

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 31, 1946

10:50 A. M.

Council Chamber, City Hall

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

Roll call

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

Absent: Councilman Gillis

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

Councilman Bartholomew 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 FLETCHER STREET, from South 3rd Street easterly 152 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said FLETCHER STREET.

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

(2) A gas main in WARREN STREET, from Hillview Road easterly 286 feet, centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WARREN STREET.

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

(3) A gas main in EAST AVENUE, from a point 316 feet south of Concordia Avenue northerly 48 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said EAST AVENUE.

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

(4) A gas main in EAST SIDE DRIVE, from a point 295 feet south of East Monroe Street southerly 176 feet, the centerline of which gas main shall be 4 feet east of and parallel to the west property line of said EAST SIDE DRIVE.

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

(5) A gas main in WERNER AVENUE, from a point 137 feet north of Concordia Avenue northerly 309 feet, the centerline of which gas main shall be 12.5 feet west of and parallel to the east property line of said WERNER AVENUE.

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

(6) A gas main in McCULLOUGH STREET, from a point 28 feet west of St. Anthony Street westerly 570 feet, the centerline of which gas main shall be 17.5 feet north of and parallel to the centerline of said McCULLOUGH STREET.

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

(7) A gas main in SPRING LANE, from McCullough Street to Galewood Place, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said SPRING LANE.

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

(8) A gas main in GALEWOOD PLACE, from Spring Lane to Delwood Place, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GALEWOOD PLACE.

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

(9) A gas main in DELWOOD PLACE, from McCullough Street to Galewood Place, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said DELWOOD PLACE.

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

(10) A gas main in GREENLEE DRIVE, from a point 259 feet west of Exposition Blvd. westerly 298 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GREENLEE DRIVE.

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

(11) A gas main in THOMAS DRIVE, from Greenlee Drive to McCullough Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said THOMAS DRIVE.

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

(12) A gas main in McCULLOUGH STREET, from Thomas Drive easterly 480 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said McCULLOUGH 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: Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf

Noes: None

Absent: Councilman Gillis

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, T. A. WEBB is the Contractor for the alteration of a building located at 416 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 5, Block 43, 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. A. Webb, the boundary of which is described as follows:

Sidewalk and Street Working Space

(a) Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue 4 feet to a point; thence in a southerly direction and parallel to the centerline of Congress Avenue approximately 46 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

(b) Beginning at the west curb line of Congress Avenue and the extended north line of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue approximately 14 feet to a point; thence in a southerly direction and parallel to the centerline of Congress Avenue approximately 46 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the west curb line of Congress Avenue.

2. THAT the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) a. That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger.

(1) b. That the Contractor shall construct a guard rail within the boundary line along the north, east and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) 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.

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

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(7) 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.

(8) 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.

(9) 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 April 1, 1946.

(10) 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.

(11) 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.

(12) 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), 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: Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf
Noes: None
Absent: Councilman Gillis

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank Barron is the Contractor for the alteration of a building located at 213 East 6th Street and desires a portion of the sidewalk and street space abutting the west 23 feet of Lot 9, Block 57, 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 Frank Barron, the boundary of which is described as follows:

Sidewalk and Street Working Space

(a) Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 6th Street to a point 5 feet south of the south curb line; thence in an easterly direction and parallel to the centerline of East 6th Street approximately 23 feet to a point; thence in a southerly direction and at right angles to the centerline of East 6th Street to the northeast corner of the above described property.

(b) Beginning at the south curb line of East 6th Street and a prolongation of the west line of the above described property; thence in a northerly direction and at right angles to the centerline of East 6th Street approximately 12 feet to a point; thence in an easterly direction and parallel to the centerline of East 6th Street approximately 23 feet to a point; thence in a southerly direction and at right angles to the centerline of East 6th Street to the south curb line of said street.

2. THAT the above privileges and allotment of space are granted to the said Frank Barron, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) a. That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger.

