

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 13, 1947
10:55 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.

The application of Wm. A. Trenckmann, Attorney for property owners, for a change in zoning, from "A" Residence District to "C" Commercial District, of Block 2, Glenwood Addition, located at East 19th Street and Cedar Avenue, 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, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of M. H. Helford for change in zoning, from "A" Residence District to "C" Commercial District, of part of Outlot 17, Division "A", Pipkin Addition, 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, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Mrs. Grace D. Groos for change in zoning, from "A" Residence District to "C" Commercial District, of a lot 52.75'x 138',

Outlot 20, Division "O", located at the northwest corner of the intersection of East Second Street and Comal 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, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Mayor Miller 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 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 A TRIANGULAR TRACT OF LAND AT THE SOUTHEAST CORNER OF INTERSECTION OF SHOALWOOD AVENUE AND HANCOCK DRIVE, AND ON A STRIP OF LAND AT NORTHWEST CORNER OF INTERSECTION OF TREADWELL STREET AND FREDERICKSBURG ROAD, ALL 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 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

The Mayor then announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a release of all public utility and drainage reservations now existing on those two (2) tracts of land, each being a portion of Highland Park West, a subdivision of a portion of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611, and the Albert Sillsbee Survey No. 1, within the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4, page 299, of the Plat Records of Travis County, Texas, such reservations being provided upon the map or plat of said Highland Park West, above referred to, said two tracts of land being more particularly described as follows:

TRACT NO. 1: The east 5 feet and the west 5 feet of
Lot 20, Block R, said Highland Park West.

TRACT NO. 2: The east 5 feet of Lot 21, Block R, said
Highland Park West.

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

Pursuant to published notice, thereof, the public hearing on the application of St. Martin's Evangelical Lutheran Church and Joseph W. Robertson to amend the Zoning Ordinance in the following particulars:

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

Lot 4 of Block 172, and Lot 4 of Block 173,
Original City of Austin, in the City of Austin,
Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Councilman Thornberry then moved that the hearing be closed, and the change be granted, and the City Attorney be instructed to prepare the ordinance making the change effective, for passage at the next regular meeting. 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: Westenfield Development Company by Tom Graham

I. Referred to the Board by the City Council on : October 30, 1947

II. Property affected:

Lots 1 and 22, Tarry-Town, being located at the northwest corner of Windsor Road and Exposition Boulevard.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : November 10, 1947

V. Parties appearing:

For : Tom Graham and Rickey Key

Against: Hulon Black, for himself; R. W. Byram, and
Dr. John Barclay; J. Chrys Dougherty, Mrs. Mary Jane
Condit, E. D. Becker, Mrs. Margaret Leslie Cadwallader,
T. S. Huff, and C. S. Strawn, and several letters
were filed.

VI. Action of the Board : Change not recommended.

For the following reasons:

1. The applicant affirms that this change is requested for the purpose of locating a theatre on the property and that the Interstate Theatre representatives are not interested in locating this building on the undeveloped portion of the present Community Center but prefer the property proposed to be changed because of its prominent location and east accessibility to patrons.

2. The property requested to be changed consists of two lots at the corner of two main thoroughfares and is located directly across Exposition Boulevard from a designated Community Center in which there remains one and one-half blocks of undeveloped property, these lots having been included in a request by the applicant for a change in November, 1945, which was not recommended by the Board and later was withdrawn at the hearing before the City Council after a large number of property owners registered disapproval.
3. Objection to the new request for a change was expressed by a number of property owners on the grounds that it would be an encroachment upon residential property north and west of Exposition Boulevard, would injure residential values and the pleasure of living in this area, would cause traffic congestion with possible parking on the streets which could not be confined to the parking areas provided, that noise from cars coming and going until the theatre closed and lights from the building and parking areas would be objectionable, that there is sufficient area in the present Community Center on which the theatre could be located, and that they had purchased and developed their property as homes in accordance with deed restrictions and with the knowledge that the present Community Center was zoned to permit commercial uses to serve this area.
4. The Board deemed that to change the classification of this property by extending business across the street into a block which is partially covered by deed restrictions for residential purposes would not be proper zoning. When the Tarry-Town subdivision development was first laid out, the present Community Center was provided of an area which was considered sufficiently ample to provide all the necessary facilities for a community shopping and recreational center in accordance with the now well-established principle of urban development where neighborhoods are provided with such shopping or community centers, and the zoning maps have shown this Community Center from the beginning of the development of this subdivision. This Community Center has now been partially developed, serving the needs of this residential area for its present degree of development which occupies the frontage on Windsor Road, leaving the major portion of the area still undeveloped which will permit expansion when this entire area is fully occupied by homes and other permitted uses.
5. The Board further deemed that the Community Center as now established is fortunately in accordance with the best practices of subdivision development and zoning and, therefore, should be preserved as such and no further extensions or additions made thereto until

the same has been fully developed and the population density of this area would demand additional facilities. There being ample room for a theatre and other recreational facilities, as well as competitive community business enterprises in the present area so set apart, it would be illogical to encroach upon the surrounding residential properties, especially since most of this property is restricted to residential uses by deed covenants.

(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 : A. C. Cade and Walter Hunter, Lessees, and Dr. Ben R. Eppright, owner.

