

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 9, 1945
11:00 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 - 4
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of August 2, 1945, morning and afternoon sessions, were read and on motion of Councilman Alford were adopted as read by the following vote:

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

The application of OWL CAFE, 1629 Rosewood Avenue, by W. C. Barton, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of STROBLES CAFE, 616 Colorado Street, by Bill Joseph, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of RAYMOND HAROLD FOSTER, 204 East 2nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted.

Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of DAVID JAMES JACKSON, 5012 Avenue G, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, City Manager of the City of Austin, for and in consideration of Six Hundred Seventy-Five Dollars (\$675.00), paid to the City of Austin by Ouida F. Nalle, wife of George S. Nalle, out of her separate means, be, and he is hereby, authorized and directed to execute for and in behalf of the City of Austin, a deed to her, as her separate property and estate, conveying all of that lot or parcel of land situated in Travis County, Texas, described as follows, to-wit:

The West two-thirds (W 2/3rds) of Lot No. Two(2), in Block No. 143, in the Original City of Austin, also known as No. 604 East 12th Street, in said City of Austin.

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

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

Section 1. THAT Walter E. Seaholm, City Manager of the City of Austin, be, and he is hereby, authorized and directed to apply, on behalf of the City of Austin, to the Board of Water Engineers of the State of Texas for an appropriation of 456,250 acre-feet per annum of the unappropriated water of the State of Texas, the same to be diverted from the Colorado River for the purpose of domestic, municipal and industrial uses, in addition to all existing appropriations of such water heretofore made by the City of Austin.

Section 2. THAT the said Walter E. Seaholm, City Manager, is authorized and directed to execute, in the name of the City of Austin, all instruments

necessary or required to be executed for the complete accomplishment of the appropriation of the quantity of water for the purposes above mentioned.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The City Manager submitted a report of the Medical Staff of Brackenridge Hospital, by Dr. J. M. Coleman, on the action of said Staff at its regular meeting on Tuesday, August 7, 1945, recommending (1) that Negro physicians whose training meets nationally accepted standards shall have the privilege to make application to the Courtesy Staff of Brackenridge Hospital, and upon election by the Staff, shall have the privilege of treating Negro patients in the Annex; (2) that, for the present, Negro physicians will not have the use of the Operating Room nor the out-patient clinic, but that any expansion plans provide for an operating room in the Annex, and when such facilities are available, Negro physicians shall be permitted to operate under standard qualifications; (3) that when and if an expansion program shall have made facilities available for a training program for student nurses, that such a program of training be established.

It was the sense of the Council that the above report of the Medical Staff of Brackenridge Hospital be approved.

Mayor Miller announced the return to civilian life of GUITON MORGAN, and moved that pursuant to a resolution heretofore passed by the City Council whereby all employees of the City called into military service would be returned to their respective positions when released from such service, the said Guiton Morgan be appointed as CITY MANAGER, to succeed Walter E. Seaholm. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Thereupon Mayor Miller announced that Guiton Morgan had been duly appointed as City Manager.

Mayor Miller then offered a resolution of thanks to Walter E. Seaholm for his services as City Manager during the absence of Guiton Morgan, and for staying with the City of Austin in that capacity when offered a position as City Manager in a neighboring town; and also to J. E. Motheral for his services, and to all others who have stayed here and carried on the work at home. The resolution carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

In a ceremony commemorating the occasion, Bascom Giles, State Land Commissioner, presented to Mayor Miller a deed, signed by Coke R. Stevenson, Governor of Texas, and attested by Bascom Giles, Commissioner of the General Land Office, dated July 3, 1945, conveying to the City of Austin what is known as the SAND BEACH RESERVE, by virtue of House Bill No. 21, Acts of the Forty-ninth Legislature, 1945.

The following report of the Board of Adjustment on the application of A. F. White, Sr., for change in zoning, from "A" Residence to "C" Commercial,

of the property at 900 West Mary Street, was received and ordered filed:

" Austin, Texas
July 26, 1945

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 on July 24, 1945:

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 A. F. White, Sr., requesting a change in the Use designation of the following property:

Lot 16, Block "M", 900 West Mary Street

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board carefully considered this application at a meeting held on July 24, 1945, and finds that this petition is for the change of a single lot on the northwest corner of the intersection of South 4th Street and West Mary Street; and

WHEREAS, the City Council in May, 1937, at the recommendation of the Board of Adjustment established a Community Center at the intersection of South 5th Street and West Mary Street, changing all four corners of this intersection from Residence "A" to "C" Commercial property; and

