

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 28, 1945

11:00 A.M.

Council chamber, City Hall

The meeting was called to order, with Mayor Pro tem Bartholomew presiding.

Roll Call

Present: Councilmen Alford, Gillis, Mayor Pro tem Bartholomew
Absent: Mayor Miller and Councilman Wolf

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 November 15, 1945, were read, and on motion of Councilman Alford, were adopted by the following vote:

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

MR. TOM GRAHAM, representing Westenfield Development Company, came before the Council to discuss his requests for Zoning changes in and around the present Community Center in Tarrytown. Mr. Graham was told that the report of the Zoning Board on his request had not been received by the Council and, therefore, they were unable to set a date for a public hearing on his request.

MESSERS. CARL BESSERER, SAM ALLRED AND B. F. MEWIS, representing the SOUTH AUSTIN CIVIC CLUB, appeared before the Council. The following matters were discussed: The traffic hazard caused by the islands at the intersection of Barton Springs Road and Fredericksburg Road; a "hump" in the pavement on South Congress where the concrete pavement and tarvia are joined, in the 2300 block; and the traffic hazard at the intersection of Academy Drive and South Congress and the need for a traffic light or some method by which traffic could be slowed up at this point and thereby allow pedestrian traffic to cross the street; also the changing of the name of Fredericksburg Road, from West Mary Street to the city limits, to South Lamar Boulevard. After a lengthy discussion of these matters the gentlemen were assured that a great deal of thought and study had already been given to the traffic hazards and corrections would be made at the earliest possible moment. The needed repair of South Congress would be taken care of immediately. A petition from all property owners on Fredericksburg Road affected by the change of name was requested by the Council so that everyone on this street would be agreeable to such change, and as soon as such petition was received the change would be made.

The following report of the BOARD OF ADJUSTMENT was read and ordered laid on the table:

"November 20, 1945

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 November 15, 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 two petitions addressed to the City Council and Zoning Board of Adjustment by Edward Clark representing seven property owners, whose signatures appear on the petitions and who own property on Lamar Boulevard, requesting a change in the Use Designation of the following property:

All property fronting on LAMAR BOULEVARD from West 12th Street to West 9th Street,

from "C" Commercial District to "C-1" Commercial District; and

WHEREAS, The Board of Adjustment held a hearing on these applications at a meeting on November 15, 1945, at which Mr. W. E. Long, Trustee, one of the applicants, and Mr. E. B. Potter, appeared on behalf of the petitions; and

WHEREAS, Mr. Potter affirmed that he desired to operate a first class cafe for the purpose of serving this area with high class service, but that he felt that the success of any cafe operation would be more certain if he could serve beer with his meals and, further, affirmed that he would limit the service to two bottles per individual and only in connection with a full meal, and that this service would be purely incidental to service of meals, and that the investment represented by this cafe would amount to approximately \$35,000, and also submitted to the Board a copy of 100 letters accompanied by a questionnaire addressed to representative citizens whose names were secured from the Chamber of Commerce, on which questionnaire are tabulated the replies of those who answered the inquiry, which letter and questionnaire are attached hereto; and

WHEREAS, at this meeting there appeared a large number of property owners on Lamar Boulevard and to the west on Baylor street and representatives of the Austin Ministerial Association and the W. C. T. U., who vigorously opposed this change contending that the introduction of the sale of wine and beer along Lamar Boulevard would adversely affect the surrounding property in the entire neighborhood, and would create further traffic hazards on Lamar Boulevard which will become a through-highway from the Northern United States to the Southern Border of the State, and that the restaurant could service and prosper in this location without the necessity of selling wine and beer in connection with meals, and that they welcomed a first class restaurant as there is no such establishment to serve this neighborhood and the residential areas to the west thereof; and

