

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 21, 1946

10:45 A. M.

Council Chamber, City Hall

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

Roll call

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

Absent: Councilman Alford

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, City Engineer; W. T. Williams, Acting City Attorney; and R. D. Thorp, Chief of Police.

Councilman Wolf moved that H. I. Jordan, 1205 Alta Vista, be granted a variation of the Building Code regulations so as to allow him to build a garage apartment on his property because a petition signed by the surrounding property signified their approval of this building, and also because the garage apartment would be built by making a small addition to the garage which now exists on the premises. The motion was seconded and same prevailed by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

Mr. and Mrs. L. B. Ross, 405 East 14th street, this city, appeared before the Council to protest the alleged treatment and lack of proper treatment which their child had received while a patient at Brackenridge Hospital, and which they claimed caused the death of their child. After hearing Mr and Mrs Ross' statements, the Mayor stated that a thorough investigation would be made of their complaint and, if any of the employees at the Brackenridge Hospital were guilty of negligence, they would be removed, but that all the Council could say was that they were very sorry about the death of their child and sympathized deeply with Mr and Mrs Ross. The City Manager was instructed to investigate this case and advise the Council.

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

- (1) To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District and First Height and Area District, to-wit:

The South 110 ft.x 171 ft. of Lot C, North One-half (N $\frac{1}{2}$) Outlot 64, Division "D" of the City of Austin, Travis County, Texas, said property being located between 26th and 28th Streets on the West side of Salado Street.

- (2) To amend the USE designation of the following described property so as to change the same from "C" Commercial District and First Height and Area District to "C-2" Commercial District and First Height and Area District and First Height and Area District, to-wit:

Lots Nos. 10 and 11, Block 8, Silliman's Subdivision of Outlot 5, Division "Z", City of Austin, Travis County, said property being located at the corner of 9th Street and Lamar Boulevard.

- (3) To amend the USE designation of the following described property so as to change the same from "C-1" Commercial and Second Height and Area District to "C-2" Commercial District and Second Height and Area District, to-wit:

4.6 acres of the Isaac Decker League in the City of Austin, Travis County, Texas, and being shown on City of Austin Section Mp No. 124A as "Hamilton 4.6 ac." and said property being also known as 2317 Post Road, City of Austin,

was duly opened at the appointed hour.

A number of property owners appeared to protest the change of the property located on the west side of Salado Street, between 26th and 28th street, stating that this was neighborhood of homes and that they did not want apartment houses or fraternities or sororities to be allowed in this section. Mr. Howard Osborn, representing Mrs. Sadie Gideon, the application, was the only person present who was in favor of the change. After hearing all of the protestants and from the facts brought out in the resolution of the Zoning Board of Adjustment, it was the consensus of opinion of the Council that the change of the property from "A" Residence to "B" Residence be not granted. Councilman Wolf moved that the recommendation of the Zoning Board of Adjustment be upheld and the change not granted; the motion was seconded, and prevailed by the following vote:

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

Mr. Conger Poage, applicant for the change of the property located at the corner of 9th street and Lamar Boulevard, from "C" Commercial to "C-2" Commercial, appeared and stated that he wished to have his application withdrawn.

A petition signed by a number of property owners in the neighborhood of 2317 Post Road, which was a part of the property requested by Mrs. James R. Hamilton changed from "C-1" Commercial to "C-2" Commercial, protested this change, as did several other property owners who appeared before the Council. There was no one who appeared to request the change. After discussing the merits of such

request, the Council decided to uphold the recommendation of the Zoning Board of Adjustment and Not grant the change. Councilman Gillis moved that the recommendation of the Zoning Board of Adjustment NOT to grant the change of the zoning property located at 2317 Post Road be upheld; the motion was seconded and prevailed by the following vote:

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

Mr. Harry Pollard, representing a group of property owners in Travis Heights living on Woodland Avenue, Mission Ridge and Chelsea Place, appeared before the Council to protest the remodeling of a garage and chicken house and making an apartment which he intends to rent to two Veterans and their wives, the work having been done without a building permit and after the Zoning Board of Adjustment had refused to grant a variation of the Building Code regulations so as to allow this, this work having been done by C. G. Rogers, 1117 Woodland Avenue, a member of the Police Department. The discussion of this matter became very heated and a great many personal grievances were injected, all of which caused the Mayor to request the City Manager to have a hearing, as early as possible, at which the Chief of Police, Director of Safety, C. G. Rogers, and the following persons who made these complaints, would be present: Mr. Hugo Johnson, 1112 Woodland, Mr and Mrs. M. A. Muhn, 1110 Woodland, Mrs. Howard Masden, 1121 Woodland, Mrs. Herbert Ash, 1201 Woodland, Mr. Henry Parkinson, 1521 Chelsea Lane, and Mr. C. Monroe, 1119 Mission Ridge. The hearing was for the purpose of determining whether the City should permit Mr. Rogers to remain in the employ of the Police Department or not. The City Manager was instructed to make a thorough investigation of the facts in the case of Mr. Rogers non-compliance with the building and zoning requirements of the City and to then request an opinion from the Legal Department as to what the procedure the City should take in the matter.

