

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 10, 1948

10:55 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. 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 Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING THE PLACING AND MAINTAINING OF WAITING BENCHES AT BUS STOPS ON PUBLIC PROPERTY IN THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long 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, Long, Mayor Miller
Noes : Councilmen Glass and Johnson

It being evident that the ordinance would be passed finally, Councilmen Glass and Johnson withdrew their objections and voted "aye" on suspension of the rule and passing of the ordinance to its second reading, in order that the ordinance might be finally acted on at this meeting.

The ordinance was then read the second time and Councilman Long 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 Long 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.

Pursuant to published notice thereof, the public hearing on the application of Jasper Glover to amend the Zoning Ordinance in the following particular:

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

Lot 10, Block 5, Outlot 9, Division "B", Grandview Heights, triangle corner of East 11th Street and Prospect Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared and plead for the change, substantially as follows:

Jasper Glover, proponent, stated that he wanted to build a grocery store and ice house, which was badly needed in the community; and that the property was once used for commercial purposes.

The following appeared and opposed the change substantially as follows:

O.R. Lott, the Pilgrim's Baptist Church, by its pastor, and others, who stated that they have their homes there and wish to keep this a residential section; that they would agree to a variation for a setback and in that way proponent could save his investment without a change in zoning.

Proponent then asked to withdraw his application; and the request was granted, and the application was withdrawn.

A representative from the rendering plant at Camp Swift came before the Council and asked for permission to remove dead animals from the Incinerator to the plant at Camp Swift. The matter was referred to the City Manager and the Health Department to grant the request, such removal to be carried out in accordance with requirements of the City Manager and the Health Department.

The application of Paul Simms, by W. D. Hart, Attorney, for change in zoning, from "A" Residence District to "C" Commercial District, of property located at the corner of 35th and San Gabriel Streets was received. Councilman Glass moved that the application be referred to the Zoning 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 L. P. McCarty for change in zoning, from "A" Residence

District to "C" Commercial District, of property located at 2116 West 49th Street, was received. Councilman Johnson 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

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 7, BLOCK 3, PLAINVIEW HEIGHTS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, 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 then announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 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 first time and laid over for publication.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE AUTHORIZING THE MISSOURI, PACIFIC LINES TO EXTEND, CONSTRUCT, MAINTAIN, OPERATE, AND USE CERTAIN RAILWAY TRACK IN, UPON AND ALONG THE SOUTH SIDE OF WEST 4TH STREET, BETWEEN NUECES AND SAN ANTONIO STREETS IN THE CITY OF AUSTIN, TEXAS, SUBJECT TO CERTAIN CONDITIONS; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ UPON THREE SEPARATE DAYS," PASSED BY THE CITY COUNCIL ON THE 21ST DAY OF OCTOBER, 1948, AND RECORDED IN BOOK "N", AT PAGES 347-348, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY DELETING THE WORDS "MISSOURI PACIFIC LINES" WHEREVER THE SAME MAY APPEAR IN SAID ORDINANCE AND SUBSTITUTING IN LIEU THEREOF IN EACH AND EVERY SUCH PLACE THE WORDS "GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILROAD, DEBTOR," AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ UPON 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 Bartholomew 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 a release of all public utility and drainage reservations now existing on a ten (10) foot strip along the south side of Lot 7, of Hancock Park, a subdivision of a portion of Outlot 22, Division C, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Hancock Park, of record in Book 4, page 345, of 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, Long, Mayor Miller
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Gilton Morgan, City Manager, be and he is hereby authorized and directed to execute a release of all public utility and drainage reservations now existing on a ten (10) foot strip across Lot 11 of Fowler Heights, a subdivision of a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, according to a map or plat of said Fowler Heights of record in Book 5, page 26, of 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, Long, Mayor Miller
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EAST 47TH STREET from a point 135 feet west of Caswell Avenue westerly 21 feet, the center-line of which gas main shall be 21 feet south of and parallel to the north property line of said East 47th Street.

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

- (2) A gas main in BOWLING GREEN DRIVE from a point 215 feet south of Colfax Avenue southerly 109 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Bowling Green Drive.

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

- (3) A gas main in VISTA LANE from a point 212 feet north of Windsor Road northerly 77 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Vista Lane.

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

- (4) A gas main in EAST 32ND STREET from a point 185 feet west of Dancy Street westerly 64 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 32nd Street.

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

- (5) A gas main in RALEIGH AVENUE, from a point 93 feet south of Gilbert Street southerly 259 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.

- (6) A gas main in CONCHO STREET from Rosewood Avenue southerly 162 feet, the centerline of which gas main shall be 2 feet west of and parallel to the east property line of said Concho Street.

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

- (7) A gas main in WEST 51ST STREET from a point 414 feet east of Woodrow Avenue easterly 108 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.

- (8) A gas main in ALGARITA AVENUE from a point 102 feet east of Glendale Place easterly 36 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Algarita Street.

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

- (9) A gas main in HELMS STREET from a point 154 feet south of East 33rd Street southerly 50 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Helms Street.

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

- (10) A gas main in CHARLOTTE STREET from West 10th Street northerly 90 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Charlotte Street.

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

- (11) A gas main in GLISSMAN ROAD from Springdale Road easterly 430 feet, the centerline of which gas main shall be 12.5 feet south of and parallel to the north property line of said Glissman Road.

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

- (12) A gas main in GOODRICH AVENUE from Fredericksburg Road to Frazier Avenue, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Goodrich Avenue.

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

- (13) A gas main in FRAZIER AVENUE from Goodrich Avenue westerly 516 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Frazier Avenue.

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

- (14) A gas main in RIDGE OAK DRIVE from a point 150 feet west of Crestway Drive westerly 258 feet, the centerline of which gas main shall be 5.5 feet north of and parallel to the south property line of said Ridge Oak Drive.

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

- (15) A gas main in RIDGE OAK DRIVE from Crestway Drive to Lake View, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said Ridge Oak Drive.

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

- (16) A gas main in LAKE VIEW from Ridge Oak Drive westerly approximately 382 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said Lake View

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

The application of D. F. SAMUEL, 1500 Newning Avenue, for a taxicab license covering a 4-door Chevrolet Sedan, 1947 Model, Motor No. EAA-175256, State License No. EL-9017, 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 CHARLES L. SUMMERS, 1304 South 5th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1948 Model, Motor No. FAM-16245, State License No. JC-5162, 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 ZARAGOZA CASTILLO, 2203 Santa Maria Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of BILLY RAY JOHNSON, 2407 East 2nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of LAWRENCE EDWARD MULLINS, 1911-B West 7th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of NELSON JAMES PIKE, 4913 Bennett 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, Long, Mayor Miller
Noes : None

The application of TALMADGE R. RUCKER, Dormitory J, 2500 San Jacinto Boulevard, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of THOMAS JERRY SMITH, 1604 Rio Grande Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of C O D BAR, by Joe Millicia and Tony Hinojosa, 718 East 6th 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 following application for a private boat license, duly approved by the Navigation Board, was submitted:

<u>Owner</u>	<u>Description</u>
Thomas, Clifford - 109 Tillery Street	Home-built, Outboard, 4-passenger

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

It was moved by Councilman Glass that an advisory board consisting of seven members be appointed to study the proposal of the Southwestern Bell Telephone Company for an increase in its telephone rates, and submit its recommendations and findings to the City Council. The motion carried by the following vote:

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

It was then moved by Councilman Glass that Messrs. Fagan Dickson and Morin Scott be appointed as members of said advisory board. 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:

Lillian M. Keller

CITY CLERK