

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 2, 1948

10:55 A. M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Glass, Johnson, Mayor Miller

Absent : Councilman Bartholomew

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.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF FOUR AND TWELVE ONE-HUNDREDTHS (4.12) ACRES OF LAND, SAME BEING OUT OF THE HENRY P. HILL LEAGUE WITHIN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Johnson moved that the ordinance be passed to its second reading and laid over for publication. The motion carried by the following vote:

Ayes : Councilmen Johnson, Glass, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of HERMAN CRENSHAW, 1709 East 12th Street, for a taxicab license covering a 1941 Buick 2-door Sedan, Motor No. 44078136, State License No. JA-829, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of ROBERT L. DUKE, 1135 Salina Street, for a license to operate as a taxicab a 2-door Ford Sedan, 1948 Model, Motor No.899A-224-2453, State License No. JE-3096, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of OSSIE B. GIFFORD, 403 West 42nd Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1947 Model, Motor No.EAA-131854, State License No. JC-5559, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of JAMES LELAND GREEN, 2002 Willow Street, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1946 Model, Motor No.DAM-334190, State License No. JB-8971, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of JOHN ROBERT MEACHAM, 806 San Jacinto Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Motor No. DAA-28299, State License No. JF-108, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of Lloyd Johnnie Simpson, 809 San Jacinto Street, for a license to operate as a taxicab a 1947 Model Hudson, Motor No.1715588, State License No. JD-1674, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of HERMAN CRENSHAW, Colored, 1705 Rosewood Avenue, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of DEAN RUSSELL ENGLEMAN, Route 7, Box 184, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of JAMES WILLIAM GRIFFITH, 1406 West 29th 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of WILLIAM MILES LANDRUM, JR., 507-A West 6th 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of JOHN ROBERT MEACHAM, 806 San Jacinto 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of DOUGLAS DENNY MONTGOMERY, 3716 Gilbert 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of ERNEST E. PANNELL, JR., Route 3, Box 322-N, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of LLOYD JOHNNIE SIMPSON, 809 San Jacinto 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of DIXIE LEE WHEELER, 607 Deep Eddy 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of SWANN CLUB, by Johnny Cayce, 1808 East 12th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of GRUMBLE'S DRIVE-INN, by Gurney H. Grumbles and Imogene Grumbles, 815 Barton Springs Road, for a retail dealer's "On Premise" beer license, duly approved by the City Manager. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of BARTON ROAD PACKAGE STORE, by Tom Marshall, 300 Barton Springs Road, for a liquor permit, 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 Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The following communication from the School Board was received:

"Austin, Texas
August 30, 1948

The City Council
Austin, Texas

Gentlemen:

On behalf of the Austin Board of Education, I transmit herewith for your consideration two petitions received from citizens of the Pecan Springs School District.

One of these petitions, signed by F. W. Buckner and 148 others, requested the annexation of the Pecan Springs School District to the City for school purposes only. The other petition, signed by Paul Hornburger and 120 others, protested annexation.

In compliance with established procedure in cases of this kind, members of the Board of Education gave consideration to the petitions and also gave a hearing on Friday, August 20, 1948, to representatives of the signers of

both petitions.

We should like to make the following statements to the City Council in connection with these petitions:

Members of the Board of Education believe that the annexation of the Pecan Springs School District to the City for school purposes is desirable for the following reasons:

1. At the present time, there are 127 scholastics living in the Pecan Springs district. Recently the County Board of Trustees classified the Pecan Springs school as a four-grade school and authorized the transfer of all but about 40 of the Pecan Springs scholastics into the Austin District. During the 1948-1949 school year, therefore, the Austin schools will enroll all except these 40.

Pecan Springs transfers bring to the Austin School district from state tuition and state per capita payment sources a total of \$115 for each high school pupil and a total of \$85 for each elementary school pupil. The average per capita cost of instruction for the Austin schools in 1948-1949 is estimated at \$200 per child. Under the present state transfer and tuition law the transferred scholastics from Pecan Springs are not bringing to the Austin School District revenue comparable with our cost of instruction.

