

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 16, 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.

The public hearing on the proposal of the Board of Adjustment and the City Council to amend the text of the Zoning Ordinance in several particulars, which was continued from the last regular meeting, was again continued to the next regular meeting at 11:00 A. M., at the request of several ministers and other citizens of the City.

The application of Jasper Glover for change in zoning, from "A" Residence District to "C" Commercial District, of the triangle at the corner of East 11th Street and Prospect Avenue 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 Carl M. Smith for change in zoning, from "B" Residence District to "C" Commercial District, of property located at 705 and 703 Lamar Boulevard, being Lots 10 and 11, Block E, Raymond Subdivision, 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 T. A. Evans for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 10, 11, 12, 13, 14, 15, and 16, Block 18, South Heights, and Lots 13, 14, 15, and 16, Block 15, South Heights,

located in the 1100 block of South 8th 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. George A. Newgent for change in zoning from "A" Residence District to "B-1" Residence District, of property located at 2509 Pearl Street, being Lot 20, Wooten's Subdivision of Outlot 53, Division "D", 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 J. W. Muggley for change in zoning, from "A" Residence District to "B-1" Residence District, of property located at 2511 Pearl Street, being Lot 19, Block 1, Outlot 53, Division "D", was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation.

The application of Abraham Nassour, by Martin Nassour, for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 4212 Avenue H, being Lots 30, 31, 32, Hyde Park Addition No. 1, and being the southwest corner of 43rd Street and Avenue H, 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 following report of the Board of Adjustment was received:

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

Applicant: O. R. Bertram, by McKay and Avery, Attorneys.

I. Referred to the Board by the City Council on : September 2, 1948

II. Property affected :

Lots 1 and 2, Block 31, Christian and Fellman Addition, being located at the northeast corner of Swisher Street and Manor Road

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 : September 14, 1948

V. Parties appearing:

For : Messrs. McKay and Avery and Mr. Bertram

Against: Mrs. Chas. J. Sharborough, Miss Lena W. Welch, G.F. Bastian,
and Misses Ida and Minnie Albrecht.

VI. Action of the Board : Change recommended

For the following reasons:

1. This application is a request for a change of the property at the northeast corner of Swisher Street and Manor Road located across the alley from a commercial zone adjacent to East Avenue which was also owned by the applicant.
2. In the widening of East Avenue it became necessary for the City to acquire that portion of the applicant's property adjacent thereto, leaving that portion now zoned as "A" Residence District fronting on Swisher Street, and the applicant is requesting that this portion be changed to a "C" Commercial District to compensate for the loss of his commercial property.
3. The Board deemed, since the property adjacent to East Avenue had been zoned as commercial and the applicant would be deprived of the use of this property for business development, that he would be entitled to relief so that use of this property would not be confiscated, and recommends that the zoning classification be changed to "C" Commercial.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the city tax roll for the year 1941 carries an assessed valuation of \$2,010 on improvements on Lot 18, Bryker Woods "E", Plat 208, Item 62; and

WHEREAS, the fact that there were no improvements on said property as of January 1, 1941, has been duly substantiated; Now, Therefore,

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

That the Tax Assessor and Collector be, and he is hereby, instructed to remove said assessment of \$2,010 valuation for improvements on Lot 18, Bryker Woods "E", Plat 208, Item 62, for the year 1941.

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, improvements valued at \$2,160 were assessed against Lot 10, Outlot 76, Division D, Wendlandt and Mueller Subdivision (Plat 72, Item 185) for the year 1947; and

WHEREAS, it has been developed to be a fact that as of January 1, 1947, actually there were no improvements located on said lot; Therefore,

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

THAT the assessment of \$2,160 against improvements on Lot 10, Outlot 76, Division D, Wendlandt and Mueller Subdivision, for the year 1947 be removed from the tax roll, and that the Tax Assessor and Collector be, and he is hereby instructed to remove said assessment from the tax roll for the year 1947,

