

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 25, 1948

10:20 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, and  
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Mr. Fred Folmer, Associate Librarian at the University of Texas, and Mrs. Robert H. Wilson, Director of Extension of the State Library, came before the Council and asked permission to park a bookmobile somewhere within the vicinity of the Driskill Hotel for the period from April 1 to April 3, during the Texas Library Association Convention. Councilman Bartholomew moved that the permit be granted, subject to the approval of the owners of the building and the assistance of the Police Department. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Kurt R. Meyer came before the Council and complained of the dilapidated condition of the bridge on Riverside Drive, and asked that same be repaired. Councilman Johnson moved that the matter be referred to the City Manager to work out a remedy and make temporary repairs until a new culvert can be built; and, further, that the City Manager be instructed to contact George Hatley, owner, with a view to getting the big hole in the old Quarry Road by the Dam filled in. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

It was moved by Councilman Bartholomew that the application of Mrs. George R. Felter for a change in zoning, from "A" to "B" Residence Districts, of the property located at the corner of Waterston and Charlotte Streets, action on same having been postponed from the last regular meeting,

be granted, and the City Attorney be instructed to prepare an amendment to the Zoning Ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Mrs. John J. Truehitt came before the Council and asked for financial assistance from the City by reason of her husband having died of a heart attack while on duty as an employe of the City. The matter was referred to the City Manager for investigation to determine what the City could do .

Mr. R. C. White came before the Council and requested that he be permitted to let his building at 2608 West 8th Street stand as it is, said building having been erected without a building permit and not in conformity with the building line, and his application to the Zoning Board for a variation having been denied. The matter was taken under advisement by the City Council for an inspection on the ground.

Representatives from the Chamber of Commerce, Junior Chamber of Commerce, planners, architects, and other interested persons were present to hear the report of Fehr & Granger, Architects, on the all-purpose coliseum. Following a discussion of the matter, it was the sense of the Council that the coliseum be built primarily for livestock exhibitions and not for basket ball or orchestras, but that it could be used by various groups throughout the year for meetings. The Chambers of Commerce were requested to meet with the Architects and work out their suggestions in order to get the work started as soon as possible. The Architects were also asked to submit to Councilman Glass estimates for making lean-tos or extra wings to the coliseum.

Mr. Henry Ramsey, President of the Junior Chamber of Commerce, submitted a request that a man be appointed to handle a basketball program similar to the way Mr. Kneble did the baseball. He was asked to look into the matter and see what could be worked out.

It was the sense of the Council that the proclamation by the Mayor, designating the week beginning April 1, 1948, as "Clean-up, Paint-up, and Fix-up week", requested by the Junior Chamber of Commerce, be approved.

The Director of Public Works submitted a report on the waiting benches for bus stops to be donated by Chas. L. Sandahl and associates, the final plans of same to be submitted the City Council at its next regular meeting, and upon approval by the Director of Public Works, to be accepted by the City Council, the City to deliver and set up the benches, designate the locations with the approval of the property owners, bus company, and Police Department. The City Attorney was instructed to prepare a legal opinion on the City's liability in the matter and have it ready for submission at the next regular meeting.

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

<u>Owner</u>	<u>Description</u>
Kenley, Ed and Carl C. Conley-214 Archway	Custom-built, Inboard, 1942 Model, White-Engine, 6-passenger
Armstrong, W.E., 1011 West 33rd Street	Home-made, Outboard, 1947 Model, Elgin, 4-passenger

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry  
 Noes : None

The application of H. H. Lenthe for change in zoning, from "A" Residence District to "C" Commercial District, of property located at the intersection of Manor Road and Airport Boulevard, northeast corner, was received. Councilman Glass 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, Mayor Miller, and Councilman Thornberry  
 Noes : None

The application of Mrs. J. W. Templer for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 1, 2, 3, and 4, located at the southeast corner of Fredericksburg Road and West Gibson Streets, 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, Mayor Miller, and Councilman Thornberry  
 Noes : None

