

\$14.02 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 \$63.45 and one-half of the interest in the sum of \$14.02 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest as aforesaid.

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 11:55 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Hellie M. Keller
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 20, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building on Thursday, August 20, 1942, at 10:35 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Acting City Manager Seeholm, City Attorney O'Quinn, and City Engineer Motheral.

The Minutes of the regular meeting of August 13, 1942, were read and upon motion of Councilman Alford were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following report of the Board of Adjustment was received:

" Austin, Texas
August 19, 1942

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

At a meeting held August 13, 1942, the Board considered the matter of the proper zoning of the property along both sides of Lamar Boulevard from the south end of the Colorado River Bridge to Barton Springs Road, in view of the fact that the new bridge across the Colorado River and Lamar Boulevard are now completed and are being used.

In November, 1940, the State Highway Department, through the District Engineer, Mr. D.E.H. Montgault, addressed a letter to the City Plan Commission expressing concern over attempts to change the zoning classification along the new Lamar Boulevard when completed and that the State Highway Department was keenly interested in the proper zoning of the land abutting on this boulevard.

Upon receipt of this letter the City Plan Commission addressed a letter to the Zoning Board of Adjustment requesting the Board to preserve the present use of the property along this boulevard and to discourage the zoning of this property for the objectionable uses such as the sale of liquor.

The Board of Adjustment took this matter under consideration and decided to await the completion of the new bridge and the boulevard for making a thorough study of this area with respect to the proper zoning of the abutting property in the light of the then existing conditions and effect of the boulevard on such property.

As the boulevard is now completed and in use and the Council is considering the sale of a portion of property for other uses than are now permitted, the Board held the above meeting to carefully consider the matter of the zoning of the property now fronting on the boulevard and with special reference to the property to be sold by the City to Mr. Theo. P. Meyer for the erection of a creamery and ice cream mixing plant.

After inspecting the property and consulting the zoning maps of the City of Austin, the Board finds that there is now a "C-1" Commercial District along Barton Springs Road which extends north on Lamar Boulevard to Butler Road and includes a triangle on the east side of Lamar Boulevard abutting on Barton Springs Road, and upon thorough consideration of all the conditions and circumstances affecting this property and for the best interests of the City the Board begs to recommend to the City Council that this present "C-1" Commercial District at the intersection of the boulevard with Barton Springs Road be extended northward along both sides of Lamar Boulevard a minimum distance of 250 feet and in no case beyond the projection of the south line of the Butler Tract eastward to Lamar Boulevard, and that the same be zoned as a First Height and Area District, and that the Zoning Ordinance be amended by adding to the Uses permitted in a "C-1" Commercial District Item 3 as follows:

"3. Creameries and ice cream mixing plants."

These amendments to the Zoning Map and Ordinance would permit the legal erection of a creamery and ice cream mixing plant at this location and in "C-1" Commercial Districts throughout the City, in which districts most of the creameries now exist. In order to prevent the establishment of any objectionable uses in the "C-1" Commercial District on any property abutting on Lamar Boulevard such as the sale of wine and beer, it is further recommended that the Council insert appropriate restrictions in the deeds conveying any of its property.

The Board does not think it wise or proper to spot zone any property for the benefit of a single individual and that any changes in zoning classifications should be based on sound principles and a comprehensive plan and of unquestionable legality, and it is therefore hoped that the Council will adopt the above recommendation.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Gillis moved that a public hearing on the proposal to change the zoning of the property on both sides of Lamar Boulevard north of Butler Street for a distance of 250 feet to "C-1" Commercial District as recommended in the foregoing report of the Board of Adjustment be set for THURSDAY, SEPTEMBER 10, 1942, at 11:00 A. M., and that notice thereof be published in accordance with the terms of the Zoning Ordinance. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THE CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, BEING A GENERAL REVISION OF THE ZONING ORDINANCE OF THE CITY OF AUSTIN, WHICH AMENDATORY ORDINANCE IS RECORDED IN BOOK "1", PAGES 152 TO 174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 7 OF SAID ORDINANCE BY ADDING TO THE USES PERMITTED IN C-1 COMMERCIAL DISTRICT "CREAMERIES AND ICE CREAM MIXING PLANTS"; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Gillis 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 Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the second time and Councilman Gillis moved a further suspension of the rules and the placing of the Ordinance on its third reading. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

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

Mayor Miller then declared the Ordinance finally passed.

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized and directed to enter into a contract with L. D. Lyons, for and in behalf of the City of Austin, for the leasing from L. D. Lyons of one room on the rear of the second floor of a building located at 516½ East Sixth Street in the City of Austin, Texas, substantially in accordance with the terms and provisions of a copy of the lease agreement which is attached hereto and made a part hereof.

(LEASE AGREEMENT)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

THIS LEASE made between City of Austin, a municipal corporation, situated in Travis County, Texas, (hereinafter for convenience sometimes called the "City"), and L. D. Lyons of Travis County, Texas, (hereinafter for convenience sometimes called "Lessor"), WITNESSETH:

That the Lessor has agreed to let and hereby does let to the City of Austin, and the City of Austin has agreed to take and hereby does take from the Lessor rear room on second floor of building located at 516½ East Sixth Street in the City of Austin, Texas, said room containing approximately 215 square feet, and said building being located on the east 23 feet of Lot 3, Block 65, Original City of Austin, Texas, for a term commencing on the 1st day of August, 1942, and ending on the 31st day of December, 1943, with the option as hereinafter more fully set out in the City of Austin to renew and extend said term upon notice to the Lessor.

