

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 19, 1948
10:40 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
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.

A petition signed by the property owners on Indian Trail asking for a storm sewer and the paving of said street from Vista Lane eastward was submitted by several property owners on said street, who urged immediate action to prevent their property from being destroyed by overflow waters. The Director of Public Works reported that an appropriation had been made for a culvert over Johnson Creek and a storm sewer at Indian Trail, but before the culvert could be built, easements had to be obtained for the widening of the channel of the creek, and the City had been unable to obtain such easements. He stated that Indian Trail could be paved to Sharon Lane, and he was directed to proceed with the paving as soon as the property owners deposit the money for their part of the paving.

A large group of property owners living between Burnet Road, Georgetown Road, and Airport Boulevard came before the Council and submitted a petition asking that some sort of topping be placed on Northloop Boulevard between these points, to relieve the dust and traffic hazards. The petitioners were advised that there was quite an expensive drainage problem involved in connection with the paving of this street, which would cost approximately \$65,000.00, and the paving, approximately \$44,000.00. After considerable discussion, in which the group agreed to pay for their pro rata of the cost of paving, the Mayor stated that the City would go ahead with the paving of this street when the property owners have deposited the money for their part of the cost, and that the City would try to get started on the drainage work with funds in next year's budget.

The Chief of Police was instructed to see to it that the speed limit for trucks and automobiles was enforced on the aforementioned street.

Mr. and Mrs. John L. Petmecky came before the Council and complained of a health menace created by flies occasioned by rabbits at 911 West James Street. The matter was referred to the City Health Officer and the City Attorney to determine if same is a public nuisance and what can be done to relieve the situation.

Pursuant to published notice thereof, the public hearing on the application of Rogan B. Giles and H. H. Lenthe to amend the Zoning Ordinance in the following particular :

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

A 5.6 acre tract out of Outlot 35, Division C, located on the west side of Airport Boulevard between Manor Road and East 38 $\frac{1}{2}$ Street; a 1-acre tract out of Outlot 35, Division C, located on the west side of Airport Boulevard and bounded by East 38 $\frac{1}{2}$ Street on the south, and Alexander Avenue on the west; and a tract fronting 1196.10 feet on the east side of Airport Boulevard north of Manor Road for a depth of 200 feet, in the City of Austin, Travis County, Texas.

was duly opened.

No property owner or other interested person appearing to protest the change, Councilman Johnson moved that the hearing be closed, and the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

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

Pursuant to published notice thereof, the public hearing on the application of W. E. Long to amend the Zoning Ordinance in the following particular:

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

Lot 3, Block 2, Silliman Subdivision, Outlot 5, Division 3, being on the south side of West 11th Street between Baylor Street and Lamar Boulevard in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appearing to protest the proposed change, Councilman Bartholomew moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The

motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Pursuant to published notice thereof, the public hearing on the application of Dr. Ben R. Eppright, Owner, and A. C. Cade and Walter Hunter, Lessees, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:

Lots 7, 8, 9, and a part of Lot 10, Block 27, Division "E", located at the southwest corner of 19th Street and San Antonio Street, in the City of Austin, Travis County, Texas,

was duly opened.

Those appearing for the change were:

James W. Townsend, Attorney for applicants, who stated that his clients were reopening their place of business after having been closed for improvements, and that they were asking for the change to enable them to sell beer if it becomes necessary to do so, but that the serving of food was to be their main business; and, further, that most of the property surrounding this property is already zoned as "C-1" Commercial, and that a number of property owners had signed a petition approving the change.

Those appearing against the change were:

Jack O. Hays, Miss Lee, Mrs. Lawrence Stevenson, Mrs. J. L. Moffatt, and others, who opposed the change on the grounds that it is in the University neighborhood and would be detrimental to the moral welfare of the students, as well as objectionable to themselves as home owners; that applicants should have known about the zoning before investing so much money there; that the serving of beer is not necessary in order to get the business, as many places not serving beer cannot take care of their patronage; and, further, that it would increase the traffic hazard in the University area.

A letter from Mr. and Mrs. Albert C. Mitchell, protesting the change, was also received.

