

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 16, 1948

10:50 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Mortheral, 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.

Jesse Bartlett, Attorney, came before the Council and submitted a complaint against the operation of Negro bootleg taxicabs, alleging that a great many of the operators had cancelled out their liability insurance and were operating without a permit. The matter was referred to the Chief of Police, with instructions to apprehend the offenders, and to more strictly enforce the Taxicab Ordinance.

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in Sections 7 and 8 (and in such other sections as may be appropriate) to accomplish the following results:

- (1) That under "C-1" Commercial District there shall be regulated only beer and wine uses in addition to uses permitted under residential and "C" Commercial Districts;
- (2) That under "C-2" Commercial District there shall be regulated only liquor uses, in addition to uses permitted under "C" Commercial, and "C-1" Commercial Districts;
- (3) That the uses now permitted, in addition to beer and wine and liquor, under "C-1" Commercial and "C-2" Commercial Districts (except residential and "C" Commercial uses) shall be reclassified and placed in other use districts,

was duly opened.

Dr. E. P. Savage and Fred Savage, representing the Blue Cross Clinic, 3809 Guadalupe Street, appeared and registered opposition to the amendment classifying veterinary hospitals as a "D" Industrial use, and asked that same be classified as a "C" Commercial use for economic reasons.

There being no other protestants, it was moved by Councilman Glass that the hearing be closed and the City Attorney be instructed to amend the proposed ordinance to allow veterinary hospitals to remain as a "C" Commercial use, but with special permit to be granted by the City Council, and submit same to the Council at its next regular meeting. The motion carried by the following vote:

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

The following is the report of the Board of Adjustment on the proposed amendments:

"December 10, 1948

Mr. Trueman E. O'Quinn
City Attorney
City of Austin
Austin, Texas

Dear Sir:

In reply to your letter dated November 22, 1948, informing the Zoning Board of Adjustment that the City Council requests the Board to consider certain proposed amendments to the Zoning Ordinance of the City of Austin as initiated by them concerning Section 7, "C-1" Commercial District, and Section 8, "C-2" Commercial District, the Board begs to submit the following recommendations after a careful study of the purpose of these proposed changes and their effect on the various Use Districts now set up in the Ordinance. The Board, therefore, suggests that the following changes and amendments be made in the Ordinance to achieve these particular objectives and purposes and at the same time recommends certain other changes which will still further simplify and clarify the Ordinance.

1. SECTION 6, "C" COMMERCIAL DISTRICT

- (a) Omit Item 22, "Plating works", which is now prohibited and thereafter would be permitted in this district, and substitute the following:

"22. Light manufacturing except that occupying not more than fifty per cent (50%) of the total floor area of the building and using non-soot producing fuel, odorless materials, and reasonably noiseless and dustless machinery; provided, however, that no such manufacturing shall be permitted in a Community Center;"

- (b) Amend Item 35 to read as follows:

"Creameries and ice cream mixing plants where located in a Community Center."

2. SECTION 7, "C-1" COMMERCIAL DISTRICT

- (a) Omit Item 3, "Creameries and ice cream mixing plants" which would be a duplication since these would be permitted in a "C" Commercial

District, all of which uses are permitted in a "C-1" Commercial District.

3. SECTION 8, "C-2" COMMERCIAL DISTRICT

- (a) Omit Item 2, "Bottling Works."
- (b) Omit Item 3, "Coal, coke or wood yards."
- (c) Omit Item 4, "Retail plating works."
- (d) Omit Item 5, "Contractor's plant and storage yards."
- (e) Omit Item 6, "Light manufacturing occupying not more than fifty per cent (50%) of the total floor area of the building, using non-soot producing fuel, odorless materials, and reasonably noiseless machinery."
- (f) Omit Item 7, "Veterinary hospitals for the treatment of cats, dogs or any other small domestic animals."
- (g) Omit Item 8, "Creameries and ice cream mixing plants."
- (h) Omit Item 9, "Wholesale and storage warehouses."
- (i) Change the number of Item "10" to Item "2. All uses permitted in a "C" Commercial District and "C-1" Commercial District."
- (j) Omit Item 11, "Used car junk area."

