

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 1, 1946
11:00 A. M.

Council Chamber, City Hall

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

Roll call

Present : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf - 4

Absent : Councilman Alford

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

The reading of the Minutes was dispensed with.

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

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

The west 76'x90' of Lot 17, Block 1, Quick Subdivis-
ion, Outlot 44, Division "O" in the City of Austin,
Travis County, Texas, locally known as 1104 Taylor
Street,

was duly opened.

A petition, signed by nine property owners in the vicinity of 1104 Taylor
Street, favoring the proposed change in zoning, was submitted.

No one appeared to protest the proposed change in zoning.

Councilman Wolf then moved that the hearing be closed; and that the
recommendations of the Board of Adjustment be not sustained and the change in
zoning be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, and Councilman Wolf;
Noes : Councilman Thornberry, who voted "no" because of the ruling of
the City Attorney that "spot" zoning is illegal.
Absent: Councilman Alford.

The City Attorney was then instructed to prepare an Amendment to the Zoning Ordinance authorizing said change in zoning, for passage at the next regular meeting.

Marion Fowler appeared before the Council in behalf of an application for the lowering of Lake Austin now pending. In this connection, objections from W. W. Bennett and Mrs. Inez Wood against the lowering of said Lake were heard, Mr. Bennett stating that he was 100% for it but thought the same results could be accomplished by lowering the water for only two or three days instead of for two weeks, but if the Council thought two weeks necessary, he was for it; and Mrs. Wood stating that her only objection was that it would cut off her water supply. Upon being assured that the City would supply her with water during that period, and the City Engineer was so instructed, Mrs. Wood withdrew her objection.

Councilman Wolf then moved that it is the sense of the Council that the Lake be lowered, at such time to be decided upon by the City Manager and the Lower Colorado River Authority, and that due notice of such lowering be given through the press at least two or three days in advance. The motion carried by the following vote:

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

The public hearing on the rezoning of the recently annexed 1901 acres, which has been continued from week to week, was duly opened.

Sterling Fulmore submitted an application to have a certain area lying 600 feet along the H&TC Railroad (Llano Branch) and 200 feet along the Georgetown Highway, changed to "D" Industrial District. There being no objections to this request, the Council instructed that this change be incorporated in the general ordinance covering the rezoning of the 1901 acres under consideration.

The proposal to change the zoning, from "A" Residence District to "C" Commercial District, of the property belonging to the Chalk Hill Theater Company was then taken up, and the following persons appeared and protested the change:

Horace Shelton, Attorney, submitted written protests from Dr. Koenig, and also from W. L. Gorseline, Jr., of Fort Worth, Texas, and another veteran;

Mr. and Mrs. Bill Baker; James Deveau; Mrs. R. D. Carter, Edward Joseph; and C. F. Herring, Attorney for Edward Joseph; all of whom protested the change on the grounds that it would ruin the residential value of their property and the objectionable nuisance that would be created by the noise from the theater. C. F. Herring, Attorney for Edward Joseph, also submitted a traffic survey made by an engineer showing the traffic hazards involved.

The City Manager submitted a written report from R. D. Thorp, Chief of Police, relative to the traffic flow on the Dallas Highway in the Nelray Street

and the Airport Boulevard area.

Mrs. Virginia Peck submitted a petition bearing ninety-one signatures of residents in the area favoring the location of the Chalk Hill Theater on the proposed site.

The hearing was then continued to 7:30 P. M. of this date.

The following report of the Board of Adjustment on the application of D. A. Sampson for a change in zoning of his property on East 46th Street and Airport Boulevard; was received and ordered filed:

"Austin, Texas
August 1, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on July 30, 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 a petition of D. A. Sampson requesting a change in the USE designation of the following property:

An L-shaped tract of land, a part of a 3-acre tract of land in Outlot 17, Division "C", according to a deed dated March 30, 1936, and recorded in Volume 543, pages 67-68, of the Deed Records of Travis County, Texas, and which tract of land has a frontage of 109.9 feet on East 46th Street adjacent to a triangular tract of land owned by the City along Airport Boulevard, extending south to the north property line of the Daywood tract and extending east for a width of 50 feet to the west property line of the L. C. Hausmann 1.76-acre tract, and having a frontage of 31.05 feet on Airport Boulevard,