We believe through annexation, in which all revenue coming to the Pecan Springs School District will become a part of the Austin School District, that educational services comparable to those offered throughout the City of Austin could be given to the children of the Pecan Springs area without loss to the Austin School District.

2. Such annexation would give the School Board an opportunity to plan a school program for the northeast section of Austin as a whole. At the present time, with the Pecan Springs school area established as a separate district, over-all planning for this area of the City is impossible.

Even though the annexation of the Pecan Springs School District would be to the advantage of the Austin School District, we do not believe that such annexation should occur unless it could be determined that a clear majority of the residents of Pecan Springs are favorable to coming into the city school system. The Board, in reviewing the two petitions submitted by the Pecan Springs citizens, cannot determine whether or not such annexation is the desire of the majority of the properly qualified voters of the Pecan Springs School District. In the first place, both petitions carry a significant number of names. In the second place, some names occur on both petitions. In the third place, the evidence presented in the hearings before the Board was not conclusive either for or against annexation.

In view of these facts, members of the Board of Education wish to recommend to the Council the desirability of annexing the Pecan Springs School District to the City for school purposes, but suggest the Council determine, before

such annexation is made, that annexation is the will of the majority of properly qualified voters of the district.

Respectfully submitted,

BOARD OF EDUCATION

By (Sgd) R. W. Byram, President. "

Councilman Johnson moved that the above communication of the School Board be taken under advisement for study. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass 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(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 : Bartholomew (casting his vote by telephone) Glass, Johnson,
Mayor Miller

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 (casting his vote by telephone), Glass,
Johnson, Mayor Miller

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 (casting his vote by telephone), Glass,
Johnson, Mayor Miller

Noes : None

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

The applications of John Lewis Burr, 1708 West 6th Street, and Jimmie Burroughs, 402 West 12th Street, for commercial boat operator's licenses, duly approved by the Navigation Board, were submitted. Councilman Johnson moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
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 sum of \$2,700.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of covering the additional cost to complete the Land Use Survey and for maps and filing equipment.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller
Noes : None

Councilman Johnson 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 EAST 48TH STREET, from Red River Street westerly 320 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 48th Street.

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

- (2) A gas main in EVANS AVENUE, from a point 86 feet south of East 53rd Street northerly 75 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Evans Avenue.

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

- (3) A gas main in ANN ARBOR AVENUE from LaCasa Drive northerly 172 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Ann Arbor Avenue.

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

- (4) A gas main in EAST 45TH STREET from a point 10 feet west of Bennett Avenue easterly 102 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 45th Street.

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

- (5) A gas main in BLUEBONNET LANE, from a point 74 feet south of Collier Street southerly 176 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said Bluebonnet Lane.

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

- (6) A gas main in BROOKVIEW ROAD, from a point 22 feet north of East 40th Street northerly 388 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said Brookview Road.

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

- (7) A gas main in NOWOTNY LANE, from Gonzales Street, northerly 306 feet, the centerline of which gas main shall be 8 feet east of and parallel to the west property line of said Nowotny Lane.

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

- (8) A gas main in JUNIPER STREET, from a point 94 feet east of Guvve Street westerly 18 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said Juniper Street.

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

- (9) A gas main in JUSTIN LANE, from Arroyo Seca westerly 223 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said Justin Lane.

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

- (10) A gas main in CROCKETT STREET from a point 7 feet west of Hodges Street westerly 43 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said Crockett Street.

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

- (11) A gas main in KINNEY AVENUE from a point 175 feet south of Nash Avenue northerly 126 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west property line of said Kinney Avenue.

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

- (12) A gas main in MORNINGSIDE AVENUE from a point 195 feet north of West 38th Street northerly 25 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said Morningside Avenue.

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

- (13) A gas main in FRANKLIN BOULEVARD from a point 354 feet east of Chesterfield Avenue easterly 288 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Franklin Boulevard.

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

- (14) A gas main in WEST 37TH STREET from Crawford Avenue westerly 209 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north property line of said West 37th 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.

