

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 13, 1945  
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 - 4  
Absent: Councilman Wolf - 1

Present also: Guiton Morgan, 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 September 6, 1945, 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

A group of property owners on Kent Lane came before the Council and complained of an intolerable drainage condition on said street. After some discussion, the City Attorney was instructed to proceed with the matter of securing an easement for a storm sewer through the property of Dr. C. B. Lynn in order to remedy the situation.

A committee of women representing the residents in the 1600 block of East First Street came before the Council and complained of the noise and insanitary conditions created by carnivals on adjoining property. Complaintants were advised that the owner of the property in question had given assurance that no further permits for carnivals at this location would be granted by her following the one for which permit had already been given.

The application of HAROLD BUTLER, 1504 West 9th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford 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 JAMES T. VOTAW, 2000 South 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford 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 Alford moved that the quota for taxicabs be raised to one hundred and forty (140). The motion carried by the following vote:

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

The application of F. L. MILLER, 307 West 6th Street, for a license to operate as a taxicab a 1938 Model, 4-door Plymouth Sedan, Factory No. P6-141384, State License No. FS-6509, duly approved by the City Manager, was submitted. Councilman Gillis 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

FREDERICK EBY, JR., came before the Council and requested an extension of 38th Street approximately one hundred and eighty-two (182) feet to Tankawa Trail, in order to allow access to Tankawa Bluff Addition, which he is promoting. The matter was referred to the City Manager and the City Engineer for investigation as to the City's responsibility, the cost of such extension, etc., and report to the Council at the next regular meeting.

DR. ELIZABETH PATERSON, 2508 San Gabriel Street, came before the Council on behalf of herself and neighbors and protested against the proposed location of a horse lot in an "A" Residence District off 25 $\frac{1}{2}$  Street at San Gabriel Street, for the purpose of keeping five horses, a petition by said residents protesting the matter to be submitted later. The matter was taken under advisement.

The following report of the Board of Adjustment on the application for a change in zoning of the property of the Courthouse Cafe at 1007 Guadalupe Street, was received:

"Austin, Texas  
 September 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 September 11, 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 W.K. Jennings, Jr.,

requesting a change in the USE designation of the following property:

At 1007 Guadalupe Street, occupied by the Courthouse Cafe, extending to the alley north of 10th Street,

from "C" Commercial and Third Height and Area District to "C-1" Commercial and Third Height and Area District; and

WHEREAS, the Board held a hearing on this application on September 11, 1945, at which hearing no protests were entered against this change; and

WHEREAS, the operators of the present cafe appeared and affirmed that the cafe would be open only during the day time from 8:00 A. M. to 7:00 P. M., and that this application was requested because of the constant demand by the public and occupants of the Courthouse for beer in connection with meals served in the cafe; and

WHEREAS, this cafe originally served beer when established, but the license lapsed and was not renewed by subsequent operators; and

WHEREAS, the Board of Adjustment finds there is a definite public demand for the serving of beer in connection with meals in this cafe, and that the request for the change covers the frontage of one-half block on Guadalupe Street to a depth of about one-half of the block, and that the serving of beer under the conditions stated would not be objectionable to the neighborhood; and further, since no protests are entered against this change, the Board deems that this change would be desirable; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of this property, as requested, be recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Alford moved that a public hearing on the change in zoning as recommended in the foregoing report of the Board of Adjustment be called for October 4, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The following report of the Board of Adjustment on the application of L. L. Hule for a change in zoning of the property at the corner of Goodrich Avenue and Fredericksburg Road was received:

" Austin, Texas  
September 12, 1945

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

At a meeting held on September 11, 1945, the Board of Adjustment considered the attached application of Mr. L. L. Huie for the extension of the "C" Commercial District to include all of his property located at the corner of Goodrich Avenue and Fredericksburg Road as indicated on the attached plat, which you referred to the Zoning Board of Adjustment on September 10, 1945, for recommendation for the City Council.