The City of Austin hereby covenants and agrees to pay to Lessor as rent on said premises the sum of Fifteen Dollars (\$15.00) each month, payable in advance on or before the 5th day of each month during the term of this lease or any period of extension or renewal hereof. The City of Austin hereby covenants that if any default be made in the payment of said rent or any part thereof at the times above specified, or if default be made in the performance of any of the covenants or agreements herein contained, then at his option the Lessor may re-enter and re-let said premises as above, or else may declare this lease wholly at an end.

Lessor hereby agrees that the City of Austin may make or cause to be made such alterations, repairs, and improvements as may be reasonably necessary for the occupancy of said premises by the City of Austin or the United States Government; it being contemplated by the parties to this lease that said premises will be used as a Negro Prophylactic Station by the City of Austin or the United States Government.

The City of Austin shall have the option to renew and extend this lease, upon written notice to the Lessor at Austin, Texas, on or before December 1, 1943, for any period of time not to exceed six (6) months, and the City of Austin may, within thirty (30) days prior to the expiration of such renewal or extension period, or any subsequent renewal or extension period, exercise its further option to renew and extend this lease for an additional period not to exceed six (6) months upon written notice to the Lessor at Austin, Texas, provided that the total term or terms of this lease shall not extend beyond five (5) years from August 1, 1942.

WITNESS the hand of the City of Austin by and through its Acting City Manager, Walter E. Seeholm, hereunto duly authorized, attested by its City Clerk and with the seal hereunto affixed; and witness the hand of L. D. Lyons all on this the ___ day of _____, 1942.

CITY OF AUSTIN

Attest:

By
Acting City Manager

City Clerk

L. D. Lyons

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared Walter E. Seeholm, Acting City Manager of the City of Austin, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of the City of Austin for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 1942.

Notary Public in and for Travis
County, Texas.

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared L. D. Lyons, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the ____ day of _____, 1942.

Notary Public in and for Travis
County, Texas.

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

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized and directed to enter into a contract in behalf of the City of Austin with the United States Government for the leasing by the City of Austin to the United States Government of one room on the second floor of a building located at 516 1/2 East 6th Street in the City of Austin, Texas, for use as a Prophylactic Station for colored troops, all substantially in accordance with the terms and provisions of form No. W 781 eng-313 as exhibited to the City Council by the Acting City Manager.

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

Councilman Alford offered the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized and directed to enter into a contract in behalf of the City of Austin with the United States Government for the leasing by the City of Austin to the United States Government of a certain building known as the Meyer property and being a two-story stone, brick and wood building located at 616 Trinity Street, Austin, Texas, for use as Military Police barracks and Prophylactic Station for white troops, all substantially in accordance with the terms and provisions of form No. W 781 eng-202 as exhibited to

the City Council by the Acting City Manager.

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

Acting City Manager Seeholm submitted a proposed ordinance prescribing rules for the operation of the City Market. It was the sense of the meeting that a public hearing on the matter be held at the next regular meeting; and that, in the meantime, the Acting City Manager have copies of such rules posted at the Market Building in order that the renters of the booths may have notice of the matter and the hearing thereon.

Councilman Bartholomew moved that the following applications for private boat licenses be granted, subject to the approval of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Paxton, Jack - - 1715 Palma Plaza	Home-made, Outboard, 1942 Model, 3-passenger
Schallion, H. E.- 2620 Harris Boulevard	Lyman, Outboard, 1940 Model, "Kitt Shoel", Evinrude, 6-passenger

The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

Mr. Warren S. Freund came before the Council and registered a complaint against a nuisance created by the dumping of trash, etc., in an abandoned gravel pit on City property adjacent to Shoal Creek between 31st and 34th Streets. The matter was referred to the City Engineer for attention.

The application of Ollie Edward Murphy, Route 2, Box 437-B, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of James William Coker, 2608 South First Street, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattons, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-14753, State License No. 125104, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattons, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-32621, State License No. 125-103, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattons, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-60397, State License No. 124-396, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattons, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-51039, State License No. 124-397, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattens, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-36757, State License No. 125-105, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Pattens, Inc., 116 East 7th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1942 Model, Motor No. D22-26039, State License No. 125-102, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Bert E. Shirey, 300 Congress Avenue, for a license to operate as a taxicab a Mercury Sedan, 1940 Model, Motor No. 253087, State License No. N21-665, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Wayne Harris Bowles, 300 Congress Avenue, for a license to operate as a taxicab a Chevrolet Sedan, 1940 Model, Motor No. 3660058, State License No. 51-228, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The application of James William Coker, 214 Congress Avenue, for a license to operate as a taxicab a Chevrolet Sedan, 1941 Model, Motor No. AA22-2252, State License No. N21-390, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted, subject to the rendering of the property by applicant for ad valorem taxes. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

Pursuant to request submitted by the family of the deceased, the Acting City Manager was instructed to advise Mrs. G. B. Smedley of the local American Women's Volunteer Service, that the City Council is agreeable to the naming of the City's "bond-bought" tank in honor of Edison J. Smith, deceased, if, upon investigation by the Acting City Manager, it is shown that the said deceased was the first Austin boy to be killed in action in World War II.

The application of Coney Island Grill, 1703 San Jacinto Street, by George T. Stothas, owner, for a Beer Retailer's Permit, approved by the Acting City Manager, was submitted. Councilman Gillis moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

Upon motion, seconded and carried, the meeting was recessed at 11:00 A. M., subject to call by the Mayor.

APPROVED :

Tom Miller
MAYOR

ATTEST:

Hollie McKellar
CITY CLERK