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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 Glass, Johnson, Mayor Miller

Noes : None

Councilman Glass moved that, at the request of the applicant, a public hearing on the application of Robt. P. Toomey for change in zoning, from "C" Commercial District to "C-1" Commercial District, of property located on the north side of Barton Springs Road across the street from Kinney Avenue, be called for Thursday, September 23, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS

ZONING CHANGE RECOMMENDATION .

Applicant : Emmett Shelton for Carpenters' Union Local Number 1266

I. Referred to the Board by the City Council on : August 19, 1948

II. Property affected:

Lot 11, Block 2, Pecan Grove Addition, being located at the southwest corner of Butler Road and Josephine Street.

III. To be changed

From : "A" Residence District and First Height and Area District

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

IV. Considered by the Board on : August 31, 1948

V. Parties appearing:

For : None

Against: None

VI. Action of the Board : Change recommended

For the following reasons:

1. This application is for a change of zoning on one lot which is zoned "A" Residence in a block where all other property is designated as a commercial zone, this lot having been omitted from a change of zoning in 1946 at the request of the owner. Since that time, the property has been transferred to another owner, who is now requesting that it be included in the commercial zone.
2. This lot is entirely surrounded by "C" and "C-1" Commercial Districts and is not suitable for residential development.
3. The Board therefore deemed that the designation of this lot should be changed to "C" Commercial to permit a use in harmony with surrounding development and zoning.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the above change in zoning be called for Thursday, September 23, 1948, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATIONS

Applicant: W. E. Phillips

I. Referred to the Board by the City Council on : August 12, 1948.

II. Property affected:

Lot 10, Block 1, Outlot 34, Division "B", being located at the southeast corner of East 13th and Chicon Streets and locally known as 1207 Chicon Street.

III. To be changed

From : "C" Commercial District and Second Height and Area District

To : "C-2" Commercial District and Second Height and Area District

IV. Considered by the Board on : August 24, 1948, and August 31, 1948

V. Parties appearing:

For : W. E. Phillips

Against:None

VI. Action of the Board : Change not recommended.

For the following reasons:

1. This application is for a change of zoning on one lot which is now located in a "C" Commercial District for the purpose of erecting a building for the sale of ice and beer for off-premise consumption, the lot now being developed for residential purposes. The applicant affirms that there is no business near offering the same services.
2. This property is located immediately north across an alley from a half block, which was zoned as a "C-2" Commercial District in January of 1947, and which is not fully developed for that purpose and where a business of the type proposed by the applicant would be permitted to serve any demands of the neighborhood.
3. The Board deemed, under the conditions and circumstances, and in view of the surrounding zoning designation and development, that the change to "C-2" Commercial District should not be made, that no demand or public necessity for any additional establishments for the dispensing of beer or liquor has been shown, and that to change the zoning would extend the "C-2" Commercial District into a residential development along Chicon Street and East 13th Street away from the established "C-2" zone.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above change in zoning be called for Thursday, September 23, 1948, at 11:00 A. M. The motion carried by the following vote:

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

The application of O. R. Bertram, by McKay & Avery, Attorneys, for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 1 and 2, Block 31, Christian and Fellman Addition, being located at the northeast corner of Swisher Street and Manor Road, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Councilman Glass introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR MOTOR VEHICLES IN THE CITY OF AUSTIN AND ESTABLISHING THE MAXIMUM, REASONABLE, AND PRUDENT SPEED LIMIT ON CERTAIN DEFINED STREETS; PROVIDING A PENALTY FOR THE VIOLATION OF SAME; PROVIDING A SEVERABILITY CLAUSE: 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 (casting his vote by telephone), Glass, Johnson and Mayor Miller

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 (casting his vote by telephone), Glass, Johnson, and Mayor Miller

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 (casting his vote by telephone), Glass, Johnson, and Mayor Miller

Noes : None

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

The following tabulation of bids for painting the light towers was submitted by the City Manager:

