MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 28, 1946

11:00 A.M.

Council Chamber, City Hall

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

Roll Call:

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

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, City Engineer.

Mrs. J. D. Claybrook appeared before the Council and thanked the officers and all connected in correcting the traffic menace at 25½ Street in getting the shrubbery cut back.

The following report of the Zoning Board of Adjustment on the request of T. M. Trimble and Robert C. Sneed for a change of the zoning in the property in the 2500 block of San Gabriel Street, 2500 block of Pearl Street, and in the 700 block of 25th Street extending through to Graham Drive from "A" Residence District to "B" Residence District, was received.

"February 27, 1946

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Reference is made to the Resolution adopted by the Board of Adjustment on January 8, 1946 and transmitted to the City Council on January 16, 1946 concerning the change of the zoning classification of the properties of T. M. Trimble and Robert C. Sneed, in which Resolution the Board recommended the change of a larger area than had been applied for from "A" Residence District to "B" Residence District, and which the Council referred back to the Zoning Board for a hearing and further recommendations.

The Board held a hearing on February 26, 1946 which lasted approximately two hours at which a large number of property owners in this area appeared and considerable discussion occurred pro and con regarding this change. After the termination of the hearing it appeared that the chief objection to this change was from property owners now owning property fronting on West 25½ Street, known as Graham Place, and that only two property owners fronting on West 25th Street had any serious objections to the change of those residence properties which were included in the area which was recommended for the change.

The maps of the City of Austin which were used by the Board for describing the area to be changed showed Lots Nos. 1 to 5, inclusive, in Outlot No. 52 to run through from 25th Street to 25½ Street, but at the hearing it was discovered from the Sanborn maps of the City that these lots had been divided practically in the middle and that both parts had been developed so that a number of residences were facing on West 25½ Street and others on West 25th Street.

Had the Board known of this re-subdivision of these lots, its recommendation in the Resolution referred to would have been different.

After hearing the property owners both for and against this change, the Board again came to the conclusion that under the conditions and circumstances now existing it would be necessary to determine whether it would be in the best interests of the City, the neighborhood, and the property owners themselves to allow the property to remain in its present classification or to zone a contiguous area of greater scope than the three separated lots applied for. After further careful consideration of the matter, the Board now wishes to again recommend to the City Council that the same area previously recommended, but exclusive of the property fronting on West 25½ Street, or Graham Place, being the north portion of Lots Nos. 1 to 5, inclusive, in Outlot No. 2, be changed from "A" Residence District to "B" Residence District.

The property to be changed would, therefore, include Lots Nos. 5 to 12, inclusive, and Lots Nos. 21 to 24, inclusive, in Outlot No. 53, and the south portion fronting on 25th Street of Lots Nos. 1 to 5, inclusive, in Outlot No. 2. This change should be from "A" Residence District to "B" Residence District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (S) H.F.Kuehne
H.F.Kuehne, Chairman"

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

To amend the USE designation of the following described property from "A" Residence District and First Height and Area District to "B" Residence District and Second Heights and Area District, to-wit:

(a) Lots 5, to 8, inclusive in Outlot No. 53 (said lots fronting west in the 2500 block of San Gabriel Street); Lots Nos. 9 to 12, inclusive, in Outlot No. 53 (said lots fronting east in the 2500 block of Pearl Street); Lots Nos. 21 to 24, inclusive, in Outlot No. 53 (said lots fronting west in the 2500 block of Pearl Street); and Lots 1 to 5, inclusive, in Outlot No. 52, (said lots fronting south in the 700 block of 25th street and extending through to and fronting on Graham Drive); all of said lots being in Division "D" in the City of Austin, Travis County, Texas.

A number of property owners appeared before the Council in protest of this change, basing their objections upon the possibility that soriety and fraternity houses might be located there, and upon the added traffic that would be added to the already congested area, and also with the erection of these proposed apartment houses, there would be a garbage problem. After a detailed discussion, Councilman Wolf moved that the City Attorney be instructed to prepare an amendment to the Zoning Ordinance relating to Zoning "B", separating from Plan B, B-1, and B-2, grouping Fraternities, sorieties, clubs, etc., and hospitals and clinics, similar to the ordinance amending "C", adding C-1 and C-2. The motion prevailed by the following vote.