In addition to the above recommendations which will accomplish the purpose intended by the City Council in their proposed amendment to the Ordinance, the Board further begs to recommend the following additional amendments in the interest of a better ordinance:

1. SECTION 4, "A" RESIDENCE DISTRICT

- (a) Amend Item 13, paragraph (b) to read as follows:

"(b) The renting of rooms or lodgings, or the serving of meals for compensation to not more than four (4) persons in a single family dwelling or two (2) persons to each family in a two-family dwelling, and only when under the control of the permitted family unit. In one-family dwellings, only one set of utility meters is permitted; in a two-family dwelling, only two sets of utility meters are permitted."

(The purpose of the above amendment is to avoid the crowding of dwellings since the present Ordinance permits four lodgers or four boarders for every family living in a residence. This would mean eight persons for a duplex, twelve for a triplex, etc., and by definition of a family this would result in the equivalent of three families living in a duplex, which is contrary to the provisions of Section 4 allowing only one-family and two-family dwellings in an "A" Residence District)

2. SECTION 6, "C" COMMERCIAL DISTRICT

- (a) Amend Item 20 to read as follows:

"20. Open, uncovered, or unenclosed lumber yards and planing mills; provided, however, that lumber yards which are enclosed or covered and which may operate reasonably noiseless machinery shall be permitted except where located in a Community Center. "

3. SECTION 13, HEIGHT AND AREA REGULATIONS

- (a) Amend paragraph (e) to read as follows:

"(e) No lot shall hereafter have any building altered or placed thereon, which building is to be used as a residence, unless such lot abuts for at least fifty (50) feet on a street or has a minimum width of fifty (50) feet at the building line; provided that this requirement shall not apply to lots of record at the time of the passage of this Ordinance having a lesser width; or in the event such lot does not abut on a street, such lot shall have access to a street by means of an uninterrupted easement or right-of-way, other than an alley, and shall abut on said easement at least fifty (50) feet, which easement or right-of-way shall not be parallel and adjacent to an alley and must be at least ten (10) feet wide if intended to serve one (1) lot and eighteen (18) feet wide if intended to serve more than one (1) lot, and which easement or right-of-way shall not exceed one hundred fifty (150) feet in length measured along the centerline of the easement from the front property line to the extreme end of the easement. "

(The purpose of this amendment is to clarify these requirements with regard to the limitations originally intended by the Board to prevent the resubdivision of relatively small lots and thus overcrowding the land)

4. SECTION 14, FIRST HEIGHT AND AREA DISTRICT.

- (a) Amend paragraph (d) LOT AREA PER FAMILY, to read as follows:

"(d) LOT AREA PER FAMILY: Every building hereafter erected or structurally altered which is located in the "A" Residence District and the FIRST HEIGHT AND AREA DISTRICT shall provide a lot area of not less than thirty-five hundred (3500) square feet per family; provided, however, that where a lot held under a distinct ownership from adjacent lots and of record at the time of the passage of this Ordinance has less area than herein required, that regulation shall not apply. "

(The purpose of this amendment is to harmonize the lot area per family requirements with the following amendment omitting one-fourth of any alley or street in the calculation of lot area per family, otherwise the buildable area of corner lots would be at a disadvantage when compared with that of an interior lot).

5. SECTION 18, HEIGHT AND AREA DISTRICT EXCEPTIONS

- (a) Omit paragraph (h) so as to eliminate the use of one-fourth of any

abutting alley or street in the calculation of lot area per family.

(The purpose of this amendment is to bring the Ordinance of the City of Austin more in line with ordinances of cities of comparable size which require much greater lot area per family without the inclusion of streets or alleys and to further prevent the overcrowding of small lots and the resubdivision of lots for additional dwellings contrary to the purpose and spirit of the Ordinance).