	<u>Walker, Duam & Huntzis</u>	<u>Hausmann & Hausmann</u>
Labor bid for removing all rust, prime all bare spots and cover with one coat of aluminum paint, 28 towers -	\$ 5,180.00	\$ 2,800.00
The paint and oil only will be furnished by the City.		
Contractor shall furnish workmen's compensation, social security; and also liability and property damage insurance which, in all, will protect the City of Austin against law suits.		
Labor for each additional coat of paint on 28 towers -	<u>420.00</u>	<u>1,260.00</u>
	\$ 5,600.00	\$ 4,060.00

Councilman Johnson moved that the bid of Hausmann & Hausmann, low bidder, in the amount of \$4,060.00, be accepted, and the City Manager be directed

to enter into contract accordingly. The motion carried by the following vote:

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

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 execute on behalf of the City of Austin a release for the benefit of Ben H. Powell, releasing and cancelling the covenant and restrictions of use in that certain deed from the City of Austin to Ben H. Powell recorded in Volume 713, pages 96-98, of the Deed Records of Travis County, Texas, in accordance with the terms and provisions of a certain release, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Release attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

WHEREAS, on or about the 18th day of February, 1943, the City of Austin, acting by and through its then Acting City Manager, Walter E. Seaholm, by general warranty deed, now recorded in Volume 713, pages 96-98, of the Deed Records of Travis County, Texas, for a valuable consideration therein expressed, granted, sold and conveyed the following described land to Ben H. Powell, to-wit:

All that certain lot, tract or parcel of land being a portion of the Isaac Decker League in Travis County, City of Austin, Texas, and being out of those certain tracts or parcels of land conveyed to the City of Austin by the following two deeds of conveyance: (1) by Henry Paggi by deed dated December 6, 1940, recorded in Vol. 660, pages 661-663, Deed Records of Travis County, Texas; and (2) by John F. Butler et al, by deed dated June 28, 1941, recorded in Vol. 681, pages 199-203, Deed Records of Travis County, Texas, and more particularly described as follows:

BEGINNING at an iron stake on the north line of Butler Road which is the southwest corner of that 0.589 of one acre tract of land which was conveyed by Henry Paggi to the City of Austin, Texas, in accordance with a deed which is recorded in Travis County Deed Records in Book 660, pages 261-263, said stake being also the southeast corner of that 33.7 acre tract of land, which was described as Tract #4, in a deed from John F. Butler et al to the City of Austin as recorded in Travis County Deed Records in Book 681, pages 191-203, said stake being also on the east line of that 10-acre tract of land which was conveyed by S.E. Goodrich to R. S. Rust in accordance with a deed which is recorded in Travis County Deed Records in Book "V", page 333, and being

about 7 varas (19.44 feet) N. 30° E. from its southeast corner, and from which stake a northeast corner of the Mrs. Lucy Davis 49-acre tract #3 and the southeast corner of the Mrs. Fannie Boardman Tract #2 on the west line of the S. E. Goodrich 46-acre tract #1, all as set forth by a decree of the Travis County District Court in the subdivision of the S. W. Goodrich Estate in Cause No. 2995 and recorded in District Court Minute Book J, pages 364-368, bears N. 60° 04' W. 260.34 varas (723.17) feet and N. 29° 56' E. 101.04 varas (280.67 feet) and an iron stake which is on the east line of the aforementioned Rust tract of land and which is on the west line of that 7.95 acre tract of land which was conveyed by S. W. Godrich to George B. Zimpleman et al in accordance with a deed which is recorded in Travis County Deed Records in Book "R", page 221, and which is the northwest corner of that 0.589 of one acre tract of land which was conveyed as Tract No. 2 to the City of Austin, Texas, by Henry Paggi in accordance with a deed which is recorded in Book 660, pages 261-263, bears N. 29° 58' E. 475.2 feet;

THENCE with the north line of Butler Road N. 60° 04' W. 240.05 feet to an iron stake and from which iron stake another iron stake at the intersection of the west line of Jessie Street with the north line of the Butler Road bears N. 60° 04' W. 50 feet;