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

Councilman Alford moved that Lot 8, Outlot No. 53, be changed from "A" Residence to "B" Residence upon condition that Mr. Robert C. Sneed would not at any time use it for a Soriety or Fraternity House. The motion prevailed by the following vote:

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

Councilman Gillis moved that the hearing be continued further until the Council could personally make a detailed inspection at 4:00 P.M. the next day, before passing on the changes of the rest of the property in question. The motion prevailed by the following vote:

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

Mayor Miller instructed the property owners in this area to report any instances in which the surrounding Fraternity boys misbehaved to the Chief of Police, and also at anytime the garbage was not propertly cared for, for the property owners to report this to Mr. Morgan.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE VACATING THE SUBDIVISION KNOWN AS "NORTHFIELD ANNEX NO. 2" AND ALSO VACATING ALL STREETS, AVENUES, ALLEYS, UTILITY EASEMENTS AND OTHER PUBLIC PLACES IN SAID SUBDIVISION, AND DECLARING AN EMERGENCY."

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

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

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

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

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

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

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

Dr. Z. T. Scott appeared before the Council in behalf of the Tuberculosis Sanatorium, stating that he wanted to bring to the attention of the Council the fact that there was a rendering plant being operated just outside the City limits; and at this time, he did not know just how adversely it would affect the hospital, but he wanted the Council to know about it in view of the Hospital's proximity.

Miss Bess Heflin vigorously protested this rendering plant, but the Council advised that this was outside of the City limits, and that it could do nothing about it until such a time as it affected the City-County Hospital

at which time the City would join the County in taking some kind of action.

The Mayor asked Dr. Scott to get a statement of the needs of the hospital so that they could be included in the coming bond issue. He expressed gratification for the services of Dr. Scott to Brackenridge Hospital, and stated that he had done a wonderful job. The Mayor also expressed appreciation to the Rotating Staff and the doctors that are giving their help, and that many letters had been received complimenting the services at Brackenridge Hospital. The Mayor brought out again that the charging for death certificates must be stopped; that it had been in the past, but he had heard of one more case of a charge being made, and that it must not happen again.

Upon recommendation of the City Manager that the transfer of taxi-cab operators licenses, being in violation of the ordinance, should be discontinued, Mr. Gillis moved that after this date, no more transfers would be approved, and that the Chief of Police be notified not to accept any more applications for transfer and that he be instructed to notify all the Cab Companies of this action. The motion prevailed by the following vote:

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

The following applications for transfers of taxicab operator's licenses, duly approved by the City Manager, were submitted:

J. W. Coker, 1102 Riverside Drive
Dodge Sedan, 1938 4-door, License FR 4024, Motor No. 19787, Transferred from Irene E. Lingo, License No. 103

Ed Gahn, 97 Red River Street
1941 Chevrolet 4-door sedan, License No. FS 152, Motor No. AA1008421, Pro. License No. 74, Transferred from J. W. Coker

Ed Gahn, 97 Red River Street
1941 Chevrolet 4-door sedan, License No. FS 3181, Motor No. AA195037, Transferred from J. W. Coker, Opr. License 104

Ed Gahn, 97 Red River Street
1941 Chevrolet 4-door sedan, License FR 3308, Motor 86244 Transferred from J. W. Coker, Opr. License No. 48

Councilman Gillis moved that the applications, having been submitted for approval before the Council ruled not to grant any more taxi-cab operators transfers, be granted, and the motion prevailed by the following vote:

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

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

BADGER, William Daniel, 407 E. 11th
BOGGS, Hudson Lee, 311 E. 14th
DAVIS, Duane D., 1705 Drake
DOYLE, Louis E., 205 E. 51st
FRETWELL, Artie Nelson, Jr., 3313 King St.
FUCHS, Herman John, 5105 Lancaster
KITCHENS, Benjamin F., Jr., 104 W. 14th
KIZER, Jack E., 2503 Red River
MALLETT, Jesse Tolbert, 4008 Avenue C
MARKHAM, Kell Raines, 4413 Avenue D
MOSELEY, James Robert, 329 South Congress
PALMER, Henry E., 329 South Congress
STASNEY, Daniel Ray, 407 E. 11th
WOODRUFF, Willard, 210 E. 9th
YATES, Jess Ogden, 1304 W. 35th

Upon motion of Councilman Wolf, duly seconded, the applications were granted by the following vote:

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

The following applications for Beer and Wine Permits, duly approved by the City Manager, were submitted:

Dinty Moore's (David Robbins) 123 West 6th Street
Avenue Cafe (Edward Brown, Jr.) 207 Congress Avenue
Steer Grill (Ralph L. Hawkins) 122 West 5th Street
Pik-nik Grill (Raymond E. Pecot & Geo. Ramsey), 3019 Guadalupe Street
Starlight Cafe (W.H.Dowell), 405 E. 1st St.
Dixie Grill (Ralph O. Wiedebusch) 408 South Congress Ave.

