MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 7, 1946

10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Absent: None

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police.

The minutes of the regular meetings of January 10, 17 and 24, 1946, were read, and upon motion of Councilman Alford, duly seconded, were adopted as read by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

A letter from Major Robert J. Croshaw, Sr., Bergstrom Field Recruiting Officer, was read. This letter requested permission to stage a flight of 18 airplanes over the City of Austin on March 16, at approximately 2 P.M., for the purpose of dropping recruiting literature, particularly on Congress Avenue. The stopping of all downtown traffic for 4 minutes while the literature floated down, thus providing a safety measure, was also requested. Some of the literature would contain numbers entitling the person picking it up to a prize to be donated by the local merchants.

After discussing this request, the Council was of the opinion that should this permission be given a traffic hazard would be created and might result in death or serious injury to some individual trying to secure one of the prizes through the paper with the lucky number, and, therefore, such permission would not be given. The Mayor stated that the City would be glad to cooperate with the recruiting service by placing any literature they might wish to have distributed in the water and light bills and this would provide a safe and sane way of distributing this information. The Sergeant representing the Recruiting Service stated that he would convey this information to Major Croshaw at Bergstrom Field.

The matter of the zoning change requested by T. M. Trimble of his property designated as Lots 23 and 24, Outlot 53, Division "D", fronting on Pearl street, which was continued from the Council meeting of February 28th, was discussed. Mr. Trimble had requested a change of the Use designation from "A" Residence, First Height and Area District, to "B", Second Height and Area

District.

The Council, on Friday, March 1, made a personal inspection of this request, and the Mayor stated that, after much deliberation and discussion, the Council had decided that the property belonging to Messers. Sneed, Trimble, Stacy, Judge Alexander and Mr. Yarbrough, between 25th and 25½ streets, Pearl and San Gabriel streets, should be changed to "B", Second Height and Area District, with the provision that neither fraternities nor sororities would be built thereon. The Council also agreed to purchase from Mr. Yarbrough Lot 21, for the sum of $2,400, for the purpose of extending 25½ street through to Pearl Street, the width of same to be 20 feet, and the balance of this lot, 34 feet, would be made into a playground for small children, with appropriate play equipment placed thereon.

Mr. Jerome Sneed represented Mr. T. M. Trimble, who was out of the city, and the Mayor stated that Mr. Trimble had agreed to give 3 feet off his lot for the purpose of widening the alley if the City would agree to zone his lots "B" and permit the construction of an apartment house but neither a fraternity nor a sorority house. Mr. Sneed said that Mr. Trimble had told him of this agreement. Mr. Sneed was then asked whether his son, Robert Sneed, would agree to this, and Mr. Sneed replied that he felt sure he would since his lot was to be rezoned to allow the construction of an apartment house. Mr. Yarbrough had also agreed to give 3 feet off the back of his lot for additional alley width.

The City Attorney was instructed to prepare an ordinance covering the change indicated and have same ready for presentation to the Council as quickly as possible.

The Mayor read a letter which he had written to the Zoning Board of Adjustment requesting that they consider the proposed changes and amendments to the Zoning Ordinance covering the "B-1", "B-2" and "B-3" Residence Districts to be created as soon as possible andmake recommendations to the Council.

Upon the recommendation of the City Manager that the Ridgetop Baptist Parsonage located at 4608 Depew Avenue, Austin, be placed upon the tax exempt rolls of the Tax Department of the City of Austin, Councilman Gillis moved that this be done and the same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The Mayor stated that the City Manager has requested the City Department Heads to prepare an estimate of the cost of the improvements to be included in the 10-year program to be submitted in the coming Bond election and to have same ready by March 15 so that these estimates could be studied and discused with the Council. The City Planning Commission and the Planning Committee of the Chamber of Commerce will be invited to attend a meeting to discuss these matters, and then later a public hearing will be held so that the citizens will be given an opportunity to make suggestions and voice their opinions.