The following report of the Zoning Board of Adjustment was received and filed:

"Austin, Texas
February 13, 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 February 12, 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 Ouida F. Nalle and George S. Nalle requesting a change in the USE designation of the following property:

The entire Block No. 129 of the City of Austin,
from "B" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on January 22, 1946, at which the Appellants appeared and affirmed that they desired this change for this for the purpose of erecting an Apartment Hotel without the required set-back from the front property line required in a "B" Residence District and to provide business on the ground floor of the apartment and that no other commercial uses were contemplated on this block; and that the business in the building would front on the street and serve the general public; and

WHEREAS, the petition was filed with the Board signed by five neighboring property owners interposing no objection to this change; and

WHEREAS, at the hearing on this appeal a protest was registered by one property owner; and

WHEREAS, the appellant, Mr. Nalle, now resides on the southwest corner of this block and approximately one-half of the block is now developed as residential property; and

WHEREAS, under the terms of the Zoning Ordinance an Apartment Hotel is permitted in a "B" Residence District in which building certain commercial uses are permitted on the first floor, the Board deemed that the appellant could proceed with his proposed development without the necessity of a change in zone; and

WHEREAS, under the terms of the Ordinance the business in the building is for the convenience of the occupants and not the general public and may not front on the street; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the above change in USE designation of this property be NOT recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s /

By H. F. Kuehne, Chairman

The Council, having been advised by the applicants that they wished to have a public hearing by the Council regardless of the recommendation of the Board of Adjustment, set the date of March 14, 1946, at 11 A. M., for the date of such hearing.

The Council, having been advised by H. M. Houston, President of the John Bremond Company, that he desired to have a public hearing by the Council on his request for change of the zoning of his property located at the corner of 28th and Nueces streets, from "B" Residence to "C-1" Commercial, regardless of the recommendation of the Board of Adjustment, set the date of March 14, 1946, at 11 A. M., for the date of such hearing.

The request of R. M. Meeker, 4412 Avenue B, for a change of his property located at the southwest corner of 45th street and Avenue B, from "A" Residence to "C" Commercial, was referred to the Zoning Board of Adjustment for their consideration and recommendation to the City Council.

The requests of Mr. Jake Silberstein and H. Yerger, by their attorney, William Yelderman, for a change in the zoning of their property located in the

1000 block of Red River street, from "C" Commercial to "C-2" Commercial, was read and referred to the Zoning Board of Adjustment for their consideration and recommendation to the City Council.

The request of R. J. Long, Littlefield Building, for a change of approximately 30 acres of land, located 5 miles north of the city, near St. John's Orphanage property, from "A" Residence to "E" Industrial, was received and referred to the Zoning Board of Adjustment for their consideration and recommendation to the City Council.

The Mayor stated that there were now 178 taxicabs in operation in the City of Austin, and unless the applicants for additional cabs appeared before the Council and showed good reason why there should be more cabs placed in operation, the number would not be increased.

The following applications for taxicab operator's licenses to take the place of those cancelled out, duly approved by the City Manager, were submitted.

DeGough, Roy A., 2254 Guadalupe street, 1939 4-door Ford Sedan, Motor No. 18-5182743, License HK 2026, transfer of License No. 167, Henry C. Gardner.

McLendon, Hayes, Route 2, Box 32, 1941 Plymouth sedan, Motor No. P-11-52750, License AC 1888, transfer of License No. 151, Jesse E. Grady.

Medearis, Garland, 1402 Singleton Avenue, 1939 Pontiac Sedan, Motor No. 6513144, License No. HK 2221, transfer of License No. 93, Kermit Terrell.

Morgan, Frank, 1511 Canterbury street, 1940 Chevrolet Sedan, Motor No. 3338141, License No. Ft 4769, transfer of License No. 146, George Overstreet.