Upon motion of Councilman Alford, duly seconded, the applications were granted by the following vote:

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

The Council received Edmunds Travis' bid of $600 for Lot 2, Block 169, Original City of Austin, and the City Attorney was instructed to see if it could be legally transferred, and the Tax Assessor was asked to place a fair price on it, and report to Mr. Morgan, and that this bid, if property correct, would be approved at the next Council meeting of March 7th.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

WHEREAS, the City of Austin, has paid bonds amounting to $345,500.00 together with matured interest coupons on its bonded debt in the aggregate amount of $210,777.50, as follows:

Year	Description		Bonds Numbers	Bonds Amount	Interest Coupons	TOTAL
1910	School		55-65	$ 10,000.00	$ 1,000.00	$ 11,000.00
1915	School		241-250	10,000.00	500.00	10,500.00
1915	Street, Bridge & Sewer		411-425	15,000.00	750.00	15,750.00
1915	Ridgetop School District				250.00	250.00
1916	Refunding		1093-1131	39,000.00	3,538.75	42,538.75
1918	School		43-44	2,000.00	350.00	2,350.00
1918	Sewage Disposal Plant		131-135	2,500.00	1,750.00	4,250.00
1921	Hospital		20	1,000.00	660.00	1,660.00
1924	Incinerator		31-32	2,000.00	900.00	2,900.00
1924	School		137-147	11,000.00	18,000.00	29,000.00
1924	Water Filtration		149-160	12,000.00	7,350.00	19,350.00
1926	School		64-69	6,000.00	4,037.50	10,037.50
1928	Hospital	Jan.1	39-42	4,000.00	2,592.50	6,592.50
1928	School		112-121	10,000.00	8,951.25	18,951.25
1928	Street Improvement		66-71	6,000.00	5,066.25	11,066.25
1928	Airport		28-30	3,000.00	2,110.00	5,110.00
1928	Fire Stations		28-29	2,000.00	2,280.00	4,280.00
1928	Parks & Playgrounds		28-29	2,000.00	2,107.50	4,107.50
1928	Hospital	Nov.1	17-20	4,000.00	1,450.00	5,450.00
1928	Sanitary Sewer		17	1,000.00	382.50	1,382.50
1929	Street Improvement	5-1	174-190	17,000.00	16,553.75	33,553.75
1929	Sanitary Sewer	5-1	84-91	8,000.00	7,956.25	15,956.25
1929	Parks & Playgrounds	5-1	66-71	6,000.00	6,388.75	12,388.75
1929	Fire Stations	5-1	11	1,000.00	760.00	1,760.00
1929	Street Improvements	12-16	177-194	18,000.00	19,712.50	37,712.50
1929	Sanitary Sewer	12-16	54-58	5,000.00	5,700.00	10,700.00
1929	Parks-Playgrounds	12-16	46-49	4,000.00	4,940.00	8,940.00
1929	Abattoir	12-16	24-25	2,000.00	2,493.75	4,493.75
1931	Street Improvement	1	193-212	20,000.00	23,655.00	43,655.00
1931	Parks & Playgrounds		55-60	6,000.00	6,840.00	12,840.00
1931	Sanitary Sewer		29-31	3,000.00	3,348.75	6,348.75
1932	Library		38-41	4,000.00	5,550.00	9,550.00
1932	Fire Stations		13	1,000.00	1,875.00	2,875.00
1935	Public Market		26-29	4,000.00	1,920.00	5,920.00
1936	School		117-133	17,000.00	6,615.00	23,615.00
1936	Parks & Playgrounds		30-33	4,000.00	930.00	4,930.00
1937	Fire Stations		36-40	5,000.00	1,787.50	6,787.50
1938	School Refunding		31-35	5,000.00	1,050.00	6,050.00
1938	School		95-111	17,000.00	7,037.50	24,037.50
1939	School		78-94	17,000.00	6,225.00	23,225.00
1940	Hospital		75-94	20,000.00	7,192.50	27,192.50
1942	Airport		37-55	19,000.00	8,220.00	27,220.00
				$345,500.00	$210,777.50	$556,277.50

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

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

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

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

The following report from the Zoning Board of Adjustment on the application of Domenico Milicia for a change in the zoning of his property located at 2711 E. 5th Street from "E" Heavy Industrial District to "C-2" Commercial District was received and read:

"February 26, 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 5, 1946:

R E S O L U T I O N

1. WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for itsconsideration and recommendation a petition of Domenico Milicia requesting a change in the Use Designation of the following property:

Lot No. 11 and Lot No. 12, Outlot No. 12, Division "C", Plat 25-B of the City of Austin,

from "E" Heavy Industrial District and Third Height and Area District to "C-2" Commercial District and Third Height and Area District; and

2. WHEREAS, the Board of Adjustment held a public hearing on this petition on February 6, 1946 at which certain surrounding property owners protested against this change; and

3. WHEREAS, the Board of Adjustment carefully considered this application having previously examined the property and having previously recommended

against this change on applications of former owners and tenants; and

4. WHEREAS, the Board at this time finds no sufficient changes in the conditions and circumstances affecting this property and the neighborhood which would now justify a recommendation of this change as all the reasons previously stated are still valid; 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

