

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 17, 1946

Council Chamber, City Hall

The meeting was called to order at 11:30 A.M., with Mayor Miller presiding.

Roll Call:

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

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 Meetings of December 6, and 13, 1945, were read; and on motion of Councilman Alford were adopted as read by the following vote:

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

Dr. Painter and Mr. Simmons from the University appeared before the Council stating that the University was trying to buy 60 additional hutments for veterans attending the University and asking permission from the City Council to place these hutments on the triangle of land owned by the City on West 24th and Lamar, for five years, at the end of which time the hutments would be removed and the property placed in good condition. The University would like to use this property for the five year period to be assured of amortizing their investment as each hutment cost \$1,800, and the rate of rental has not yet been established. Mr. Walter Long, a property owner in this area felt that most of the property owners would not be pleased about having these houses placed at the entrance of this nice residential area; but if this were the only solution of this housing problem and this was the only available property, they would not protest. The Mayor stated there would be a special meeting of the Council on Monday evening, January 21st at which time this matter would be taken up, and Dr. Painter would be advised of the Council's action.

Mr. Joe Carrington, representing the Milk Producers of Travis County, appeared before the Council, regarding the action of the Milk Producers and the pending strike. He said, after studying the proposed milk depot in the city, they decided against it to avoid the danger of contamination of the milk where sanitary facilities were unobtainable. He assured the Council

nothing would be done until February 1st, giving the O.P.A. plenty of time to grant the requested increase in the price of milk.

Mr. Fred Nagle, Chairman of the Agriculture Committee of the Chamber of Commerce, appeared before the Council expressing the Committee's appreciation to the Council for the purchase of the building to be used as an Agriculture and Livestock Exhibit Hall. He introduced Mr. Herman Krueger, from the Dessau community, who presented petitions signed by a large number of farmers in Travis County, suggesting the Agriculture Building be named in honor of Walter E. Davis, whose advice and help had been so valuable to the farmers of this community, and who had served for 23 years as County Agent for Travis County.

Councilman Alford moved that this suggestion be carried out when the building was completed. The motion carried by the following vote:

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

Mr. Nagle asked for the use of the City Market for their stock show if Camp Mabry was not available. The Mayor told him that the City would be glad to have them use the City Market site.

Dave Fisk appeared before the Council regarding the protest he had made last week about the proposed change of zoning of the Cordelia A. Lenthe, et al., property on Airport Boulevard. As a misunderstanding had arisen about the date of the continuation of this hearing, the Mayor announced that it would be taken up again on January 31st, at which time Mr. Lenthe and Mr. Fisk would both be present.

Mr. V. A. Cuneo, Cuneo's Bakery, appeared before the Council, complaining about the garbage service at the Bakery. He was referred to Mr. Motheral for a satisfactory arrangement of this service.

The Mayor announced the Colonel Trueman O'Quinn was present. Colonel O'Quinn stated he hoped to be released by the Army on January 22; but if not then, it would be 90 days longer before he returned to his duties as City Attorney.

Mr. Caldwell, representing the Kemper Company, and selling calendars appeared before the Council asking permission to have the words "Posted through the courtesy of the Austin Police Department" printed on all calendars sold in Austin, and to get the Police Department to distribute these calendars for the merchants who purchased them, and have them posted in the beer taverns and such places. The picture on the calendar represents traffic accidents caused by reckless driving.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 2, page 186, of the Plat Record of Travis County, Texas, there appears a map or plat of a subdivision of land known as the A. J.

Pace 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 16 feet in width and traverses a portion of said subdivision, and being the first alley north of West Monroe Street and extending from South 3rd Street Alley westerly approximately one-half block; and

WHEREAS, said alley is a "dead end" alley and has never been opened to the public; and

WHEREAS, a majority of the property owners abutting said alley have requested the City Council of the City of Austin to close the above described 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 certain alley 16 feet in width across a portion of the said A. J. Pace Subdivision, being the first alley north of West Monroe Street and extending westerly approximately one-half block, be, and the same is, hereby permanently closed and vacated.