Turner, James Leonard, 300 Congress Avenue, 4-door Chevrolet, 1942 model, Motor No. 5BH106099, License FR 4837, transfer of License No. 42, Allen Lee Jackson.

Wheeler, O. E., 1910 Speedway, 4-door, 1941 Plymouth sedan, Motor No. P-12-445968, License No. FS 7038, transfer of License No. 128, Robert H. Delancy.

Councilman Wolf moved that the above taxicab operator's licenses be granted, and the same prevailed by the following vote:

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

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

Baumert, Joe August	4539 Avenue F
Coker, Harvey M	1108 Riverside Drive
Hutcheson, Robert Lee	419 Concho
Murphy, Robert Louis	210 E. 9th st.
Thorp, Ellis H.	4413 Avenue B
Turner, James Leonard	2204 Canterbury
Young, Ernest Clayton	1709 Eva street

Councilman Bartholomew moved that the above applications for taxicab driver's permits be approved, and the same prevailed by the following vote:

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

The application of CASA BLANCA, 307½ East 6th street, Guadalupe Laguna and Pete Sanchez, owners, for a Beer and Wine Permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the application be granted and the same prevailed by the following vote:

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

The application of GLIDEN DISTRIBUTING COMPANY, 802 East 5th street, for a distributor's license for the sale of beer and wine, duly approved by the City Manager, was submitted. Mayor Miller moved that the application be granted and the same prevailed by the following vote:

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

The application of JOHNNIE'S PACKAGE STORE, 915 Red River street, J. A. Bowen, owner, for a license to sell liquors, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted and the same prevailed by the following vote:

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

The following application, together with resolution attached, was read:

"Elgin, Texas
 February 19, 1946

City Council,
 City of Austin
 Austin, Texas

Dear Sirs:

My son, now a dental officer in the Navy, expects to be discharged within two or three weeks and wishes to locate his dental clinic in Austin.

I have purchased for him the property at 1206 Nueces street and respectfully request your permission to occupy the building for such purpose. This dental clinic will be used for the purpose of treating only human beings and no psychopathic cases will be taken and further no patients will be housed on the premises.

I sincerely trust that you will grant early approval of this request.

Yours very truly,

/ s /

L. P. Cherry "

(RESOLUTION)

WHEREAS, Dr. Cherry has applied in writing through his father, L. P. Cherry, for permission to use and maintain a dentist's clinic for human beings only, on the southeast corner of Lot 5, Block 152, of the Original City of Austin, Travis County, Texas, the same being on the west side of Nueces street and is locally known as 1206 Nueces street and is located in a "B" Residence District which requires a special permit from the City Council; therefore

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

THAT permission for the use of a dentist's clinic for human beings only be granted to Dr. Cherry with the following conditions:

1. That this clinic be used in the general practice of dentistry, and that no mental or psychiatric patients be housed in such clinic.
2. That all Zoning Ordinance and Building Code provisions be complied with in making alterations to such building.

Councilman Bartholomew moved, and same was seconded, that the above resolution be adopted, and the same prevailed by the following vote:

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

Councilman Gillis presented the following application, with resolution attached, and moved the adoption of the resolution:

"Austin, Texas
 February 18, 1946

The Honorable City Council
 Municipal Building
 Austin, Texas

Dear Sirs:

We want to ask permission to construct a service station on the property located at the northwest corner of the intersection of Duval and 45th streets.

We are attaching a layout covering the proposed curb cuts and drainage on this property. Detail plans on the other construction will be submitted to you for approval.

It is our desire to purchase this property for the purpose of constructing a service station, but before we complete the purchase, we should know that we will be permitted to build; therefore, we are making this application at this time.

Thanking you for your consideration.

Yours truly,

/ s / B. H. Williams,
 Agent."

227 227
Austin, Texas
February 19, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Gulf Oil Corporation, acting by and through B. H. Williams, Agent, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northwest intersection of East 45th Street and Duval Street, which property fronts 100 feet on Duval Street and 125 feet on East 45th Street and is known as a portion of Block 1, Hyde Park Annex in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is under option to the Gulf Oil Corporation, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in Duval Street adjacent to this filling station site.

We recommend that the Gulf Oil Corporation, acting by and through B. H. Williams, Agent, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That all filling station improvements, pumps, driveway, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-C-1022.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be conducted by a pipe connection from said sand trap to the nearest storm sewer. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street

or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-1022 and shall be of the pre-moulded type.