WHEREAS, the Board carefully considered the pleadings of the applicants and the statements of the protestants and all the conditions and circumstances involved in the change prayed for and viewed the whole matter from a broad standpoint with relation to the interests of the entire community, the nature of the property, the affect upon traffic conditions and hazards, and the affect upon the property itself from an economic standpoint, and also considered the general policy concerning the sale or consumption of wine, beer or liquor on major thoroughfares and through-highways, which is adverse to this practice as expressed not only by Highway Departments of various states of the Union, but by many private individuals who do not advocate such uses on such traffic ways; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the above change in the Use Designation of this property is NOT RECOMMENDED to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

The application of WILLIAM BOYKO, 501 Park Boulevard, for a permit to drive a taxicab, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted and same prevailed by the following vote:

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

The application of IVAN BENTON ROUNTON, 2102 Brackenridge, for a permit to drive a taxicab, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted and the same prevailed by the following vote:

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

Received the request from the WESTENFIELD DEVELOPMENT COMPANY, by Thomas A. Graham, to withdraw their recent request for a change in zoning on Lots 1 to 20 of Tarry-town #1 from "C" to "C-2" Commercial, and ordered same filed.

The application of CHARLES D. GOWER, 76½ East Avenue for a license to place in operation as a taxicab a 4-door Mercury Sedan, 1940 model, Motor No. 203109, License FS 4235, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted and the motion prevailed by the following vote:

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

The application of ALLEN LEE JACKSON, 1101 South 3rd street, for a license to place in operation as a taxicab a 1942 Chevrolet Sedan, Motor No. BA116032, License FR 4837, to replace License No. 42, O. I. Leach, can-

celled, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted and the motion prevailed by the following vote:

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

The application of IVAN BENTON ROUNTON, 2102 Brackenridge, for a license to operate as a taxicab, a 4-door Plymouth Sedan, 1941 model, Motor No. P11294076, License AM 3139, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted and the motion prevailed by the following vote:

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

The application of D. M. SPIARS, 215 Congress Avenue, for a license to operate as a taxicab, a 4-door Plymouth Sedan, 1941 model, Motor No. P11-472886, License FT 3502, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted and the motion prevailed by the following vote:

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

Mayor Pro tem Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Manager be and is hereby authorized and directed to execute for and in behalf of the City of Austin a warranty deed to T. J. FARR for a consideration of Fifteen Hundred (\$1500.00) Dollars for Seven Thousand Seven Hundred and Forty-three (7,743) square feet of land out of Outlot 5, Division C, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, said 7,743 square feet of land being a portion of Lots 25 and 26 of Park Hill Addition and being a part of that tract of land conveyed to the City of Austin by Martha E. Routt by deed dated June 28, 1929.

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

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be and is hereby authorized and directed to execute for and in behalf of the City of Austin a quit claim deed to EVERETTE KELLY for a consideration of Two Hundred (\$200.00) Dollars for Three Hundred and Ten (310) square feet of land, the same being a portion of Branch Street or East 29th Street, as shown on the map or plat of Grooms Addition of record

in Plat Book 1, page 59, Plat Records of Travis County, Texas.

The motion prevailed by the following vote:

Ayes: Councilmen Alford, Gillis, Mayor Pro tem Bartholomew

Noes: None

Absent: Mayor Miller and Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 3, page 15, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Travis Heights, a subdivision of a portion of the Isaac Decker League 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 15 feet in width and traverses Block 44 of said Travis Heights Subdivision, and being the alley 1/2 block north of and parallel to Mission Ridge and extending from the east line of Lot 4 and the west line of Lot 13 easterly to Summit Place, and also upon said map of Travis Heights there appears another alley which is 15 feet in width and is 1/2 block south of and parallel to Reagan Terrace and extends from the aforementioned alley northeasterly across a portion of said Block 44; and

WHEREAS, the owners of all the property abutting the above described two alleys from the east line of Lot 4 and the west line of Lot 13 easterly to the east line of Lot 7, and also from the aforementioned alley in a north-easterly direction to the east line of Lot 15, have requested the City Council of the City of Austin to close the above described portion of the two alleys; 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 two alleys in Block 44 of Travis Heights lying between the east line of Lot 4 and the west line of Lot 13 and the east line of Lot 7 and also that portion of the alley lying between the aforementioned alley and the east line of Lot 15 of said Block 44 be and the same is hereby permanently closed and vacated.