(1) b. That the Contractor shall construct a guard rail within the boundary line along the west, north and east lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) 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.

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

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(7) 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.

(8) 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.

(9) 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 April 15, 1946.

(10) 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.

(11) 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 of all of said space any time with its public utilities, or for other necessary public purposes.

(12) 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), 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: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

Mr. Van Smith appeared before the Council and stated that he was the owner of several lots on West 25th street, near Lamar Boulevard, and that he had made a contract with a Prefabricated Housing Company to lease his property to them for a period of five years, and that the Prefabricating Company would

place 12 houses thereon, these houses to be rented or leased to Veterans who are attending the University of Texas. This lease agreement is contingent upon Mr. Smith obtaining permission from the City of Austin to place the 12 houses on the area owned by Mr. Smith, and that the houses could be installed by March 1st for the next term of school at the University. After much discussion, it was found that under the City ordinance 9 houses could be placed on the property without a change in the zoning of the property, but that a change in the zoning would be required for the 3 additional houses. Mr. Smith was told to contact the Building Inspector and work out his plan so as not to require a change in the zoning and then if it was found feasible to request a change in the zoning so as to install the 3 additional houses.

Pursuant to published notice thereof, this being the day and hour for the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

- (a) All that portion of land in the City of Austin, Texas, being Lots 1 and 22 of Tarry-Town.

Mr. Tom Graham, representative of the Westenfield Development Company, the petitioner, was the only person present who favored this change, but there was a large number of property owners in this section of the city who appeared and protested vigorously against this change. After hearing so many of the property owners state that they did not want the commercial area in this section of the city increased, Mr. Graham stated that he would withdraw his request for the change, and the Council accepted his proposal.

The application of Bascom Giles for a change in the zoning of his property located at the corner of East Avenue and Airport Boulevard and at the corner of Airport Boulevard and Wilshire Boulevard, from "A" Residence to "C" Commercial, was referred to the Zoning Board of Adjustment for their consideration and recommendation.

The continued hearing on the zoning change requested by Mrs. Cordelia A. Lenthe and W. A. Schumann of their property located on the east side of Airport Boulevard, between 47th and 48 $\frac{1}{2}$ streets, from "A" Residence to "C" Commercial was held. There being no one present to protest this change, the City Attorney was thereupon instructed to have the ordinance enacting this change prepared for presentation at the next regular meeting.

Pursuant to published notice thereof, this being the day and hour for the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:

- (a) All that portion of land in the City of Austin, Texas, being Lots 4, 5, 6, 10, 11, 12, Block No. 1; Lots 4, 5, 6, 10, 11, 12, Block No. 2; Lots 4, 5, 6, 10, 11, 12, Block No. 8; Lots 1, 2, 3, 8, 9, 10, Block No. 4; Lots 1, 2, 3, 5, 6, 7, Block No. 3; Lots 1, 2, 3, 4, 5, 6, Block No. 9; all of which are situated in Silliman Addition, Outlot 5, Division Z.

There being present only one person favoring the change, and he was the attorney for one of the applicants, and a number of citizens present who protested such change, the Mayor stated that the hearing would be continued until the next regular meeting to be held on February 7 so as to give the other applicants for this change to appear, or send representatives.

Mr. J. A. Nelson, the owner of property located at 2200 East Avenue, appeared to inquire whether the City was going to acquire additional right-of-way on East Avenue for the proposed Interstate Highway on this street. The Mayor told Mr. Nelson that the Council had not decided upon this question, but within the next sixty or ninety days they would.

The Mayor read a letter he had received from the Austin Wholesale Milk Dealers relative to the solution of the milk strike problem.

The Mayor stated that he had received a letter from the Austin Trades Council asking that the steel hangar which the City purchased and which they plan to install on the Butler Tract to be used as an Agriculture Building, be erected as soon as possible in order to provide work for the returning Veterans who are steel workers and who need work. The City Manager and the City Engineer were instructed to proceed with this work as quickly as possible.

