

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 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, MacCorkle, Mayor Glass
Absent: Councilman Long

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

Councilman Drake 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 Johnson, the motion was unanimously adopted by the Council and the minutes so approved.

MRS. MAUDE PRIDGEN made inquiry about the Council leaving her name on the ballot although she had not paid her poll tax. She was advised this was not the responsibility of the Council. The City Attorney stated persons who did not have poll taxes were not qualified to be on the ballot; nor could votes cast for them be counted.

MR. LELAND ANTES, JR., representing Circus Fans of America, appeared before the Council, stating it had come to his attention the ordinance regarding the length of time Circuses could operate in Austin was to be amended to allow Circuses to play two days. He favored extending the length of time Circuses could remain in Austin. It was explained to him this amendment was to cover locally sponsored circuses.

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Floyd Johns is the Contractor for the erection of a building located at 601 East 14th Street and desires a portion of the sidewalk space abutting on Lot 8, Block 165, of the Original City of Austin, Travis County, Texas, during the erection 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 space for the uses hereinabove enumerated be granted to said Floyd Johns, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Red River Street to a point 4 feet east of the east curb line; thence in a northerly direction and parallel with the centerline of Red River Street 128 feet to a point; thence in an easterly direction and at right angles to the centerline of Red River Street to the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 14th Street to a point 4 feet south of the south curb line; thence in an easterly direction and parallel with the centerline of East 14th Street 69 feet to a point; thence in a southerly direction and at right angles to the centerline of East 14th Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Floyd Johns, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "No Parking" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not

within 25 feet of any corner street intersection.

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

(7). That provisions 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.

(8). 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.

(9). 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 October 1, 1951,

(10). 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.

(11). 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.

(12). 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.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person 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.

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

Ayes: Councilmen Drake, Johnson, MacGorkle, Mayor Glass

Noes: None

Absent: Councilman Long

Councilman Johnson offered the following resolution and moved its adoption.

(RESOLUTION)

WHEREAS, Kruger Jewelry Company, as occupant of the building owned by

Fannie Montgomery Hunt located on the east eighty (80) feet of the north thirty (30) feet of Lot 6, in Block 83, in the Original City of Austin, is modernizing such building; and

WHEREAS, in order to beautify said building plans have been prepared providing for a stone facing to be attached to the present structure along the north wall of said building; Now, Therefore,

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

That Fannie Montgomery Hunt and the Kruger Jewelry Company are hereby authorized to construct such stone facing along the north wall of said building, as now located, such facing to be no more than five inches (5") thick.

The motion, seconded by Councilman Drake, carried by the following vote:
Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Long

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to execute a deed in behalf of the City of Austin, conveying to R. E. Leigh for and in consideration of the payment by the said R. E. Leigh to the City of Austin of the sum of Seven Thousand Seven Hundred Seventy-Seven Dollars and Seventy-seven Cents (\$7777.77) cash, 0.322 of one acre of land, same being out of and a part of that certain tract of land out of Outlot 21, Division "A", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a mapor plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin by deed dated August 12, 1947, of record in Volume 869, at page 379, of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Drake, carried by the following vote:
Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Long

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to execute a deed in behalf of the City of Austin conveying to Marvin E. Johnson and wife, Barbara S. Johnson, four thousand five hundred fifty-one (4551) square feet of land, same being out of and a part of Lots 20 and 21 of Harmon

Terrace, a resubdivision of a portion of Ridgetop Fourth Addition, a subdivision of a portion of the James P. Wallace Survey and Outlot 17, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Ridgetop Fourth Addition being of record in Book 3 at page 46 of the Plat Records of Travis County, Texas, and a map or plat of said Harmon Terrace being of record in Book 4 at page 115 of the Plat Records of Travis County, Texas, which Lots 20 and 21 together with other property were conveyed to the City of Austin by warranty deed dated August 13, 1943, of record in Volume 719 at page 524 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Drake, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
 Noes: None
 Absent: Councilman Long

Councilman MacCorkle offered the following resolution and moved its adoption.

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Jacob A. Newborn, Jr. in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of indentification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File in Water Main Extensions 1951) Contract on File in File No. 496-C.

The motion, seconded by Councilman Johnson, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
 Noes: None
 Absent: Councilman Long

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with P. S. Mangum in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of indentification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed under WATER MAIN EXTENSIONS 1951) Contract Filed in File No. 497-C.

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

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

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 gas main in QUARRY ROAD, from a point 237 feet west of Wayside Drive easterly 287 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said QUARRY ROAD.

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

(2) A gas main in WAYSIDE DRIVE, from West 12th Street to Quarry Road, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said WAYSIDE DRIVE.

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

(3) A gas main in WEST 12TH STREET, from Wayside Drive westerly 362 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST 12TH 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 5TH STREET ALLEY, from San Marcos Street easterly 299 feet, the centerline of which gas main shall be 7 feet south of and parallel to the north property line of said EAST 5TH STREET ALLEY.

