be merely the financial benefit of the operator of the restaurant unrelated to any public demand, or any general zoning plan which the courts have held to be an improper basis for changes in zoning classifications of property.

(Sgd) H. F. Kuehne  
Chairman. "

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

---

Applicant : St. Martin's Evangelical Lutheran Church and  
Jos. W. Robertson

- I. Referred to the Board by the City Council on : October 23, 1947
- II. Property affected:  

Lot 4, Block 172, and Lot 4, Block 173, in the Original City of Austin, and being located on the east and west sides of Congress Avenue north of 14th Street.
- III. To be changed

From : "B" Residence District and Third Height and Area District

To : "C" Commercial District and Third Height and Area District

IV. Considered by the Board on : October 28, 1947

V. Parties appearing:

For : None (No hearing called)

Against:None

VI. Action of the Board : Changes recommended, to also include the remaining "B" Residence District in the east half of Block 173

For the following reasons:

1. These applications are for the extension of the "C" Commercial zone on the south half of the two blocks, which was recently designated by the City Council, to include the fourth lot owned by the St. Martin's Evangelical Lutheran Church in addition to the three lots in the new "C" zone, and also to include the Robertson lot which is part of a small "B" Residence District between the new zone and a spot zone on the corner of 15th Street as shown on the attached plat.
2. Since the south half of these blocks on each side of Congress Avenue north from 14th Street have been designated as "C" Commercial, leaving two residence lots and a portion of one lot adjacent to the alley on the west side of the block between two commercial areas, the Board deemed that it is logical to extend the "C" Commercial District to include this intervening residence area and also cure a spot zone which was designated a few years ago.
3. The Board deemed that since the south three lots belonging to the Church have been placed in a "C" Commercial District this zone should be extended to include the fourth lot north of these three lots.

(Sgd) H. F. Kuehne  
Chairman. "

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

<u>Owner</u>	<u>Description</u>
Miller Produce Company	Chris-Craft Cabin Cruiser Inboard, White Mahogany Trim

Councilman Thornberry moved that the license be granted. The motion



carried by the following vote:

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

Noes : None

Absent: Councilman Glass

There being no further business, upon motion, seconded and carried,  
the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

APPROVED:

*Tom Miller*

MAYOR

Attest:

*Helene M. Kellan*

City Clerk