Councilman Bartholomew moved that Mr. Tom Graham be appointed as a member of the City Plan Commission to fill the vacancy caused by the resignation of Mr. Murray Graham. Councilman Wolf seconded this motion and the same prevailed by the following vote:

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

The application of ED GAHAN, 97 Red River, for a license to operate as a taxicab, a 4-door, 1940 Chevrolet, Motor No. 3164252, License No. FR 7008, to replace License No. 24, Albert R. Thornton, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The Motion carried by the following vote:

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

The application of ED GAHAN, 97 Red River, for a license to operate as a taxicab, a 4-door, 1940 Dodge, Motor No. D14-89598, License No. FS 5332, to replace License No. 71, Albert R. Thornton, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion prevailed by the following vote:

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

The application of N. W. SCHEUMACK, 72 Chicon Street, for a license to operate as a taxicab, a 4-door Chevrolet, Motor No. 3362092, License No. FS 5266, to replace License No. 111, J. G. Hildebrand, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion prevailed by the following vote:

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

The application of CARL E. VAN LANDINGHAM, 4506 Avenue F., for a license to operate as a taxicab a 4-door, 1938 Plymouth sedan, Motor No. P6-141384, License No. FS 6509, to replace License No. 131, William Martin Hoover, cancelled, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion prevailed by the following vote:

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

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

Elam, Ernest Haskell	1206 Taylor street
Hawkes, Thomas K.	4213 Avenue H
House, Milton	1402 Singleton Ave.
Howard, Milton L.	1908 East 16th st.
Polk, William	1610 East 4th st.
Ponton, Joel David	2005 Holly
Ross, Herman H.	Route 2, Box 33
Rhymes, Jesse Lee	812 Jewell st.
Terrell, Bruce A.	1812 Ulit Ave.

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

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

The Mayor told the negro taxicab operators, who appeared to complain about the negro boot-leg taxicab operators, that a special hearing would be arranged to hear this matter, and they would be notified of the date.

The following report of the Zoning Board of Adjustment on the request of Mrs. James R. Hamilton and Joe Campion for a change of the zoning of the property located at 2317 Post Road, City of Austin, Texas, from "C-1" to "C-2" Commercial District was received:

"Austin, Texas
 January 30, 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 29, 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 and recommendation a petition of Mrs. James R. Hamilton and Joe Campion requesting a change in the Use Designation of the following property:

2317 Post Road, City of Austin,

from "C-1" 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 public hearing on this petition on January 29, 1946, at which a number of adjacent surrounding property owners protested against this change; and

WHEREAS, this property is now zoned as "C-1" Commercial District which permits the sale of beer and wine in connection with a restaurant or cafe; and

WHEREAS, the triangle directly across South Congress Avenue is now zoned as a "C" Commercial District, having been freed of all deed restrictions, even now enjoys less freedom of use than the property in question; and

WHEREAS, this application is for the change of a single lot on which there is now a small building, which applicant proposes to use, and is adjacent to the La Conga Night Club and, evidently, is intended to serve patrons of this establishment with liquor, which is not now obtainable in the neighborhood, and would be for the applicant only and not in response to any general public demand, and would permit many other objectionable uses listed under Section 8 of the Zoning Ordinance, which would adversely affect surrounding property and would tend to create further traffic congestion and hazards and disturb the peace and quiet and comfort of the neighboring tourist camps and residences in La Prella Place; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

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

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s /

By H. F. Kuehne, Chairman "

The Council requested that Mrs. James R. Hamilton be notified of the adverse recommendation of the Zoning Board, and tentatively set the public hearing on this request for February 21.