The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis and Mayor Pro tem Bartholomew

Noes: None

Absent: Mayor Miller and 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 the name of the street now known as Fredericksburg Road, be-

ginning at the westerly end of West Mary Street and extending to the westerly boundary of the City of Austin, be and the same is hereby changed to WEST MARY STREET, so that henceforward what is now known as Fredericksburg Road within the City of Austin will be known as WEST MARY STREET.

The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis and Mayor Pro tem Bartholomew

Noes: None

Absent: Mayor Miller and Councilman Wolf

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF AUSTIN TO INCLUDE THEREIN THE PROPERTY EMBRACED IN AN ORDINANCE ANNEXING ADDITIONAL TERRITORY WHICH WAS FINALLY PASSED ON OCTOBER 18, 1945, ZONING SUCH TERRITORY, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and laid over.

The following resolution was submitted:

(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>
H. S. Barker	1944	\$ 4.43
A. J. Cadd	1942, 1944	6.58
Jess Hall	1943 & 1944	15.51
Robert H. Hill	1943 & 1944	13.82
Isaac's Cafe	1939 thru 1944	22.62
W. O. Stone	1944	.72
Will Erwin	1930 thru 1933	10.14
J. W. Dumas	1937 & 1938	12.29
Carter Howell	1939 & 1941	17.24
Alex Gutierrez	1941 thru 1943	16.42
Vance Porfirio	1940, 1942, 1943	10.15
Curtis Houser	1940 thru 1944	12.98
W. C. Jackson	1936 thru 1944	34.77
D. B. Taylor	1944	7.19
C. E. Jackson	1937 & 1939	16.20
M. P. Holden	1938 & 1939	4.67
Albert L. Johnson	1938 thru 1942	3.55
Albert Jenke	1940 thru 1942	8.82
W.W.C. Alexander	1942 thru 1944	23.62
Raymond DeLeon	1936 & 1940 thru 1944	11.43
Aksel Hansen	1936 thru 1944	15.73
Salome Hernandez	1937, 1938, 1941, 1942, 1944	4.05
Delia L. Hinton	1935 & 1938 thru 1944	30.86
O. J. Hinton	1944	5.62
Franklin Hutter	1943 & 1944	7.46
Larue Jacobs	1942 thru 1944	55.98

A. J. Baker	1938 thru 1940	44.17
B. R. Scheel	1934 thru 1937, 1939, 1940	26.33
Lucy E. Carlson	1936 thru 1941	3.67
O. C. Crow	1939, 1941, 1942	27.29
William Fisher	1939 thru 1941	13.90
M. C. Williams	1940 & 1941	10.29
T. T. Bingham	1941 thru 1944	30.08
Allen Hill	1939 thru 1941, 1943, 1944	13.06
J. F. Holtz, Jr.	1942 thru 1944	7.30
J. E. Iazard	1942 thru 1944	8.77
Mary Jacobs	1938 thru 1944	4.32
Wilbert Jacobson	1940, 1942 thru 1944	6.53
W. S. Jester	1943 & 1944	6.85
Mrs. E. J. Johns	1941 thru 1944	39.56
H. B. Houston	1937, 1938, 1940, 1941, 1943	1.44
El Charro	1938 thru 1940, 1943	46.07
Mrs. L. K. Hightower	1942 & 1943	12.25
George A. Hight	1939, 1941 thru 1944	32.76
Tony Imperial	1939 thru 1944	36.61

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; 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 directed to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

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

Ayes: Councilmen Alford, Gillis, Mayor Pro tem Bartholomew

Noes: None

Absent: Mayor Miller and Councilman Wolf

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

APPROVED:

Tom Miller

Mayor

ATTEST:

Deputy City Clerk