6. SECTION 19, SPECIAL AREA REGULATIONS AND EXCEPTIONS

- (a) Amend paragraph (a) to permit a car porte attached to a dwelling as follows:

"Side and Rear Yards: The space in a side or rear yard shall be open and unobstructed from its lowest point to the sky, except for an open stoop or terrace to an entrance door on the first floor or an open stair to a second story extending not over three (3) feet into the side yard, a car porte open on three sides and extending not closer than five (5) feet to the side property line, and for the ordinary projections of window sills, belt courses, cornices, chimney, flues, eaves projecting not more than two (2) feet from the building line, and other ornamental features. A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements be considered as a single building, except that a private garage or other accessory building not over twenty-five (25) feet in height may occupy not to exceed forty per cent (40%) of the rear yard area. "

(The purpose of this amendment is to permit the attachment of a car porte to a house, which is the modern version of a porte cochere, to add to the convenience of the occupants in going to and from a car in inclement weather, and since three sides of the porte would be open and unobstructed there would be no appreciable diminution of light and air for the dwelling, which is one of the purposes of the height and area regulations of the Zoning Ordinance)

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman. "

The application of Jac L. Gubbels for change in zoning, from "A" Residence District to "C" Commercial District, of part of Lots 2 and 3, and all of Lot 4, Block 4, Silverton Heights Subdivision, known as 601-607 Kenniston Drive and 6808 Guadalupe Street, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

The application of City of Austin for change in zoning, from "A" Residence District to "B" Residence District, of all of Lot 1d and part of Lot 1c, Block 1, James Byrnes Subdivision, located at the southeast corner of the

intersection of 28 $\frac{1}{2}$ Street and Lamar Boulevard, and known as 918 West 28 $\frac{1}{2}$ Street, was referred to the Board of Adjustment for consideration and recommendation, and a public hearing on the matter was called for January 6, 1949, at 11:00 A.M.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Holland Page

- I. Referred to the Board by the City Council on : December 2, 1948
- II. Property affected: Approximately 55 acres, bounded on the south and west by Llano Branch of H&TC Railroad; a portion along the north by Anderson Lane; and another portion on the north by Morrow Street, all in George W. Spear League, and formerly described as Hollandale Addition, being the property shown in purple on the attached map and excluding that portion already zoned as "D" Industrial District.
- III. To be changed:

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

To : "D" Industrial District and Second Height and Area District
- IV. Considered by the Board on : December 14, 1948.
- V. Parties appearing:

For : Holland Page, present owner; Dr. Frank Jessen of the Austin Area Economic Development Foundation; Dr. H. R. Henze, Professor of Chemistry, and Dr. W. A. Cunningham, Chairman of the Department of Chemical Engineering of the University of Texas; and Chester Smith, resident in this area.

Against: No definite opposition was expressed, but the following property owners appeared and expressed concern over the proposed industrial classification of the property as to the character of industrial development which might be engaged in and its effect on their properties which are zoned for residential and so developed in North Gate Addition.
- VI. Action of the Board: See explanation below.

For the following reasons:
 1. After careful consideration of the testimony and affirmations of the applicant and his technical advisers, both oral and written, and the statements of interested residents in this area, the Board deemed that the activities to be carried on by the Jefferson Chemical Company are of such a nature as would not necessarily require that

they be located in an industrial zone; but being similar to activities now conducted by the University of Texas and other institutions in the City of Austin indicates that a change to "C" Commercial District would be adequate and sufficient to permit the development of this project on the above described land and thus safeguard the surrounding residential areas from adverse industrial uses which might be later developed.

2. Therefore, the Board recommends that if this change is acceptable to the developers and would not result in the abandonment of the project, the area herein described should be changed to "C" Commercial District, which would apply to the Hollandale Addition owned by the applicant, exclusive of that which is already now zoned as industrial.
3. The Board further recommends that if the above change would result in the abandonment of this project and its loss to the City of Austin, then the Board recommends the approval of the change as requested, provided that the Council gives serious consideration to excluding that portion of the tract west of Gault Street, extending from Morrow Street to Anderson Lane, which lies in the midst of a residential area, or secure a definite commitment from the developers that this particular portion of the tract would be developed in such a manner as not to adversely affect the adjacent residential properties, such as recreational purposes, which the testimony of the interested parties indicated would be a part of their entire development.
4. The above recommendations of the Board of Adjustment have taken into consideration the Master Plan of the City of Austin, the trends of development to the north and west of the City, and the railroad relocation plan, all of which contemplate the location of industrial uses in the eastern section of the City of Austin, and to prevent the division of the future City of Austin by an industrial belt with its attendant adverse effects on the surrounding areas which offer the principal directions and areas for future residential development for a greater Austin.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the above change in zoning be called for January 6, 1949, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was received:

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

Applicant: Sidon Harris, by Harold Legge, Agent.