The Board carefully considered this application and recommends to the City Council the granting of this application and the passage of the necessary ordinance to effectuate the same.

The Board's recommendation is based on reasons that the present zoning which places the front portion of his lot in a "C" Commercial District and the rear portion in a Residential District is inconsistent and unreasonable and not in accord with sound zoning principles and creates an unnecessary hardship on the Owner of the property because the residential portion of the lot would be practically unusable for that purpose. The Board feels that the entire lot should be commercial to allow the Owner full benefits of the Zoning in the use of his property.

Attention is called to the fact that when the Board of Adjustment recommended the zoning of the Fredericksburg Road as a commercial street, the original boundaries of the District were set out to be the rear lot lines of the lots abutting on the Fredericksburg Road but the Council at that time designated a strip on each side of the Fredericksburg Road 150 feet deep as a commercial zone, regardless of the shape and depth and partition of the existing lots of record abutting on the road. No doubt there will be other requests in the future for extending the Commercial Zone to the rear of the lots as is the case in this application.

The Board therefore urges the Council to make this change as requested in this application.

Respectfully submitted,

(Sgd) H. F. Kuehne  
Chairman  
Board of Adjustment. "

Councilman Alford moved that a public hearing on a change in zoning of the property recommended in the foregoing report of the Board of Adjustment be called for October 4, at 11:00 A. M. The motion carried by the following vote:

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

The question of an amendment to the Zoning Ordinance to provide for the holding of public hearings on proposed amendments fourteen days from the date such hearing is ordered was referred to the City Attorney for legal opinion.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by an order of sale issued out of the District Court of Travis County, Texas, on December 26, 1898, in Cause No. 16,203, styled City of Austin

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vs. T. M. Harwood, et al, Lot No. 19, in Block 6, in Outlot 54, Division "D", in the City of Austin, was sold to the City of Austin by the Sheriff of Travis County, Texas, in settlement of said judgment; and

WHEREAS, it appears to the City Council of the City of Austin that no conveyance was ever made of said lot to the owners thereof, and that all of the taxes thereon have been paid to the City of Austin since said sale; and

WHEREAS, the title to the said lot has passed by regular chain of conveyance to Goodall Wooten, now deceased, so that the Estate of said Wooten is now the owner of the title to said lot; therefore,

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

THAT Guiton Morgan, City Manager of the City of Austin, be, and he is hereby authorized and directed to execute to the said Goodall Wooten, deceased, and his successors in the title to said Lot No. 19, in Block No. 6, in Outlot 54, Division "D", in the City of Austin, to the same extent as such title may now be vested in 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

Noes: None

Absent: Councilman Wolf

The Mayor called up for its second reading the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN  
ORDINANCE ENTITLED: "AN ORDINANCE  
REGULATING TRAFFIC UPON THE PUBLIC  
STREETS OF THE CITY OF AUSTIN; PRE-  
SCRIBING PENALTIES FOR THE VIOLATION  
OF SAME; REPEALING ALL ORDINANCES OR  
PARTS OF ORDINANCES IN CONFLICT HERE-  
WITH; AND DECLARING AN EMERGENCY,"  
WHICH ORDINANCE WAS PASSED BY THE CITY  
COUNCIL OF THE CITY OF AUSTIN ON MAY 6,  
1937, AND IS RECORDED IN BOOK "K", PAGES  
159-179, INCLUSIVE, OF THE ORDINANCE  
RECORDS OF THE CITY OF AUSTIN, BY AMEND-  
ING ARTICLE III, SECTION 12(b) OF SAID  
ORDINANCE; REPEALING ALL ORDINANCES OR  
PARTS OF ORDINANCES IN CONFLICT HEREWITH;  
AND DECLARING AN EMERGENCY.