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 application of D. F. SAMUEL, 301 Riverside Drive, for a taxicab license covering 1947 Chevrolet Sedan, Motor No. EAM-33375, State License No. JE-5499, 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 FELIPE DELSON ACOSTA, 2216 East 8th 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 JOE HERMAN BROWN, 207 East 9th 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 B. C. CANTWELL, Route #3, 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 WILLIAM RUFUS HASS, 1712 Bouldin 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 STANLEY ARTHUR HUTCHINS, 1109 East 28th 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 GORDON HOMER MILLER 506 West 35th 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 EDGAR LEE NICHOLS, 5001 Martin Avenue, for 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 appeal of PAUL HERNANDEZ on his application for a taxicab driver's permit, recommended for denial, was heard. Councilman Johnson moved that appellant be granted a 90-days probationary taxicab driver's permit. The motion carried by the following vote:

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

Upon the recommendation of the Chief of Police, Councilman Johnson moved that the taxicab driver's permit of Dwight L. Platt, 1117 West 7th Street, be revoked. The motion carried by the following vote:

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

Upon the recommendation of the Chief of Police, Councilman Johnson moved that the taxicab driver's permit of JOHNIE LEROY PENRY be revoked. The motion carried by the following vote:

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

The application of the OASIS, by Ray G. Budassi, 401 Barton Springs Road, 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 LEE DUFFIE PLACE, by Lee Duffie, 133 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
Noes : None

The application of ELMO FERGUSON, 302 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 the TALLY HO WAFFLE SHOP, by Morin M. Scott, 503 West 19th 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
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, John Blair is the Contractor for the erection of a building located at 1708 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lot 10, Block 33, Division E, of the Original 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 the said John Blair, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point approximately 14 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street 42 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said John Blair, 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

780

780

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 provision 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 January 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 One Thousand Dollars (\$1000.00), 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, Barney P. Slaughter is the Contractor for the alteration of a building at 913 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lot E, Block 111, 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 Barney P. Slaughter, 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 Congress Avenue to a point 4 feet east of the east curb line; thence in a southerly direction and parallel with the centerline line of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

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

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use to parking meter spaces immediately in front of the entrance in the barricade, for the delivery or removal of materials during construction work.

(2) 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.

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

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

(5) 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.

(6) 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.

(7) 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 December 1, 1948.

(8) 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.

(9) 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.

(10) 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.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), 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, 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 HARMON AVENUE, from a point 164 feet south of East 38th Street northerly 61 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Harmon Avenue.

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

- (2) A gas main in MEREDITH STREET, from Robinhood Trail to Raleigh Avenue, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Meredith Street.

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

- (3) A gas main in RALEIGH AVENUE, from a point 15 feet south of Meredith Street northerly 135 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Raleigh 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 1ST STREET, from a point 744 feet west of Springdale Road, westerly 425 feet, the centerline of which gas main shall be 16 feet north of and parallel to the south property line of said East 1st Street.

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

- (5) A gas main in CHERRYWOOD ROAD, from a point 320 feet south of East 34th Street, southerly 160 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Cherrywood Road.

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

- (6) A gas main in FRANKLIN BOULEVARD, from a point 642 feet east of Chesterfield Avenue easterly 72 feet, the centerline of which gas main shall be 7.5 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.

- (7) A gas main in LYNNWOOD Avenue from a point 185 feet south of Hancock Drive 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 Lynnwood Avenue.

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

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

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

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

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

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, BY AMENDING SECTION 12(b) of ARTICLE III, RELATING TO STOP SIGN

LOCATIONS, AND AMENDING SECTION 22(e) OF ARTICLE IV,
RELATING TO ONE HOUR PARKING 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.