THENCE N. 29° 52' E. 245.28 feet to an iron stake;

THENCE S. 60° 04' E. crossing the line between the Rust and Zimpleman tracts of land, in all 291.82 feet to an iron stake on the west line of Lamar Boulevard and from which stake an angle point in the west line of Lamar Boulevard bears N. 18° 47' E. 96.18 feet;

THENCE along the east line of said 0.589 of one acre tract of land and the west line of Lamar Boulevard S. 18° 47' W. 250 feet to a solid iron stake set at the intersection of the north line of Butler Road with the west line of Lamar Boulevard, and from which stake a pecan 29" in diameter marked X bears N. 45° W. 2.83 feet;

THENCE with the north line of Butler Road and with the south line of the aforementioned 0.589 of one acre tract of land N. 60° 04' W. 99.68 feet to the place of beginning containing 1.78 acres of land according to survey made by Orin E. Metcalfe, Civil Engineer, on October 24, 1942;

and

WHEREAS, the said deed contained the following covenant and restriction, to-wit:

" The above described lot, tract or parcel of land is conveyed subject to the following covenant's and restrictions, to-wit: That no spiritous, vinous, or malt liquors, or other intoxicating beverages shall ever be sold or offered for sale upon the premises hereby conveyed or any part thereof, this restriction shall be a covenant running with the land hereby conveyed. In the event of a

breach thereof the same may be enforced by the City of Austin, its successors or assigns, by injunction or other legal or equitable remedy in any court of competent jurisdiction: "

and

WHEREAS, the City of Austin has conveyed several tracts of land adjacent to the above described land and these conveyances have not contained such covenants and restrictions as to the use of the land; and

WHEREAS, the City of Austin is now desirous of releasing, cancelling and holding for naught the covenant and restriction set out in the preceding paragraph and in said deed to Ben H. Powell; Now, Therefore,

The City of Austin, a municipal corporation situated in Travis County, State of Texas, acting by and through its City Manager, Guiton Morgan, duly authorized by the City Council of said City by resolution duly passed, for and in consideration of One Dollar (\$1.00) cash to it in hand paid by Ben H. Powell of Travis County, Texas, the receipt of which is hereby acknowledged, does hereby release, cancel, and hold for naught said covenant and restriction and does hereby agree and covenant that the covenant and restriction set out above shall be null and void and of no force and effect, the same as if said covenant and restriction had never been executed.

WITNESS the hand of the City of Austin by its City Manager, Guiton Morgan, hereunto duly authorized, attested by the City Clerk, with its seal hereunto affixed, this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

ATTEST:

City Clerk

"

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the assessed values for 1947 of the property herein described be adjusted as indicated below:

<u>Description of Property</u>	<u>Values Hereto- fore Fixed</u>	<u>Adjusted Values</u>
E. 30' of Lot 7, O.L. 1, Division B, Burchards, Plat 31, Item 124, Improvements	\$ 1,340.00	\$ 690.00
Lot 40, Block 5, O.L. 31, Division C, Forest Hills, Plat 246, Item 95, Land	1,110.00	830.00
Lot 39, Block 5, O.L. 31, Division C, Forest Hills, Plat 239, Item 152, Land	1,000.00	750.00
Lot 7, Block 9, O.L. 31, Division C, Forest Hills A, Plat 239, Item 152, Land	770.00	660.00
Lots 1 and 2, Block 51, Plat 7, Item 17, Land	19,690.00	16,740.00

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The City Manager submitted plans of the Architect for the remodeling of the old brick house on the Butler tract for a Cerebral Palsy Treatment Center, and the Architect's estimate of the cost of same to be from \$20,000.00 to \$30,000.00. The City Manager was directed to advise the Travis County Society for Crippled Children and Adults that the City would be willing to spend the maximum sum of \$10,000.00 on the remodeling of the building, furnish water and sewer lines to the building, and give a ten-year lease on the building, this being the total contribution which the City could put into the project.