- I. Referred to the Board by the City Council on : November 24, 1948.

II. Property affected: Part of Outlot 5, Division C, located at 815 and 817 East 32nd Street.

III. To be changed:

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : December 7, 1948

V. Parties appearing:

For : Harold Legge

Against: Mrs. Dennis DuPriest, William Carssow, and C. E. Alvis, Jr.

VI. Action of the Board: Change not recommended

For the following reasons:

1. This application is for a change in the zoning of a lot at the southwest corner of Red River and 32d Streets, diagonally across the intersection from an existing commercial zone extending from 32d Street north to Keith Lane which was created in 1947 by the City Council as a Community Center to serve this neighborhood.
2. Objection to this change was expressed by Mrs. Dennis B. DuPriest, owner of property south of and adjacent to the property proposed to be changed, on the grounds that the property on the west side of Red River Street is highly desirable for residential development for which use they purchased their property, that the designation of a commercial zone would depreciate the value of this property for residential purposes and would cause additional traffic congestion and hazards, and that the present designated commercial property is sufficient in size to serve the needs of the community.
3. Opposition was also expressed by William Carssow and C. E. Alvis, Jr. on the grounds that they had purchased property in the designated commercial area for the purpose of establishing a business to serve the community, that there is no need for additional commercial property, and that to create a separate zone separated from the existing commercial property would be improper zoning and would create traffic congestion.
4. All of the property on the west side of Red River Street is now zoned "A" Residence District between the University and 38th Street, the major portion on the east side being zoned "B" Residence District with the designated Community Center located approximately in the center.
5. The Board deemed that to grant this change would create a commercial use in a residential district which, in the opinion of the Board, is properly zoned, that the existing Community Center property is sufficient in size to serve the needs of the neighborhood, that the creation of the commercial zone on the opposite side of the street

from the existing one would create additional traffic hazards and congestion by patrons of both developments since the present intersection of East 32d and Red River Streets is already extremely hazardous on account of the increasing traffic on Red River Street which is designated to grow still more as Northeast Austin develops and will be increased with the development of a grocery store on the corner of the present commercial zone and also the completion of the apartment project consisting of sixty apartments, a large majority of which will have automobiles that must go in and out of this project on Red River and 32d Streets, all of which would require the installation of a signal light at this intersection. Therefore, the separation of the commercial zone on two sides of Red River Street would subject the patrons of any establishment to an increased hazard in trying to cross the street and also increase parking difficulties.

6. The Board further deemed that the present commercial zoning should be confined to the area east of Red River Street and that the existing Community Center should be extended when future development of the surrounding area demands additional community center facilities which should be provided by the extension of the present Community Center and not by creating a new district on the opposite side of Red River Street not integrated with the uses of the Community Center.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the above change in zoning be called for January 6, 1949, at 11:00 A. M. The motion carried by the following vote:

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

Messrs. Sterling Steves and Joe Blades submitted a petition signed by the residents on Speedway between 19th and 21st Streets, asking that the funds allocated in the current budget for the improvement of this portion of Speedway be spent before same expires. Petitioners were advised that the City was ready to go ahead with its part of the cost of paving this street if the University of Texas and the property owners would pay their proportionate part of the cost.