The following report of the Zoning Board of Adjustment on the application of Miss Adele Henderson for a change in the zoning of three lots located at the northwest corner of the intersection of 24th and Leon Streets, from "A" Residence, First Height and Area District, to "C" Commercial, or "B" Residence District, Second Height and Area District, was read:

"Austin, Texas
March 6, 1946

Hon. 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 on March 5, 1946:

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 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of ADELE HENDERSON requesting a change in the Use designation of the following property:

Three lots located at the northwest corner of the intersection of 24th and Leon Streets,

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

WHEREAS, the Board of Adjustment held a hearong on this application on February 5, 1946, and the applicant stated that a "C" Commercial classification was preferred and the Board would not recommend this change; and

WHEREAS, before the Board took action on a final recommendation to the City Council, the applicant again appeared before the Board on March 5, 1946, and requested that the above property be changed from "A" Residence District to "B" Residence District; and

WHEREAS, this property is across the street west from a present "B" Residence District which terminates on the east line of Leon Street and to change the classification of the property would be an extension of the present "B" Residence District; and

WHEREAS, the Board carefully considered this change in connection with the trend of development in this area and the most suitable use for this property; and

WHEREAS, there is also a "B" Residence District further west on 24th Street at the intersection of Lamar Boulevard, and to change the classification of the applican't property would be merely extending the present "B" Residence District toward closing the gap between the present zones; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change in the Use Designation and Height and Area Designation of the above property be and is hereby recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s / H. F. Kuehne, Chairman

Councilman Bartholomew moved that a public hearing on the request of Miss Adele Henderson for a change in zoning of her property located at 24th and Leon streets, be set for March 28, 1946, at 11 A. M. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The following report of the Zoning Board of Adjustment on the applications of Mrs. Maude H. Kingsbery, through her Attorney, John D. Reed, and H. Yerger and Jake Silberstein, through their Attorney, Wm. Yelderman, for a change in the Use designation of the property located at the northeast corner of Red River and East 11th Streets and in the 1000 block of Red River Street, from "C" Commercial District to "C-2" Commercial District, was received:

"Austin, Texas
March 6, 1946

Hon. 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 on March 5, 1946:

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 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mrs. Maude H. Kingsbery, through her Attorney, John D. Reed, and a petition of H. Yerger and Jake Silberstein, through their Attorney, Wm. Yelderman, for changes in the Use designation of property located at the northeast corner of Red River and East 11th Streets and in the 1000 block of Red River Street, from "C" Commercial District and Second Height and Area District to "C-2" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a hearing on these applications at a meeting on March 5, 1946, at which John D. Reed appeared and plead for the granting of this application on property at Red River and 11th Streets, stating that the tenant desired to sell beer for off-site consumption in connection with his existing business; and

WHEREAS, at this hearing no objection was filed with the Board to the granting of these changes; and

WHEREAS, the property along Red River Street is now zoned as a "C-2" Commercial District as far north as 10th Street and the proposed changes would be an extension of this existing zone; and

WHEREAS, the City Council, upon recommendation of the Board, recently changed the Use designation of property in the 1100 block of Red River Street to "C-1" Commercial District; and

WHEREAS, the Board carefully considered the character of the development along Red River Street between 10th Street and 12th Street and found that this property is mostly developed for commercial uses, and deemed that

the change of all of this property to a "C-2" Commercial District would be in keeping with the trend of development in this area; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, it be and is hereby recommended to the City Council that all of the property on both sides of Red River Street between 10th Street and 12th Street as shown on the attached plat be changed from "C" Commercial District and "C-1" Commercial District and Second Height and Area District to "C-2" Commercial District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT
/ s / H. F. Kuehne, Chairman"

Councilman Wolf moved that a public hearing on the request of Mrs. Maude H. Kingsbery and H. Yerger and Jake Silberstein for a change in the zoning of their property located in the 1000 block of Red River Street and in the 1100 block of Red River, from "C" Commercial to "C-2" Commercial District, be set for March 28, 1946, at 11 A. M. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The following report from the Zoning Board of Adjustment on the application of "Fabricon", Diana Cole, Secy., for a change in the zoning of 1.45 acres out of the Lois Thrasher Tract located on the southeast corner of East 5th Street and Springdale Road, from "A" Residence District to "D" Industrial, was received:

"Austin, Texas
March 6, 1946

Hon. 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 on February 12, 1946:

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 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of FABRICON through its Secretary, Diana Cole, requesting a change in the Use Designation of the following property:

1.45 acres out of the Lois Thrasher Tract located on the southeast corner of East 5th Street and Springdale Road,

from "A" Residence District to "D" Industrial District; and

WHEREAS, the Board of Adjustment held a hearing on this application

at a meeting on February 5, 1946, at which the applicants appeared and plead for the granting of this application and explained the character of the business to be conducted and the kind of improvements proposed, presenting drawings of the proposed building which will house the operations of the plant; and

WHEREAS, at this hearing one property owner appeared and objected to the change on the grounds that he desired this area withing the City to remain residential; and

WHEREAS, the property referred to above is partly within the County and partly within the City, and property outside of the City limits to the south of this property is now partially developed for industrial purposes; and

WHEREAS, the present industrial areas lie to the south and west of this property, and this property is in line with the natural expansion and growth of industrial progress of the City; and

WHEREAS, the Board has previously recommended to the City Council the enlargement of industrial areas in this part of the City to accommodate the growing demand for industrial property at reasonable prices, and deems that this area will eventually all be developed for industrial purposes as it is the most logical section of the City for such expansion; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change in the Use designation of the above property be and is hereby recommended to the City Council, the Height and Area District designation to remain as now zoned.

Respectfully submitted,

BOARD OF ADJUSTMENT
/ s / H. F. Kuehne, Chairman"

The Council at their meeting of February 21, 1946, set the public hearing on above application for March 14, 1946, at 11 A. M.

The following report of the Zoning Board of Adjustment was received, same being their recommendation on the application of Burton Miles for a change in the zoning of a portion of the "Paggi" property on Lamar Boulevard, immediately south of the J. C. Powell family property, from "A" Residence to "C" Commercial:

"Austin, Texas
March 6, 1946

Hon. 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 on February 12, 1946:

RESOLUTION

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Burton Miles, through his Attorney, James H. Rogers, requesting a change in the Use Designation of the following property:

> That portion of a tract of land bounded by Lamar Boulevard, Butler Road, and Fredericksburg Road, now zoned as "A" Residence District, and described as follows: Beginning at the southeast corner of that certain 3.35 acre tract conveyed to Henry Paggi by warranty deed from Charles Paggi and others dated April 19, 1913, recorded in Volume 256, pages 613-615 of the Travis County Deed Records; thence North 60°04' West 87.39 feet to a stake for corner; thence North 18°47' East a distance of 367.95 feet to stake; thence North 20°48' East 115.68 feet to a stake for corner; thence South 60°04' East 177.28 feet to a stake for corner; thence South 29°58' West 475.26 feet to the place of beginning, being the same property conveyed to the Petitioner herein by warranty deed from Henry Paggi, et al, dated January 28, 1946, and recorded in the Travis County Deed Records,

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

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 5, 1946, at which the applicant appeared and asked for the change stating that he wished to develop the property for a commercial purpose due to the fact that it is not suited to a "A" Residence development and that commercial developments were taking place on the opposite side of Lamar Boulevard; and

WHEREAS, at this hearing no objection was filed with the Board to the granting of this change, and two property owners to the north and west filed a written statement of approval of the change; and

WHEREAS, property to the south and property across Lamar Boulevard to the southwest of the above land is now zoned as "C-1" Commercial District as indicated on the attached colored plat; and

WHEREAS, the Board deemed that due to the character of the surrounding property and the location and character of developments occurring, this tract is not well suited for residential purposes and to maintain it as such would cause unnecessary hardship to the owner; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change in the Use Designation of the above property be and is hereby recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s / By H. F. Kuehne, Chairman"

The Council at their meeting on February 21, 1946, set the public hearing on the above application for March 14, 1946, at 11 A. M.

The Mayor stated that the City had advertised three pieces of City-owned property for sale, but upon further study, and upon the recommendation of the City Manager, it was found advisable to sell one piece only, viz: Parts of Lots 1 and 2, Block 4, located at the corner of 45th and Speedway. The highest bid received on this piece of property was from E. C. Dosier for the sum of $535.00. Upon motion made by Councilman Gillis, and duly seconded, the City Manager was authorized and directed to accept the bid of E. C. Dosier on parts of Lots 1 and 2, Block 4, City of Austin, for the sum of $535.00 cash, and to issue a warranty deed for same. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 2, page 137, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Pressler's Subdivision, a subdivision of a portion of Outlot 1, Division "Z" of the Government Outlots within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appears various streets and alleys one of which alleys herein referred to is 20 feet in width and traverses Block 1 of said Pressler's Subdivision, and being the alley one-half block west of and parallel to Pressler Street and extending from West 4th Street to West 5th Street; and

