

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 20, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, February 20, 1941, at 10:25 A. M., with Mayor Pro Tem Wolf presiding. Roll call showed the following members present: Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; absent, Councilman Alford and Mayor Miller.

The Minutes of the regular meeting of February 6, 1941, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

Prof. A. N. McCallum, Superintendent of Schools, came before the Council and submitted the following communication:

"Austin, Texas  
Feb. 19, 1941

To the Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Trustees of the Austin Public Schools passed the following resolution on February 18, 1941:

'BE IT RESOLVED by the Board of Trustees of the Austin Public Schools that we recommend that the corporate limits of the City of Austin be extended for school purposes only, so as to embrace the tract of land now lying in the Pecan Springs Common School District No. 61, Travis County, Texas, as set out in the petition presented herewith. '

Yours sincerely,

/s/ A. N. McCallum. "

(Petition Attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

We, the majority of the resident qualified voters, living within the hereinafter described tract of land, now lying in the Pecan Springs Common School District No. 61, Travis County, Texas, said tract of land being described by metes and bounds as follows:

BEGINNING at the intersection of the Webberville Road with the Springdale Road; thence northeasterly with the said Webberville Road to the intersection of said Webberville Road with East Nineteenth Street; thence with the north line of said Nineteenth Street north 60°15' west to the southeast corner of the tract of land described in deed from Julia Grove, et al. to J. D. Ray, dated November 23, 1938, recorded in the Deed Records of Travis County, Texas, Book 607, pages 65-68; thence with the east line of said Ray tract north 29°25' east 351.5 feet to a stake, the same being the northeast corner of said Ray tract; thence with the north line of said Ray tract north 65°35' west 535.6 feet to stake, the same being the northwest corner of said Ray tract; thence with the west line of said Ray tract south 24°30' west 354 feet to the southwest corner of said Ray tract on said Nineteenth Street; thence with the north line of said Nineteenth Street to the intersection of said Nineteenth Street with the Springdale Road; thence southerly with the center line of said Springdale Road to the intersection of said Springdale Road with the Webberville Road

respectfully request and petition the City Council of the City of Austin to extend the corporate limits of the City of Austin for school purposes only so as to include and embrace all of the territory above described, in accordance with Article 2303, Revised Statutes of the State of Texas of 1925.

Respectfully submitted

/s/ James J. Patterson

/s/ C. R. Leach

" James R. Leach

" Mrs. J. Donald Francis

" J. Donald Francis

" J. D. Ray

The foregoing matter was taken under advisement.

The written application of Gus Henderson, owner, and Chas. G. Stark and Fred Leser, lessees, of Lot 1, Block 4, Lako Austin Addition, for a change in zoning of said property to permit the sale of light wine and beer in connection with food, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

A letter from Mrs. Roy Randolph, Corresponding Secretary of The Woman's Study Club, advising that said Club had passed a resolution pledging its cooperation and support of the recently enacted Shrubbery Ordinance, was received and ordered filed.

The petition of C. E. Moyer for the closing of an alley adjacent to his property at 51st and Clarkson Avenue was received; and the matter was referred to the Engineering Department for consideration and recommendation.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF THE PROPERTY ABUTTING UPON WEST NINTH STREET ON THE NORTH AND SOUTH SIDE FROM THE EAST CURB LINE OF LAVACA STREET TO THE WEST CURB LINE OF COLORADO STREET, AND UPON COLORADO STREET ON THE EAST SIDE AND WEST SIDE FROM THE NORTH CURB LINE OF WEST NINTH STREET TO THE SOUTH CURB LINE OF WEST TENTH STREET, AND UPON WEST TENTH STREET ON THE SOUTH SIDE ONLY, FROM THE EAST CURB LINE OF LAVACA STREET TO THE WEST CURB LINE OF COLORADO STREET, IN THE CITY OF AUSTIN, TEXAS, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN THE LIMITS DEFINED, AND AS TO ANY ERRORS, INVALIDITIES, OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR, OVERRULING AND DENYING ALL PROTESTS AND OBJECTIONS, FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREET WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE ASSESSED AGAINST SAID PROPERTIES AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN SAID LIMITS, FIXING A CHARGE AND LIEN AGAINST THE PROPERTY ABUTTING UPON SAID STREETS AND THE TRUE OWNER OR OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; AND DECLARING AN EMERGENCY