Wm. A. Trenckmann, Attorney, submitted a request that the Mayor, on behalf of the City of Austin, join with the County and the State in a deed of conveyance to Beatrice O. Hardin of certain property acquired at tax sale, to-wit: Lots 1 to 10, Block 3, and Lots 11 and 12, Block 6, M. E. Wilson Subdivision. Councilman Glass moved that the City Manager, the City Attorney, and the City Tax Assessor and Collector be authorized to act for the City along legal lines and make this settlement if the City Attorney advises that same is being done in accordance with law. The motion carried by the following vote:

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land hereinafter described was sold to the City of Austin for taxes by Sheriff's deed dated October 25, 1930; and

WHEREAS, all taxes for which such sale was made have been fully paid; Now, Therefore,

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to Rudolph Rose and wife, Nettie Ray Rose, and to their successors in title, conveying all right, title, and interest of the City of Austin in and to a tract or parcel of land 48'x100', Lot T, Outlot 61, Division B, in the City of Austin, Travis County, Texas.

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

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

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A TRACT OF LAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MANOR ROAD AND MAPLE AVENUE AND CERTAIN LOTS OUT OF FOREST HILLS "B"; CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON WEST 100 FEET OF LOT J, ORIGINAL LOT 5, UNPLATTED, OUTLOT 23, DIVISION C; AND CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON SOUTH 68 FEET OF LOT 8, BLOCK 118, ORIGINAL CITY; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The

motion carried by the following vote:

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

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Glass introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING
CERTAIN DESCRIBED PORTIONS OF SHOAL CREEK
BOULEVARD; 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, Long, 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, Long, 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, Long, Mayor Miller
Noes : None

The Mayor announced that the ordinance had been finally passed.

The Mayor called up for its second reading, 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 141.42 ACRES OF LAND OUT
OF THE JAMES P. DAVIS SURVEY NUMBER 14, THE
GEORGE W. DAVIS SURVEY NUMBER 15, AND THE
GEORGE W. SPEAR LEAGUE SURVEY NUMBER 7, IN
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 second time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

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

The Mayor announced 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 Sedan, Motor No. EAA-175256, State License No. EL-9017, 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, Long, Mayor Miller
Noes : None

The application of D. F. Samuel, 1500 Newning Avenue, for a license to operate as a taxicab a 1947 Chevrolet Sedan, Motor No. EAC-219995, State License No. 9094, 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, Long, Mayor Miller
Noes : None

The application of EDWARD ERNEST ALBRIGHT, Riverside Courts, for a taxicab driver's permit, 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, Long, Mayor Miller
Noes : None

The application of EMMETT EUGENE BRINKLEY, 313 Comal Street, for a taxicab driver's permit, 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, Long, Mayor Miller
Noes : None

The application of HERMAN LOUIS HERZOG, Kyle, Texas, for a taxicab driver's permit, 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, Long, Mayor Miller
Noes : None

The application of CHARLES GORDON JONES, F.P.H.A. Dormitory H, San Jacinto Boulevard, for a taxicab driver's permit, 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, Long, Mayor Miller
Noes : None

The application of JOE JIMENEZ SANCHEZ, Route 2, Box 55, for a taxicab

driver's permit, 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, Long, Mayor Miller
Noes : None

The appeal of TRAVIS CLYDE MILSTEAD, 908 South 2d Street, by his attorney, Ray Stevens, on his application for a taxicab driver's permit, recommended for denial, was heard. After a consideration of the facts in the case, it was moved by Councilman Bartholomew that appellant be granted a 90-days probationary permit. The motion carried by the following vote:

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

The appeal of GILBERT LEDESMA BARBA, 1103 East 8th Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After a consideration of the facts in the case, it was moved by Councilman Glass that appellant be granted a 90-days probationary permit, subject to his filing with the City Manager a letter from the Yellow Cab Company stating that said Company will sponsor him. The motion carried by the following vote:

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

The application of COURTHOUSE CAFE, by Henry M. Robertson and R.M. Royston, 1007 Guadalupe Street, for a wine and beer license, 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, Long, Mayor Miller
Noes : None

The following report of the Board of Adjustment was received:

"December 15, 1948

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

The Board of Adjustment has received the referral of the renewed application of Mr. North Millican for a change of zoning on property located on the north side of West 30th Street and west side of Guadalupe Street.