The City Manager submitted the following memorandum:

"September 15, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of Breezy Hollow, Section I, has been completed and was approved by the City Plan Commission on September 9, 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. E. Motheral

Approved:

(Sgd) Guiton Morgan
City Manager "

Councilman Johnson then 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 Breezy Hollow, Section I,

approved by the City Plan Commission of the City of Austin on September 9, 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

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 "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 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 1.37 ACRES OF LAND AT THE INTERSECTION OF OLD BURNET ROAD AND NEW HIGHWAY NO. 29, AND A STRIP OF LAND FACING ON BURNET ROAD EXTENDING FROM SOUTH BOUNDARY LINE OF BLOCK B OF BURNET HEIGHTS SOUTH TO NORTHEAST CORNER OF KOENIG LANE AND BURNET ROAD, 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 ORDINANCES TO BE READ UPON 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 read. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes :

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 announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE TEXAS AND NEW ORLEANS RAILROAD COMPANY TO RELOCATE, CONSTRUCT, MAINTAIN, OPERATE, AND USE CERTAIN RAILWAY TRACKS IN, UPON, AND ALONG PORTIONS OF EAST SIXTH STREET, EAST FIFTH STREET, AND CANADIAN STREET IN THE CITY OF AUSTIN, TEXAS, SUBJECT TO CERTAIN CONDITIONS; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ UPON THREE SEPARATE DAYS.

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 City Manager submitted the following memorandum:

"September 14, 1948

Memorandum to : Guiton Morgan, City Manager

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

Bids were received this morning for the construction of a concrete box culvert on Wilshire Boulevard at Boggy Creek to replace the old wooden culvert now in use at that location. The bids were as follows:

Earl Rogers - - - - -	\$ 9,175.72
J. M. Odom - - - - -	9,529.09
Austin Engineering Company -	10,108.50
F. M. Reeves & Sons - - - -	10,450.53
John Broad Construction - -	11,495.29

Although the low bid is slightly above the estimate of \$8,647.53, it is recommended that the contract for this construction be awarded to Earl Rogers.
(Sgd) J. E. Motheral "

Councilman Johnson moved that the bid of Earl Rogers, low bidder, in the amount of \$9,175.72, be accepted, and the City Manager be authorized to enter into contract with the said Earl Rogers accordingly. 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:

" September 16, 1948

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

At a meeting held on September 14, 1948, the Board of Adjustment, after a prolonged study of the problem of dispensing, for off-site consumption, warm beer in cases and packages in grocery stores or other retail establishments dispensing beverages, and after receiving numerous requests for this privilege and applications for zoning changes for the same purpose, begs to submit to the City Council the following recommendation:

Under the present ordinance, the dispensing of beer in this manner can only be done in a "C-2" Commercial District, and, therefore, any application for a zoning change to permit this activity would require the property to be rezoned as a "C-2" District, which also thereafter would permit all the other uses listed in the ordinance in a "C-2" District to be applied to the property. Thus, a grocery store wishing to dispense warm beer by the case or package would have to exist in a "C-2" District. The Board considered that the dispensing of beer by a grocery store to patrons for home consumption would not affect the general welfare or become detrimental to the neighborhood where such stores are located in commercial zones. Since the dispensing of beer or wine is permitted for on-site consumption in the "C-1" Commercial District, the Board deemed that the dispensing of warm beer for off-site consumption in cases or packages by retail establishments such as grocery stores and drug-stores dispensing beverages would not be undesirable and would be a logical extension of the conveniences and facilities provided in such a district for those who desire the privilege of enjoying these beverages in their homes. The Board, therefore, recommends to the City Council that the Zoning Ordinance be amended so as to provide for the dispensing of warm beer in cases or packages in retail stores dispensing food and beverages where located in a "C-1" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

The following communication from the Board of Adjustment was received:

" September 16, 1948

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

On August 31, 1948, the Board of Adjustment submitted a recommendation to the City Council for the change of property on the west side of Lamar Boulevard both north and south of West 31st Street. Since the submission of this recommendation, the Department of Public Works has advised the Board that the south portion of this property would have to be acquired by the City of Austin to provide proper right-of-way for Shoal Creek Boulevard where it intersects Lamar Boulevard, and, therefore, the Board requests the City Council to defer final action on this zoning change until the final plans and determination of the amount of property required has been established.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

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

Approved: Tom Miller

MAYOR

Attest:

Helen McKeen

CITY CLERK