The application of Paul O. Simms for change in zoning, from "C" Commercial District to "C-1" Commercial District, of Lots 7 and 8, Block 1, Raymond Addition, located at 901 West 6th Street, was received. Councilman Thornberry 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, Mayor Miller, and Councilman Thornberry  
 Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, all taxes due and owing for the years 1873 and 1874 on the land hereinafter described, 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 George B. Zimpleman, and to his successors in title, conveying all right,

title, and interest of the City of Austin in and to Lots One (1) to Twelve (12) in Block Four (4) of the Subdivision of Block Four (4) of Division "A", 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, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

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

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Applicants: Paul O. Simms, Mrs. Mary Lee Miller, and MooreConner

I. Referred to the Board by the City Council on : March 11, 1948

II. Property affected:

All of Lots 4 and 5, Block 36, being the southwest one-quarter of the block and located at the northeast corner of Guadalupe and West 17th Streets

III. To be changed

From : #C# Commercial District

To : #C-1# Commercial District

IV. Considered by the Board on : March 23, 1948

V. Parties appearing:

For : Paul O. Simms, C. A. Paxton, and David J. Pickle

Against: Mrs. Lawrence Stevenson for the Council of Churches and the organization of house mothers; Mrs. Fannie Woods, and Mrs. Ernest L. Fender; and Miss Estelle Lewright to the Chairman by telephone, and a telegram from Dr. Clay Nichols, Sr., was received objecting to this change.

VI. Action of the Board: Change not recommended.

For the following reasons:

1. Requests for change of zoning of the one-quarter block were made to permit the owner of the corner property to lease his existing commercial building for the operation of a restaurant serving beer, this applicant being joined by the two adjoining property owners. The applicant states that the sale of beer is indispensable for the operation of a cafe.

2. Objection was expressed by two adjacent property owners and others interested in the effect of the change on lodging houses for University students in the neighborhood.
3. The Board deemed after a careful study of the development in this area and the existing "C-1" Commercial property, that this change should not be made since it is the judgment of the Board that the present "C-1" Commercial District along Lavaca Street and north on Guadalupe Street from 19th Street should not be extended at this time, and that this application is not in response to public demand or necessity since there is property available in the "C-1" zone undeveloped for the permitted use.
4. The Board further deems that the frequent contention that the sale of beer is indispensable for success of the operation of a restaurant is not a valid cause for changing zoning classifications of commercial property, as there are numerous successful restaurants operating in the City where no beer is served.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Thornberry moved that a public hearing on the above change in zoning be set for Thursday, April 15, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

Councilman Glass moved that a public hearing on the application of Mrs. Samuel E. Gideon for change in zoning, from "A" Residence District to "B" Residence District, of her property described as 110'x171' off the south part of the north one-half of Block 64, Division "D", being on the west side of Salado Street between 26th and 28th Streets, in the City of Austin, be set for Thursday, April 15, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN PUBLIC ALLEY TRAVERSING BLOCK 1 OF LAUREL HEIGHTS ADDITION IN THE CITY OF AUSTIN, AND RESERVING THE CITY OF AUSTIN'S RIGHTS FOR PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON 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, and  
Councilman Thornberry

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, and  
Councilman Thornberry

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, and  
Councilman Thornberry

Noes : None

Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III RELATING TO SIGNAL LIGHT LOCATIONS, AND AMENDING SECTION 34(b) OF ARTICLE V RELATING TO ONE-WAY STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry 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, and  
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry 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, and  
Councilman Thornberry

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Mayor Miller announced that the ordinance had been finally passed.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A HIGHWAY-RAILROAD GRADE CROSSING PROTECTION DEVICE ON SPUR HIGHWAY 178 (EAST 7TH STREET) WHERE SAID STREET CROSSES THE LINE OF THE TEXAS AND NEW ORLEANS RAILROAD COMPANY IN THE CITY OF AUSTIN, TEXAS, AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY, THE STATE OF TEXAS AND THE RAILROAD COMPANY FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE AND THE USE OF SAID PROTECTION DEVICE PROJECT; FOR THE PAYMENT, BY THE STATE OF TEXAS, OF THE CONSTRUCTION COSTS OF SAID PROTECTION DEVICE PROJECT; FOR THE ASSUMPTION, BY THE CITY, OF ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY AND BUSINESS AND TO TENANT OR OCCUPANT THEREOF BY REASON OF THE INSTALLATION OF SAID PROTECTION DEVICE PROJECT; FOR THE PROTECTION OF THE STATE OF TEXAS AND THE RAILROAD COMPANY AGAINST ALL SUCH DAMAGES AND EXPENSES IN CONNECTION WITH A CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