The following report of the Zoning Board of Adjustment on the request of MR. CONGER POAGE for a change in the zoning of Lots 10 and 11, Block 8, Silliman's Subdivision of Outlot 5, Division "Z", City of Austin, same being located at the corner of 9th and Lamar Boulevard, from "C" to "C-2" Commercial, was read:

"Austin, Texas
January 30, 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 29, 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 and recommendation a petition of Conger Poage requesting a change in the Use Designation of the following property:

Lots 10 and 11, Block 8, Silliman's Subdivision of Outlot 5, Division "Z", City of Austin, being located at the corner of 9th and Lamar Streets,

from "C" Commercial District and First Height and Area District to "C-2" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment carefully considered this application at its meeting held on January 29, 1946; and

WHEREAS, this application is for the creation of a spot zone for a "C-2" Commercial District on Lamar Boulevard which would permit in addition to the sale and dispensing of beer and liquor other undesirable uses listed in Section 8 of the Zoning Ordinance; and

WHEREAS, the Board has already held hearings on changes of Use Classification of property on Lamar Boulevard from "C" to "C-1" Districts as recorded in Resolution sent to the City Council on November 20, 1945, at which hearings vigorous protests were made against the sale of any kind of intoxicating drinks even in connection with a restaurant; and

WHEREAS, the Board deems that no changes in conditions and circumstances concerning the property on Lamar Boulevard have occurred, which would now permit changing any property to a less restricted use, such as "C-2", which would not be in harmony with the general zoning scheme for boulevards and major thoroughfares in the City; and that this would be singling out two lots in single ownership for this radical change which is not in answer to any public demand, necessity, or convenience and only in the interest of one property owner; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

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

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman"

The Council was informed that Mr. Poage wanted a public hearing on this requested change and, therefore, set the date of February 21st for such public hearing.

The application of "Fabricon" by Diana Cole, Secretary, for a change in the zoning of 1.45 acres of land located at the southeast corner of East 5th street and Springdale Road, from "A" Residence to "D" Industrial, was received by the Council and referred to the Zoning Board of Adjustment for consideration and recommendation

The application of Miles Burton by his attorney, James H. Rogers, for a change in the zoning of a portion of the Paggie property located on the east

side of Lamar Boulevard, near the Barton Springs Road, from "A" Residence to "C" Commercial, was received and referred to the Zoning Board of Adjustment for consideration and recommendation.

The application of Ira H. Houston for a change in the zoning of his property described as Lots 38, 40, 42, 44 and 46, Northfield Addition, from "A" Residence to "C" Commercial, for the purpose of building a cafe and tourist courts, was received and referred to the Zoning Board of Adjustment for their consideration and recommendation.

A petition was received from a number of citizens in East Austin requesting the opening of a street between East 19th street and Manor Road, west of the railroad tracks, so that better bus service could be given this section of the city; the petition also requested an extension of the street lighting system on the Manor Road to Alexander Street. The City Engineer was requested to investigate the request for the street and make recommendations; and the Director of Utilities was requested to investigate the request for the extension of the street lighting system on Manor Road.

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 City Council of the City of Austin hereby approves the property located on the North side of East 9th street as a private gasoline plant, which property is owned by the Southland Ice Company, and is designated as Lot 2, Block 115 of the Original City of Austin, Travis County, Texas, and hereby authorized the said Southland Ice Company, acting through Burl Smith, local manager, to operate a private gasoline plant consisting of a 1000 gallon tank and electric 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 recommendations; 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 of 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 Southland Ice Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(The recommendations referred to are attached to resolution)

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

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

Councilman Bartholomew introduced the following application and recommendations together with resolution attached and moved the adoption of the resolution:

"Austin, Texas
January 29, 1946

The Honorable Mayor and Council
City of Austin, Texas

Gentlemen:

I respectfully request permission to install one 550 gallon under ground gasoline tank and one 10 gallon visible gasoline pump on my lot at 307 West 6th street in the City of Austin.

All equipment and installation to conform to all City ordinances and regulations and to be used for company use only.