WHEREAS, the owners of all the property abutting said alley from a point 153.9 feet south of the south line of West 5th Street south to West 4th Street have requested the City Council of the City of Austin to close the above described portion of said alley; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT that portion of the alley in Block 1 of Pressler's Subdivision lying between a point 153.9 feet south of the south line of West 5th Street and the north line of West 4th Street be, and the same is hereby permanently closed and vacated except the City of Austin hereby retains the right to construct, maintain, operate and control all public utilities in, upon and across the above described portion of said alley.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Wolf submitted the following request, together with resolution and recommendations covering same, and moved that the same be granted:

"Austin, Texas
March 6, 1946

The Honorable Mayor and Council
City of Austin, Texas

Gentlemen:

I respectfully request permission to install one 550 gallon underground gasoline tank and one 10 gallon visible gasoline pump on my lot at 217 West 8th street in the City of Austin.

The above equipment to be moved from 307 West 6th St. to the address above.

Respectfully,
American Taxi Co.
/ s / By Frank Morgan."

Austin, Texas
March 7, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the American Taxi Company, acting through its agent, Mr. Frank Morgan, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and one gasoline pump for the purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of West 8th Street, which property is designated as Lots 11 and the west 8 feet of 10, Block 82 of the Original City of Austin, Travis County, Texas and locally known as 217 West 8th Street.

This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Build-

ing Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

/ s / J. C. Eckert,
Building Inspector

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West 8th Street as a private gasoline plant, which property is leased by the American Taxi Company, and is designated as Lots 11 and the west 8 feet of 10, Block 82 of the Original City of Austin, Travis County, Texas, and hereby authorizes the said American Taxi Company, acting through its agent, Mr. Frank Morgan, to operate a private gasoline plant consisting of a 550 gallon underground tank and one gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendation; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said American Taxi Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The following resolution was submitted:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager of the City of Austin, Texas, be and he is hereby authorized and directed to sell the West 90' of Lots 1 and 2, Block 4, Hyde Park Addition No. 1, in the City of Austin, Travis County, Texas, to E. C. Dosier by general warranty deed for the sum of Five Hundred and Thirty-five ($535.00) Dollars.

Upon motion made and seconded, the resolution was adopted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Gillis submitted the following request, together with recommendation of the City Engineer and Building Inspector, and resolution covering same, and moved its adoption:

" Austin, Texas
March 4, 1946

Dear Sirs:

I request permission to build or have put in, a Filling Station on the northeast corner of my property located at 5009 East Avenue, 51st street.

I will comply with City regulations.

Signed

/ s / Arthur L. Coss"

Austin, Texas
March 6, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Arthur L. Cass for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located at the southeast intersection of East Avenue and East 51st Street, which property fronts 78.93 feet on East Avenue and 95 feet on East 51st Street, and being a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Arthur L. Cass, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that Arthur L. Cass be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the ad-

jacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the city streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-C-1023.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-1023 and shall be of the pre-moulded type.

(6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,
/ s / J. E. Motheral,
City Engineer
/ s / J. C. Eckert,
Building Inspector

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the southeast intersection of East Avenue and East 51st Street, which property fronts 78.93 feet on East Avenue and 95 feet on East 51st Street, and being a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas, and hereby authorizes the said Arthur L. Cass to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, peresent and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Arthur L. Cass has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Which motion, carrying with it the adoption of the resolution, prevail-

ed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Bartholomew offered the following resolution and moved the adoption of same:

(RESOLUTION)

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:

(1) A gas main in Burnet Road, from a point 227 feet north of West 46th Street northerly 170 feet, the centerline of which gas main shall be 1 foot east of and parallel to the west property line of said Burnet Road.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

(2) A gas main in BAILEY LANE, from a point 283 feet north of West 38th Street northerly to a point 34 feet north of West 39th Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said BAILEY LANE.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

(3) A gas main in MAPLE AVENUE, from East 14th Street northerly 132 feet, the centerline of which gas main shall be 16.5 feet west of and parallel to the centerline of said MAPLE AVENUE.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

(4) A gas main in EVANS AVENUE, from East 47th Street to East 48th Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said EVANS AVENUE.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

(5) A gas main in CROCKETT STREET, from a point 245 feet west of Wilson Street westerly 85 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CROCKETT STREET.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

(6) A gas main in CASWELL AVENUE, from a point 149 feet south of East 49th Street southerly 226 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said CASWELL AVENUE.

