

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 20, 1936

The meeting was called to order at 10:55 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller, 4; absent, Councilman Oswald G. Wolf, 1.

The reading of the Minutes was dispensed with.

Mrs. Chas. Stephenson submitted a petition, signed by the citizens and taxpayers in the vicinity of 30th and Guadalupe Streets, protesting the renewal of the beer licenses issued to Harry Joseph to operate places of business in the 2900 block on Guadalupe Street on account of the noisy and boisterous manner in which such places are operated, especially the dance hall at Harry's Inn. The City Manager was instructed to have the nuisance created by the dance hall abated.

The following report of the Zoning Board of Adjustment, as presented by H. F. Kuehne, Chairman, was received:

"Hon. Mayor and City Council
Austin, Texas.

Gentlemen:

The Board of Adjustment at a meeting held on July 28, 1936, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin at the meeting held on July 28, 1936, carefully considered the subject of the control and regulation of the sale and storage of malt, vinous and spirituous liquors through the medium of the Zoning Ordinance of the City of Austin; and

WHEREAS, this regulation and control has already partially been exercised through the passage of an amendment to the Zoning Ordinance and by two amendments to the existing license and permit ordinances of the City of Austin; these amendments now being in full force and effect; and

WHEREAS, the previous amendments of the Zoning Ordinance prohibits the sale, both retail and wholesale, and the storage of and otherwise handling of malt, vinous and spiritous liquors in the "C" Commercial District as defined by the Zoning Ordinance and shown on the Zoning maps of the City of Austin, but permits the above use of property in the "D" Industrial and "E" Unrestricted Zoning Districts of the City of Austin; and

WHEREAS, the effect of the above amendment results in the exclusion of this commercial activity in the entire business and commercial district of the City of Austin, not only those districts surrounded by residential property, but also in the heart of the business and commercial district, such as Congress Avenue, 6th Street, and practically the entire original township of the City of Austin; but, on the other hand, permits this activity in those sections of the City now designated for Industrial Use and those without any restrictions whatsoever, which districts are most difficult to police, regulate, and control and which are least accessible to the general public; and

WHEREAS, the above effect of the amendment does not appear to be in accord with the original intent and purpose of the City Council in their effort to control this activity; and

WHEREAS, by virtue of said amendment, the Building Inspector has no other recourse but to deny permits for the use of property in the entire "C" Commercial District of the City of Austin for this activity and likewise the Board of Adjustment has no other recourse but to deny appeals from the decision of the Building Inspector; and

WHEREAS, under the terms of the Zoning Ordinance all existing permits for the use of property in the "C" Commercial District may continue this activity as a non-conforming "Use" subject to the specific provisions of the ordinance regulating and controlling con-conforming uses; and

WHEREAS, it is evident that the strict encroachment of the existing amendment under the present powers granted to the Building Inspector and the Board of Adjustment by the Zoning Ordinance will result in unnecessary discrimination, hardship and inequitable rights; and lead to administrative confusion, injunctions, and other legal entanglements; and

WHEREAS, after careful consideration of this entire question, the Board of Adjustment deemed it desirable to further amend and change the Zoning Ordinance so as to minimize difficulties inherent in this matter and to effect the maximum correction of the situation with respect to a feasible and legally sound application of this

principal of control and regulation through the Zoning Ordinance; and

WHEREAS, after a careful study of Zoning Ordinances of other municipalities and the particular local conditions and circumstances, the Board of Adjustment deemed the most feasible and legally sound method to attain the above ends would be a creation of a new "Use" District in the City of Austin in which the above activity would be permitted; and

WHEREAS, such a change would provide a new "Use" District wherein the sale, both retail and wholesale, and the storage and otherwise handling of malt, vinous, and spirituous liquors for on-site and off-site consumption would be permitted and the Building Inspector would grant such permit as for any other lawful use and appeals to the Board of Adjustment would be unnecessary; and such a change would further insure a "status quo" for the existing "Use" District wherein the above activity is now prohibited; thus accomplishing the obvious intent and purpose of the City Council to protect the Residential Areas of the City from the possible evil effect of the encroachment of this activity on such Residential Areas but at the same time to provide a fair, just, and equitable opportunity for the pursuance of this activity where it will least adversely affect the health, safety, morals, and general welfare of the community of the City of Austin and where the operation of such "Use" may be more efficiently policed and protected.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the Board of adjustment does hereby recommend to the City Council the adoption of the following amendments to the Zoning Ordinance of the City of Austin, to-wit:

1. By adding between Sections 6 and 7 the following section:

"C-2" COMMERCIAL DISTRICT

Section 6a. THAT in "C-2" Commercial District, no building and premises, except as otherwise provided in this ordinance, may be used for any use prohibited in "C" Commercial, Industrial, and "E" Heavy Industrial District, except the following uses:

1. The sale, storage, dispensing, or otherwise handling of malt, vinous, and spirituous liquors for on-site or off-site consumption.
 2. Bottling Works.
 3. Coal, coke or wood yards.
 4. Retail plating works.
 5. Contractor's plant and storage yard.
 6. Light manufacturing occupying not more than 50% of the total floor area of the building, using non-soot producing fuel, odorless materials, and reasonably noiseless machinery.
2. That Section 7 be amended by adding to the excluded uses in "D" Industrial District, "No. 52, the retail sale, serving, dispensing, or otherwise handling malt, vinous, and spirituous liquors for on-site and off-site consumption, but not the storage thereof for wholesale purposes only."
 3. That Section 8 be amended by changing the word "Unrestricted" to the words "Heavy Industrial," and by changing the wording of Section 8 so as to read, "that in "E" Heavy Industrial District, buildings and premises, except as otherwise provided in this ordinance may be used for any use permitted in "D" Industrial District and for any other use whatsoever not in conflict with any ordinance of the City of Austin regulating nuisances, except the retail sale, serving, dispensing, and otherwise handling of malt, vinous, and spirituous liquors for on-site and off-site consumption, but not the storage of the same for wholesale purposes only."
 4. That the "Use" District map of the City of Austin be revised to show the new "C-2" Commercial District in accordance with the attached map, and otherwise revised to agree with the above amendments.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne. "