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

"Austin, Texas
January 31, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the American Taxi Cab Company, represented by E. J. Jordan and Frank Morgan, for permission to operate a private gasoline plant consisting of a 550-gallon tank and a 10-gallon visible pump for the sole 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 6th Street, which property is designated as the west $\frac{1}{2}$ of Lot 8 and the East $\frac{1}{2}$ of Lot 9, Block 53 of the Original City of Austin, Travis County, Texas, and locally known as 307 West 6th street.

This property is located in a "C-2" 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 Building 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.

/ s /
Respectfully submitted,
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 6th Street as a private gasoline plant consisting of a 550-gallon tank and a 10-gallon visible pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is leased by the American Taxi Cab Company, and is designated as the west $\frac{1}{2}$ of Lot 8 and the east $\frac{1}{2}$ of Lot 9, Block 53, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said American Taxi Cab Company, represented by E. J. Jordan and Frank Morgan, to operate a private gasoline plant consisting of a 550-gallon tank and a 10-gallon visible 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 recommendations; 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 Cab Company, represented by E. J. Jordan and Frank Morgan, have 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, Mayor Miller, and Councilman Wolf

Noes: None

Absent: Councilman Gillis

Councilman Alford introduced the following application, recommendation and resolution, and moved the adoption of the resolution:

"Austin, Texas
January 28, 1946

Mr. J. C. Eckert,
Building Inspector
City of Austin
Austin, Texas

Dear Sir:

Permission is hereby requested to make installation of one electric pump and one one-thousand gallon underground gasoline tank at our ready-mixed concrete plant, 108 Barton Springs Road, Austin, Texas.

The gasoline from this tank will be used for the accommodation of our

equipment only and not for resale to the public.

The installation of this tank will be made in accordance with all City regulations.

Yours very truly,

C. A. MAUFRAIS
By H. L. Maufrais."

/ s /

"Austin, Texas
January 31, 1946

Mr. Gution Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of C. A. Maufrais for permission to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to be sold, upon property located on Barton Springs Road, which property is designated as part of Lot 1-F of the W. C. Moore Tract of the City of Austin, Travis County, Texas, and locally known as 108 Barton Springs Road.

This property is located in a "C-2" 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 Building 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.

/ s /

Respectfully submitted,
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 proper-

ty situated on the north side of Barton Springs Road as a private gasoline plant consisting of 1000 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, which property is owned by C. A. Maufrais, and is designated as part of Lot 1-F of the W. C. Moore Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said C. A. Maufrais to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing his 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 recommendations; 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 C. A. Maufrais 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, Mayor Miller, and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as "Colorado Court", which street is shown upon the map or plat of Travis Heights of record in Book 3, page 15 of the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of "Colorado Court" to "Gillespie Place"; and

WHEREAS, the City Council of the City of Austin has considered said petition; therefore,

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

THAT COLORADO COURT as referred to above be known and designated as GILLESPIE PLACE.

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

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, John Broad is the Contractor for the alteration of a building located at 505 Congress Avenue and desires a portion of the sidewalk and street space abutting the north 6 feet of Lot 1 and the south 20 feet of Lot 2, Block 56, 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 JOHN BROAD, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point just inside the parking meters; thence in a southerly direction and parallel to the centerline of Congress Avenue 26 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said John Broad, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted 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 the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) 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.

(4) 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 systems for all tunnels.

(5) 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 April 15, 1946.

(6) 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.

(7) 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.

(8) 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.

(9) 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: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. B. ROBERTS is the Contractor for the alteration of a building located at 909 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot C, Block 111, 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 J. B. ROBERTS, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a

point 5 feet east of the east curb line; thence in a northerly direction and parallel to the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. B. Roberts, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade, for the delivery or removal of materials during construction work.

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

(3) 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.

(4) 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.

(5) 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 April 1, 1946.

(6) 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.

(7) 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.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety

bond in the sum of Five Thousand Dollars (\$5,000.00), 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: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Alford submitted 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 sell the north one-half of Lot No. 8, in Block 169, in the Original City of Austin, to Philip Hauke, for the sum of Seven Hundred and Fifty (\$750.00) Dollars in cash, and to execute to the said Philip Hauke a deed of conveyance for said lot upon the payment of the said sum of Seven Hundred and Fifty (\$750.00) Dollars.