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, Mayor Miller, and  
Councilman Thornberry

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, Mayor Miller, and  
Councilman Thornberry

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, Mayor Miller, and  
Councilman Thornberry

Noes : None

Mayor Miller announced that the ordinance had been finally passed.

Councilman Glass 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 FLETCHER STREET from a point 205 feet west of South 2nd Street easterly 50 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Fletcher Street.

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

- (2) A gas main in CEDAR AVENUE, from a point 85 feet north of New York Avenue south to New York Avenue, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Cedar Avenue.

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

- (3) A gas main in NEW YORK AVENUE, from Cedar Avenue westerly 177 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said New York Avenue.

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

- (4) A gas main in EVANS AVENUE, from a point 280 feet north of East 54th Street northerly 76 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Evans Avenue.

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

- (5) A gas main EAST 54TH STREET, from a point 297 feet east of Bennett Avenue easterly 95 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 54th Street.

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

- (6) A gas main in SINGLETON AVENUE, from a point 112 feet south of East 14th Street northerly 84 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said Singleton Avenue.

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

- (7) A gas main in VERMONT ROAD, from a point 296 feet north of East 5th Street northerly 353 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Vermont Road.

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

- (8) A gas main in EAST 52ND STREET from Depew Avenue westerly 149 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 52nd Street.

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

- (9) A gas main in NAVASOTA STREET, from a point 83 feet north of Myrtle Street southerly 18 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Navasota Street.

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

- (10) A gas main in EAST 40TH STREET, from a point 27 feet west of Brookview Road easterly 33 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 40th Street.

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

- (11) A gas main in BROOKVIEW ROAD, from East 40th Street southerly 315 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said Brookview Road.

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, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex D. Kitchens is the Contractor for the erection and repair of a building located at 122 East 7th Street and desires a portion of the street space abutting the east part of Lot 12, Block 84, of the Original City of Austin, Travis County, Texas, during the erection and repair 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 the space for the uses hereinabove enumerated be granted to said Rex D. Kitchens, the boundary of which is described as follows:

Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 7th Street to a point 5 feet north of the north curb line; thence in a westerly direction and parallel to the centerline of East 7th Street approximately 35 feet to a point; thence in a northerly direction and at right angles to the centerline of East 7th Street to the south line of the above described property.

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Brazos Street to a point 5 feet west of the west curb line; thence in a northerly direction and parallel to the centerline of Brazos Street approximately 30 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the east line of the above described property.

2. That the above privileges and allotment of space are granted to the said Rex D. Kitchens, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, west, north, and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored. (The Contractor will also be permitted to use one parking meter space immediately in front of his work on East 7th Street during the demolition of a portion of the old building for the removal of the materials).

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

(3) 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.

(4) 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.

(5) 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 June 1, 1948.

(6) 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.

(7) 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.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person or persons 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, and  
Councilman Thornberry

Noes : None

The written request of Robert M. Strickland for permission to construct a riding ring in Zilker Park was received. The matter was referred to the City Manager and the Superintendent of Recreation for disposition.

The Mayor gave a brief report on the proposed survey by an engineer to determine the feasibility of relocating the railroad tracks as called for in the Master Plan, stating that the Missouri Pacific Railroad favored the survey but might not be able to contribute to the cost; and stating further that he and the City Manager were to meet with the State Highway Commission on April 1, at 2:00 P. M., regarding the matter.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization has indicated informally to the City Council that in accordance with the provisions of the Charter of the City of Austin, the Board will make its final report to the City Council before April 1, 1948; and

WHEREAS, it is provided by the Charter that appeals from decisions of the Board of Equalization may be made to the City Council within thirty (30) days after final report of the Board of Equalization; Now, Therefore,

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

That the following policies with respect to equalization of taxable values, the giving of notices, and the hearing of appeals be and the same are hereby adopted:

(1) That due notice in writing be given to every person, firm, and corporation having a protest as to taxable valuation considered and acted upon by the Board of Equalization, and that such notices be given prior to April 1, 1948, and inform the person, firm, or corporation as to the action of the Board with reference to such valuation.

