

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 30, 1946

11:00 A. M.

Council Chamber, City Hall

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

Roll call

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

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police.

Pursuant to public notice given in the local newspaper, the proposal of the City Council to amend the Zoning Ordinance in the following particulars came up for public hearing.

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

Lots 7, 8, 9, 10, 11 and 12, Block 4, Hartwell Addition, City of Austin, located between 1st and 2nd streets, and Broadway and Linden streets, in the City of Austin, Travis County, Texas.

There being no one present to protest this change, Councilman Wolf moved that the recommendations of the Zoning Board of Adjustment be sustained and the change granted. The motion was duly seconded and prevailed by the following vote:

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

The City Attorney was instructed to prepare an ordinance covering such change and present same to the Council for passage.

Pursuant to public notice given in the local newspaper, the proposal of the City Council to amend the Zoning Ordinance in the following particulars came up for public hearing.

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

Lots Nos. 6, 7, 8, 9, 10, 12, 13, 14, and 15, Block 2 of Pecan Grove Addition to the City of Austin; and 312.9 feet by 90 feet deep lying on the west side of Jessie Street, all of which property is located between Josephine and Jessie Streets and Butler Road on the north, in the City of Austin, Travis County, Texas

There being no one present to protest such change, Councilman Bartholomew moved that the recommendation of the Zoning Board of Adjustment be sustained and the change granted. The motion was duly seconded and prevailed by the following vote:

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

The City Attorney was instructed to prepare an ordinance covering such change and present same to the Council for passage.

The following requests for changes in zoning were referred to the Zoning Board of Adjustment for consideration and recommendation:

The request of Messers. M. B. Turner, J. D. Young and H. J. Williamson, owners of property in the 1700 and 1800 blocks of Fredericksburg Road, for an "A" Residence District to "C" Commercial District.

The request of Messers. Sam J. Hage, M. K. Hage, Jr. and C. A. Schueler, owners of property on the north side of Barton Springs Road, formerly owned by Robert Toomey and Susie C. Linscomb, and containing approximately 5.85 acres in one tract and .414 of an acre in the other tract, from "A" Residence to "C" Commercial for the purpose of building a Trailer Park on same.

The request of Cleatus Wills, by his attorney, Roger Tyler, Jr., for a change of the property located at 1100 $\frac{1}{2}$  East 11th street, from "C-1" Commercial District to "C-2" Commercial District for the purpose of using same for a package store.

Mayor Miller submitted the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 1, 2, 25 and 26, IN BLOCK "A", TIMBER LAKE ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, 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 Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

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

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

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

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

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

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

Councilman Wolf presented the following resolution with the motion that it be approved:

(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 on the east side of the Georgetown Road or Highway No. 2, at a location north of Gaylor Street, which property fronts 100 feet on the Georgetown Road and being Lots 12 and 13, Block C, of Plaza Place, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said Earnest E. Pannell, Jr., 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 Ernest E. Pannell, Jr., 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, passed by the following vote:

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

Mayor Miller moved that Mr. George Sandlin be formally appointed as a

member of the City Planning Board for a period of two years. The motion was passed by the following vote:

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

Councilman Bartholomew made a motion that Rickey Key and S. V. Tadlock be re-appointed as members of the Board of Equalization for terms of two years. The motion was adopted by the following vote:

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$5,250.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of alterations to Administration Building at the Municipal Airport.

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

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

Councilman Bartholomew presented the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$11,000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying for additional asphalt maintenance crew in Street and Bridge Division for the remainder of 1946.

This motion prevailed by the following vote:

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

The following Taxicab Operator's permits, duly approved by the City Manager, were submitted; with the motion that they be approved:

Holmes, John Mason	1189 Comal
1942 Chevrolet Sedan, Motor No. BA. 327198, Lic. FX 9873	
Phelan, Calvin Houston	1405 Guadalupe St.
1937 DeSoto Sedan, Motor No. S3-6331, Lic. Ala. 3d 2131	
Shipp, James T.	215 Leleand St.
1938 DeSoto Sedan, Motor No. S5 6950, Lic. 3667	

The motion carried by the following vote:

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

The following applications for Taxicab Driver's permits were submitted, duly approved by the City Manager, with the motion that they be approved:

Byrne, Joseph G.	2204 Curtis Avenue
Ford, Edwin Earl	707 Guadalupe St.
Hill, Jimmie	1104 Chicon
Holmes, Johnny Mason	1189 Comal
Phelan, Calvin Houston	1504 Guadalupe St.

The motion carried by the following vote:

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

The following applications for boat licenses, duly approved by the City Manager, were submitted with the motion that they be approved:

Bissett, Eloise	P.O. Box 1152
Thompson Outboard 2 passenger	
Carner, Dr. M. E.	Rockdale, Texas
Home Built, Inboard, 4 passenger	
Meachum, Winfree W.	708 West 10th St.
Kiyak, 2 passenger	
Robinson, Jr., E. E.	311 West 7th St.
Custom made, Outboard, 2 passenger	

The motion prevailed by the following vote:

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

Councilman Wolf presented the following resolution with the motion that it be adopted by the Council:

(RESOLUTION)

WHEREAS, in Book 3, page 140, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as A. V. Riley's Subdivision, a subdivision of a portion of Outlot 53, Division O, of the Government Outlots within the City of Austin, Travis County, Texas, and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 16 feet in width, and being the alley one-half block east of and parallel to Julius Street and extending from Canterbury Street south to Colorado River; and

WHEREAS, the owners of all the property abutting said alley have requested the City Council of the City of Austin to close said alley; and

WHEREAS, said alley has never been opened to the public; and

WHEREAS, said request has been reviewed and considered by the City

Council of the City of Austin; therefore

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

THAT that certain alley 16 feet in width which is one-half block east of and parallel to Julius Street and extends from Canterbury Street to the Colorado River as referred to above be closed and vacated except the City of Austin hereby retains utility easement rights in, upon and across said alley.