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

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

The Mayor stated that the Austin Public School Board had requested that the amount of \$175,000.00 which they are to receive each year out of the Water and Light Fund be paid in eight monthly installments. After a discussion of this request, Councilman Bartholomew moved that this request be granted and said motion prevailed by the following vote:

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

Councilman Bartholomew 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 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 OF 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 ($E\frac{1}{2}$) OF BLOCKS 35, 36, 37, 38 AND ALL OF BLOCKS 39 to 54, INCLUSIVE, ALL IN DIVISION E, AND THE EAST ONE-HALF ($E\frac{1}{2}$) 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 ONE-HALF ($S\frac{1}{2}$) OF BLOCK 8, BLOCK 9, BLOCKS 12, 13, 14 and 15, WALSH 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 first time and passed to the second reading.

The request of E. C. Duke for permission to use a portion of the Butler Tract for a carnival given by the Greater United Shows, and sponsored by the Stephen F. Austin Club for boys at the Austin Senior High School, from April 1 through 6, was read. The Council discussed the matter and deferred action on the request until the meeting of February 7, and asked the newspapermen to give the request publicity, and that Mr. Duke be notified to appear at the meeting of February 7.

The Mayor stated that he had received the resignation of Mr. J. H. Pittsford as a member of the Housing Authority of Austin; that Mr. Pittsford has entered the plumbing contracting business and wishes to be in position to bid on any City work which may come up; therefore, his resignation was accepted.

The Austin Building Trades Council had suggested the name of Mr. W. G. Clarkson as a successor to Mr. Pittsford and had stated that he was well qualified to fill this vacancy. Upon motion made and seconded, Mr. Clarkson was named as a member of the Housing Authority of Austin by the following vote:

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

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 City Tax Assessor and Collector of the City of Austin be, and he is, hereby authorized and directed to accept the sum of Forty-four Dollars and Ninety-seven Cents (\$44.97) as settlement in full of all taxes assessed for the years 1928 to 1935, both inclusive, on what is known as Pig Stand, a house on the Martha Martin Estate on South Congress Avenue, which sum is the amount of the tax less the penalty and less one-half of the interest on the sum of Thirty-two Dollars and one cent (\$32.01) taxes which were assessed against that house for the said years, in the name of Floyd Byars, the then owner of said house, upon the payment of which the City Tax Assessor and Collector of Taxes shall cancel the said taxes, interest and penalty on the records of his office.

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

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. Whereas, it appears to the City Council that a tract of 17.4 acres of land, less 50' x 150', in the Northeast corner of same, in Lot C, in the Geo. W. Spear League, Item 66, Plat 100, assessed in the name of J. D. MONK, has been incorrectly valued for taxation for the years 1939 through 1945 at a valuation of \$5200.00, when, in fact, the correct valuation of said property for each of said years is the sum of \$1800.00, which valuation includes the value of improvements thereon; Now, Therefore,

The Tax Assessor and Collector of the City of Austin is hereby authorized and directed to correct the valuation, for each of said years, of the

above described property together with improvements thereon, and that he calculate and receive the taxes on the said property and improvements thereon on the basis of \$1800.00 and receive the taxes on said property on that basis.

The City Tax Assessor and Collector is further authorized and directed to deduct the penalty and one-half of the interest on such taxes, and that he cancel all taxes against said property upon the records of his office upon receipt of the taxes and one-half of the interest, as above provided.

SECTION 2. Be It Further Resolved that the City Tax Assessor and Collector be and he is hereby authorized and directed to receive the taxes assessed for the years 1941 through 1945 in the name of J. D. Monk, less all the penalty and one-half of the interest thereon as settlement in full of the taxes, interest and penalty on the following described property upon the records of his office:

3 of C 50' x 130', Item 70, Plat 100;
 1 " C 50' x 130' " 68, " 100;
 2 " C 50' x 130' " 69, " 100;
 all in the Geo. W. Spear League within
 the City of Austin.