(2) That the City Council as soon after April 1, 1948, as practicable shall begin hearing appeals from decisions of the Board of Equalization filed in accordance with the Charter by taxpayers indicating a dissatisfaction with the decision of said Board of Equalization, such appeals to be in writing stating the things complained of and to be filed within thirty (30) days after the Board has made its final report to the City Council.

(3) That pending the hearing of any appeal and decision of the City Council on such appeal, a taxpayer shall be permitted to pay taxes under protest and without prejudice to his right to refund in the event valuation of such taxpayer's property shall be changed or reduced by action of the City Council.

(4) That members of the Board of Equalization be requested to remain available to furnish facts and information to the City Council during the hearing of appeals from the decision of the Board of Equalization.

(5) That on or before April 1, 1948, the City Council by ordinance will fix a policy as to payment of penalty and interest as provided by the Charter of 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, and  
Councilman Thornberry

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 September 2, 1903; 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 William Stewart, and to his successors in title, conveying all right, title, and interest of the City of Austin in and to one (1) acre, Abstract 697, Survey 7, George W. Spear Original Grantee, 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, Mayor Miller, and  
Councilman Thornberry

Noes : None

It was the sense of the Council that those city employees wishing to attend religious services on Good Friday, March 26, be given time off for that purpose.

The City Council, by rising vote, took notice of the passing of Mr. John Nash, a former member of the Park Board, who was, also, active in civic affairs; and instructed the City Attorney to send a letter of sympathy to the family of the deceased.

The Director of Public Works was authorized to advertise for bids on the construction of the tennis center, located between Lamar Boulevard, West 24th Street, and Shoal Creek Boulevard, to be built jointly by the City and W. T. Caswell.

The following report of the Board of Adjustment was received:

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

---

Applicant: E. T. McGregor

I. Referred to the Board by the City Council on : March 11, 1948

II. Property affected:

North 64 feet of Lot 19, Outlot 57, Division "E", being locally known as 1809 San Jacinto Boulevard

III. To be changed

From: "C" Commercial District

To : "C-2" Commercial District

IV. Considered by the Board on : March 23, 1948

V. Parties appearing:

For : E. T. McGregor

Against: Mrs. M. Wende, Mr. and Mrs. C. K. Gray, Mrs. L.C. Banks, Mrs. George Bear, Mrs. Fannie Woods, Mrs. Ernest L. Fender, and Mr. Arno Nowotny, Dean of Men at the University of Texas, and letters from Mr. C. D. Simmons, Vice-President and Comptroller of the University, and Mr. Willie Kocurek, Vice-President-in-Charge, Educational Bureau of the Chamber of Commerce, were filed, objecting to the change.

VI. Action of the Board: Change not recommended

For the following reasons:

1. The applicant affirms that he now operates a food store at this location, having sold the property recently but retaining a ten-year lease, and that he is asking for a change to permit the sale of package beer.
2. Opposition was expressed by representatives of the University of Texas, adjacent property owners, and house mothers of lodging houses for University students, on the grounds that the sale of beer or liquor is objectionable near the University where numerous students are attending school and residing on the campus, and that there is no need for additional locations where beer or liquor may be dispensed for on-site or off-site consumption, there being several non-conforming business establishments of this type in the neighborhood now.