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

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

A petition from a number of citizens for bus service on the Dallas Highway as far as the Holland Page Industries was received by the Council and referred to the Austin Transit Company for its consideration and compliance if possible.

Councilman Wolf moved the number of taxicab operators be increased from 163 to 175. The motion prevailed by the following vote:

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

The following taxicab operators' licenses, duly approved by the City Manager, were submitted:

DANIEL, Billy Ried, 304 East Liveoak Street
 Oldsmobile Sedan, 1937; Motor No. F-817118; License FS-345
 GARDNER, Henry Claude, 409 W. 15th & 503 Lockhart Drive
 Plymouth Sedan, 1940; Motor No. P10-334233; License FT 51112
 and
 Ford Coach, 1941; Motor No. 18-611292; License BM-5235

GRAHAM, Jack E., 304 East Liveoak Street
 1937 Oldsmobile Sedan; Motor P690117; License HA 3614
 LINGO, Mrs. Irene E.; 105½ W. 9th St.
 Dodge, 4 door Sedan, 1938; Motor #19787; License FR-4024
 MEDREARIS, Edgar, Star Rt. A, Box 26
 Hudson, 1942; Motor No. 2021183; License No. FT 4815
 PANNELL, Melvin, Jr.,
 Mercury, 4 Door Sedan, 1941; Motor No. 99A-454987; License
 No. FS 9702
 SCHEUMACK, Daniel J., 72 Chicon
 Plymouth, 1941, 4 Door; Motor No. P12-13529; License No. FR
 3969
 SILVA, John Joseph, 75 Chicon
 Chevrolet, 1942, 4 door Sedan; Motor No. 5BH09-3671; License
 No. 4836
 SCHOONOVER, James Edward, 600 E. 7th
 Chevrolet, Master Deluxe, 4-Door, 1942; Motor 21BH10-5084
 Motor #AA10x1911

Councilman Wolf moved that the permits be granted. The motion prevailed by the following vote:

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

The following applications for taxicab drivers' permits, duly approved by the City Manager, were submitted:

BROWN, Robert Joe, 605 Park Place
 DANIEL, Billy Ried, 304 E. Liveoak
 HAMILTON, Albert W., 603 Brushy
 HOGAN, Dudley, 503 Nueces
 KNAPP, Andy, 2005 Riverview
 SCOTT, Fount Earl, 304 Terrace Drive
 STEWART, Walter Arthur, 1100 West Mary
 THOMPSON, Richard John, 2104 Sabine
 WELCH, Ersyl Elmon, 505 East 11th Street

Councilman Bartholomew moved that the permits be granted. The motion prevailed by the following vote:

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

The application of Delmar Woody Carrol for a taxicab driver permit was submitted upon appeal to the Council, which had previously revoked his original application because of an extremely bad record. Mr. Carrol appealed on his record as a serviceman who had served overseas, and because he had not been able to secure employment since his return.

Councilman Wolf moved that the permit be granted on condition that the applicant report to the Chief of Police one a month. The motion prevailed by the following vote:

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

The following application for renewal of taxicab driver permit, duly approved by the City Manager, was submitted:

HOOVER, Hollman Maurice, 1013 E. 49th Street

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

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

The applications of TOM'S, Tom P. Joseph owner, 1303 E. 6th Street and ANDERSON PACKAGE STORE, Lucille Anderson, Manager; 400 Congress, for Liquor Licenses, duly approved by the City Manager, were submitted. Councilman Wolf moved that the two licenses be granted. The motion carried by the following vote:

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

The Council received the request of Mrs. James R. Hamilton, owner of the property located at 2317 Post Road, for zoning change from "C-1" to "C-2" and referred the matter to the Zoning Board for their consideration and recommendation.

The request of Conger Poage, owner of Lots 10 and 11, Block 8, Silliman's Outlot 5, Division "2", located at 9th and Lamar Boulevard, for a change in zoning from "C" to "C-2" to permit the sale of wines and liquors in connection with the sale of foods, was received by the Council and referred to the Zoning Board for their consideration and recommendation.