All property owners and other interested persons having been given an opportunity to be heard, Mayor Miller moved that the hearing be closed and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

This being the day set for further hearing on the application of Lewis R. Fisher for change in zoning, from "A" Residence District to "B-1" Residence District, of property lying between Cliff Street and the alley east of David Street, and between West 19th Street and West 22nd Street, the following persons appeared and were heard, substantially as follows:

Mr. Andy Montgomery, as spokesman for the opposition to the change, reported that they had been unable to effect a compromise after having taken the matter before the Board of Adjustment for a variation and the Board having denied same, and that they were now asking the City Council to act on the matter.

J. C. Hinsley, Attorney, representing Dr. O. H. Radkey, reported that his client, with great reluctance, had authorized him to enter into some kind of compromise, but that he was unable to get the terms he specified as the proposed compromise would eliminate none of the objections, except the serving of meals, and that his client, therefore, still opposes the change.

Mr. Ben Thrasher, representing the F. W. Hill Estate, opposed the change, declaring that the City Council could not consistently grant the change after having denied same to Mrs. McGill, who had more equity in the placethan Mr. Fisher has; that the claim of applicant that a majority of the property owners want the change is incorrect, pointing out that on Cliff Street, which is one block long, there are seven property owners, five of whom oppose the change.

Other property owners protesting the change were: Mrs. Hale, Miss M.E. Goff, Dr. J. T. Patterson, and Mrs. G. M. Howell.

All property owners and other interested persons having been given an opportunity to be heard, Mayor Miller moved that the change from "A" Residence District to "B-1" Residence District be granted to include only the house and lot belonging to said Lewis R. Fisher, applicant. The motion carried by the following vote:

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

It was moved by Councilman Johnson that the application of Jay Brown, by Ted Wendlandt, Agent, for change in zoning, from "A" Residence District to "C" Commercial District, of property located south of West 32nd Street and east of Lamar Boulevard, the public hearing on which was held July 29 and continued to August 12, be granted and the action of the Board of Adjustment be not sustained; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

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

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has been extremely fortunate in having a manager of the Austin Baseball Club for the past year who has contributed much to the sports participation in this city; and

WHEREAS, this manager has proven to be a man of great sportsmanship and a credit to the baseball world, and to the City of Austin; and

WHEREAS, in his one year as manager of this club he has transformed the Austin Club from a 2nd Division to a 1st Division team; and

WHEREAS, the citizens of Austin are deeply grateful for the managerial abilities and all round greatness of the manager of the Austin Baseball Club, Mr. Hank Oana; Now, Therefore,

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

That Tuesday, September 7, 1948, be proclaimed HANK OANA DAY in appreciation for the contribution of Mr. Hank Oana to the community.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The Mayor laid before the Council 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 "I", 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 AMENDING THE FOLLOWING SECTIONS: SECTION 2, SO AS TO CHANGE THE DEFINITION OF "LOT", "CORNER", AND "PARKING AREA, PUBLIC"; SECTION 3, SO AS TO ADD A NEW PARAGRAPH (d); SECTION 4, SO AS TO AMEND ITEM 13 OF PARAGRAPH (a); SECTION 4, SO AS TO ADD TWO NEW PARAGRAPHS (g) AND (h) TO ITEM 13; SECTION 4-A SO AS TO AMEND PARAGRAPH (a) OF ITEM 5 AND TO ADD TO ITEM 5 TWO NEW PARAGRAPHS (f) AND (g); SECTION 5, SO AS TO AMEND ITEMS 6, 7, AND 8 (a); AND TO ADD TO ITEM 8 TWO NEW PARAGRAPHS (f) AND (g); SECTION 6, SO AS TO AMEND ITEM 34 AND TO ADD TWO NEW ITEMS 45 AND 46; SECTION 10, SO AS TO AMEND PARAGRAPH (a); SECTION 13, SO AS TO AMEND PARAGRAPH (e); SECTION 14, SO AS TO AMEND PARAGRAPH (c) AND TO ADD A NEW PARAGRAPH (e); SECTION 15, SO AS TO AMEND PARAGRAPHS (d) AND (e); SECTION 16, SO AS TO AMEND PARAGRAPH ENTITLED "REAR YARD AND SIDE YARD" AND TO AMEND PARAGRAPH (d); SECTION 18, SO AS TO AMEND PARAGRAPHS (f) AND (h); SECTION 19, SO AS TO AMEND PARAGRAPH (a), AND TO ADD A NEW PARAGRAPH (d); SECTION 31, SO AS TO AMEND PARAGRAPH (d) AND TO ADD A NEW PARAGRAPH (e); PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Bartholomew moved that the ordinance be laid over and a public hearing on same be called for September 9, 1948, at 11:00 A. M., and that notice of said hearing be duly advertised. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The Mayor laid before the Council the following ordinance:

AN ORDINANCE ORDERING AN ELECTION FOR THE PURPOSE OF NOMINATING A COUNCILMAN OF THE CITY OF AUSTIN FOR THE UNEXPIRED TERM OF A RESIGNED MEMBER OF THE CITY COUNCIL, DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS, AND PROVIDING THE PROCLAMATION OF SAID ELECTION.

The ordinance was read the first time and Councilman Bartholomew 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
Noes : None

The ordinance was read the second time and Councilman Bartholomew 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
Noes : None

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

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

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

The following report of the Board of Adjustment was received:

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

Applicant : E.L. McCandless and Stanford Payne

I. Referred to the Board by the City Council on : August 2 and 4, 1948

II. Property affected:

A tract of land between Burnet Road and the alley to the east, and Koenig Lane and Romeria Street; and a tract located at the northeast corner of Burnet Road and Romeria Street as described by metes and bounds in the application; a .94 acre tract on the east side of Burnet Road south to Payne Avenue; and a triangular 1.37 acre tract located north of the intersection and between the new Highway 29 and the old highway, both tracts being shown on the attached plats.

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 17, 1948

V. Parties appearing:

For : Stanford Payne and L. V. Walker

Against:None.

VI. Action of the Board : Change recommended to include the west portion of the L. V. Walker tract adjacent to Burnet Road, having a depth of approximately 174 feet by a length of approximately 450 feet, as shown on the attached plat.

For the following reasons:

1. The property proposed to be changed extends from Koenig Lane to the north city limits along Highway 29, or Burnet Road, for an average depth of 150 feet. This is a continuation of an existing commercial zone along Burnet Road which extends south to West 44th Street.
2. The applicants propose to provide adequate shopping facilities for off-street parking for the large residential development surrounding this area.
3. Since the Highway Department will not permit the cutting of curbs along the Burnet Road, the hazards from entering and leaving the parking areas on this property would not be as great as normally.
4. The Board deemed, under the conditions and circumstances, that this development would be a convenience and benefit to the large and expanding residential developments in this area and this change would not adversely affect any contiguous neighboring property.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the foregoing change in zoning of the property of L. L. McCandless and Stanford Payne, from "A" Residence District to "C" Commercial District, be called for September 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, 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 : S. T. Wells , by W. W. Patterson

I. Referred to the Board by the City Council on : July 29, 1948

II. Property affected:

The south 52 feet of Lot 4, and north 75 feet of Lot 5, Block "V", Ridgetop Fourth Addition, being located in the 4600 block on the west side of East Avenue.

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 10, 1948

V. Parties appearing:

For : W. W. Patterson

Against: None (No hearing called)

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This application is for a change of zoning on property located in the 4600 block on the west side of East Avenue and is north of the property recently requested to be changed and not recommended by the Board. The property now fronts on East Avenue, which will be converted into the Interstate Highway passing through Austin in the near future, for which purpose a strip 100 feet in depth will be, or already has been, acquired by the City of Austin, leaving a depth of 200 feet for the applicant's property.
2. The property across East Avenue to the east has been subdivided into a residential area, the deeds for lots restricting the use of the property fronting on East Avenue to residential purposes only.
3. At the hearing on a change of property in this block, a large number of property owners appeared protesting this change and presented a petition signed by sixty-four residents and property owners who opposed the change.
4. The Board deemed that, considering all the conditions and circumstances surrounding this property, the character of the neighborhood, and the fact that the previous application was not recommended, that to change this property is not justifiable since there is no public demand or necessity for this commercial property, and that the present residential development is based on the assumption that it was the policy of the Council in the zoning of this property that it should be a residential area in harmony with the trend of development and suitability of the land for this purpose.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the foregoing change in zoning of the property of S. T. Wells be called for September 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The application of Carpenter's Union Local No. 1266, by Emmett Shelton, for change in zoning, from "A" Residence District to "C" Commercial District, of property located at the southwest corner of Butler Road and Josephine Street, was received. Councilman Glass 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

