

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

November 29, 1944  
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller. - 4  
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, Acting City Manager; and  
J. M. Patterson, Jr., Acting City Attorney.

The minutes of the Regular Meetings of November 16 and November 23, 1944, were read; and on motion of Councilman Gillis were adopted as read by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The following report of the Board of Adjustment on the application of Mrs. Elma Doyle Lindeman for a change in zoning of the property at 1401 Lavaca Street from a "C-1" Commercial District to a "C-2" Commercial District, was received and ordered filed:

Austin, Texas  
November 29, 1944

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 28, 1944:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Mrs. Elma Doyle Lindeman

requesting a change in the USE designation of the following property:

Property located at 1401 Lavaca Street,  
which is occupied by the Davis Cash  
Grocery and Market,

from "C-1" Commercial District to "C-2" Commercial District; and

WHEREAS, the application is for a change in zone for the purpose of selling beer in packages to customers for off-site consumption in connection with a grocery store; and

WHEREAS, the Board held a hearing on this application on the above date, at which hearing a large number of residents appeared protesting this change, among which were representatives of the First Church of Christ Scientists at the corner of 14th and Colorado Streets, speaking in behalf of the church members, and the Pastor of the Central Methodist Church at the corner of 13th and Colorado Streets, together with members of the Official Board of this Church, and the tenant of the premises, Mr. Joe Davis, with no one joining him in the application; and

WHEREAS, the Board carefully considered this application on the above date in the light of the effect of such change on the property and the neighborhood and otherwise in the light of sound zoning principles; and

WHEREAS, this change would be for the benefit of a single owner and not in answer to the public demand, a change in trend of property uses in this area or in conformity with any comprehensive plan, and would be the creation of a spot zone unrelated to any general zoning plan for this district; and

WHEREAS, changing this property to a "C-2" Commercial District would permit a large number of uses as provided in the Zoning Ordinance which would be even more detrimental to the interests of the neighborhood and harmful to the surrounding property than the particular activity proposed by the applicant; and

WHEREAS, if such a change be made for this particular purpose, it would lay a precedent for a similar action for all grocery stores in the City of Austin and would tear down the benefits to the City of the zoning regulations controlling the sale and distribution of alcoholic beverages throughout the City; and

WHEREAS, the Board deems that the granting of such spot zones in both single lots or portions of lots sets a dangerous precedent which, if pursued generally, would ultimately break down the Zoning Ordinance and destroy its purpose and nullify its benefits; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That the change of the property at 1401 Lavaca Street be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne  
Chairman. "

The application of JOHN GOLDEN FARMER, 309 Park Lane, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of SGT. ELBERT HOWARD CHAPMAN, 1909 Red River Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of PFC. BENJAMIN G. WOOD, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of SGT. THOMAS J. HARDY, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
Noes : None  
Absent: Councilman Wolf

Councilman Alford 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;

667  
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 PRESTON AVENUE, Jefferson Street east 144 feet, the centerline of which gas main shall be 6-1/2 feet south of and parallel to the north property line of said Preston Avenue.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (2) A gas main in BOULDIN AVENUE from a point 178 feet north of Post Oak Street northerly 126 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Bouldin Avenue.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (3) A gas main in DUVAL STREET from a point 73 feet north of East 50th Street southerly 480 feet, the centerline of which gas main shall be 19 feet east of, and parallel to, the west property line of said Duval Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (4) A gas main in LINCOLN STREET, East 9th Street southerly 115 feet, the centerline of which gas main shall be 6-1/2 feet west of, and parallel to, the east property line of said Lincoln Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (5) A gas main in EAST 9TH STREET, San Marcos Street westerly 282 feet, the centerline of which gas main shall be 13-1/2 feet south of, and parallel to, the north property line of said East 9th Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (6) A gas main in EAST 8TH STREET from a point 146 feet east of Lincoln Street easterly 181 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said East 8th Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (7) A gas main in BAYLOR STREET from a point 136 feet north of West 3rd Street southerly 98 feet, the centerline of which gas main shall be 19 feet east of, and parallel to, the west property line of said Baylor Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (8) A gas main in EAST 3RD STREET from a point 32 feet east of Waller Street westerly 140 feet, the centerline of which gas main shall be 7-1/2 feet south of, and parallel to, the north property line of said East 3rd Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (9) A gas main in BRANCH STREET, Olive Street southerly 83 feet, the centerline of which gas main shall be 5 feet west of, and parallel to, the east property line of said Branch Street.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

- (10) A gas main in EAST 10TH STREET from a point 195 feet west of San Marcos Street westerly 42 feet, the centerline of which gas main shall be 3 feet south of, and parallel to, the north property line of said East 10th Street.

Said gas main described above shall have a cover of not less than 2-1/2 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 City Engineering Department 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, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

A letter from the committee of the State Firemen's Relief and Retirement Fund, Austin Local, thanking the City Council for its recent action in allowing the withdrawal of the Austin Fire Department from participation in the City's Pension and Retirement System; and agreeing to match the contributions of said Department to the State Firemen's Relief and Retirement Fund, was received and filed.

The Mayor laid before the Council, for its second reading, the following ordinance:

AN ORDINANCE DISCONTINUING ALL SERVICE NOW BEING FURNISHED BY AUSTIN TRANSIT COMPANY ON THE ROUTE FROM SUNDAY'S STORE TO THE MAGNESIUM PLANT OF INTERNATIONAL MINERALS AND CHEMICAL CORPORATION, ON THE WATERS PARK ROAD AND BURNET HIGHWAY; AND DECLARING AN EMERGENCY.

The Ordinance was read the second time, and Councilman Gillis moved that the rules be suspended and the Ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The Mayor then declared the Ordinance had been finally passed.

There being no further business, upon motion seconded and carried, the meeting was recessed at 11:00 A. M., subject to call of the Mayor.

APPROVED

*Tom Miller*  
MAYOR

ATTEST:

*Shelley M. Miller*  
CITY CLERK