(6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

/ s /

J. E. Motheral,
City Engineer

/ s /

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 as a filling station site the property located at the northwest intersection of East 45th Street and Duval Street, which property fronts 100 feet on Duval Street and 125 feet on East 45th Street and is known as a portion of Block 1, Hyde Park Annex in the City of Austin, Travis County, Texas, and hereby authorizes the said Gulf Oil Corporation, acting by and through B. H. Williams, Agent, to construct, maintain and operate a drive-in-gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station 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 Gulf Oil Corporation, acting by and through B. H. Williams, Agent, 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 Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	Councilman Alford

Councilman Gillis submitted the following application, with resolution attached, and moved the adoption of the resolution:

"Austin, Texas
Feb. 15, 1946

City of Austin
Austin, Texas

Atten: Mr. Motheral, City Engineer

Dear Mr. Motheral:

The undersigned is remodeling and adding to the filling station

located on part of Lot 5, Block 39, being the southwest intersection of East Fifth Street and Red River Street.

It is requested that a permit be granted for the driveways and island as is shown on the attached plan.

Thanking you for your consideration of the above and with best wishes, I remain.

Very truly yours,

/ s / SHERMAN H. Hart,
509 East Fifth Street
Austin, Texas. "

(RESOLUTION)

WHEREAS, Charles Wolf, acting by and through S. H. Hart, owner of Lot 5, Block 39, of the Original City of Austin, Travis County, Texas, which property abuts on the west side of Red River Street and the south side of East 5th street, and being situated at the southwest corner of the intersection of said streets, has made application to the City Council of the City of Austin for permission to construct two commercial driveways, one being 40 feet and the other 42 feet in width across the west sidewalk area of Red River Street as shown upon the plan hereto attached marked 2-C-1021, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT Charles Wolf, owner of Lot 5, Block 39, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Red River Street and the south side of East 5th Street, and being situated at the southwest corner of the intersection of said streets, is hereby permitted to construct two commercial driveways, one being 40 feet and the other 42 feet in width across the west sidewalk area of Red River Street as shown upon the plan hereto attached marked 2-C-1021, which plan is hereby made a part of said request, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

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

Mayor Miller offered the following ordinance for the third reading:

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 AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT OF THAT CERTAIN PROPERTY FRONTING ON AIRPORT BOULEVARD AND BEING LOTS NOS. 17 and 7, IN HARMON TERRACE NO. 2, AND ALSO THE WEST END OF LOT NO. 11, BLOCK "U", RIDGETOP 4TH ADDITION, TO A DEPTH OF APPROXIMATELY 125 FEET PARALLEL WITH THE WEST LINE OF LOT NO. 11, ALL PROPERTY HEREBY REZONED 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 third time and Councilman Bartholomew moved that the same be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

The Mayor then announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance for a third reading:

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 "B" RESIDENCE AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT OF THAT CERTAIN PROPERTY DESCRIBED AS LOTS NOS. 2 and 3, IN BLOCK NO. 8, SILLIMAN'S SUBDIVISION, OUTLOT NO. 5, IN DIVISION "2" IN THE CITY OF AUSTIN; 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 third time and Councilman Wolf moved that the same be finally passed. The motion carried by the following vote:

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

The Mayor then announced that the ordinance had been finally passed.

The City Manager announced that Captain Geo. S. Buis, Medical Administrative Corps, had been released from military service and had reported back on duty with the City as Director of Brackenridge Hospital. Dr. J. M. Coleman, who had been acting as Director of Brackenridge Hospital, had requested that he be relieved of his duties as soon as practicable so that he might enter private practice. The Mayor requested that a letter be written to Dr. Coleman thanking him for the splendid service he had rendered while with the City of Austin, and particularly the work he had done at Brackenridge Hospital, and wishing him much success in his private practice.

The Mayor announced that a public hearing on the proposed Plumbing Ordinance would be held on February 26, at 3 P. M., in the Council room, and he asked that the press give this publicity.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and the Lower Colorado River Authority have heretofore entered into a Lease and Agreement dated February 5, 1938, and pertaining to the construction and operation of the Austin Dam in the City of Austin, and

WHEREAS, in accordance with Article III of said agreement the Authority has contracted to deliver to the City of Austin a Certificate of Completion together with a Statement of the Costs of all work on the Austin Dam upon completion of the construction of the Dam and Power House, and

WHEREAS, the Lower Colorado River Authority has indicated to the City of Austin, by resolution adopted February 20, 1946, that the completion of said Dam and Power House was January 1, 1941, therefore