The request of Peggy J. Hausman, 1805 Alta Vista, owner of 100 feet fronting on Rainey Street by 128 feet in depth running along River Street, known as 54-58 Rainey Street, for a change from "A" Residence to "D" Industrial, 3rd Height and Area District, was received by the Council, referred to the Zoning Board for their consideration and recommendation; and on request of Miss Peggy J. Hausman, set this matter of public hearing at 11:00 A.M., February 7, 1946.

The following report of the Board of Adjustment on the application of JUDGE BEN H. POWELL, for a change in Zoning from a "B" Residence District and First Height and Area District to a "C" Commercial District and First Height and Area District, of Lots Nos. 2 and 3 in Block No. 8, Silliman's Subdivision, outlot No. 5 in Division "2" in the City of Austin, was received:

"Austin, Texas
January 16, 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 January 8, 1946;

R E S O L U T I O N

1. 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 Judge Ben H. Powell requesting changes in the Use Designation of the following property:

Lots Nos. 2 and 3 in Block No. 8, Silliman's Subdivision, Outlot No. 5 in Division "Z" in the City of Austin,

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

2. WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on January 8, 1946, at which Judge Ben H. Powell appeared and plead for the granting of this application in greater particulars than in his application to the Council dated December 12, 1945; and

3. WHEREAS, at this hearing no objection was filed with the Board to the granting of this change, the property owner of Lot No. 1 adjacent to the property referred to above, stating he had no objection whatever to this application; and

4. WHEREAS, the Board carefully considered this change in connection with the conditions of the site in relation to Lamar Boulevard and the present area zoned for commercial purposes; and

5. WHEREAS, the normal commercial district along a street or highway is 150 feet to 300 feet in depth and, in this instance, the depth of the zone is only 100 feet which was due to the fact that when Lamar Boulevard was widened the City acquired one lot in this block adjoining the old Ruiz Street, and as the western line of the district is shown to be the center of the block, there remains a narrower strip of commercial property than would otherwise have existed; and

6. WHEREAS, the Board deemed that this depth is not in harmony with the general depth of commercial property and does not permit the proper development of the property for modern commercial establishments; and

7. WHEREAS, the topography of the ground is such that Lot No. 1, which fronts on West 10th Street and sides on Baylor Street, is considerably higher

than the property here in question, the Board further deems that the extension of the commercial zone to include the two additional lots above referred to would not adversely affect the remaining property in the block; therefore

8. 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,

By H. F. Kuehne (S)
Chairman

Councilman Alford moved that a public hearing on a change in the zoning of the property recommended in the foregoing report of the Board of Adjustment be called for February 7, 1946, at 11:00 A. M. The motion prevailed by the following vote:

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

The following report of the Board of Adjustment on the application of T. M. TRIMBLE for a change in the USE Designation of Lots Nos. 23 and 24 of Outlot No. 53, in Division "D", fronting on Pearl Street, from "A" Residence District, and First Height and Area District, to a "B" Residence District and Second Height and Area District; and the application of ROBERT C. SNEED for a change in the USE Designation of Lot No. 8 of the Goodall Wooten Subdivision of Outlot No. 53, in Division "D", fronting on San Gabriel Street, from an "A" Residence District, and First Height and Area District, to a "B" Residence District, and Second Height and Area District, was read:

"Austin, Texas
January 16, 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 January 8, 1946:

R E S O L U T I O N

1. 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 and recommendation the following applications for the changes in the Use Designation of the following properties in the City of Austin, Texas.

