

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 21, 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; J.E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R.D. Thorp, Chief of Police.

The minutes of the Regular Meeting of December 14, 1944, were read, and on motion of Councilman Alford were adopted as read by the following vote:

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

J. S. HOSTETTER appeared before the Council relative to the request heretofore submitted by MRS. TOM MILLER for construction of a storm sewer adjacent to the property of the Miller-Hostetter Company in the 600 block on West 4th Street. After some discussion of the matter, the City Engineer was instructed to prepare an estimate of the cost of such storm sewer and submit same to the City Council and Mrs. Miller for approval and agreement as to the proportionate part of the cost to be borne by each party.

The application of S/SGT. THOMAS F. WELLINGTON, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford 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 GLEN LIGON NORWOOD, Route 5, Box 73, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford 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 MOSES STEVE VASQUEZ, 1300 East 7th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford 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 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 ROOSEVELT AVENUE from a point 132 feet south of Houston Street northerly 925 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Roosevelt Avenue.

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

- (2) A gas main in HASKELL STREET from a point 23 feet west of Comal Street easterly to Comal Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said Haskell Street.

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

- (3) A gas main in COMAL STREET, from Haskell Street southerly 160 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of, and parallel to, the east property line of said Comal Street.

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

- (4) A gas main in EAST 8TH STREET from a point 84 feet west of Mill Street easterly 490 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 $2\frac{1}{2}$ feet.

- (5) A gas main in SOUTH 6TH STREET from a point 287 feet north of West Annie Street northerly 41 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said South 6th Street.

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 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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has heretofore submitted to the City Council the tax roll of the City of Austin for the year 1944; and

WHEREAS, said tax roll appears in all respects to be in correct form, and prior to its submission, the valuations contained in said roll had been examined and corrected by the Board of Equalization, which made its report to the City Council on the 26th day of October, 1944; and

WHEREAS, all appeals from the decisions of the Board of Equalization have been disposed of, and such adjustments as have been found necessary have now been made; therefore,

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

THAT said tax roll, showing an aggregate amount of \$76,684,990.00, the valuation of property assessed for taxes for said year, be, and the same is hereby approved.

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

The following report of the BOARD OF ADJUSTMENT on the application of Richard Madison for a change in zoning of the property at 1204 Chicon Street, was received:

Austin, Texas
December 13, 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 December 12, 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 Richard Madison requesting a change in the Use designation of the following property:

Property located at 1204 CHICON STREET, which is occupied by a grocery store,

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 carefully considered this application at a meeting held on December 12, 1944, thoroughly weighing the reasons as set forth in the petition of the applicant's lawyer, Kenneth R. Lamkin, and all of the facts and circumstances which might affect the application; and

WHEREAS, this grocery store is located in a present "C-1" Commercial District, which extends on both sides of East 12th Street from Comal Street to Poquito Street, a distance of five normal blocks; and

WHEREAS, under the terms of the present Zoning Ordinance beer may be sold in a "C-1" District in connection with a

restaurant for off-site consumption; and

WHEREAS, there are now restaurants or cafes located in this District which are in a position to serve the public demand for package beer; and

WHEREAS, to grant this change in zoning classification of this grocery store would set a precedent which might be claimed applicable to any grocery store throughout the City and thus would break down the very purpose and intent of the Zoning Ordinance with respect to the sale of beer in controlled districts; 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, 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, the Board deemed that there is no justification under the circumstances for granting this change in zone and that no hardship would result from its denial, and that the integrity and benefits of the Zoning Ordinance will be best preserved by denying the change; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the property at 1204 Chicon Street be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Pursuant to notice thereof given by publication in the AMERICAN-STATESMAN, a daily newspaper published in the City of Austin, the public hearing on the Budget of the City of Austin for the year 1945 was opened.

There being no taxpayers or other interested persons present and desiring to be heard at such hearing, it was then moved by Councilman Gillis that said Budget be tentatively approved, pending final adoption of same in accordance with the provisions of the City Charter. The motion prevailed by the following vote:

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

Councilman Gillis introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING
MUNICIPAL TAXES FOR THE CITY OF
AUSTIN, TEXAS, FOR THE YEAR A.D.
1944; AND DECLARING AN EMERGENCY

The 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
Noes: None
Absent: Councilman Wolf

The ordinance was then read the second time and Councilman Gillis moved that the rules be further 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 announced that the ordinance had been finally passed.

MR. E. H. PERRY, owner of Miller's Garage located in the 100 block on East 7th Street, came before the Council and submitted a plan for certain changes in the traffic regulations in said block to provide for parallel parking on both sides of the street from the alley to Brazos Street, the removal of certain parking meters, the establishment of a loading zone in front of said garage for taxicabs, and a cross-walk in the middle of the block for the safety of pedestrians crossing from the Driskill Hotel to the garage.

A substitute plan recommended by the Police Department for changes in traffic regulations in said block to provide for parallel parking on both sides of the street from Congress Avenue to Brazos Street, removal of certain parking meters, and establishment of a loading zone, was also submitted.

Following a discussion of the matter, it was moved by Councilman Alford that the plan recommended by the Police Department be approved, and that action on the request of Mr. Perry for a cross-walk be postponed until recommended by the Police Department after the changes hereby approved are tried out. The motion carried by the following vote:

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

The Acting City Attorney was then instructed to draw an amendment to the Traffic Ordinance making the changes recommended by the Police

Department effective.

Councilman Bartholomew offered the following ordinance:

AN ORDINANCE GRANTING TO GUY A THOMPSON, TRUSTEE, INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY, DEBTOR, HIS SUCCESSORS, ASSIGNS, LESSEES, LICENSEES AND INVITEES, THE RIGHT, PRIVILEGE AND FRANCHISE OF CONSTRUCTING, MAINTAINING AND OPERATING A CERTAIN RAILROAD SPUR TRACK UPON AND ACROSS BAYLOR STREET BETWEEN THE SAND BEACH RESERVE AND THIRD STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND PRESCRIBING THE TERMS AND CONDITIONS OF SUCH RIGHT, PRIVILEGE, AND FRANCHISE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and laid over.

The City Engineer reported on the matter of the request of Miss Ella V. Everett for removal of the bus stop from 19th Street and Congress Avenue to 19th Street and Speedway to the effect that such change of location is possible, but that it would require patrons boarding the bus at this stop to walk a greater distance; and recommended that the matter be referred to the Austin Transit Company to see if a satisfactory adjustment could be made with Miss Everett before further action by the Council.

There being no further business, upon motion seconded and carried, the meeting was recessed at 12:25 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Dallin M. Keller
CITY CLERK