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

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

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>Year</u>	<u>Amount Collected</u>
Felix Gonzales	1931, 32, 33, 40, 41, 42, 44	\$ 5.75
Mrs. W. I. McCullough	1931 thru 1934	2.96
Phil Granath	1936 & 1938	12.75
A. L. Tidwell	1938, 1940, 1941	8.56
L. G. Blackstock	1941 thru 1944	7.58
Russell Forester	1942 thru 1944	13.09
Charles W. Sturdivant	1943	.25
Lyda S. Durham	1931, 1932 & 1941 thru 1944	24.92
Arthur Franzetti	1941, 1942	18.17
Mrs. L. S. Moore	1933, 35, 36, 38, 39	13.92
Geo. Robt. McFarland	1942	3.99
J. J. Pettus	1942	5.82
Gene Arbuckle	1944	.25
J. K. Butler	1944	2.29
Cora Cherry	1944	.25
Charles D. Madison	1944	2.34
Frank Wortham	1944	10.84
O. B. Stobaugh	1944	2.05
O. L. Finnie	1934, 1942, 1943, 1944	8.25
P. B. Oldham	1939, 1942, 1943, 1944	5.49
Clarence Hicks	1940 & 1941	4.52

Mel Colthorp	1942, 1943, 1944	24.21
Mary Riley	1942	3.74
Fortunato Marino	1944	.84
Willie E. Smith	1944	1.32
W. F. von Rosenberg	1944	4.10
Homer J. Bartlett	1936 thru 1940	24.47
H. E. Turley	1936 thru 1939	12.88
C. B. Freeman, Jr.	1943	.24
Julius Jones	1943	2.54
F. D. Badger	1937, 38, 39, 42	4.96
J. W. Blaylock	1937 thru 1942	14.79
Marshall Graham	1937 & 1938	5.71
Alvin Jarmon	1938, 39, 42, 43	1.32
Severino Guerra	1939 thru 1944	5.24
E. J. Steiger	1939, 40, 41	1.82
De Orville Evans	1941 thru 1944	33.54
Ford Dixon	1942 & 1943	10.94
Charlie Vinson	1942	5.87
James M. Ellis	1942 thru 1944	4.11
O. C. Goodwin	1942 thru 1944	5.36
Jesus Guajardo	1942	.15
H. W. Harvey	1942 thru 1944	4.89
Victor Gloria	1943	.24
R. H. Gregory	1943	2.91
Jesse Leatherwood	1943 & 1944	2.41
Swift Package Store	1943	24.26
M. E. Bounds	1944	7.22
Mrs. Jack F. Criswell	1944	9.39
The Fashionette Beauty Shop	1944	4.82
Sophia Lockhart	1944	6.99
George B. Davis	1936 thru 1940	41.28
D. L. McQuirter	1936, 39, 41, 43, 44	6.45
J. J. Dusek, Jr.	1938, 1939, 1942	24.19
George H. Kinney	1939, 1943, 1944	15.33
Robert Dornell Mills	1939, 40, 42, 43	14.83
J. W. (Jack) Adams	1940 thru 1944	32.75
Edwin Walenta	1941 thru 1944	12.75
John Wattinger	1941	21.45
R. C. Gravis	1942 & 1943	18.97
M. W. McConnell	1943 & 1944	1.94
L. G. Baker	1944	4.70
Hubbard's Baseball Station	1944	6.03
Dwight Johnson	1944	.25
Elizabeth Bowles Martin	1944	4.81
John Henninger	1935, 36, 38, 39 & 44	7.18

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.

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

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

There being no further business, upon motion seconded and carried,
the meeting was recessed subject to call of the Mayor, at 1 P. M.

APPROVED:

Tom Miller

ATTEST:

Helen G. Busch
Acting City Clerk