- (a) The application of T. M. Trimble for the change in Use Designation of Lots Nos. 23 and 24 of Outlot No. 53 in Division "D", fronting

on Pearl Street,

from an "A" Residence District, and First Height and Area District, to a "B" Residence District and Second Height and Area District; and

- (b) The application of Robert C. Sneed for the change in Use Designation of Lot No. 8 of the Goodall Wooten Subdivision of Outlot No. 53 in Division "D", fronting on San Gabriel Street,

from an "A" Residence District, and First Height and Area District, to a "B" Residence District, and Second Height and Area District; and

(2) WHEREAS, the Board held a hearing on these two applications on January 8, 1946, at which both applicants appeared and plead for the above changes in the Use Designation of these particular lots, affirming that they desired to use these properties for erection of apartment buildings for University students and faculty, since there is a severe shortage of living quarters in this neighborhood serving the University of Texas; and

(3) WHEREAS, some protests were filed by property owners on the west of San Gabriel Street affirming that they wished to preserve their properties as Residence "A" and that the further extension of the Residence "B" zones would adversely affect their property; and

(4) WHEREAS, the Board carefully considered these applications in connection with the trend of development in this area, the character of the property which is largely undeveloped, the present zoning classifications adjacent to this property, and the need for additional housing to serve the University; and

(5) WHEREAS, the Board considered that to grant the above change of these three lots in this area would be in the nature of a spot zone and would not follow sound zoning principles since all the property is of like character in this Outlot and the adjacent Outlot to the East; and the Board, therefore, deemed that if any change is made in the classification of this property, it should include a greater area in order to treat all the property alike in accordance with the intent and purpose of the City Zoning Law, Sections 2 and 3, of the State Enabling Act; therefore

- (6) BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the following property be changed from an "A" Residence District, and First Height and Area District, to a "B" Residence District, and Second Height and Area District:

Lots Nos. 5 to 12, inclusive, and Lots Nos. 21 to 24, inclusive in Outlot No. 53; and Lots Nos. 1 to 5, inclusive in Outlot No. 52, being all the property north of 25th Street from San Gabriel Street to the present "B" zone on Rio Grande Street, the north line being the center of Outlot No. 53, and south line of Graham Place.

Respectfully submitted,

BOARD OF ADJUSTMENT,

By H. F. Kuehne, Chairman"

Councilman Wolf moved that a public hearing on a change in the zoning of the property recommended in the foregoing report of the Board of Adjustment be called for February 7, 1946, at 11:00 A. M. The motion prevailed by the following vote:

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, T. C. Steiner is the Contractor for the alteration of a building and desires a portion of the side-walk and street space abutting a lot 40' x 128' in Block 27 (formerly the Protection Fire Hall), of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said T. C. Steiner, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Lavaca Street to a point 14 feet east of the west curb line; thence in a southerly direction and parallel to the centerline of Lavaca Street approximately 40 feet to a point; thence in a westerly direction and at right angles to the centerline of Lavaca Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted

to the said T. C. Steiner, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(3) That "No Parking" signs shall be placed on the street side of the barricades.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 30, 1946.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the contractor shall furnish the City of Austin, a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall

protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Councilman Wolf offered the following resolution and moved its adoption:

(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 Meadowbrook Drive, from Gilbert Street northerly 81 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Meadowbrook Drive.

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

(2) A gas main in Forest Avenue, from a point 7 feet south of Fletcher Street, southerly 122 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said Forest Avenue

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

(3) A gas main in Cherry Lane, from Robin Hood Trail easterly 222 feet, the centerline of which gas main shall be 7.5 south of and parallel to the north property line of said Cherry Lane.

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

(4) A gas main in East 2nd Street, from a point 91 feet west of Perdenales Street westerly 182 feet, the centerline of which gas main shall be 1 foot north of and parallel to the south property line of said East 2nd Street.

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mr. S. N. Eckdahl, owner of the property, has applied in writing for permission to use a building for a doctor's office and clinic for human beings only on Lot 7, Block 176 in the City of Austin, Travis County, Texas the same being on the south side of West 15th Street and locally known as 405-07-09 West 15th Street. This property is located in a "B" Residence District which requires a special permit from the City Council.

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

THAT permission for the use of a doctor's office and clinic for human beings only be granted to Mr. S. N. Eckdahl with the following conditions:

1. That this clinic be used in the general practice of medicine, and no mental or psychiatric patients be housed in such clinic.
2. That all alterations be made to comply with the building codes and related ordinances of the City of Austin.

