

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 8, 1951
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, Mayor Glass
Absent: Councilman MacCorkle

Present also: Walter E. Seaholm, City Manager; C. G. Levander, Director of Public Works; Trueman E. O'Quinn, City Attorney; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

The Seventh Grade from University Junior High School and the Fifth and Sixth Grades from Brykerwoods School were greeted and welcomed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas 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 Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A 9' x 6' x 7' gas regulator pit in Kenwood Avenue, the centerline of the 6' axis to be 6' west of and parallel to the east line of Kenwood Avenue, and the centerline of the 9' axis to be 23' south of the south line of Riverside Drive.

(2) A gas main in KENWOOD AVENUE, from a point 89 feet south of Bonham Terrace southerly 1243 feet, the centerline of which has main shall be 17 feet west of and parallel to the east property' line of said KENWOOD AVENUE.

Said gas main described above shall have a cover of not less than 2½ feet.

The Southern Union Gas 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 Southern Union Gas 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 Southern Union Gas 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 franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on January 29, 1951, the hereinafter described tract of land was conveyed to the City of Austin by R. G. Avent by deed now of record in Book 1147, Pages 202-203 of the Deed Records of Travis County, Texas; and

WHEREAS, it is the desire of the City of Austin to accept such tract as part of Wayside Drive and to dedicate such street to the public for its use;

Now, Therefore,

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

That the following described tract be and the same is hereby accepted for street purposes and is hereby set aside and dedicated to the public for use as a street and thoroughfare to be known as Wayside Drive:

A strip of land thirty (30) feet in width, same being out of and a part of the east 95.00 feet of Lot 8 of Block 2 of Westfield "A", a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Westfield "A" of record in Book 3 at Page 107 of the Plat Records of Travis County, Texas, which east 95.00 feet of Lot 8 was conveyed to R. G. Avent by deed dated January 2, 1951, of record in Volume 1133 at Page 496 of the Deed Records of Travis County, Texas, which strip of land thirty feet in width is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the southeast corner of said Lot 8;

THENCE with the south line of said Lot 8, N. $61^{\circ}34'$ W. 30.00 feet to an iron stake;

THENCE N. $28^{\circ}26'$ E. 103.63 feet to an iron stake;

THENCE N. $1^{\circ}48'$ E. 124.11 feet to an iron stake on the north line of said Lot 8;

THENCE with the north line of said Lot 8, S. $41^{\circ}06'$ E. 20.2 feet to an iron stake at an angle point;

THENCE continuing with the north line of said Lot 8, S. $61^{\circ}34'$ E. 18.17 feet to an iron stake;

THENCE S. $1^{\circ}48'$ W. 108.26 feet to an iron stake on the east line of said Lot 8;

THENCE with the east line of said Lot 8, S. $28^{\circ}26'$ W. 110.73 feet to the point of beginning.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The City Manager presented the following Memorandum to the Honorable Mayor and City Council:

"We have negotiated with four Consulting Engineering Firms for the engineering for our Water Plant:

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| "Freese and Nichols, Fort Worth | -- Cost plus \$17,000.00 with a ceiling of \$55,000.00 |
| "Julian Montgomery, Austin | -- Cost plus \$45,000.00 with a ceiling of \$71,000.00. |
| "Turner, Black, and Veatch, Austin, Texas and Kansas City, Kansas | -- Cost plus \$22,500.00 with a ceiling of \$92,000.00 |
| "Burns and McDonnell Kansas City, Kansas | -- Cost plus \$17,000.00 with a ceiling of \$74,000.00 |

"We would recommend that we engage the services of Freese and Nichols of Fort Worth to carry on the engineering consisting of plans and specifications for our new Water Plant."

Councilman Johnson moved that the City Manager enter into an agreement with FREESE AND NICHOLS, FORT WORTH to serve as consulting engineers of plans and specifications for the new Water Plant. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

MR. STANLEY MATHEWS appeared before the Council, stating he had ten cabs insured in the U.S. TRUST AND GUARANTY INSURANCE COMPANY; and that the taxicab ordinance provided that the franchise holder would cover all of his cabs under one policy. He stated he would lose the insurance on his ten cabs now to the one other company writing insurance under this ordinance. After discussion and explanation of the ordinance, Councilman Drake moved that the City Attorney be instructed to draw up an amendment to Section 23 of the Taxicab Ordinance, to provide that the number of fleet policies would not exceed three under each franchise holder. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

Pursuant to published notice thereof, the following applications for changes of zoning were called up for consideration:

FLORENCE W. & L. A. Mc- ALLISTER and MAC L. COKER	910 W. 6th St.	From "C" Commercial To "C-1" Commercial NOT Recommended by the Zoning Board of Adjust- ment.
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MR. HERMAN JONES appeared to represent this applicant. He asked that action on this application be deferred and that public hearing be postponed until a time it could be heard by all five Councilmen. The Council unanimously agreed to reset this application for public hearing at 10:00 A.M., Wednesday February 21st.