After reconsideration of this application, the Board has reached the same conclusion as before and begs to refer the Council to its original recommendation dated July 8, 1948, recommending against the change as it does not consider that any conditions or circumstances have changed to justify a change in its recommendation.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

The City Manager submitted the following memorandum:

"December 16, 1948

Memo to : Mr. Guiton Morgan, City Manager

Subject : Boiler Bid Analysis

The bids on two 200,000 #/Hr steam generating units were duly opened on Tuesday morning, December 14, at 10:00 A. M. We are attaching a tabulation of bids as received.

We concur with the recommendation of Burns & McDonnell, Engineering Company, that the bid of Combustion Engineering Company, Inc., New York, is the low bidder. The bid of \$560,113.00 was the lowest and best bid submitted.

A brief summary of the bids is as follows:

<u>Combustion</u>	<u>B & W</u>	<u>Springfield</u>	<u>Riley</u>	<u>Foster-Wheeler</u>
\$560,113.00	\$585,198.00	\$606,687.00	\$636,865.00	\$729,500.00

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has received competitive bids on two 200,000 lbs. per hour steam generating units, as follows:

<u>Combustion</u> <u>Engineering Co., Inc.</u>	<u>Babcock &</u> <u>Wilcox Co.</u>	<u>Springfield</u> <u>Boiler Co.</u>	<u>Riley</u> <u>Stoker Corp.</u>	<u>Foster</u> <u>Wheeler Corp.</u>
\$560,113.00	\$585,198.00	\$606,687.00	\$636,865.00	\$729,500.00

and

WHEREAS, the bid of Combustion Engineering Company, Inc., New York, has been found to be the lowest and best bid considering quality, price, and date of delivery; Now, Therefore,

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to enter into a contract with Combustion Engineering Company, Inc., of New York City, New York, for the purchase of two 200,000 lbs. per hour steam generating units.

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

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

The following report of the Board of Equalization was received and ordered filed:

" December 15, 1948

City Council of the City of Austin
Municipal Building
Austin, Texas

Gentlemen:

In conformity with the provisions of the Charter of the City of Austin, the Board of Equalization heretofore appointed by you herewith submits its final report to the City Council after completion of the Board's work on the tax rolls of the City of Austin for the year 1948.

The Board of Equalization met for business as soon as the City Tax Assessor and Collector had compiled all or any one of the assessment rolls of the City and the Board carefully examined said rolls and has properly and equitably adjusted and equalized the taxable valuesthereon. Numerous protests were heard and adjustments were made where, in the opinion of the Board, such changes were necessary to conform with the policy of seeing that all tax assessments were uniform and equal as provided by law.

The Board of Equalization stands adjourned, subject to call of the City Council to render any assistance the Council may desire.

Respectfully submitted,

(Sgd) H. W. Bull
" L. Theo. Bellmont
" Rickey Key, Chairman. "

It was moved by Councilman Bartholomew that the City Council take up for hearing and consideration, the appeals of taxpayers from the action of the Board of Equalization for the year 1948 at 9:00 A. M., Thursday, December 23, 1948. The motion carried by the following vote:

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

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute for and on behalf of the City of Austin a warranty deed conveying to Julia Vance three certain tracts of land, Tract No. 1 containing 0.514 acres, Tract No. 2 containing 0.311 acres of land, both being part of a street known as Shoal Creek Boulevard, and Tract No. 3 containing 0.139 acres of land out of Outlots 12 and 13, Division E, all in the City of Austin, Travis County, Texas, and in accordance with the terms and provisions of that certain deed, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Deed attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation acting by and through Guiton Morgan, its City Manager, hereunto duly authorized, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by Julia Vance, the receipt of which is hereby acknowledged and for which no lien is retained, has granted, sold, and conveyed, and by these presents does hereby grant, sell and convey unto the said Julia Vance, of the County of Travis and State of Texas, all those certain tracts or parcels of land situated in Travis County, Texas, and described as follows:

Two (2) tracts of land, each being out of and a part of a certain street known as Shoal Creek Boulevard, in the City of Austin, Travis County, Texas, and also being out of and a part of that certain tract of land out of Outlots 12 and 13, Division E, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin, Texas, by deed dated April 26, 1932, of record in Volume 480, at page 203, of the Deed Records of Travis County, Texas, the tract of land herein referred to as No. 1 containing 0.514 of one acre of land and the tract of land hereinafter referred to as No. 2 containing 0.311 of one acre of land, each of said tracts of land being more particularly described by metes and bounds as follows:

TRACT NO. 1:

BEGINNING at an iron pipe set in concrete on the east line of Shoal Creek Boulevard and on the most westerly corner of Lot 15 of Vance Park, according to a map or plat of said Vance Park of record in Book 4, at page 336, of the Plat Records of Travis County, Texas;

THENCE S. $49^{\circ} 35'$ W. 79.27 feet to an iron pipe on the west line of Shoal Creek Boulevard, said west line of Shoal Creek Boulevard being a curve whose intersection angle is $14^{\circ} 18'$, whose tangent distance is 94.98 feet, and whose radius is 757.18 feet;

THENCE following said curving line to the left an arc distance of 94.14 feet, the sub-chord of which arc bears N. $39^{\circ} 42'$ W. 94.08 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the west line of Shoal Creek Boulevard N. $43^{\circ} 16'$ W. 172.24 feet to an iron pipe on the proposed south line of West 19th Street, said proposed south line being a curve whose intersection angle is $121^{\circ} 01'$, whose tangent distance is 100.78 feet and whose radius is 57.00 feet;

THENCE following said curving line to the right an arc distance of 81.85 feet, the sub-chord of which arc bears N. $42^{\circ} 41'$ E. 75.02 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the proposed south line of West 19th Street N. $83^{\circ} 49'$ E. 6.56 feet to an iron pipe on the east line of Shoal Creek Boulevard;

THENCE with the east line of Shoal Creek Boulevard, S. $43^{\circ} 16'$ E. 173.56 feet to the point of curvature of a curve having an intersection angle of $14^{\circ} 18'$, a tangent distance of 91.70 feet, and a radius of 731.01 feet;

THENCE following said curving line to the right an arc distance of 98.15 feet, the sub-chord of which arc bears S. $39^{\circ} 20'$ E. 98.08 feet to the point of beginning.

TRACT NO. 2:

BEGINNING at a concrete monument at the point of intersection of the present south line of West 19th Street with the east line of Shoal Creek Boulevard, said east line of Shoal Creek Boulevard being a curve whose intersection angle is $130^{\circ}17'$, whose tangent distance is 70.47 feet and whose radius is 605.34 feet;

THENCE following said curving line to the left an arc distance of 140.27 feet, the sub-chord of which arc bears S. $36^{\circ}38'$ E. 139.96 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the east line of Shoal Creek Boulevard S. $43^{\circ}16'$ E. 240.30 feet to an iron pipe on the proposed north line of West 19th Street;

THENCE with the proposed north line of West 19th Street, S. $83^{\circ}49'$ W. 42.01 feet to the point of curvature of a curve having an intersection angle of $63^{\circ}46'$, a tangent distance of 45.88 feet and a radius of 73.75 feet;

THENCE following said curving line to the right an arc distance of 82.08 feet, the long chord of which arc bears N. $64^{\circ}18'$ W. 77.93 feet to an iron pipe on the point of compound curvature between the aforementioned curve and a curve having an intersection angle of $140^{\circ}46'$, a tangent distance of 369.82 feet, and a radius of 2853.93 feet, said curve being the east line of Lamar Boulevard;

THENCE following the curving east line of Lamar Boulevard to the right an arc distance of 300.92 feet, the sub-chord of which arc bears N. $29^{\circ}25'$ W. 300.79 feet to an iron pipe on the present south line of West 19th Street;

THENCE with the present south line of West 19th Street, S. $70^{\circ}07'$ E. 12.07 feet to the point of beginning.