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

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

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 22, SUBSECTION (e) OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that it pass to its second reading. The motion was seconded by Councilman Alford, and same prevailed by the following vote:

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

Councilman Alford introduced the following ordinance:

AN ORDINANCE VACATING A PORTION OF GAULT STREET, AS SHOWN IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, IN PLAT BOOK NO. 3, PAGE 196.

The ordinance was read the first time and Councilman Wolf moved that it pass to its second reading. The motion was seconded by Councilman Alford, and same prevailed by the following vote:

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

Councilman Wolf introduced the following ordinance:

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 CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT OF THAT CERTAIN PROPERTY KNOWN AS THE SOUTH 112.13 FEET FACING ALICE AVENUE, WITH 109 FEET DEPTH ON WEST 40TH STREET, OUT OF LOT A, LOUISA PETERSON ESTATE AND ALSO LOTS 1, 2 and 3, 90 FEET DEEP OF BLOCK 5, M. A. JARRELL SUBDIVISION, ALL PROPERTY HEREBY REZONED BEING LOCATED IN THE CITY OF AUSTIN, TEXAS; AND ORDERING A CHANGE IN THE USE MAP, SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

Councilman Wolf moved that the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and same prevailed by the following vote:

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

The City Manager submitted the proposal of Howard T. Cox to audit the books of account and record of the City of Austin for the Calendar Year 1946, for a flat fee of \$1,725.00. Councilman Wolf moved that the proposal of Howard T. Cox and Company to audit the books of the City of Austin at a fee of \$1,725.00 be accepted. The motion prevailed by the following vote:

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

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 enter into a contract with E. M. MacPherson to purchase Lot 10, Block 1, Barton Springs Park, for the sum of Three Hundred Fifty Dollars (\$350.00) cash; upon receipt of which the City of Austin will convey its title to said property to the said E. M. MacPherson.

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

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT, it appearing to the City Council that the valuation for taxes against the Milstead Company for the year 1945 was erroneously fixed at the sum of \$18,605, and so erroneously entered in the tax records of the City of Austin, and that the correct valuation of the property of the Milstead Company for taxes for said year is \$15,125, the City Tax Assessor and Collector of the City of Austin be and he is hereby ordered and directed to correct the said valuation and compute such tax on the sum of \$15,125.00 on all of the records of his office, and that all tax on the valuation in excess of \$15,125.00 for 1945 be cancelled.

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

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, taxes for the year 1944 were assessed in the name of Mr. and Mrs. John T. Smith against the following described property situated in the City of Austin: Lot (7), 69' x 113', O.L. 49, Div. E, unplatted; Lot (9), Cen. Pt. of SE 1/4 O.L. 43, Div. E, unplatted, being 45' x 160'; Lot (11), W. 60' of SW 1/4 of O.L. 43, Div. E, unplatted; Lot 12, Block 25, Travis Heights; Lot 11, Block 25, Travis Heights; Lots 10 and 11, Block 11, Ward; Lot 9, Less NW 18.75' x 67', Block 11, Ward; W. 90' x 60' backlotted part of Lots 8 and 9, Block 11, Ward; Lot 3, Block 3, O.L. 22, Div. O, T. Burns; E. 52' x 67' and 18' x 17' backlotted of Block 11, Ward, which said taxes together with interest and penalty thereon amount to \$883.12; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit the penalty amounting to \$40.26, and one-half of the \$37.50 interest thereon, amounting to \$18.75; therefore

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

THAT the penalty of \$40.26 and \$18.75 of the interest accrued on the said taxes be and the same are hereby cancelled and remitted, and the City Tax Assessor and Collector of the City of Austin is hereby authorized and directed to receive the taxes on said property for the year 1944, less said penalty and one-half of the interest thereon, and to issue to the party entitled to receive the same a receipt of such taxes in full upon the payment as above provided within five (5) days from this date.