The ordinance was read the first time and laid over.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE AUTHORIZING AND EMPOWERING ALL POLICEMEN OF THE CITY OF AUSTIN TO ARREST WITHOUT WARRANT ANY PERSON FOUND IN A SUSPICIOUS PLACE OR ANY PERSON WHO HAS VIOLATED OR IS ABOUT TO VIOLATE ANY STATE LAW OR MUNICIPAL ORDINANCE IN THE CITY OF AUSTIN, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND EXPRESSLY REPEALING ARTICLE 537, CHAPTER XII OF TITLE XXI, REVISED ORDINANCES OF THE CITY OF AUSTIN OF 1908; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and laid over.

A letter from Dr. Geo. W. Cox, State Health Officer, advising that the City of Austin had been accorded the honor of having the most attractive sewage treatment plant in the State, was received and ordered filed.

Councilman Gillis moved that the application of E. J. Kunkol, 2414 Guadalupe Street, for a Taxicab License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

Councilman Gillis moved that the application of Woodrow Harrison, 1504 Hether Street, for a Taxicab License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem, Wolf; nays, none; Councilman Alford and Mayor Miller absent.

Councilman Gillis moved that the application of James Robert Chaney, 1405 West 15th Street, for a Taxicab License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

The following resolution was introduced by Councilman Gillis:

WHEREAS, property owned by H. E. Wattering on West Sixth Street, at Bowie Street, being the southwest corner of the intersection, has been assessed for taxes for the years 1927 through 1940, inclusive, as the north 138.71 feet of Lots 7 and 8, Block 1, Outlot 11, Division "2", Raymond Plateau, Plat 103; and

WHEREAS, said 138.71 feet was intended to represent the depth of said Lot running southerly from West Sixth Street, and the assessed value of such property for said years, being \$4110.00, not including the value of the improvements thereon, was based upon such depth; and

WHEREAS, such property of the said Wattering at such intersection has a depth of 125.5 feet, and should have been described as the north 125.5 feet of Lots 7 and 8, Block 1, Outlot 11, Division "2", Raymond Plateau, Plat 103, and the tax value which should have been fixed on such land for the years above stated was, exclusive of the value of the improvements thereon, the sum of \$3935.00, and the value as fixed should have been corrected; and

WHEREAS, the taxes for the years 1927 to 1940, levied against such property, based upon a value of the land without improvements of \$4110.00 have been paid by the said H. E. Wattering; therefore,

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

THAT the assessments for taxes on said land for the years aforesaid be and the same are hereby reduced and corrected, and the assessed value of such land, exclusive of the value of the improvements thereon for such years, is fixed at \$3935.00;

BE IT FURTHER RESOLVED:

THAT the City Tax Collector be and he is hereby authorized to refund to the said H. E. Wattering the amounts of money so paid by him in excess of the value as fixed hereby for such tax years, the amount of such excess for the years stated being \$53.51.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tom. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

The following resolution was introduced by Councilman Bartholomew:

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

THAT the Acting City Manager be, and he is hereby, authorized and directed in behalf of the City of Austin to execute a quitclaim deed to Victor A. Kormsior to the following described property:

Lot 24, in Block 21, in Travis Heights Addition to the City of Austin,  
Travis County, Texas,

in consideration of the payment of all taxes and court costs involved in tax suit No. 41444, City of Austin vs. Citizens Loan and Investment Company, in the District Court of Travis County, Texas, in which judgment was rendered in favor of the City of Austin, and the said property sold to said City of Austin.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tom. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

In accordance with published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin, in the following particulars was opened:

To amend the USE designation of the following described property so as to change same from