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

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on July 30, 1946, at which hearing the applicant appeared and explained in detail the development which was proposed on this property; and

WHEREAS, none of the neighboring property owners appeared to protest the requested change; and

WHEREAS, the members of the Board expressed their opinion as being unfavorable to the change of the entire property which would permit commercial uses fronting on 46th Street and separated from the Boulevard, and the applicant stated his desire to amend his application to confine the area to be

changed to a strip of land 50 feet wide extending from the Boulevard to the east property line of his property, being adjacent to the existing business district; and

WHEREAS, the applicant affirmed that he proposed to construct a business building on the rear of his 50-foot strip with entrance from Airport Boulevard; and

WHEREAS, the Board deemed that the zoning change as amended would be an extension of an existing business district and would not be objectionable; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That the present "C" Commercial District be extended to include the south 50 feet of the applicant's tract of land, extending from Airport Boulevard to the east property line of the applicant's property, and that the present First Height and Area District designation be retained.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) E. F. Kuehne "

Councilman Wolf moved that a public hearing on the application of the said D. A. Sampson for a change in zoning of the property at the intersection of Airport Boulevard and East 46th Street be set for Thursday, August 22, at 11:00 A. M., and that notice of hearing be published as required by the Zoning Ordinance. The motion carried by the following vote:

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

Noes: None

Absent: Councilman Alford

The application of Dr. Walter K. Long and other property owners, asking for a change in zoning, from "B" Residence District to "D" Industrial District, of Lots 1 to 6, inclusive, Outlot 5, Division "O", located on the north side of East 4th Street between Comal and Concho Streets, was received and Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of RAYMOND R. CORONADO, 1509 East 4th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1939 Model, Motor No. D11-45757, State License No. FY-773, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

593
The application of ERNEST J. KUNKEL, 300 Congress Avenue, for a license to operate as a taxicab a Chevrolet Sedan, 1941 Model, Motor No. AA-1193, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of JESSE AKINS, 1148-B Poquito Street, for a license to operate as a taxicab a 2-door Plymouth Sedan, 1934 Model, Factory No. PE100546, State License No. FX-1771, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of BOBBY CHARLES DIGBY, 1507 Holly Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of JOE BROWN EMERSON, 404 $\frac{1}{2}$ Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of HAROLD RAY COWAN, Austex Hotel, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of WARD HENRY BARNETT, 306 Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of RAYMOND R. CORONADO, 1509 East 4th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted.

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

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

Noes : None

Absent: Councilman Alford

The application of LEE ANDREW TASBY, 2209 New York Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The application of TRAVIS CLYDE MILSTEAD, 508 South Second Street, for a taxicab driver's permit, not recommended for approval by the City Manager, was submitted, and was referred to the Chief of Police for further consideration.

The application of JAMES N. BROWN, 403 East 12th Street, for a taxicab driver's permit, not recommended for approval by the City Manager, was submitted. Upon the recommendation of E. A. Murchison, Probation Officer, Councilman Thornberry moved that applicant be granted a probationary permit for ninety days, and that he report to the Chief of Police at intervals during that time. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

Arthur P. Bagby, Attorney, came before the Council and requested that, to enable his client to meet the requirements of the City Plan Commission with reference to subdivisions, the City quitclaim a 15-foot strip out of Tract No. 3 of the Mrs. Lou Hill Subdivision of the James P. Wallace Survey in Travis County, Texas, said strip bordering on the west side of Bennett Avenue and having been acquired by the City for road purposes. Councilman Wolf moved that the City Manager be authorized to execute a quitclaim deed to said 15-foot strip. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 21, 1944, the City of Austin entered into contract with Will Bradshaw and wife, Joe Olive Bradshaw, by the terms of which the City of Austin agreed to convey to said Bradshaws the property hereinafter described upon the payment by the Bradshaws of the sum of Three Hundred and Fifty-five Dollars (\$355.00), payable in installments; and

WHEREAS, such sum of Three Hundred and Fifty-five Dollars (\$355.00)

has been fully paid to the City of Austin; now, therefore,

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

THAT Guiton Morgan, City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin a special warranty deed conveying to Will Bradshaw and wife, Joe Olive Bradshaw, Lot 5, Block 3, Davis and Dawson Subdivision of Bouldin Addition, in the City of Austin, Travis County, Texas.