The ordinance was then read the second time and Councilman Bartholomew moved that the rules 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

Noes : None

Absent: Councilman Wolf

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a large number of suits have heretofore been filed by the City of Austin to foreclose its tax lien on real estate situated in the City, some of which suits have proceeded to judgment, and in some instances an actual sale was made to the City of Austin by the Sheriff by virtue of such judgments, but no deed was ever executed by the Sheriff to the City and a large number of such suits were abandoned without proceeding to judgment; and

WHEREAS, in all such cases the City of Austin is only interested in the collection of its taxes, interest, penalties and costs against such property, the details of which exist in the office of the City Assessor and Collector of Taxes and all other departments of the City government are entirely dependent upon the City Assessor and Collector for such details, and by reason of which it is deemed by the City Council to be proper for the City Assessor and Collector to receive and receipt for such taxes and relieve such real estate from clouds created thereon by reason of such foreclosure suits and judgments; now, therefore,

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

THAT the Assessor and Collector of Taxes of said City be, and he is hereby, authorized and directed to receive the taxes, interest and penalties owing to the City of Austin on the respective parcels of real estate included in such suits and judgments, and the redemption receipt heretofore and hereafter issued for such taxes, interest, penalties and costs shall be sufficient to cancel and release all tax liens and judgment liens and shall also be sufficient to divest out of the City of Austin any title which may have vested by reason of any sale to the City in all cases in which no deed was executed by the Sheriff pursuant to any sale by such Sheriff to the City, so that no further action shall be necessary to restore the respective tracts on which such taxes, interest, penalties and costs have been so paid without further action by the City Council in that regard.

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.

Councilman Gillis moved to substitute for the Annexation Ordinance introduced at the meeting on August 2, the following amended ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF NINETEEN HUNDRED ONE (1901) ACRES OF LAND, BEING A PORTION OF THE GEORGE W. SPEAR LEAGUE, THE GEORGE W. DAVIS SURVEY AND THE JAMES P. WALLACE SURVEY WITHIN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

Which motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The ordinance was then read the second time and laid over for publication as required by Article I, Section 2a, of the City Charter.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Tax Assessor and Collector be, and he is hereby, ordered and directed to receive the sum of Forty Dollars (\$40.00) as settlement in full of personal property taxes assessed against W. R. Armstrong, now deceased for the years 1934-1944, on automobiles owned by the said Armstrong during those years, and that he cancel all such taxes against the said Armstrong and his estate appearing on the tax records of his office.

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION:

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

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Martin Ayres	1938-1941 & 1943	\$ 6.10
W. P. Chrisman, Sr.	1933, 1934, 1937, 1939, 1942-1944	50.83
Collegiate Beauty Shop	1933-1934	11.68
C. E. Dodgen	1942-1944	10.69
A. L. Dunn	1940, 1941, 1943, 1944	16.39
G. S. Edwards	1932	4.31
Mrs. Ida Enders	1942-1944	2.65
Louis Fabian	1939, 1930, 1942, 1943	2.75
Guy Fletcher	1934-1937	9.76
J. W. Flournoy	1932-1935, 1940-1942, 1943	17.55
Mrs. Fred Fricke	1941, 1943, 1944	18.25
Mike Garza	1937-1939, 1941, 1942	4.30