I. Referred to the Board by the City Council on : October 30, 1947

II. Property affected:

Lots 7, 8, 9, and part of 10, Block 27, Division "E", being located at the southwest corner of 19th and San Antonio Streets

III. To be changed

From : "C" Commercial District

To : "C-1" Commercial District

IV. Considered by the Board on : November 10, 1947

V. Parties appearing:

For : A. C. Cade and Dr. Ben R. Eppright, and Jack Hays, owner of adjacent property.

Against: Dr. Edmund Heinsohn, asking that no more beer be made available for University students in this area, and R. C. Amman for himself and Mrs. Lillian A. Chiles, who operates a rooming house for University girls on San Antonio Street north of 19th Street

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This application is for a change of zoning to permit the serving of beer with meals in a drive-in restaurant which is under construction at the southwest corner of San Antonio and West 19th Street, opposite a present "C-1" Commercial zone on the east side of San Antonio Street which fronts on West 19th Street at the intersection with Guadalupe Street, all of the frontage on 19th Street from San Antonio Street to east of Lavaca Street being a part of the "C-1" Commercial District.
2. The applicants affirm that the sale of beer with meals is necessary to the success of their business due to the fact that patrons of a drive-in eating establishment prefer locations where beer is served and will drive on to another business if it is not available.
3. The Board deemed that this change should not be made to extend the "C-1" Commercial zone further west along San Antonio Street since there is sufficient property now so zoned to serve the demand for this type of service in this area, which present "C-1" zone follows a definite pattern as it follows the course of Lavaca Street, 19th Street and Guadalupe Street from the central business district to the City limits with the exception of the University and such religious institutions as front on the same and where deed restrictions and local option prohibitions prevent the same, and that in the judgment of the Board the success of a restaurant or eating establishment does not depend on the serving of beer but on the quality of food and service.

(Sgd) H. F. Kuehne
Chairman. "

The following tabulation of bids was submitted by the City Manager:

"November 12, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received and tabulated November 12 for the construction of the storm sewer and open drainage ditch in the Schulle Avenue Easement, Pecos Street, Meredith Street, and Hopi Trail storm sewer jobs. The bids were as follows:

W. S. Conner - - - - -	\$29,935.98
Collins Construction Company - - - - -	34,214.60
Joe Bland Construction Company - - - - -	34,565.70
S. B. Ricks - - - - -	37,769.23
Moore Construction Company - - - - -	43,630.90

The low bid of W. S. Conner is within the estimate of \$30,000.00 and we recommend that the contract be awarded to him.

(Sgd) J. E. Motheral. "

Councilman Bartholomew moved that the recommendations of the City Manager and the Director of Public Works be approved, and the bid of W.S. Conner, in the amount of \$29,935.98, for construction of storm sewer and open drainage ditch in Schulle Avenue Easement, Pecos Street, Meredith Street, and Hopi Trail, be accepted as the lowest and best bid; and the City Manager be directed to enter into contract with the said W. S. Conner accordingly. The motion carried by the following vote:

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

Noes : None

The application of WILLIE BRADSHAW, Colored, 1613 East 9th Street, for a taxicab driver's permit, 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, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of ELONZO CLARK, Colored, 1705 Leona Street, for a taxicab driver's permit, 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, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of HOWARD JONES, Travis Hotel, for a license to operate as a taxicab a 1939 Model Dodge 4-door Sedan, Engine No. D11-50572, State License No. JA-1077, duly approved by the City Manager, 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

The application of MI JACALITO, by Adolfo Trevino, 2217 East 7th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew 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 JONES TAVERN, by Walter Frank Jones, 1624 Rosewood Avenue, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew 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 BRAZOS BAR, by Dave Bassist, 315 East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew 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 following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description.</u>
Pavlik, Jerry W., Taylor, Texas.	Flat-bottom Skif, "Mercury", 4-passenger
Smith, Barney W., 2106 San Gabriel Street	Thompson, Outboard, 1946 Model, Evinrude, 5-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

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING CERTAIN AND ALLEYS IN THE CITY OF AUSTIN, TO-WIT: EAST 50TH STREET FROM CASWELL AVENUE TO CLARKSON AVENUE; ROSEDALE AVENUE FROM WEST 49TH STREET SOUTH TO THE NORTH LINE OF LOT 4, BLOCK 33, AND LOT 22, Block 34, ROSEDALE "H" ADDITION; AND RICHARD LANE AND THAT PORTION OF HILLVIEW ROAD BEING WITHIN THE BOUNDARIES OF BRENTWOOD PLACE; AND THE ALLEY TRAVERSING BLOCK 9 OF THE HIGHLANDS ADDITION RUNNING NORTH FROM EAST 50TH STREET BETWEEN CASWELL AVENUE AND CLARKSON AVENUE; RESERVING CERTAIN PUBLIC UTILITY EASEMENTS IN EAST 50TH STREET; 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 the Mayor announced that the ordinance had been finally passed.

The City Manager submitted a letter from the Austin Insurance Exchange, requesting that the insurance commission on City of Austin Fire and Windstorm Policy issued effective December 1, 1946, be distributed equally among the insurance agencies; together with his recommendation that the request be granted. It was the sense of the Council that the recommendation of the City Manager be approved.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:24 A. M., subject to call of the Mayor.

Tom Miller
APPROVED: _____
MAYOR

Attest:

Helene M. Kellan

City Clerk