Councilman Gillis moved that a public hearing on the proposed amendments to the Zoning Ordinance as recommended in the foregoing report of the Board of Adjustment be called for September 10, 1936, and that notice of said hearing be published as required by the terms of the Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The City Attorney was instructed to look into the matter of changing the provision of the Zoning Ordinance requiring that notice of hearing by publication be had not less than fifteen days prior to the date of hearing so as to make the required

time fourteen days, or less, to conform to the regular meeting dates of the City Council.

Councilman Alford offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, E. R. L. Wroe, owner of Lot 2 of Sunset Hill, an Addition to the City of Austin, Travis County, Texas, which Lot 2 abuts the west side of Pease Road at a location near Windsor Road intersection and being locally known as 2306 Pease Road, has requested the City Council of the City of Austin to grant permission for the construction of a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore,

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

THAT E. R. L. Wroe, owner of Lot 2 of Sunset Hill, an Addition to the City of Austin, Travis County, Texas, which Lot 2 abuts the west side of Pease Road at a location near Windsor Road intersection and being locally known as 2306 Pease Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The following application was read:

"Hon. Mayor and City Council
City of Austin, Texas

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Gentlemen:

I hereby make application for permission to construct two commercial driveways across the west sidewalk area of South Congress Avenue opposite my property, being Lots Nos. 15, 16 and 43 feet of 17, of Newning's Resubdivision of Blocks 13 and 2A, Swisher Addition to the City of Austin, Texas, and for constructing sidewalks and some curbing at the same location, all as shown on the accompanying drawing.

Very truly yours,

George F. Zimmerman

By (Signed) Edwin C. Kreisle
Architect. "

Councilman Alford then offered the following resolution:

WHEREAS, Geo. F. Zimmerman, acting by and through Edwin C. Kreisle, Architect, owner of Lots 15, 16, and part of 17, of Newning's Resubdivision of Blocks 13 and 2A of Swisher Addition to the City of Austin, Travis County, Texas, which property abuts the west side of South Congress Avenue and being situated south of James Street, has made application to the City Council of the City of Austin for permission to construct

commercial driveways across the west sidewalk area of South Congress Avenue at the above described location as shown upon the plan hereto attached marked 2-G-11, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT Geo. F. Zimmerman, acting by and through Edwin C. Kreisle, Architect, owner of Lots 15, 16, and part of 17, of Newning's Resubdivision of Blocks 13 and 2A of Swisher Addition to the City of Austin, Travis County, Texas, which property abuts the west side of South Congress Avenue and being situated south of James Street, is hereby permitted to construct commercial driveways across the west sidewalk area of South Congress Avenue at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-G-11, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis offered the following ordinance:

AN ORDINANCE AUTHORIZING GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILWAY COMPANY, DEBTOR, TO CONSTRUCT, MAINTAIN AND OPERATE CERTAIN RAILWAY INDUSTRIAL OR HOUSE TRACK UPON AND ACROSS SABINE STREET IN THE CITY OF AUSTIN AND UPON, OVER AND ALONG FOURTH STREET IN SAID CITY, SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

The foregoing ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, nays, none; Councilman Wolf absent, 1.

The ordinance was read the second time and Councilman Gillis moved a further suspension of the rules and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Letters from Clarence McDonough, General Manager, and A. J. Wirt, Counsel, respectively, for the Colorado River Authority, to the effect that the Hughes site had been selected as the location for the Marshall Ford dam, and that an election to secure overflow rights to said site was unnecessary, were read.

Mayor Miller, in a brief address to the Council, expressed his disappointment at the selection of the Hughes site instead of the Maxwell site by the Colorado River Authority, on account of the greater advantages of the latter site; and pleaded with the other members of the Council to continue the fight to retain the City's power rights to the Austin dam.

Councilman Gillis went on record as favoring the completion of the Austin dam as a city-owned project for power purposes, if practicable, declaring that if only one-half the amount of power used were generated thereby a saving of at least forty thousand dollars a year in fuel alone would be effected.

Mayor Miller then moved that the City Manager be instructed to write a letter to Congressman Buchanan, asking him to advise the best means to pursue to obtain federal funds for the rebuilding of the Austin dam as an independent project, either for power or recreational purposes, as may be determined best after a survey of same by the Reclamation Division, without cost to the City. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Upon motion, duly seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved: _____

Tom Miller
Mayor.

Attest:

Hallie McKee
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 27, 1936.

The meeting was called to order at 11:20 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

A letter of thanks from Mrs. Clark Campbell, President Austin City Council PTA, for the increased police protection against traffic hazards in the school areas was received and filed.

The following order of the Commissioners Court of Travis County was received and ordered copied into the Minutes:

*No. 4438	:	
ROAD NAME	:	In Commissioners Court, Travis County,
LYDIA STREET changed	:	Texas.
to Kennelwood Road	:	

On this the 19th day of August, 1936, came on be considered the resolution of the