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Nannie & Margaret Goodman	1931-1941	\$ 33.61
Jack Lown	1942	18.51
Carlos Anderson	1941-1944	30.20
James G. Anderson	1940-1944	6.48
A. A. Bach	1939-1941-1943	.88
Enfield Service Station	1942-1944	32.54
T. F. Etheridge	1936-1944	11.01
William Fischer	1942-1944	9.20
Jim Garcia	1936-1944	8.17
Lorenz Gau	1941-1944	11.96
Paul F. Gest	1938-1944	29.91
A. W. Gonzales	1940-1942	15.85
Hermengilado Gonzales	1939-1944	19.87
Rex Hopper	1942	4.08
Earl C. Ives	1933-1936, 1939, 1942	4.19
Mary Belle Ritter	1939	7.33
Fred W. Schriber	1940-1944	62.17
Mabel E. Bailey	1942-1944	18.51
A. M. Barclay	1939-1941	10.47
R. C. Barrington	1938	1.74
A. L. Brown	1932, 1940, 1942, 1943	13.38
L.B. Burnette, Sr	1941-1943	23.26
Ben Lee Chote	1944	7.14
L. B. Council	1940-1941	16.67
Nathalie Ekstrom	1942-1944	15.00
E. A. Engelke	1939-1944	42.59
M. B. Federer	1942	8.89
Fred T. Erwin, Sr.	1940-1942	2.94
Lolo V. Gonzales	1941-1944	1.00
Lee Kelley, Jr.	1938	.39
Seekatz Floral Co	1933-1940	64.91
Forest Sneed	1940-1943	7.48
J. M. Kuehne	1944	5.69
Mrs. J. L. Dickson	1938-1944	47.88
E. W. Fues	1940, 1942, 1943	.51
Annie Mae Gissell	1937-1939, 1941, 1943	30.59
Leon Gilmore	1940-1942	4.94
Raymond Gonzales	1942-1944	.74
George W. Reid	1936-1944	49.30
E. M. Linder	1943	2.63
Florence Barnes	1936, 1937, 1939, 1941-1944	7.14
J. Lewis Beck	1944	43.24
F. W. Bollman	1931-1936, 1937, 1940, 1944	80.17
Edmon Ellison	1936, 1937, 1940-1944	3.80
Mrs. E. V. Manning	1938, 1939, 1940, 1941	28.54
University Jewelry Store	1932-1937, 1939-1943	123.00
G. W. Green	1939, 1941-1944	1.27
J. A. McClellan	1930-1944	59.04
Adolf Falcon	1937-1942, 1944	7.52
Clarence Fields	1937, 1939, 1941, 1942, 1944	8.27
Mrs. W. F. Foster	1934, 1937-1944	25.75
R. L. Broyles	1941, 1942	10.45
Rudolph William Gizzle, Jr	1941, 1942	10.94
Elmo Ferguson	1934-1938, 1942, 1943	38.61
Bob J. Lyles	1935-1936	19.93



<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Miss Kate Belger	1936-1941	\$ 7.62
C. W. Feuerbacher	1939-1941	6.72
Gus Attal	1940-1944	17.62
George T. Atkins	1934-1936, 1938, 1940, 1943	26.61
William L. Best	1936, 1937, 1941-1944	33.20
Leonard Baker	1933, 1941, 1942	14.89
Big Boy Cafe	1938, 1939, 1941, 1942	26.20
Walter Bergfield	1938, 1939, 1941-1944	11.12
Joe Cerda	1933, 1934, 1937, 1940-1942	9.83
Ben Chambers	1941	5.31
Chas. H. Escott	1937-1943	46.44
Florence Escott	1941-1943	15.63
Mabel Eyoub	1940-1942	16.60
Robert L. Foster	1938-1941	21.71
C. J. Foster	1942, 1943	12.91
J. D. French	1942-1944	27.54
Morriss Gregory	1939-1944	27.07
Mrs. Thelka	1936-1943	14.94
W. H. Green	1938-1943	20.00
Mary Blanche Grayson	1940-1942	18.39
G. A. Kretzschmar	1929, 1931-1937, 1939-1943	33.58
D. D. Heath	1939-1943	22.18
M. R. Newton	1931-1944	72.07
C. C. Sullivan	1933-1934	4.86
David Spicer	1940	5.71

and

WHEREAS, all of said payments have been made on an equitable basis of adjustment of such taxes by authority of the City Council of the City of Austin; Now, therefore,

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

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby, ordered and directed to cancel all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

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 appeal of JAMES W. FINGER, 4110 Avenue D, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering same, Councilman Alford moved that the said James W. Finger be granted a 60-day probationary permit to drive a taxicab. The motion carried 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 12:10 P. M., subject to call of the Mayor.

APPROVED

  
MAYOR

ATTEST:

  
CITY CLERK