

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

November 4, 1948  
10:40 A.M.

Council Chamber, City Hall

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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. 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 committee from the Violet Crown Garden Club, composed of Mrs. B. P. Clark, Mrs. Ella Jessen, Mrs. Evelyn Harris, and others, came before the Council and renewed their protests against any advertisement on waiting benches at bus stops in the residential areas, but stated that their objections did not apply to advertisements on benches in commercial and industrial areas. They also protested the placing of benches around the schools.

A tentative ordinance governing the installation of waiting benches by ordinance instead of franchise was then read, discussed at length, and referred to the City Attorney for final draft.

The public hearing on the applications of J. M. Muggley and Mr. and Mrs. George Newgent for change in zoning of their properties at 2511 and 2509 Pearl Street, respectively, continued from the last regular meeting, was resumed.

J. W. Muggley, Attorney, representing J. M. Muggley and Mrs. Frances Muggley, plead for the change on the grounds that by reason of its proximity to the University, the trend in this area is towards University housing and that the property would never be suitable for single residence use; and that applicants propose to build a duplex garage apartment on the rear of the lot and later a triplex apartment on the front of the lot.

The following property owners appeared and renewed their protests against the change chiefly on account of the traffic and parking hazard created by additional cars in the alley ; and also the health menace to the

locality by reason of additional garbage cans:

Jack Gray;  
Mrs. Mary E. Goldman;  
Mrs. L. T. Bellmont; and others.

Councilman Bartholomew then 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-1" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 19 AND 20, WOOTEN'S SUBDIVISION OF OUTLOT 53, DIVISION "D", 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 Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion lost by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson  
Noes : Councilman Long and Mayor Miller

It being evident that the ordinance would be passed finally, and in order that same might be finally passed at this meeting, Councilman Long and Mayor Miller withdrew their objections, and voted "aye" on suspension of the rule and placing of the ordinance on its second reading.

The ordinance was then 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, Long, Mayor Miller  
Noes : None

The ordinance was then 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, Long, Mayor Miller  
Noes : None

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

Pursuant to published notice thereof, the public hearing on the application of Harvey E. Willeford, by Raymond Furr, Attorney, 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" Residential District to "C" Commercial District:

Lot 7, Block 3, Plainview Heights, located at  
3500 East Avenue, back portion of lot, 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, Long, Mayor Miller  
Noes : None

Mrs. O. F. Wolff came before the Council and asked that the alley in the rear of her property on Garwood Street between Pleasant Valley Road and Tillery Street be vacated, claiming that said alley has never been opened or used. The matter was referred to the City Manager and the Director of Public Works for investigation.

An appeal by Ayres K. Ross, Attorney for Bennet Roy Nance, on his client's application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Glass 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 application of F. S. Mangum for change in zoning, from "A" Residence District to "C" Commercial District, of property fronting on Manor Road, beginning at the intersection of Manor Road and Cherrywood Street and extending east from this point on Manor Road 350 feet, with a depth of 160 feet, 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

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

Applicant: Mr. and Mrs. W. H. Wuthrich, by Stanford Payne

- I. Referred to the Board by the City Council on : October 21, 1948
- II. Property affected:

The east 200'x200', or .92 acres, of a 1.65 acre tract out of the George W. Spear League, being located 300 feet west of Georgetown Road on the south side of North Loop Boulevard and locally known as 825 North Loop Boulevard.

III. To be changed

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

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

IV. Considered by the Board on : November 2, 1948

V. Parties appearing:

For : Mr. and Mrs. Wuthrich and Stanford Payne

Against: None

VI. Action of the Board: Change recommended to include the west 150 feet of a 1.39 acre tract out of the Spear League which is located between the property requested to be changed and the existing commercial district adjacent to Georgetown Road.

For the following reasons:

1. This application is for a change of zoning for the purpose of erecting a telephone relay building and the property is now zoned "A" Residence District.
2. The property is located immediately south across North Loop Boulevard from a "C" Commercial District but would leave a 150-foot strip of "A" Residence District between this property and the commercial district adjacent to the Georgetown Road, which is a part of the commercial property on which the Chicken Shack is now located.
3. The Board deemed that to change this property would not be objectionable if the intervening "A" Residence District is included in the change and, therefore, recommends that the change be made to include all of the property between the west property line of the .92 acre tract and the commercial zone along Georgetown Road.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Bartholomew moved that a public hearing on the foregoing application for change in zoning be called for November 24, 1948, at 11:00 A.M. The motion carried by the following vote:

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

The City Manager reported that in pursuance of policy adopted by the State Highway Department in permitting cities to furnish estimated population figures instead of the latest Federal census population, to be placed on city

limits markers on highways at the city limits of all incorporated towns, the estimated population of the City of Austin, based on figures submitted by the Southwestern Bell Telephone Company and the utilities division, had been determined to be 145,029 as of December 31, 1948. The City Manager was then authorized to write a letter to the State Highway Department giving said figure as the official estimated population of the City .

