

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 14, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, August 14, 1941, at 10:30 A. M., with Mayor Pro Tem. Wolf presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; absent, Mayor Miller.

The Minutes of the regular meeting of August 7, 1941, were read, and upon motion of Councilman Alford, were adopted as read, by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The written request of R. Barrow for a change in zoning, from "A" Residence District to "B" Residence District and Second Height and Area District of the two lots owned by him fronting 165 feet on West 24th Street and 112 feet on Leon Street, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The following report of the Board of Adjustment was received:

Austin, Texas  
August 13, 1941

The 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 held on August 12, 1941, which is hereby respectfully submitted for your consideration:

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 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. Ted Wendlandt requesting a change in the Use designation of the following described property:

West side of Navasota Street between Amber Street and Olive Street;

from "A" Residence and Second Height and Area District to "C" Commercial and Second Height and Area District; and

WHEREAS, the Board of Adjustment carefully considered this application at a meeting held on August 12, 1941; and

WHEREAS, the property on both sides of Navasota Street from East Twelfth Street to Cotton Street is now zoned as a "C" Commercial District and all the property on East Twelfth Street from Cleander Street east to Poquito Street is now zoned as "C" Commercial District; and

WHEREAS, the present large commercial district is not fully developed for commercial purposes, there being available enough property for such purposes to serve the needs of this area for many years to come; and

WHEREAS, no valid or convincing reasons have been submitted for extending this commercial district further south on Navasota Street; and

WHEREAS, no public demand or convenience has been demonstrated to justify this change; and

WHEREAS, this application is for a small area which may or may not be developed for commercial purposes, it would indicate that the petition is primarily for the promotion of sale of the property; and

WHEREAS, there appears to be no sound basis under a comprehensive zoning plan for changing this small area in the interest of the general welfare, public convenience and necessity; but is predicated on the benefit of a single individual; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kushne  
Chairman.

The proponent of the aforesaid change in zoning not being present, the matter was held in abeyance.

The following resolution was introduced by Councilman Alford:

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:

A gas main in EAST AVENUE from a point 107 feet north of East 49th Street southerly 348 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said East Avenue.

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

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

Upon motion, the following applications for private boat licenses, to-wit:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Gissell, R. W. - 1706 South Congress Avenue	Home-built, Trunk Cruiser, 1941 Model, Chevrolet Motor, 12-passenger
Junior Naval Militia-1710 Confederate Avenue	Dixie, Outboard, eight years old, 9-passenger

were granted, subject to the approval of the Lake Austin Navigation Board, by the following vote: eyes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

It was moved by Councilman Alford that the application of Chester Columbus Kimbro, 900 West Elizabeth Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

It was moved by Councilman Alford that the application of Powell Dempsey Hawkins, 1904 Sabine Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: eyes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

In compliance with the request of the Junior Chamber of Commerce, submitted by Acting City Manager Seaholm, for permission to move a small building to the Municipal Airport grounds for use by said Organization as a field office for their community planes, the Acting City Manager and the City Engineer

were authorized to draw up an agreement granting the request, with the understanding that such building will be removed at any time that it interferes with Government operations.

Mayor Pro Tem. Wolf laid before the Council the following ordinances:

AN ORDINANCE AMENDING SECTION 7 OF THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF FEES AND THE ISSUANCE OF PERMITS BY THE CITY OF AUSTIN TO PERSONS ENGAGED IN THE VARIOUS PHASES OF THE LIQUOR TRAFFIC, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN DECEMBER 12, 1935, AND IS RECORDED IN BOOK "K", PAGES 56-58, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, SO AS TO PROVIDE IN SAID AMENDED SECTION FOR AN ANNUAL LICENSE FEE OF \$125.00 FOR A "PACKAGE STORE PERMIT", AS DEFINED BY STATE LAW; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rules be suspended and the ordinance be passed to its second reading. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The ordinance was read the second time and Councilman Alford moved that the rules be further suspended and the ordinance be passed to its third reading. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The Mayor Pro Tem. announced the ordinance had been finally passed.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed against Lincoln Thompson for the years 1926 through 1928, and 1930 through 1940, on Lots 1, 2, and 3, Block 6, Outlot 23, 23 $\frac{1}{2}$ , Division "A", Lincoln Place, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$402.06, and for the non-payment of same at maturity, penalty in the sum of \$20.10 has been assessed and interest in the sum of \$171.76 has accrued thereon; and

WHEREAS, in the District Court of Travis County, Texas, suits have been filed by the City of Austin for the collection of said taxes, such suits being Nos. 44906, 46223, and 62996; and in such suits, court costs have accrued in the sum of \$10.50; making a total amount of taxes, penalty, interest, and court costs the sum of \$604.42; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$20.10 and a portion of the interest in the sum of \$123.82, and to waive the collection of the court costs in the sum of \$10.50; therefore,

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

THAT the aforesaid penalty in the sum of \$20.10, and a portion of the interest in the sum of \$123.82, and the court costs in the sum of \$10.50 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$20.10 and a portion of the interest in the sum of \$123.82, and the court costs in the sum of \$10.50, off his rolls, and to issue to the party entitled to same a receipt in full upon payment of the taxes and the remaining interest due as aforesaid.

The foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Upon motion, seconded and carried, the meeting was recessed at 10:55 A. M., subject to call of the Mayor.

Attest:

*Halle Miller* City Clerk

Approved *Rowell G. Wolf*  
Mayor Pro Tem.