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

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

Noes : None

Absent: Councilman Alford

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

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

THAT the Southwestern Bell Telephone Company be, and the same is hereby, permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in WEST FOURTEENTH STREET ALLEY from Guadalupe Street easterly 27 feet, the centerline of which telephone conduit shall be one foot south of, and parallel to, the north property line of said West 14th Street Alley;
- (2) An underground telephone conduit across WEST FOURTEENTH STREET ALLEY at a location 27 feet east of, and parallel to, the east line of Guadalupe Street.
- (3) An underground telephone conduit in WEST FIFTH STREET ALLEY from Lavaca Street westerly 35 feet, the centerline of which telephone conduit shall be 3 feet south of, and parallel to, the north property line of said West 5th Street Alley;

THAT the work and construction of said underground conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground conduits have been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

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

Noes : None

Absent: Councilman Alford

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 STAMFORD LANE from a point 70 feet north of Woodmont Avenue southerly to Woodmont Avenue, the centerline of which gas main shall be 17.5 feet west of, and parallel to, the east property line of said Stamford Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in WOODMONT AVENUE from Stamford Lane easterly 252 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Woodmont Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in EAST FIFTY-THIRD STREET from Martin Avenue easterly 203 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 53rd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in DUVAL STREET from a point 45 feet south of East 49th Street northerly 172 feet, the centerline of which gas main shall be 20 feet east of, and parallel to, the west property line of said Duval Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in EAST FORTY-NINTH STREET from Duval Street westerly 84 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 49th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in RETAMA STREET from a point 5 feet west of Bouldin Avenue westerly 230 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Retama Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in GEORGETOWN ROAD from North Loop Boulevard southerly 284 feet, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Georgetown Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in CHESTNUT AVENUE from a point 39 feet north of East 22nd Street southerly 108 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Chestnut Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in LAFAYETTE AVENUE from a point 74 feet south of East 37th Street northerly 311 feet, the centerline of which gas main shall be 12.5 feet west of, and parallel to, the east property line of said LaFayette Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in MOUNTAINVIEW ROAD from a point 317 feet north of Clearview Drive northerly 167 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Mountainview Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in JOSEPHINE STREET from a point 45 feet south of Butler Road northerly 87 feet, the centerline of which gas main shall be 12.5 feet west of, and parallel to, the east property line of said Josephine Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (12) A gas main in BUTLER ROAD from Josephine Street westerly 15 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Butler Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ 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 Department of Public Works 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 replacements 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 franchise granted to said Company by the City of Austin.

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

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

Noes : None

Absent: Councilman Alford

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT OF CERTAIN PROPERTY OUT OF THE ISAAC DECKER LEAGUE FRONTING ON THE NORTH SIDE OF BARTON SPRINGS ROAD 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 rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

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

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

Noes : None

Absent: Councilman Alford

The ordinance was then 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, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

Thereupon Mayor Miller declared that the ordinance had been finally passed.

City Manager Morgan submitted the following tabulation of bids received on sanitary sewer construction:

"August 1, 1946

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director Public Works

Bids were received and tabulated on Tuesday, July 30th for the construction of two sanitary sewer jobs in the City.

Bids on Job #1 in the Ridgetop area between Airport Boulevard and East Avenue south of 53rd Street were as follows:

Karl Wagner -----	\$16,642.50
Cullum & Hodgson -----	21,381.50

Bids on the Harper Branch line in South Austin were as follows:

Cullum & Hodgson -----	\$47,114.50
Karl Wagner -----	94,515.00

The low bid of Karl Wagner on the Ridgetop line was within our estimate and we recommend that it be awarded.

The low bid of Cullum & Hodgson on the Harper Branch line in amount of \$47,114.50 was some \$17,000.00 above our estimate.