By (S) H. F. Kuehne, Chairman

Councilman Gillis moved that a public hearing on the request of Domenico Milicia for a change in his property located at 2711 E. 5th Street, Lot No. 11 and 12, Outlot No. 12, Division "C", Plate 25-B of the City of Austin, from "E" Heavy Industrial to "C-2" Commercial District be set for March 21st, 1946, at 11:00 o'clock. The motion prevailed by the following vote:

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

The following report from the Zoning Board of Adjustment on the applications of Mr. Joe J. Daywood, Mrs. Ouida F. Nalle, and Mr. Bascom Giles for a change in the zoning of their property located between 45th Street and 46th Streets fronting west on the new Airport Boulevard, and the triangle at the southwest corner of 45th Street and East Avenue and the Airport Boulevard, and a portion of the 83 acres along East Avenue and Airport Boulevard on both sides of the intersection of the Boulevard with East Avenue, respectively, from "A" Residenct District to "C" Commercial District, was received and read:

"February 27, 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 25, 1946:

R E S O L U T I O N

1. WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has re-

ferred to the Zoning Board of Adjustment for its consideration and recommendation the following applications for the changes in the Use Designation of the following properties in the City of Austin, Texas:

(a) The application of Mr. Joe J. Daywood for the change in Use Designation of a tract of land lying between 45th Street and 46th Streets fronting west on the new Airport Boulevard for a depth of 245.3' on the north line and following the curving east line of said boulevard to a point in the south line of the property 29.32' from its southewast corner,

(b) The application of Mrs. Ouida F. Nalle for the change in Use Designation of the triangle at the southwest corner of 45th Street and East Avenue and the Airport Boulevard, and

(c) The application of Mr. Bascom Giles for the change in Use Designation of a portion of the 83 acres along East Avenue and Airport Boulevard on both sides of the intersection of the Boulevard with East Avenue, shown on the attached plat, and a portion of Tract No. 2 with the intersection of the Airport Boulevard as whown on the attached plat,

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

2. WHEREAS, the Board held a hearing on these applications on February 26, 1946, at which two of the applicants appeared pleading for the change in the Use Designation of their particular properties affirming that they desired to use these for commercial purposes and to build up a complete community center at this location to serve the fast growing neighborhood and to provide for future needs of the development of the new subdivisions which have been prepared for this immediate area; and

3. WHEREAS, no protests were filed by any of the property owners in this neighborhood; and

4. WHEREAS, the Board visited the site and carefully appraised the conditions affecting such a change, the trend of development in this area, the character of the property to be changed, and thedesirability of establishing a community center at this location; and

5. WHEREAS, the Board deemed that this property will be undesirable for residential development owing to its location at the intersection of the Airport Boulevard and the future major thoroughfare on East Avenue, possibly the Interstate Highway, and that its more proper use would be for commercial purposes provided that t is area be maintained as a First Height and Area District which will provide a set-back of 25 feet from the right of way lines of both major thoroughfares for the front building line of any commercial building or other structure to be erected on these properties in order to minimize the traffic hazards and to provide off-street parking and that such buildings be in line with the set-back of future residences adjoining them in all directions; therefore

6. BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change of the above listed properties from "A" Residence District and First Height and Area District to a "C" Commercial District and First Height and Area District be recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (S) H. F. Kuehne
Chairman

At the request of Mr. Joe J. Daywood for a change in the Use Designation of his land between 45th and 46th Streets on the new Airport Boulevard, frmm "A" Residence District to "C" Commercial District, Councilman Alford moved that a public hearing on this pro osed change be set for March 21, 1946, at 11:00 o'clock. The motion prevailed by the following vote:

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

At the request of Mrs. Ouida F. Nalle for a change in the zoning of the triangle at the southwest corner of 45th Street and East Avenue and the Airport Boulevard, from "A" Residence District to "C" Commercial District, Councilman Wolf moved that a public hearing on this proposed change be set for March 21, 1946, at 11:00 o'clock. The motion prevailed by the following vote:

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

At the request of Mr. Bascomb Giles for change of zoning of a portion of the 83 acres along East Avenue and Airport Boulevard on both sides of the intersection of the Boulevard with East Avenue, and a portion of Tract No. 2, with the intersection of the Airport Boulevard, from "A" Residence District to "C" Commercial District, Councilman Alford moved that a public hearing on this proposed change be set for March 21, 1946, at 11:00 o'clock. The motion prevailed by the following vote:

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

There being no further business, the meeting recessed at 1:00 P.M.

Approved: Tom Miller
Mayor

ATTEST:

Hallie McAllen
City Clerk