Noes : None

The application of Mr. and Mrs. W. C. Lear for change in zoning, from "A" Residence District to "C" Commercial District, of property located on Lamar Boulevard and West 31st Street, was received. Councilman Glass 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

Noes : None

The application of Carlos D. Smith and Edward Joseph, by Donald S. Thomas, for change in zoning, from "C-1" to "C-2", of Lots 33, 34, 35, 36, 38, and 37, and from "A" to "C-2" of Lots 40 and 42, all in Northfield Addition, was received. Councilman Glass 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

Noes : None

Councilman Bartholomew 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 SECTIONS 22(f) AND 23(d) OF ARTICLE IV, RELATING RESPECTIVELY TO TWO HOUR PARKING AND LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew 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

Noes : None

The ordinance was read the second time and Councilman Bartholomew 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
Noes : None

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

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the records of the Tax Department of the City of Austin show an assessed valuation of \$2610.00 on improvements on S. 1/2 of Lot 209 and all of Lot 210, Tarrytown Oaks, Plat 161, Item 207-1, for the year 1947, assessed in the name of Dorothy Paula Manning; and

WHEREAS, it appears that said improvements were erroneously assessed on said property for the year 1947; Therefore,

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

That the Tax Assessor and Collector be, and he is hereby, authorized and directed to adjust his records by removing from the assessment roll for the year 1947 the assessment against improvements for the value of \$2610.00.

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

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

The written application of Carl B. Merris for extension of the city limits to include one 5-acre tract located on Blue Bonnet Lane and known as the Pecan Orchard Addition, was received; and the matter was referred to the Engineering Department and the Legal Department for investigation to determine if it is desirable on part of the City to annex said territory, and report to the Council.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Beth Lucas has made application in writing for permission to use and maintain in her residence an institution of an educational nature (kindergarten and nursery school) on Lot 1, Block 19, Christian and Fellman Addition, the same being on the north side of East 20 $\frac{1}{2}$ Street between Sabine and Oldham Streets, and locally known as 704 East 20 $\frac{1}{2}$ Street, and is located

in a "B" Residence District, which, under Section #5, Item #7, of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; Therefore,

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

THAT permission for the use and maintenance of this institution of an educational nature in her residence be granted to Mrs. Beth Lucas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 108 West 19th Street and desires a portion of the street and alley working space abutting Lots 11 and 12, Block C, Outlot 19, Division D, of the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Street and Alley Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 19th Street to a point 14 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of West 19th Street approximately 128 feet to a point; thence in a northerly direction and at right angles to the centerline of West 19th Street to the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of alley to approximately 5 feet to a point; thence in a northerly direction and parallel to the centerline of alley approximately 156 feet to a point; thence in a westerly direction and at right angles to the centerline of alley to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the north, east, and south lines of the above described space,

such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(3) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(4) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(5) That "No Parking" signs shall be placed on the street side of the barricades.

(6) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(7) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(8) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(9) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(10) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event, all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than August 1, 1949.

(11) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(12) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its

public utilities, or for other necessary public purposes.

(13) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(14) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the addition of a building located at 410 East 5th Street and desires a portion of the sidewalk and street space abutting the south one-half of Block 59 of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Trinity Street to a point 14 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Trinity Street approximately 128 feet to a point; thence in an easterly direction and at right angles to the centerline of Trinity Street to the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 5th Street to a point 14 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of East 5th Street approximately 135 feet to a point; Thence in a northerly direction and at right angles to the centerline of East 5th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor" upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials, it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event, all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than February 1, 1949.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time

with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

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

<u>Owner</u>	<u>Description</u>
Burns, E. A., Route 7, Box 101 -	Inboard, "Gypsy", 4-passenger
Gibson, Frank, 3807 Avenue G	Trail-R-Boat, Modified V.Hull, 1948 Model, "Nancy II", Mercury, 4-passenger
Spoonts, Paul, Hyde Park Pharmacy	Cabin Cruiser, Outboard, New, 5-passenger