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DR. S. F. WATERMAN	506 No. Lamar Blvd.	From "C" Commercial To "C-2" Commercial NOT Recommended by the Zoning Board of Ad- justment
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MR. J. V. RILEY, representing this application, asked that this application not be heard until there were five members of the Council present and that it be reset. The Council unanimously agreed to hold public hearing on this application Wednesday, February 21st, about 10:00 A.M.

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EDWIN E. FOSTER	1501-05 Scenic Dr.	From "A" Residence To "C" Commercial NOT Recommended by the Zoning Board of Ad- justment.
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MR. CHARLES F. HERRING, representing the applicant, asked that public hearing on this application be postponed until all five members of the Council were present. The Council unanimously agreed to hold public hearing on this application on February 21st, at 11:00 A.M.

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M. S. BROUGHER	5510 Burnet Road	From "C" Commercial To "C-1" Commercial NOT Recommended by the Zoning Board of Adjustment.
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No one appeared representing the application. MR. JOHN FRIDAY, 5421 Montview, appeared in opposition, stating they ate at this cafe and would not want to eat there if beer was sold; also the owner of the cafe did not want to sell beer. Opposition was heard by another resident, stating he had a medical discharge from the Army and would be in a Veterans' Hospital much of the time and did not want to leave his family living next door to a cafe that sold beer. Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change NOT granted. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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SOUTHLAND CORP., LEWIS
JOSEPH, Owner

5101 Burnet Road

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the Zoning
Board of Adjustment

MR. CHARLES HERRING, representing the applicant, stated the 7-11 Stores wanted to sell beer for off-premise consumption only; and could not sell it for on-premise use and operate a grocery store also. He stated there was a need for this to accommodate people going fishing and on picnics. MR. HOMER MAYHALL, 2113 Shoalmont Drive, appeared in opposition, stating the people could buy it at this location and drink it anywhere in the neighborhood; that Allendale School would soon be there, and there would be more children. He asked that no more places be licensed to sell beer on the Burnet Road, as it is now a dangerous highway, and alcohol would not help. MR. JOHN FRIDAY expressed opposition, stating the signers of the petition endorsing the sale of beer at this location did not live in this neighborhood; he also stated at the time the store located here, it knew beer could not be sold unless the zoning was changed; he mentioned the little church which he thought was less than 300' away, and urged the denial of this request. MRS. PECK, 5400 Grover protested, stating there was not enough police protection in this neighborhood now; and with more beer, more police would be needed; that the Council did not listen to them in another case near this location, but that it do grant them this plea this time and not vote this change of zone. MRS. JOHN FRIDAY opposed the change, stating the beer would be sold at this location and drunk elsewhere, but the drunken drivers would be using the streets that are kept up by taxes, run over the children, and deny people their rights. PAUL ARGO, Pastor Christian Alliance, opposed the change stating his Church was within 300' of this location--measuring about 296'; that now the Church yards had to be cleared of beer cans before services. He stated that it had been mentioned the Council was interested in good zoning, and he pointed out that this area was brought into the City limits and it was not zoned at that time for alcohol; since then, a spot zone had been created; and now since there is one spot zone about a block away, why would another spot zone need to be created at this location to maintain good zoning. MR. HERMAN JONES spoke in favor of the change, stating there was no trickery in the signing of the petitions; that some 7-11 Stores sold beer and some did not, and it would be hard to distinguish which ones did and did not; that there were now three places selling beer in this neighborhood--beer could be legally sold--and it would not be fair to deny the

sale of beer at this location, and he asked that he be given equal treatment to others in this neighborhood. The City Attorney explained the state law covering the 300' distance from a Church to a location where beer could be sold; and stated if the distance were not 300', and if the property were zoned to permit the sale of beer, the permit could not be issued, as it would be in violation of the State Law. Councilman Long stated she was interested in this as a matter of good zoning and not a question of prohibition. Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted, and the City Attorney instructed to draw up the necessary ordinance. The motion, seconded by Councilman Long, carried by the following vote:

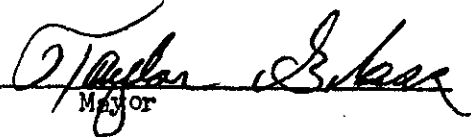
Ayes: Councilmen Drake, Long, Mayor Glass

Noes: Councilman Johnson

Absent: Councilman MacCorkle

There being no further business, the Council adjourned at 12:30, subject to the call of the Mayor.

APPROVED:


Mayor

ATTEST:


City Clerk