

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 17, 1942.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Wednesday, June 17, 1942, at 10:30 A. M., with Mayor Tom Miller presiding; the meeting having been held on Wednesday instead of Thursday, the regular meeting day, at the request of the Mayor. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The Minutes of the regular meeting of June 11, 1942, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 60 AND SECTION 61 OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the Ordinance be placed on its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the Ordinance be placed on its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor then declared the Ordinance finally passed.

Mr. E. G. Kamp appeared before the Council and registered a complaint against Mrs. W.T. McElroy, Market Master, alleging partiality in the renting of stalls at the Market.

After hearing the report of Mrs. McElroy on the matter, it was the sense of the Council that the said Mrs. McElroy be sustained in her method of operating the Market, and that the City Attorney, in collaboration with the City Engineer and the Market Master, be instructed to draw up a set of rules governing the operation of the Market and have same posted there.

The following resolution was offered by Mayor Miller, who moved its adoption:

WHEREAS, the City of Austin desires the cooperation of all citizens to protect the lives of men, women, and children from traffic injuries and accidents during the summer months when an increased number of children and other persons will be enjoying vacations, and in so doing will be using the streets and highways; and

WHEREAS, Honorable R. Kennedy, better known to some as "Safety Santa Claus", has requested the support of the City Council and the City of Austin in his personal campaign to remind our people, through public announcements and through church pulpits, of the need for traffic safety; Now, Therefore,

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

THAT we do hereby urge all citizens, service clubs, churches, and other organizations interested in traffic safety to join this drive and through added caution in driving to make the summer season a period of fewer accidents than in any preceding summer season, and resolve further that all ministers of the gospel be requested to announce from their pulpits within the next thirty days the need for cautious driving during the summer months.

The motion, carrying with it the adoption of the resolution, prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Adjustment was received and ordered filed:

" Austin, Texas
June 11, 1942.

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Pursuant to your request for a recommendation concerning the advisability of amending the Zoning Ordinance to include the sale of beer by retail ice and food pantries under a "C-1" Commercial Zone, the Board of Adjustment carefully considered this question at several meetings and after thorough deliberation and study begs to submit the following conclusions:

The present provisions of the Zoning Ordinance for the sale of beer for off-site and on-site consumption in the City of Austin, which were enacted by the City Council through the creation of a "C-1" Commercial District by an amendment to the Ordinance passed on July 17, 1941, was the result of several years of study by the Board of Adjustment and the City Council and were designed to meet the demand for the equitable and satisfactory distribution of the sale of beer and wine throughout the City without the attendant harmful and anti-social conditions incident to such a type of business. Under these provisions, proper safeguards are established and certain rigid requirements are laid down for the conduct of such a business. It is deemed that the present Ordinance provides a satisfactory, workable and equitable regulation for the sale of this beverage and is now well established and in satisfactory operation.

The suggested amendment for allowing the sale of beer in ice and food pantries would be an extension of this business without control or safeguards which now apply in the "C-1" District. A similar amendment for the sale of beer in grocery stores was proposed several years ago but was deemed inadvisable and detrimental to the interests of the City. To again amend the Ordinance in the manner suggested would, in the Board's opinion, create the same problems which arise in an unrestricted traffic in alcoholic beverages which have been so well solved by the present Ordinance.

The Board further deems that the adoption of this amendment would be against the welfare of the City and not in response to any general public demand and would tend to be discriminatory in the interest of a small class of business interests, and that it would be difficult to control the promiscuous evasion of the intent and purpose of the amendment. There are no safeguards or requirements provided for the enforcement of such a provision. The limits within which such a privilege could be applied are indefinite, as to the transition between a food pantry and a grocery store, and are not clear; and the application of such a right to a food pantry might also be claimed by a grocery business. It is also deemed that there is now sufficient property in the City of Austin zoned for "C-2" Commercial and "C-1" Commercial Districts to meet the requirements of this type of business, and therefore there is no need for spreading it further throughout the business areas of the City. To enact this amendment at this time would be unfair to the many property owners and operators who have met the rigid requirements of the present "C-1" Commercial District regulations for the sale of beer, as those who would be privileged to do the same business would not have to meet such requirements.

Considering the total effect of such an amendment and all the possibilities inherent therein, the Board of Adjustment feels that the passage of such an amendment would in its practical application render ineffective the entire zoning regulations governing the sale of beer and wine and would not be in accord with any sound zoning principles and would tend to destroy the present effective control of this traffic.

The Board of Adjustment, therefore, does not recommend the passage of any further amendments to the Zoning Ordinance for the extension of the sale of beer or wine, except as now provided in the "C-1" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehno
Chairman. "

Mr. T. A. Beatty, Business Manager, Painters Union #221, came before the Council and submitted a request that the painters belonging to said Union be given employment on the remodeling of the prophylactic station for soldiers to be located in this City. He was advised to take the matter up with Calcasieu Lumber Company, Contractor on the job.

In accordance with the recommendation of the Acting City Manager, the Negro employees of the City were granted a holiday on JUNE 19TH.

Acting City Manager Seaholm submitted a detailed report showing the proposed wage and salary increase for certain employees of the City.

After some discussion of the matter, Mayor Miller moved that it be the sense of the Council that on account of the increase in the cost of living and on account of the fact that the City can do so within the limits of taxation and keep a balanced budget, the Acting City Manager be authorized to make effective as of June 15th a wage and salary increase of approximately Ten Dollars (\$10.00) per month in the lower brackets; an increase of approximately Ten Dollars (\$10.00) per month in the salaries of the Guards; and a ten cents-per-hour increase in the pay of Power Plant employees and linemen. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf, who moved its adoption:

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

THAT the sum of Eighteen Hundred Dollars (\$1800.00) be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the City of Austin's pro rata of the contribution to the Fifth Battalion, Texas Defense Guard, for the remaining nine months of the year, beginning with the month of April, at the rate of Two Hundred Dollars (\$200.00) per month.

The motion, carrying with it the adoption of the resolution, prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Moselle Littman for the years 1933, 1935, 1937, 1938, 1939, and 1940, on Lot 3, Block 1, Outlot 43, Division "O", Spence Addition, said taxes being for the sum of \$187.31; and for non-payment of same at maturity, penalty in the sum of \$9.37 has been assessed, and interest in the sum of \$47.24 has accrued, making the total amount of taxes, penalty and interest the sum of \$243.92; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$9.37; therefore,

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

THAT the aforesaid penalty in the sum of \$9.37 is 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 \$9.37 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the interest as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie M. Keller City Clerk