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

(5) A gas main in EAST 14TH STREET, from Ulit Avenue easterly 96 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said EAST 14TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ 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 MacCorkle, carried by the following vote:

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Sterling Adair has made application in writing for permission to use and maintain a residence for a day nursery, complying with all City and State regulations, on the south 107 feet of Lot 1, Block 131, Original City of Austin, Travis County, Texas, the same being on the north side of West 11th Street and locally known as 606 West 11th Street, and is located in a "B" Residence District which, under Section #5, Item #7 of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

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

THAT permission for the use and maintenance of this residence for a day nursery at the above location be granted to Mrs. Sterling Adair.

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

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

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 52, OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN OCTOBER 10, 1940, AND IS RECORDED IN BOOK "L", PAGES 42-51, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE CREATING THE OFFICE OF CITY FIRE MARSHAL, PRESCRIBING THE DUTIES THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR THE ESTABLISHMENT OF A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES, PRESCRIBING A PENALTY FOR VIOLATIONS OF THE FIRE PREVENTION REGULATIONS AND PROVIDING THAT THE REGULATIONS FOR FIRE PREVENTION SHALL BE CUMULATIVE OF AND SUPPLEMENTAL TO THE REGULATIONS PERTAINING TO FIRE MARSHAL; REGULATING THEATERS, AUDITORIUMS, SCHOOL AUDITORIUMS, MOVING PICTURE THEATERS OR ANY OTHER BUILDING THAT MAY BE USED FOR THE PURPOSE OF PRESENTING STAGE PERFORMANCES, EXHIBITIONS OF MOTION PICTURES OR ENTERTAINMENTS OR PUBLIC GATHERINGS OF ANY KIND TO WHICH THE PUBLIC IS ADMITTED, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF; CREATING AND ESTABLISHING FIRE ZONES IN THE CITY OF AUSTIN; PROVIDING REGULATIONS FOR THE BURNING OF TRASH, RUBBISH, BRUSH, GRASS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; MAKING IT A MISDEMEANOR FOR ANY PERSON TO SEND IN OR CAUSE TO BE SENT IN A FALSE ALARM OF FIRE, OR TO

PERMIT ANY PERSON TO USE A TELEPHONE WITHIN THE PLACE OF BUSINESS OR THE PRIVATE RESIDENCE OF ANY PERSON FOR THE PURPOSE OF SENDING IN A FALSE ALARM OF FIRE; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS THEREOF; PROVIDING A SAVING CLAUSE FOR VALID SECTIONS HEREOF IN THE EVENT OF OTHER SECTIONS BEING HELD INVALID, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 1, 1937, AND IS RECORDED IN BOOK "K", PAGES 187-200, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 7 THEREOF SO AS TO CREATE THE DIVISION OF FIRE PREVENTION, ALSO TO BE KNOWN AS THE BUREAU OF FIRE PREVENTION; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

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

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Glass introduced the following ordinance:

AN ORDINANCE CREATING AND ESTABLISHING THE DEPARTMENT OF TRAFFIC AND TRANSPORTATION AND THE OFFICE OF CITY TRAFFIC ENGINEER; PRESCRIBING THEIR FUNCTIONS AND DUTIES; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

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

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

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

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

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

The Mayor then announced that the ordinance had been finally passed.

The application of Frank Morgan, dba AMERICAN TAXI COMPANY, to sell one-fourth interest in the American Taxi Company to FRANK BUTLER, came before the Council for approval. Councilman Drake moved that this application be approved and the Mayor indicate on the application that the Council did approve the sale of this one-fourth interest in the American Taxi Company to FRANK BUTLER. The motion seconded by Councilman Johnson, carried by the following vote:

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

LAWRENCE OWENS appeared before the Council regarding his subdivisions, Owens Subdivisions Nos. 1 and 2. It was explained this was a matter for the Planning Commission, and LAWRENCE OWENS was directed to this Department.

Councilman Johnson moved that the following application for change of zoning be set for 11:00 A.M., April 12, 1951:

MRS. JUNIE C. KNAPE	1408 Brazos	From "B" Residence
	Lot 9, Blk. 172,	To "C" Commercial
	Original City	

The motion, seconded by Councilman Drake, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
 Noes: None
 Absent: Councilman Long

Pursuant to published notice thereof, the following applications for changes of zoning were publicly heard:

LOUIS D. KUBECKA	2324-2332 E. Avenue	From "B" Residence To "C" Commercial RECOMMENDED by the Zoning Board to include additional property in Block 44.
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MR. KUBECKA, appeared before the Council, to represent his request. He gave a history of the previous zoning of this property when he asked for a zone to permit an ice skating arena. He in turn accepted a zoning that would permit the building of apartment houses. This type of building is now out, and he wants to change the zoning to "C" Commercial to permit a super-market. Opposition was expressed by CHARLES TRENCKMAN, to the whole change, and particularly Block 44, which was recommended by the Zoning Board to be changed, but not publicly heard; that there should be something final about the zoning, as it had just been changed to "B", and the residents should be entitled to some degree of permanency to the zoning; that this request was the deepest penetration of commercial into residential property that has been requested; that there was no need for a big community center there, as there were so many establishments on 22nd and East Avenue. Opposition was expressed by WERNER DORNBERGER, 810 E. 23rd; F. ROSS BELL; ROY BEDICHEK, 801 E. 23rd; all stating their homes were their investments, and that Mr. Kubecka had lots of property that he had purchased for speculation. Discussion was held regarding cutting down the amount of property to be zoned. Mr. Kubecka inquired if he could use the back part of the block for parking, and the City Attorney explained he could not use it as an accessory use to commercial property without it also being changed. MR. R. C. WALDEN, in Block 44, was in favor of the change on the recommendation of the Zoning Board. The Council discussed changing only Mr. Kubecka's property from East Avenue to the alley. It was stated no action would be taken at this meeting; but at the next meeting on March 15th, the Council would consider changing the East one-half of Block 47 and the remaining part of Block 46; that the property in Block 44 would not be considered; and if those property owners in Block 44 wanted their property changed, they should make a separate application.

WOODROW BROWN	1801 Chicon	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Zoning Board to include Lots 2, 9, & 10, Blk.1, Outlot 35, Div. "B".
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Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted, and that the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

MRS. MAY LaPRELLE PRICE

2300 Block College
AvenueFrom "B" Residence
To "C" Commercial
NOT Recommended by the
Zoning Board of Adjust-
ment.

MR. HERMAN JONES, representing MRS. MAY LaPRELLE PRICE in her request for change of zoning of the 2300 block of College Avenue, from "B" to "C" Commercial, asked the Council to postpone this hearing until the following week or until all five members of the Council were present. COLONEL HORANCE SHELTON representing the opposition stated his clients were present now and wanted it heard at this time. The Council decided to hear everyone, but not to take action until the following week. MR. JONES stated the application for change of zoning was requested to permit the location of a Safeway Store, with a \$200,000 investment, plus the land value to represent an investment of a quarter million dollars; and that this would also add to the development of South Austin; that commercial zoning was around this property. MR. H. G. WEST favored the change and presented a letter from the Board of Directors of the South Austin Civic Club, recommending the change. MR. JOHN PAYNE favored the change, stating when big developments were turned down, towns ceased to grow. Opposition was expressed by C. C. LINSOMB stating this was a neighborhood of beautiful homes, and there was a commercial gap on Congress Avenue that could be purchased for this big development. MRS. PAUL BOWMAN 2205 Lindell, asked protection and security of the homes; COLONEL HORACE SHELTON, representing the opposition, asked this change not be granted, as this store would be open on Sundays, and the peace and quiet of the neighborhood would be disturbed; children would be in danger of being run over. He stated there were other places where this store could be located without intruding on these citizens; that this zoning does not constitute a public necessity, as there are plenty of grocery stores in the neighborhood; that these outside institutions come into areas built up by home owners and independent grocers and business men and blot them out. MR. PAUL BOWMAN, 2205 Lindell, stated that when vision did not include the homes first, the nation perished; that there was a new high school planned for this area as well as Fulmore already established; that this firm had plenty of money to buy anywhere. It was brought out in the discussion that the LaFrelle Place Sub-division had strict deed restrictions; but on this remaining five acres, no restrictions are included. MRS. FRANK H. JINNER, 2217 Lindell submitted a list of ten grocery stores in the neighborhood. J. B. WILLIAMS, 2210 Lindell, stated 50 houses had been built in the last six years and with heavy restrictions, and now this strip of land right in the center is not going to have any restrictions. MR. GUS MOOS stated the reason this developed so nicely was because of the residential restrictions, and now this one area is left without deed restrictions. MR. WELDON COVINGTON, 2310 Euclid opposed the change; also MR. F. C. ODELL, 2204 Euclid; B. A. YOUNG, 2314 Euclid. MR. R. V. DURDEN, 2305 Forrest Avenue, stated it had been brought out previously that the investment would amount to \$300,000. If 20 homes were built at \$15,000 each, there would be \$300,000 invested; that the materials for this concern were already bought and would not be purchased in Austin; that Congress was not the only commercial street in South Austin; as there were Mary, South First and Fredericksburg Road. MAYOR GLASS stated he was going to vote against this as the property owners did have restrictions and promises that it would all be residential, and he did not think it fair to take one block that had not been subdivided and change it to commercial. It was then discussed if only half of the piece were zoned, would the neighbors object to that. The opponents stated they did not want any compromise. The Mayor announced that this hearing would be continued until next week.

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: Taylor Iders
Mayor

ATTEST:

Elic Boosby
City Clerk