"C" Commercial District and First Height and Area District to "A" Residence District and First Height and Area District:

All that land located between the alley west of Speedway and Avenue D, and bordering West 40th Street on both the north and the south sides and extending north from West 40th Street approximately 150 feet, and south from West 40th Street approximately 150 feet

To amend the USE designation of the following described property so as to change name from "B" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District:

South 107' of Lot 1, Block 131, being the northeast corner of Eleventh Street and Rio Grande Street

In the matter of change in USE designation of the property extending 150 feet north and south of West 40th Street between the alley west of Speedway and Avenue D, the following appeared and were heard:

Mrs. H. H. Lindeman, opponent, protested the change on the grounds that she bought her property because of its commercial classification; that it was not suitable for any other use; and that under the Pure Food Law, her business, to wit, the manufacture of Everfresh Salad Dressing, could not be operated satisfactorily in an Industrial District.

The following proponents plead for the change substantially as follows:

Mr. John Seekatz declared that at the time he bought his property he was not aware that it was zoned as commercial, but thought that same was residential.

Mr. B. F. McDonald declared that the property was zoned originally as residential, but because of the proximity of the street car tracks, the Board of Adjustment had recommended that same be changed to commercial; and that since the removal of the street car tracks, the property has become more desirable as residential; and that none of the property owners, except opponent, knew that same was classified as commercial.

Mr. M. S. Bowen declared that at the time this property was rezoned as commercial, he had no knowledge of same; and that he objects to having business there.

Mr. Frank Burnette declared that he had no knowledge of same when the property was rezoned as commercial; and that he is in favor of having same rezoned residential.

Mrs. Ramon Mallow declared that when their property was purchased two years ago, they had no knowledge that it was zoned as commercial.

Mrs. Fannie Wilcox declared that their property had been a homestead for more than twenty years and that they had no knowledge of its being changed to commercial; and that they desired that it be rezoned as residential.

Mrs. DeWitt Jennings declared that their property had been in her family for over thirty years; and that they wished it rezoned as residential.

No other property owners or interested persons desiring to be heard, the hearing was thereupon closed; and the City Attorney was directed to prepare the necessary ordinance changing the aforesaid property from "C" Commercial District to "A" Residence District, as recommended by the Board of Adjustment.

In the matter of change in USE designation of the property at the northeast corner of Eleventh Street and Rio Grande Street, the following appeared and were heard:

Mr. Paul R. Tilley, proponent, plead for the change on the grounds that there is business in the same block at present; that the contemplated use of this property will not be objectionable to surrounding property owners; that he bought the place with the understanding that he could conduct his little business there; and that the change is necessary in the further conduct of such business.

Mr. W. C. Schulle plead for the change, declaring that same should be made to apply to the entire block, as he had been prevented from developing his property for business uses because of its zoning.

Among the group of property owners opposing the change, the following protested substantially as follows:

Mrs. Mary Louise Hatzfeld declared that her property, which adjoins the property in question on the east, has been a homestead for seventy-three years, and that the change would be very objectionable.

Mr. Ernest Jarmon declared that the change was objectionable because it would depreciate the value of his home.

Miss Lenore Johnson declared that the change was objectionable because it would depreciate the value of her property as apartments, this being her means of a livelihood, and for this reason desired that it be kept residential.

Mr. W. R. Nabours declared that the change was objectionable because of its tendency to encroach upon the rights of home-owners, and what it might lead to if granted.

Mrs. Molly Gude, by telephone, protested the change because it would depreciate the value of her property for residential purposes.

No other property owners or interested persons desiring to be heard, the hearing was thereupon closed, and Mayor Pro Tem. Wolf moved that the action of the Board of Adjustment be sustained and the change be not granted. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

Councilman Gillis moved that the application of Allen Lee Jackson, 314 Congress Avenue for a Taxicab License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Councilman Alford and Mayor Miller absent.

Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor, at 11:45 A. M.

Approved Lawrence S. Wolf  
Mayor Pro Tem.

Attest:

Hallie M. Keller  
City Clerk