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

THAT the completion date of January 1, 1941, is acceptable to the City of Austin and it is agreeable to the City of Austin that the Authority shall have until March 15, 1946, in which to deliver to the City of Austin a Certificate of Completion together with a Statement of all Costs of the reconstruction of the Dam and Power House prior to January 1, 1941, and a Statement of all costs of improvements that had been made to the property since said date of completion, and

BE IT FURTHER RESOLVED:

THAT the City of Austin, within sixty (60) days after the receipt of said Certificate of Completion and said Statements of Costs, shall give written notice to the Lower Colorado River Authority in the event the City disagrees with or takes exception to any part or portion of said Statements of Costs, including the costs of additions and improvements and in said notice shall point out any items of costs to which the City objects, all in accordance with the

provisions of Article V of the lease and agreement entered into between the City of Austin and the Lower Colorado River Authority dated February 5, 1938.

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

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

Mayor Miller submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$1,620.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the expenses in connection with the celebration and exercises of the TEXAS CENTENNIAL of STATEHOOD.

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

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, taxes for the years 1931, 1933, 1934, 1936 through 1944, were assessed in the name of Mrs. Annie Fayad against the following described property situated in the City of Austin: Lot 5, Block 4, Outlot 3, Division A, Plat 22, which said taxes, together with interest and penalty thereon amount to \$718.92; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit the penalty amounting to \$24.58, and one-half of the \$202.74 interest thereon, amounting to \$101.37; therefore

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

THAT the penalty of \$24.58 and \$101.37 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 years 1931, 1933, 1934, 1936 through 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.

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

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

Councilman Gillis submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1933 through 1944 were assessed in the name of Mrs. W. E. Dozier on 60' x 90' out of West part of Lot One (1), Outlot 22, Division E, unplatted (Plat 1, Item 67), located in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$2,172.10, and for non-payment of same at maturity, penalty in the sum of \$108.60 has been assessed and interest in the amount of \$816.23 has accrued, making the total amount of taxes, penalties and interest due \$3,096.93 and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$108.60 and a portion of the interest in the sum of \$508.11; therefore

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

THAT the aforesaid penalty in the sum of \$108.60 and a portion of the interest in the sum of \$508.11 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$108.60 and said interest in the sum of \$508.11 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and balance of the interest, as aforesaid; and

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

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby ordered and directed to cancel from the tax rolls the sum of \$76.78 assessed as taxes for the years 1930, 1931 and 1932 on one Packard Sedan automobile in the name of Mrs. W. E. Dozier.

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

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

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>
E. L. Rhambo	1935	\$.83
A. F. Cunningham	1938 thru 1942	40.78
Moore Construction Co.	1939 thru 1944	56.97
C. M. Clark	1942	1.99
R. B. Moore	1942 thru 1944	25.35
A. L. McRoberts	1943 & 1944	5.08
Clarence Saegert	1943	7.05

A. Truehart	1943	\$.48
Willie Burnham	1944	.96
Ray W. Foster	1942	6.63
Irving Goodfriend	1942 thru 1944	25.80
J. L. Bozarth	1944	.61
James McLeod	1944	2.10
James H. Gilbert	1939 & 1940	2.10
W. B. Stoerner	1944	7.00
E. M. Everton	1939	2.24
Pearl E. Hollis	1939 & 1940	5.54
Ed Caswell	1944	4.45
Verna R. Hamblen	1944	2.41
James L. Lackner	1940, 41, 43, 44	7.99
Mary Murray	1940 & 1941	17.65
A. C. Clements	1941 & 1943	1.26
H. H. Lang	1941 thru 1944	13.33
Arthur Gustafson	1942 thru 1944	8.76
Margaret Kavanaugh	1943	5.35
Mrs. O. M. Victory	1943	8.26
R. R. Harrison	1944	7.36
S. D. Robertson	1944	7.36
Gladys Davidson	1942 & 1943	1.02
Mabel Schrieber	1944	.72
Austin Plating Co.	1934 thru 1942	29.95
C. W. Hammer	1941 & 1942	4.31
Charles Goeking	1943	5.88
Edward Walcott	1944	1.57

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicate; 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.

Councilman Gillis moved that the above resolution be adopted and the same prevailed by the following vote:

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

There being no further business, upon motion made and seconded, the meeting recessed, subject to the call of the Mayor, at 1:15 P. M.

APPROVED

Tom Miller
 Mayor

ATTEST:

Helen K. Busch
 Acting City Clerk