3. The Council having established special zones for the sale of beer under certain conditions, the Board assumes that this has been a declaration of a public policy of the community and has been declared a legal exercise of the legislative powers of the Council and, therefore, to establish spot zones to individual property owners would be contrary to the declared policy embodied in the Zoning Ordinance and not in accord with a comprehensive plan nor serve any public convenience and necessity. This application for this change appears solely to be for the purpose of added financial gain to the applicant, bearing no relation to the common good.
4. The maps of the City of Austin indicate that this property is within 300 feet of the University of Texas campus and may thus be a violation of the statute restricting the dispensing of intoxicating beverages within this district.
5. The records of the City show that a similar attempt was made to sell intoxicating beverages across San Jacinto Boulevard, which was denied by the City Council and also upheld in a subsequent suit in the District Court, and this use was not permitted at this location.
6. In view of the above consideration, the Board deems that aside from the questionable legality of this change in use, the application should be denied in conformity with the general policy established as expressed in the existence of special zones where this use is permitted.

(Sgd) H. F. Kuehne  
Chairman "

The following report of the Board of Adjustment was received:

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

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Applicant: Otis L. Bush

- I. Referred to the Board by the City Council on : March 11, 1948
- II. Property affected:
 

Lot 11, Mont Dale Addition, being located on the west side of Exposition Boulevard between Warren Street and Carlton Road.
- III. To be changed
 

From : "A" Residence District

To : "B-1" Residence District
- IV. Considered by the Board on : March 23, 1948

## V. Parties appearing:

For : Otis L. Bush

Against: E. J. Hood

## VI. Action of the Board: Change not recommended.

## For the following reasons:

1. This request for a change of zoning is made to enable the owner to erect two four-unit apartment houses on his lot which is now restricted to two-family units, the applicant affirming that he has had requests for apartment units by employees of the Highway Department and Camp Mabry, and amended his petition to ask for a "B-1" Residence District which excludes fraternities, sororities, etc.
2. Objection to this change was voiced by E. J. Hood, owner of adjacent property, on the grounds that this is a sparsely settled area but developed for large homes and small estates, and that an apartment house district should be in more highly concentrated areas nearer the business section of the City, that there is no demand for apartment houses in this remote section except from Camp Mabry and the Highway Department which are served by existing apartments and rental property in the neighborhood, and that this change would decrease the value of surrounding property for residential purposes.
3. The Board deemed that to change this one lot would be creating a spot "B-1" zone in a high-class residential district for the benefit of one property owner and not in response to public necessity or demand, and that it is the judgment of the Board that the property is now properly classified as "A" Residence District.

(Sgd) H. F. Kuehne  
Chairman. "

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

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Applicant: Serapio Sanchez, by David J. Pickle

I. Referred to the Board by the City Council on : March 11, 1948

II. Property affected:

The east 50 feet of Lot 10, Block 2, Riverside Addition in Outlot 36, Division "O", being located at the southwest corner of East 1st and Chicon Streets and locally known as 1811 East 1st Street.

## III. To be changed

From : "C" Commercial District

To : "C-1" Commercial District

## IV. Considered by the Board on : March 23, 1948

## V. Parties appearing:

For : David J. Pickle and Serapio Sanchez

Against: J. H. Raby, Albert Lane, Julius Strickland, Reverend Harry Pesnell, Pastor, all in interest of the Baptist Temple which is located one block from this property, and H. Von Kalow, J. F. Clark, E. A. Ripperger, Mrs. E. H. Mancill, Mr. and Mrs. Grover C. Partain, A. E. Norman for Mrs. W. H. Taft.

## VI. Action of the Board : Change not recommended.

## For the following reasons:

1. The applicant affirms that he is requesting a change of zoning on his property to permit the sale of beer in a restaurant which will be established here if the zone is changed.
2. Strenuous opposition was expressed to this change on the grounds that there is a church located one block south and members attending services use a bus stop directly in front of this property, and that children pass this location going to and from school in the neighborhood, and on the further grounds that there is no need for this type of use in the neighborhood already developed with numerous homes which would be adversely affected by the change, and that the heavy traffic on East Ist Street would be increased by this business because of narrow driveways on the property.
3. The Board deemed that this change should not be made in view of the objections expressed and the fact that this would create a spot zone for the benefit of one property owner and not in response to any public demand or necessity.

(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 M. Miller City Clerk