The City Manager reported to the Council that it will be necessary to buy additional right-of-way, at an estimated cost of \$50,000.00, for grade separation and interchange of roads at intersection of East Avenue and Airport Boulevard, required by the State Highway Department. Action on the matter was deferred.

The City Manager submitted the following memorandum:

"November 4, 1948

Memorandum to : Guiton Morgan, City Manager

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

Bids were received Tuesday of this week for the resurfacing of the following streets:

West 6th Street from San Antonio Street to West Avenue;  
Colorado Street from West 6th Street to West 8th Street;  
West 10th Street from Colorado Street to Lavaca Street.

Only one bid was received, that of Collins Construction Company, in the amount of \$11,700.00.

This bid was within \$200.00 of our estimate and we recommend that the contract be awarded.

(Sgd) J. E. Motheral. "

Councilman Bartholomew moved that the City Manager be authorized to accept said bid of Collins Construction Company, in the amount of \$11,700.00, and to enter into contract accordingly. The motion carried by the following vote:

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

The City Manager submitted the following memorandum:

"November 3, 1948

Memorandum to : Guiton Morgan, City Manager

Reference : 30" Water Line

We advertised for bids on 30" cast iron or prestressed concrete steel cylindrical pipe on October 17th and October 24th. Three bids were received and opened on November 2nd at 10:00 A. M. Bids were received from the United States Cast Iron Pipe and Foundry Company, Gifford-Hill-American, and Lock Joint Pipe

Company. Attached you will find the tabulation of the bids and bid proposals of the three companies.

The summaries of the bids received are as follows:

United States Cast Iron Pipe & Foundry Company - - -	\$330,911.06
Lock Joint Pipe Company - - - - -	235,740.00
Gifford-Hill-American - - - - -	227,945.00

We recommend that the order be given to Gifford-Hill-American as the lowest and best bid.

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

Councilman Glass moved that the recommendations of the City Manager and the Director of Utilities be approved, and the bid of Gifford-Hill-American, in the amount of \$227,945.00, be accepted as the lowest and best bid; and the City Manager be authorized to enter into contract accordingly. The motion carried by the following vote:

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

The City Manager submitted tabulation of bids received for tires, and recommended that the bid of the Blue Pennant Tire Service on truck service, in the amount of \$19,754.90 net, and the bid of Willie Kocurek on passenger service in the amount of \$9,158.95, be accepted as the lowest and best bids. Councilman Johnson moved that the recommendations of the City Manager be approved and the bids of the Blue Pennant Tire Service on truck service, in the amount of \$19,754.90 net, and the bid of Willie Kocurek on passenger service, in the amount of \$9,158.95, be accepted. The motion carried by the following vote:

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

The City Manager submitted a request from the Reverend David L. Stitt, President of the Austin Presbyterian Theological Seminary, asking that the traffic-flow on Wichita Street from 26th to 27th Streets be reversed and made one-way north instead of one-way south. Councilman Johnson moved that the request be granted, and the City Attorney be instructed to prepare an amendment to the Traffic Code accordingly and submit to the Council. The motion carried by the following vote:

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

The application of EUGENE JOE JORDAN, 1504 Newfield Lane, for a license to operate as a taxicab a 4-door Chevrolet, 1946 Model, Motor No. DAA-96613, State License No. JD-1175, 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, Long, Mayor Miller  
Noes : None

The application of WALTER GILBERT STROMQUIST, 906 East 43rd Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1942 Model, Motor

No. 18-6881310, State License No. JC-6978, 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, Long, Mayor Miller  
Noes : None

The application of WALTER I. MARVIN, 109 Chicon 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, Long, Mayor Miller  
Noes : None

The application of JAMES OLIVER YOUNG, 1010 Lavaca 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, Long, Mayor Miller  
Noes : None

The appeal of CHARLES EDWARD LEE, Colored, Route 4, Box 162, 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. The motion carried by the following vote:

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

The application of BRITT'S CAFE, by Britt P. Kinsey, 1812 East 6th Street, for a retail dealer's "On-Premise" beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of TRADER'S CAFE, by W. P. Whited and Calvin C. Riggs, 2713 East 5th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of the OASIS, by F. R. Arnhsam, 401 Barton Springs Road, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The following resolution was introduced:

(RESOLUTION)

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

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

P. G. Cummings, Jr., -	1940, 1941, 1942, 1945	\$15.74
H. L. Conn	1941	.69
Ernest T. Swinden	1944	2.23
Bernard Goodstein	1941	7.44
Phil Y. Downing	1941	3.21
George Clarke	1936 thru 1939, 1944, 1947	29.64
Alvin E. Cowan	1944	6.23
James R. Graves	1941	2.63
Horton Wayne Smith	1942	6.44
Pete Rincon	1944	2.35
Malcolm V. Tyson	1941, 1942	6.43
Fritz A. Miller	1938, 1939, 1941, 1942	8.64
John O. Steadman	1937	3.19
Joe Varden	1941	.23
		<u>\$95.09</u>

and

WHEREAS, on the above accounts penalties and interest in the sum of \$16.77 was collected; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

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

The resolution was adopted 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:

*Hellie Mc Kellan*

CITY CLERK