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

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 "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS C, D, E, AND NORTH 200'x29' FEET OF F, OUTLOT 6, DIVISION "E", UNPLATTED; AND 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 NORTH 150 FEET OF A CERTAIN 2.61 ACRE TRACT OUT OF OUTLOT 59, DIVISION B; AND CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON 1.93 ACRES OUT OF ISAAC DECKER LEAGUE FACING ON SOUTH LAMAR BOULEVARD APPROXIMATELY 300 FEET NORTH OF BUTLER ROAD; 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 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
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
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
Noes : None

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

The application of D. F. SAMUEL, 1500 Newning Avenue, for a license to operate as a taxicab a 1947 Model Chevrolet, Motor No. EAA-115738, State License No. DR-3521, 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 Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of WALTER BROWN BOWLES, 2212 San Antonio 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, Glass, Johnson, Mayor Miller
Noes : None

The application of JAMES EARL DOELL, 2100 San Gabriel Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of CLETIS SHELBY HARRIS, 3706 Wabash Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of THORNTON JAMES JACKSON, Jr., Colored, 1163 Comal Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of CHARLES ALLEN WILLIE, 1000 Barton Boulevard, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

An appeal by Olen Alexander, Colored, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Johnson that appellant be granted a 90-days probationary permit to drive a taxicab, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

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

The application of CADILLAC BAR, by Marcos Salazar, 1512 East 6th Street, for a Retailer's Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of Dixie Grill, by O. H. Hollyfield, 408 South Congress Avenue, for a Wine and Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of ESQUIRE CLUB, by Jimmie Joe Lung, 715 East 6th Street, for a Wine and Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of CHARLES JOSEPH, 207 East 1st Street, for a Retailer's "On Premise" Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of the SPLIT RAIL, by Morris S. Wiginton and James E. Wiginton, 303 South Lamar Boulevard, for a Wine and Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of STEAMBOAT INN, by Ira Littlefield, 1112 East 11th Street, for a Wine and Beer License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of TIP TOP GARDEN, by Mrs. E. D. McIntyre, 422½ East 6th Street, for a Retail Beer Dealer's License, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The following memorandum was submitted by the City Manager:

"August 19, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of A. W. Speckels Resubdivision has been completed and was approved by the City Plan Commission on August 12, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J.M.

Approved:

(Sgd) Guiton Morgan
City Manager. "

Councilman Bartholomew offered the following resolution, and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "A.W. Speckel's Resubdivision," approved by the City Plan Commission of the City of Austin on August 12, 1948, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas,

in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

The following memorandum was submitted by the City Manager:

"August 19, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of John Rush Subdivision has been completed and was approved by the City Plan Commission on August 12, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. M.

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "John Rush Subdivision," approved by the City Plan Commission of the City of Austin on July 8, 1948, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

Mayor Miller offered the following resolution and moved its adoption. The motion, carrying with it the adoption of the resolution, carried by the following vote:

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

The resolution follows:

"WHEREAS, on the 16th day of August, 1948, death came to George Herman Ruth, the mighty Babe Ruth of home run fame; and

WHEREAS, Ruth of the Yankees was the greatest individual figure baseball has produced, a fabulous slugger whose bat created all-time records by the scores and whose long-distance hitting not only attracted unprecedented crowds but actually remade the game of baseball; and

WHEREAS, Babe Ruth's name was and is an inspiration to the youngsters of America, symbolizing as it does the highest standards of sportsmanship, ability and accomplishment in our national pastime; and

WHEREAS, the manner in which this American boy came up from the somber surroundings of a home for incorrigibles to reach the pinnacle of national and even international popularity serves to remind us that this is still the land of opportunity and helps to confirm our faith in our democratic way of life; Now, Therefore,

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

That the City Council does hereby mark with respect and regret the passing of a great American, George Herman (Babe) Ruth, and that a page be set aside in the minutes for this memorial.

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council recognizes the great loss to the City of Austin in the death of O. P. Bonner; therefore,

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

THAT the City Council desires to express its esteem and respect for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council.

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes: None

There being no further business, upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved:

Tom Miller.
MAYOR

Attest:

Shelia McKeen

CITY CLERK