Said gas main described above shall have a cover of not less than 2 1/2 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 elevation 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 franchises granted to said company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Wolf submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of $31,500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the expenses necessary for construction for the Veterans' Housing on the Butler Trace.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

Councilman Bartholomew submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of $ 8,500.00 be and the same is hereby appropriated out of the Water and Light Fund, not otherwise appropriated, for the purpose of paying the expenses necessary for construction for the Veterans' Housing on the Butler Tract.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf.
Noes: None
Absent: None

The Mayor read a letter that he had received from the School Board requesting the City to include in their Bond Issue $ 7,146,000.00 for the Schools to be spent over a 10-year period. The same was ordered filed.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE TO PROVIDE FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES ON ALL PROPERTY TAXABLE BY LAW IN THE CITY OF AUSTIN; CREATING THE OFFICE OF CITY TAX ASSESSOR AND COLLECTOR AND PROVIDING FOR THE APPOINTMENT OF DEPUTIES AND ASSISTANTS, AND PRESCRIBING THEIR DUTIES; PRESCRIBING THE SYSTEM, MODE AND METHOD OF ASSESSING TAXES AGAINST REAL AND PERSONAL PROPERTY WITHIN THE CITY OF AUSTIN AND AGAINST THE OWNERS THEREOF; THE FORM, MANNER AND METHOD OF MAKING LISTS, RENDITIONS, INVENTORIES AND APPRAISEMENTS OF PROPERTY FOR TAXATION, THE VERIFICATION OF SUCH RENDITIONS, LISTS AND INVENTORIES; CREATING A BOARD OF EQUALIZATION, PRESCRIBING ITS DUTIES, AND PROVIDING FOR CONTESTS OF VALUATION BY PROPERTY OWNERS; PRESCRIBING THE FORM OF ASSESSMENT LISTS, NOTICES, RECORDS AND ROLLS; PROVIDING A SPECIAL LIEN ON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF AUSTIN AS SECURITY FOR TAXES; PROVIDING FOR THE COLLECTION OF TAXES, FIXING DATE WHEN DELINQUENT AND PROVIDING FOR INTEREST, PENALTY AND COLLECTION AFTER DELINQUENCY; PROVIDING FOR SUMMARY SEIZURE AND SALE OF PROPERTY FOR TAXES AND COSTS; AVAILING THE CITY OF ALL STATE LAWS PERTAINING TO THE ASSESSMENT AND COLLECTION OF TAXES; PROVIDING PERIOD FOR REDEMPTION OF PROPERTY FROM PURCHASER AT TAX SALES BY ANY INTERESTED PARTY AND FOR REDEMPTION BY ANY PARTY AFTER SUCH REDEMPTIONPERIOD; VESTING ALL RIGHT, TITLE AND INTEREST IN PROPERTY ACQUIRED BY THE CITY OF AUSTIN IN ANY PARTY REDEEMING ANY SUCH PROPERTY, AND DECLARING AN EMERGENCY.

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

Ayes; Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf.
Noes: None
Absent: None

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

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf.
Noes: None
Absent: None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Alford introduced the following ordinance for a third reading.