TRACT NO. 3:

One hundred thirty-nine one-thousandths (0.139) of one acre of land, same being out of and a part of that certain tract of land out of Outlots 12 and 13, Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin, Texas, by deed dated April 26, 1932, of record in Volume 480, at page 203, of the Deed Records of Travis County, Texas, which 0.139 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe at the point of intersection of the proposed south line of West 19th Street with the west line of Shoal Creek Boulevard;

THENCE with the west line of Shoal Creek Boulevard, S. $43^{\circ}16'$ E. 172.24 feet to an iron pipe on the point of curvature of a curve having an intersection angle of $140^{\circ}18'$, a tangent distance of 94.98 feet, and a radius of 757.18 feet;

THENCE following said curving line to the right an arc distance of 94.14 feet, the sub-chord of which arc bears S. $39^{\circ}42'$ E. 94.08 feet to an iron pipe;

THENCE S. $49^{\circ}35'$ W. 26.63 feet to an iron pipe on the east line of Lamar Boulevard, said east line of Lamar Boulevard being a curve whose intersection angle is $33^{\circ}32'$, whose tangent distance is 337.05 feet, and whose radius is 1118.72 feet;

THENCE following said curving east line of Lamar Boulevard to the left an arc distance of 17.50 feet, the sub-chord of which arc bears N. $39^{\circ}58'$ W. 17.50 feet to the point of tangency of said curve;

THENCE N. $40^{\circ}25'$ W. 52.84 feet to the point of curvature of a curve having an intersection angle of $140^{\circ}46'$, a tangent distance of 369.82 feet, and a radius of 2853.93 feet;

THENCE following said curving east line of Lamar Boulevard to the right an arc distance of 160.93 feet the sub-chord of which arc bears N. $38^{\circ}48'$ W. 160.91 feet to an iron pipe on the point of compound curvature between the aforementioned curve and a curve having an intersection angle of $121^{\circ}01'$, a tangent distance of 100.78 feet, and a radius of 57.00 feet, said curve being the proposed south line of West 19th Street;

THENCE following said curving proposed south line of West 19th Street to the right an arc distance of 38.54 feet, the sub-chord of which arc bears N. $17^{\circ}49'$ W. 37.84 feet to the point of beginning.

TO HAVE AND TO HOLD the above described tracts of land, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Julia Vance, her heirs and assigns, forever, and the City of Austin does hereby bind itself and its successors to warrant and forever defend all and singular the said tracts of land unto the said Julia Vance, her heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS the hand of the City of Austin this ____ day of November, 1948.

CITY OF AUSTIN

Attest:

By

Guilton Morgan
City Manager

City Clerk

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, 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 KINNEY AVENUE from a point 79 feet north of Ashby Avenue southerly 144 feet, the centerline of which gas main shall be 21 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.

- (2) A gas main in SABINE STREET from a point 108 feet north of East 6th Street northerly 45 feet, the centerline of which gas main shall be

28 feet west of and parallel to the east property line of said Sabine Street.

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

- (3) A gas main in EAST 6TH STREET ALLEY, from Sabine Street westerly 60 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said East 6th Street Alley.

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

- (4) A gas main in LERALYNN STREET from a point 25 feet south of Zennia Street southerly to West 51st Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Leralynn Street.

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

- (5) A gas main in WEST 51ST STREET from a point 92 feet east of Leralynn Street westerly 679 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 51st 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.

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, Long, Mayor Miller
Noes : None

It was moved by Mayor Miller that, it having been found that the repairs and improvements to the building of Capitol Lodge No. 23, IOOF, located at 1712 Congress Avenue, necessary to make same safe and less obnoxious to the neighbors could not be carried out under a variation; and believing that under the circumstances a change in zoning would be advantageous to the property and to the neighborhood, the City Council reconsider its action of last regular meeting and grant the change in zoning of said property from "B" Residence District to "C" Commercial District, and instruct the City Attorney to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : Councilman Long

It was moved by Councilman Glass that, considering the high cost of living and maintaining of the standard of living in Austin, all city employees making less than \$350.00 per month be given an increase in salary of Ten Dollars (\$10.00) per month, beginning January 1, 1949; and that the City Manager be instructed to raise the estimated earnings of the Water and Light Department sufficiently to cover this additional expenditure, provided no other source of revenue for same can be found, the raise in light rates not to be put into effect unless it becomes necessary. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller.

Noes : None

It was moved by Councilman Johnson that the Christmas holidays for city employees begin at noon, December 24. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

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

Approved:

Tom Miller

MAYOR

Attest:

Shelia M. Allen

CITY CLERK