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

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

The City Manager submitted the following certificate of destruction of bonds:

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 CITY OF AUSTIN

This is to certify that I have, on the 3rd day of June, 1946, as directed by a resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attesting witnesses caused the following numbered and otherwise described cancelled bonds to be destroyed by cremation in the City Incinerator, together with sundry cancelled coupons paid by the City of Austin, Texas, on its bonded debt.

Year	Description	Bonds		Interest Coupons	TOTAL
		Numbers	Amount		
1910	School	56-65	\$ 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	193-212	20,000.00	23,655.00	43,655.00

Year	Description	Bonds		Interest		TOTAL
		Numbers	Amount	Coupons		
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	950111	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
			<u>\$345,500.00</u>	<u>\$210,777.50</u>		<u>\$556,277.50</u>

## WITNESSES:

Bennie W. Engelke (sgd)

J. D. HUFFMAN, JR. (sgd)

GILTON MORGAN (sgd)

City Manager  
City of Austin, Texas

Councilman Bartholomew presented the following resolution with the motion that it be adopted:

## (RESOLUTION)

WHEREAS, taxes were assessed in the name of N. A. Dawson, Sr., on Lots 1, 2, 3, and 4, Block "V", J. E. Bouldin Addition; Lots 12 and 13, Block "W", J. E. Bouldin Addition; 3.11 acres of land, in Block 9-B, in the Isaac Decker League; Lots 9, 10, in Block 3, Arboles Est. No. 3; Lots 11 and 12, in Block 3, Arboles Est. No. 3; Lots 17, 18, and 19, Block 3, Arboles Est. No. 3; Lots 20, 21 and 22, Block 3, Arboles Est. No. 3; the east 140' of (C), 93' x 140', Block "C", South Heights; Lots 14 and 15, Block 2, Faulk Subdivision; Lot 16, Block 2, Faulk Subdivision; Lot 2, Block 3, Faulk Subdivision; Lot 6, Block 3, Faulk Subdivision; Lot 9, Block 3, Faulk Subdivision; Lots 25 and 26, Block "Q", J. E. Bouldin Addition; Lots 1, 2, 3 and 4, Block "S", J. E. Bouldin Addition; Lot 10, Block "T", J. E. Bouldin Addition; Lot 25, Block "T", J. E. Bouldin Addition; Lot 26, Block "T", J. E. Bouldin Addition; Lots 21 through 26, Block "U", J. E. Bouldin addition; Lots 1 and 2, Block 1, South Heights; Lot 3, Block 1, South Heights; Lot 4, Block 1, South Heights; Lot 1, Block 2, South Heights; 36' x 160' north of alley Block 1, J. E. Bouldin Estate, and one-half (1/2) acre of Lot 1 (X), Block "C", J. E. Bouldin Estate, all of which is situated in the City of Austin, Travis County, Texas, and taxes for various years from 1919 through 1944 are now delinquent against such lots or tracts, taxes, together with penalty and interest thereon, amounting to Two Thousand Eight Hundred Forty-five Dollars and Ninety-three cents (\$2,845.93), and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit the penalty amounting to Ninety Dollars and Seventy-Three Cents (\$90.73) and one-half of the interest thereon, amounting to Four Hundred Seventy Dollars and Eighteen Cents (\$470.18); Now, therefore,

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

THAT the penalty of \$90.73, and \$470.18 of the interest accrued on 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 for which each such tract is delinquent, less said penalty and one-half of the interest thereon, and to issue to the party entitled to receive the same a receipt for such taxes in full upon payment of the taxes and the remaining half of the interest thereon.

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

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

Councilman Wolf presented the following resolution with the motion that it be adopted:

(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 sum of each of them, viz;

NAME	YEARS	AMOUNT COLLECTED
Veris Smith	1937, 1942, 1944	\$ 7.95
Edwin McKeller	1936 thru 1944	11.10
Joe Lopez, Jr.	1943	.49
Vigo Miller	1936, 1937, 1940, 1941	13.81
R. C. Shuler	1938, thru 1940	5.66
Edwin A. Schneider	1936, 1938, 1941 thru 1944	31.02
Elnora Ake	1938 & 1939	3.66
J. P. Calloway	1944	7.29
Lewis Labensky	1944	7.78
O. A. McCarty	1944	.25
C. H. Jung, Sr.	1939 & 1941	.39
F. A. Wattinger	1942 & 1944	58.98

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, therefore,

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

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

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

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



Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the property hereinafter described as Church property during the years listed below, and City taxes were improperly assessed against such property for said years in the name of Kinney M. E. Church, Now, Therefore,

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

THAT the taxes assessed against Lot Eighteen (18), Staehley and Wendlandt Subdivision in the City of Austin, Travis County, Texas, for the years 1939, 1940, 1941, 1942, 1943, 1944 and 1945, and all penalty and interest charged against such property for failure to pay such taxes prior to delinquency be and the same are hereby cancelled.

BE IT FURTHER RESOLVED:

THAT the City Tax Assessor and Collector be and he is hereby authorized and directed to charge all such taxes, penalty and interest from the tax rolls of the City.

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

Ayes: Councilman Bartholomew, 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 11:20 A. M.

APPROVED:

*Tom Miller*

Mayor

ATTEST:

*Helen K. Busch*  
Acting City Clerk