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED SO THAT THE USE DESIGNATION OF ALL THAT PROPERTY KNOWN AS BLOCKS 54,55,60 and 61, OUTLOT 24, DIVISION C, CHRISTIAN AND FELLMAN ADDITION, LOCATED IN THE CITY OA AUSTIN, TEXAS, SHALL BE "B" RESIDENCE AND SECOND HEIGHT AND AREA DISTRICT; CHANGING FROM SECOND HEIGHT AND AREA DISTRICT TO THIRD HEIGHT AND AREA DISTRICT THE EAST ONE-HALF (E½) OF BLOCKS 35, 36,37,38 AND ALL OF BLOCKS 39 to 54, INCLUSIVE, ALL IN DIVISION E, AND THE EAST ONE-HALF (E½) OF BLOCKS 134, 149, 157, 175 and all OF BLOCKS 135, 136, 147, 148, 158, 159, 160, 161, 171, 172, 173, and 174 OF THE ORIGINAL CITY OF AUSTIN, TEXAS: CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT OF LOTS 6, 7, 8 and 9 IN BLOCK 1, LOTS B, D, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 IN BLOCK 2, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 3, LOTS 1, 2, 3, 4, 5, AND 6 IN BLOCK 4, ALL IN OUTLOT 4, DIVISION B; CHANGING FROM SECOND HEIGHT AND AREA DISTRICT TO FIRST HEIGHT AND AREA DISTRICT ALL OF PHILLIP STEWARD HOME PLACE; BLOCKS 1, 2, 3, 4, AND 5, SOUTH ONE-HALF (S½) OF BLOCK 8, BLOCK 9, BLOCKS 12, 13, 14, and 15, WALGH PLACE ADDITION, BLOCK 5, LAKE ADDITION, ALL OF THAT BLOCK BOUNDED ON THE NORTH AND WEST BY CHERRY LANE, ON THE EAST BY ROCKMOOR AVENUE AND ON THE SOUTH BY BRIDLE PATH; CHANGING FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT LOT A, BLOCK F, BOULDIN ADDITION, LOTS 8 and 9, BLOCK 3, LOTS 1 AND 2, BLOCK 1, LOTS 1, 2, 10 and 11, BLOCK 2, LOTS 8, 9, 12 and 13, BLOCK 4, DAVIS DAWSON ADDITION, LOTS 41 to 73, INCLUSIVE OF COLLEGE COURT ADDITION; AND CHANGING FROM SECOND HEIGHT AND AREA DISTRICT TO FIRST HEIGHT AND AREA DISTRICT ALL THAT PROPERTY ABUTTING EAST 12TH STREET, ON BOTH SIDES OF THE STREET, AND LYING IN A STRIP EXTENDING EAST FROM POQUITO STREET TO THE WEST BOUNDARY OF THE H. &

T. C. RY. RIGHT-OF-WAY, AND EXTENDING NORTH AND SOUTH FROM A POINT 180 FEET NORTH OF THE CENTER LINE OF EAST 12TH STREET TO A POINT 180 FEET SOUTH OF THE CENTER LINE OF EAST 12TH STREET; ALL PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TEXAS: AND ORDERING A CHANGE IN THE USE MAPS, SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf.
Noes: None
Absent: None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Gillis introduced the following ordinance for a third reading.

AN ORDINANCE REGULATING THE STORAGE AND HANDLING OF GASOLINE AND OTHER VOLATILE OR EXPLOSIVE LIQUIDS AND EQUIPMENT THEREFOR AT FILLING STATIONS, WHOLESALE OR BULK STORAGE PLANTS, PRIVATE PLANTS, BOAT DOCKS, BOAT HOUSES AND ON BOATS; DEFINING CERTAIN WORDS AND PHRASES AS USED HEREIN; PROHIBITING THE ERECTION OR ALTERATION OF ANY FILLING STATION, WHOLESALE OR BULK STORAGE PLANT OR PRIVATE PLANT WITHOUT PERMIT THEREFOR FROM THE CITY COUNCIL; PRESCRIBING APPLICATION FOR SUCH PERMIT AND PROVIDING PROCEDURE AND BASIS FOR CONSIDERING SUCH APPLICATION; PROVIDING FOR INSPECTION OF FILLING STATIONS AND SUCH PLANTS; PROVIDING FOR REVOCATION OF SUCH PERMIT; REGULATING THE SALE, DELIVERY AND PURCHASE OF GASOLINE FROM TANK TRUCKS OR PORTABLE TANKS; THE BUILDINGS USED IN CONNECTION WITH ANY FILLING STATION; REGULATING USE OF FILLING STATION BUILDING OR PORTION THEREOF FOR SLEEPING OR LIVING QUARTERS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVING CLAUSE; REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF AND EXPRESSLY REPEALING THAT CERTAIN ORDINANCE PASSED JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 145-141, AND DELCARING AN EMERGENCY.