WHEREAS, the above application would establish a spot commercial lot at the east end of the block which now has a commercial zone on its west end, leaving a small slice of residential property between the two; and

WHEREAS, this application is not in response to any general public demand for additional business property in this area and the present community center on South 5th Street is still undeveloped for commercial uses, and that this application would create a spot zone which would not be in conformity with any comprehensive zoning plan; and

WHEREAS, the Board deemed that inasmuch as the present community center has not developed and there is ample commercial property available for meeting the needs of this section of the City which should first be developed and, if greater demand for commercial establishments occurs in the future, could be extended as a logical zoning procedure; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above requested change be not recommended to the City Council.

Respectfully submitted,
BOARD OF ADJUSTMENT
By (Sgd) H. F. Kuehne, Chairman. "

The following report of the Board of Adjustment on the application of P. J. Anthony for change in zoning, from "A" Residence to "C" Commercial of the property at 1212 East 19th Street, was received and filed:

" Austin, Texas
April 13, 1945

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 on April 10, 1945:

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 P. J. Anthony requesting a change in the Use designation of property located at 1212 East 19th Street, described as follows:

Lot 1, Block 8, Outlot 44, Division "B",
Gammel Taylor Subdivision

from "A" Residence District to "C" Commercial District or "D" Industrial District; and

WHEREAS, the Board held a hearing on this application on April 10, 1945, at which hearing a number of residents adjacent to and in the neighborhood appeared before the Board protesting this Change in Use designation of the above described property; and

WHEREAS, the property requested to be changed consists of one lot under single ownership and is bounded by three streets and located approximately one-half block east of the Winn School; and

WHEREAS, an examination of the site discloses the fact that there is a residence to the north across Lowell Street and fronting on this property, and that this side of the applicant's property is used for the raising of a large number of chickens, which already adversely affects the property to the north thereof, and to the south is the Oakwood Cemetery; and

WHEREAS, it was disclosed at the hearing that the applicant had recently purchased this property with the full knowledge of its classification and the uses that are permitted thereon, and that it is now developed for residential purposes with the exception of the excessive number of chickens which are now being raised thereon; and

WHEREAS, the applicant proposes to erect a building adjacent to his present residence on this property to be used as a candy factory or a grocery store, or if the Use designation is changed, may be used for any other use permitted in a "C" Commercial or "D" Industrial District ; and

WHEREAS, this neighborhood is zoned as a residential area and the residents thereof expressed a desire to maintain it as such, and that the

erection of a factory or the operation of a grocery store or any other commercial or industrial use would destroy the residential value of their property and the peace and comfort of the neighborhood, and that there is no need for this change in view of the fact that there is now an ample community center on East Avenue not more than two blocks distant; and

WHEREAS, the Board, after the hearing, carefully considered the testimony of the protestants and the facts found upon and surrounding the site, and the fact that this is an application for a change of a single lot under single ownership for the sole benefit of the owner and not due to a demand for a change in use by the neighborhood or in the public interest or for any other reason except the financial benefit of the owner; and

WHEREAS, to change this property would create a spot commercial or industrial zone adjacent to a school building and a cemetery, and in a peaceful residential neighborhood without any justification or without creating any unnecessary hardship on the owner, and would be in direct violation of sound zoning principles and a comprehensive zoning plan for the City of Austin, and if such policy is pursued would tend to sooner or later destroy the whole force, effect and benefits of the Zoning Ordinance of the City, and in view of the fact that the courts have held that financial benefit to the owner does not justify interfering with or changing the zoning plan of a municipality, and that the integrity of the Zoning Ordinance must prevail in response to the public demand; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the property as requested be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1931, 1932, 1933, and 1934, were rendered in the name of Steve Gardner on personal property in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$51.41, and for non-payment of same at maturity, penalty in the sum of \$2.57 has been assessed, and interest in the amount of \$37.91 has accrued, making the total amount of taxes, penalty and interest due \$91.89; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$2.57 and one-half of the interest in the sum of \$18.95; therefore,

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

THAT the aforesaid penalty in the sum of \$2.57 and one-half of the interest in the sum of \$18.95 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$2.57 and said interest in the sum of \$18.95 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

Upon motion, the resolution was adopted by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

There being no further business, upon motion seconded and carried, the meeting was recessed at 12:50 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Lallie M. Keller
CITY CLERK