The recommendation of the City Manager that the 9-hour-5-day week schedule be continued for two months longer on construction work was approved by the Council.

The City Manager was authorized to borrow the sum of \$340,000.00 from the banks, to be repaid December 31, 1948.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the following named persons owed delinquent taxes to the City of Austin; and

WHEREAS, the City Assessor and Collector has collected the amount shown herein for the years indicated:

O. C. Bennett	1938 through 1942, 1946	\$ 22.07
Robert H. Bradley	1941	6.76
G. T. Ramsdell	1941	5.50
Howard Buas	1945, 1946	15.37

Philip Forsyth	1947	\$ 8.97
Fraser H. Allen	1942 through 1947	9.35
Phil Rogers	1942, 1943	.23
Whitson Dulin	1942	8.74
J. B. Riley, Jr.	1939, 1940	2.61
A. Lott	1940	1.72
J. M. Adams	1946, 1947	44.90
Ray O. Forrester	1943, 1947	14.60
Willard R. Ray	1943, 1946, 1947	465.36
Albert D. Gould	1939, 1940	43.78
O. P. Breland	1943, 1944, 1947	25.81
Martin Boozer	1946	3.50
R. H. Ammons	1939, 1942	4.24
Powell Stewart	1942	6.56
Lorenz Gan	1945	4.00
Max W. Schlegel	1945, 1947	70.87
W. R. Brown	1946	3.50
George B. McIntosh, Jr.	1947	10.58
Edwin W. Tramp	1939, 1940, 1941, 1947	13.31
John O. Steadman	1938	6.75
Ellis B. Colvin	1942	.23
Robert Long, Jr.	1938, 1939, 1941	21.41
Tom F. Caldwell, Jr.	1940, 1941, 1942, 1943, 1945	13.69
Talmadge Reed	1947	12.19
W. H. Turner	1941, 1944, 1945	13.67
George W. Condra	1943	2.41
George Covert	1946, 1947	21.65
A. D. Bright	1942, 1946	12.65
Henry Massey	1942	7.36
		<u>\$904.34</u>

and

WHEREAS, on the above accounts, penalties and interest, in the sum of \$71.11, was collected; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

THAT the Tax Assessor and Collector be, and is hereby, authorized and directed to clear the above accounts as paid for all years indicated.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

Applicant: Mr. and Mrs. W. C. Lear

I. Referred to the Board by the City Council on : August 19, 1948

II. Property affected:

100'x161.3' of Lots 1 and 2, Jones and Sedwick Subdivision, located at the southwest corner of West 31st Street and Lamar Boulevard; and a tract 100'x114' out of the Unplatted Spear League located at the northeast corner of West 31st Street and Lamar Boulevard.

III. To be changed

From : "A" Residence District and First Height and Area District

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

IV. Considered by the Board on : August 31, 1948.

V. Parties appearing:

For : Mr. and Mrs. W. C. Lear

Against: J. E. Weeks for his mother, Mrs. Elizabeth McLaren Weeks.

VI. Action of the Board: Change recommended

For the following reasons:

1. The Board has been informed by the applicants that representatives of the City had assured them, when an agreement was reached regarding the purchase by the City of right-of-way for the construction of Lamar Boulevard adjacent to their property, that this property would be zoned commercial.

(Sgd) L. H. Blendermann
Vice-Chairman

Councilman Glass moved that a public hearing on the above change in zoning be called for Thursday, September 23, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass 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 BLOCK C, CRESTVIEW ADDITION, SECTION 2, AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOT 1 AND SOUTH 28 FEET OF LOT 2, BLOCK 30, OUTLOT 25, DIVISION C, CHRISTIAN AND FELLMAN ADDITION; 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 SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES 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 (casting his vote by telephone), Glass,
Johnson, Mayor Miller

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 (casting his vote by telephone), Glass,
Johnson, Mayor Miller

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 (casting his vote by telephone), Glass,
Johnson, Mayor Miller

Noes : None

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

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____

MAYOR

Attest:

Walter McKeen
CITY CLERK