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

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf.
Noes: None
Absent: None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following applications for transfers of taxicab driver's licenses, duly approved by the City Manager, were submitted:

BUCK, CARL CLAYTON 5211 Jim Hogg Ave.
Transfer of License No. 73, H.W. Platt
4-door Chevrolet Sedan, License No. FS 7928, Motor #499025

NEAL, PLEAMAN S. 1516 Lavaca St.
Transfer of License No. 110 M.P. Willis
4-door Chevrolet Sedan, License FT 4286, Motor No.3106313

PALMER, HENRY E. 372 Congress (South)
Transfer of License No. 141, Richard L. Wokaty
4-door Ford Deluxe, License FS 1446, Motor #6135948

Upon motion of Councilman Wolf, duly seconded, the applications were granted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller, Councilmen Gillis and Wolf.
Noes: None
Absent: None

The following applications for Beer and Wine Permits, duly approved by the City Manager, were submitted:

ATTAL, TOM 515 East 6th St.
DEW DROP INN #2
Lawrence Williams & J.A. Reed 1618 Rosewood Ave.
YUGOEY'S CHINESE KITCHEN
Sam Lung & Tom Yugoey 1128 Red River St.

Upon motion of Councilman Alford, duly seconded, the applications were granted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf.
Noes: None
Absent: None

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted.

CALHOUN, JAMES EDWIN 3507 McDonald Ave.
CAMPBELL, GEORGE ALTON 500 Bowie St.
CURB, HAROLD M. 1110 Riverside Drive
CURB, JOHN RILEY 1110 Riverside Drive
FOSTER, WILBUR JOSEPH 5614 Woodrow
GRAY, JR, JOHN ROBERT 1408 East 6th St.
JAMISON, WILLIS E. Route 3, Box 347
MALLICOAT, EDWARD MARLIN 3507 McDonald Ave.
MONSON, EMORY LEROY 1412 Alameda Drive
PATTERSON, LEE ROY 2323 South Congress
SWOFFORD, JOSEPH JEFF 904½ West Mary
TRIMBLE, LLOYD CLINTON 3006 San Gabriel
WOODRUFF, WILLIAM OTIS 97 Red River

Upon motion of Councilman Bartholomew, duly seconded, the applications were granted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf.
Noes:5 None
Absent: None

Councilman Wolf offered the follwoing resolution and moved its adoption:

(RESOLUTION)

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

WHEREAS, Delinquent taxes, onppersonal property, have been paid to the Tax Collector of the City of Austin by the follwoing named parties for the years and in the amounts set opposite the name of each of them, viz:

NAME	YEAR	AMOUNT COLLECTED
Christian A. Nehring	1935 thru 1941 & 1944	$ 41.90
A. Nathan Darby	1944	5.43
O. N. Crawford	1940, 1941, 1943	6.89
Arthur Franzetti	1943, & 1944	15.02
H. E. Grumbles	1940	5.35
A. M. Barclay	1942	7.00
Great Western Investment Co.	1944	42.22
Eugene Tieman	1944	1.57
A. R. Bratton	1942	.24
Otto F. Thiele	1930 thru 1933,1937,1938, 1940	3.62
W. G. Tankersley	1934, 1935	8.46
R. L. Allen	1935, 1936, 1938	10.53
L. O. Wells	1941, thru 1944	35.63
Burl Smith	1942, 1943, 1944	12.03
B. H. Warnock	1943, 1944	13.33
Fred E. Falke	1944	1.93
C. T. Sterzing	1944	7.19
Anita Schutze	1944	7.96
E. N. Frewitt	1932,1933,1934,1943,1942	7.57
H. A. Wilson	1934,1938 thru 1941	30.66
H. F. Simmons	1939,1940, 1941, 1944	6.27
B. M. Pannell	1944	1.09
Joe Wotipka	1944	2.77
B. E. Brown	1941 & 1944	11.22
H. D. Motsenbocker	1943,1942,1944	18.78
Arnold G. Peschka	1942,1943,1944	22.93
Julian P. Galvaniz	1943	1.94
John W. Gunstream	1943 & 1944	19.12
Fortunate S. Loera	1943	3.08
Dolly Maude Harris	1933 thru 1944	175.11
A. J. Randle	1939 & 1940	5.55
S. L. Woolford	1939 thru 1942	1.31
Robert C. Redfield	1940 & 1943	10.26
S. E. Wiess	1944	7.80
Hugh D. Reidh	1944	6.76
H. A. Turner	1944	4.29
Oscar Brown Williams	1944	4.47

WHEREAS, all of said payments constitute a final settlement of