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

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

Councilman Wolf 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>
A. G. Gannaway	1936 thru 1944	\$ 30.70
O. C. Olson	1938 & 1940	10.34
Florence Tidwell	1939 & 1941 thru 1944	26.96
R. A. Barr	1940 & 1941	13.19
J. D. Connolly	1940 thru 1943	39.17
D. D. McCafferty	1940, 1941, 1942	6.84
Frances R. Dorsey	1941, 1942, 1944	26.43
Robert Lindsey	1941 and 1942	20.03
Ralph Landry	1942, 1943, 1944	14.17
John Nardecchia	1942 & 1943	3.80
Louis Younger, Jr.	1942 & 1943	.48
Mariam Dozier	1943 & 1944	7.37
Daisy D. Thrasher	1943	1.09
Adorable Beauty Shop	1944	9.62
G. C. Porter	1944	.25
West Austin Beauty Shop	1944	4.80
Carl Gramann	1935, 1936, 1938, 1940	27.85
Max Hoegerl	1935 thru 1941	12.06
James H. Hausenfluke	1940 & 1942	13.58
Clyde Wiley	1941 thru 1944	27.56
Lorenza Salas	1941, 1942, 1943	6.24
Eunice Goodwin	1942 & 1944	7.74
B. M. Primer	1942	5.61
Naomi Cax Moore	1944	9.38
Joe Castillo, Sr.	1928 thru 1935	10.96
E. M. Everton	1935, 1936, 1940	5.86

W. A. King	1937	\$ 7.59
S. D. Lewis	1939, 1940, 1942	5.37
D. B. Mallard	1941, 1942, 1943	31.16
R. W. Potter	1941	4.84
S. M. Lee	1942	5.61
J. W. McCaslin, Jr.	1942 & 1944	4.26
G. H. Sterzing	1942 & 1944	17.17
Henry J. Johnson	1944	5.17
Val C. Jones	1944	1.57
D. D. Wallis	1929, 1930, 1937	9.50
G. J. Swafford	1937 thru 1941	32.45
Minnie Marquardt	1938, 1942, 1943	18.54
Clara Swinney	1938 thru 1940 & 1942, 1943	17.29
F. C. Homeyer	1939, 1940, 1943, 1944	10.73
W. H. Meyers, Jr.	1939	6.31
Carlos Hernandez	1941 & 1942	.38
L. T. Adams	1942	.24
Simon Botello	1943	.13
H. L. Newton	1943	.25
Mallory T. Huls	1944	.25
Roy H. Gartman	1936, 1938, 1939	10.22
Leslie Chapman	1938 thru 1942	10.48
Robert Heidrick	1938, 1940, 1942	25.72
L. D. Bordes, Jr.	1939 thru 1942	7.72
W. M. Reynolds	1939 thru 1942 & 1944	17.97
Hilary Lenertz	1940	3.27
L. Lopez	1940 thru 1944	4.44
R. W. Campbell	1941 & 1942	4.96
Cecil F. Meredith	1944	5.41
Reynolds Grocery & Market	1942 & 1944	45.21
Charles S. Harrison, Jr.	1944	1.79
George L. Russell	1942	6.61
L. W. Shelton	1944	2.40
J. L. Greer	1943 & 1944	9.41
Monte Canady	1944	4.45
J. G. Culbreath	1944	2.05
J. N. Lyle	1944	7.21
L. L. Nusom	1944	4.09
Carl E. Quick	1944	12.15
A. J. Randle	1931, 1944	2.57
August E. Peschka	1941 thru 1944	7.54
A. L. Haffelder	1942, 1943, 1944	6.23
Lois Jackson	1942 & 1944	5.15
Mrs. H. M. Whaling	1943	6.67
L. E. Ledbetter	1944	1.09
Woodrow Sullivan	1944	2.05
F. H. Vaughn	1944	5.78

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 authorized 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.

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

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

Letters from the South Austin Civic Club, Inc., and Mr. L. J. Struhall commending the Council's proposed use of the recently acquired steel building for an Agricultural building, were read and ordered filed.

There being no further business, upon motion seconded and carried, the meeting was recessed at 12:40 P.M.

Approved

Tom Miller

Mayor

ATTEST:

Helene M. Allen

City Clerk