A considerable amount of risk is involved in the Harper Branch job and I doubt that we could get a lower bid by re-advertising. We feel that if the proper equipment can be secured, such as air compressors and paving breakers, and sufficient labor is available that we could build this line with our own forces for an amount not to exceed \$30,000.00 to \$35,000.00.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan

"

Councilman Bartholomew moved that the bid of KARL WAGNER, in the amount of \$16,642.50, on Job #1 in the Ridgetop area between Airport Boulevard and East Avenue south of 53rd Street be accepted as the lowest and best bid; and the City Manager be instructed to enter into contract accordingly. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

After a discussion of the risks that would be incurred if the City were to undertake the construction of the Harper Branch Line in South Austin with its own forces, it was moved by Councilman Wolf that the bid of CULLUM & HODGSON, in the amount of \$47,114.50, be accepted as the lowest and best bid; and the City Manager be instructed to enter into contract accordingly. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and 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 \$3,000.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of the Veterans' Emergency Housing Committee, at the rate of \$600.00 per month from August 1, 1946, to December 31, 1946.

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

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

Noes : None

Absent: Councilman Alford

The following resolution was introduced:

(RESOLUTION)

WHEREAS, taxes for the years 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, and 1929 through 1945, were assessed in the name of Herman Reynolds on Lots 4, 5, 7, 8, 9, and 10, Block 8, Outlot 34, Division B, Plat 39, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$522.92, and for non-payment of same at maturity, penalty in the sum of \$26.15 has been assessed, and interest in the amount of \$271.60 has accrued, making the total amount of taxes, penalty and interest due \$820.67; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$26.15 and one-half of the interest in the sum of \$135.80; therefore

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

591

THAT the aforesaid penalty in the sum of \$26.15 and one-half of the interest in the sum of \$135.80 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 \$26.15 and said interest in the sum of \$135.80 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

The foregoing resolution was adopted by the following vote:

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

Noes: None

Absent: Councilman Alford

The following resolution was introduced:

(RESOLUTION)

WHEREAS, taxes for the years 1937, 1938, 1939, 1940, 1941, 1942, and 1943, were assessed in the name of Winnie A. Monroe on Lot 11, Block 2, Outlot 71, Division D, Shoal Crest, Plat 59, in the City of Austin, Travis County, Texas, said taxes for said years being in the amount of \$430.36, and for non-payment of same at maturity, penalty in the sum of \$21.52 has been assessed, and interest in the amount of \$140.88 has accrued, making the total amount of taxes, penalty and interest due \$592.76; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$21.52 and one-third of the interest in the sum of \$46.91; therefore,

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

THAT the aforesaid penalty in the sum of \$21.52 and one-third of the interest in the sum of \$46.91 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 \$21.52 and said interest in the sum of \$46.91 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and two-thirds of the interest as aforesaid.

The foregoing resolution was adopted by the following vote:

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

Noes : None

Absent: Councilman Alford

City Manager Morgan submitted bids received from the following companies on the purchase of 1000 parking meters:

On Automatic Meters: Karpark, Park O Meter, and Dual;

On Manually-operated Meters : Mark Time, and Duncan and Mi-Co.

After some discussion of the various bids received, further consideration of the matter was postponed to the Night Session of this date.

The application of Jesse Akins, Colored, 1148-B Poquito Street, for

a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

The following applications for licenses to operate private boats, duly approved by the Lake Austin Navigation Board, were submitted:

Miss Willie I. Birge, 2408 Nueces Street:

Home made, Outboard, 1946 Model, Neptune, 4-passenger;

Harry A. Fredrich, 1008 Maufrais Street:

Home-made, Outboard, "Martin", 4-passenger;

Matt Roberts, 806 Highland Avenue:

Century, Outboard, 1942 Model, Johnson, 6-passenger.

Councilman Bartholomew moved that the applications be approved. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Alford

Upon motion, seconded and carried, the meeting was recessed to 7:30 P.M. of this date.

APPROVED: Tom Miller
MAYOR

ATTEST:

Helen M. Miller

CITY CLERK

NIGHT SESSION:

August 1, 1946
7:30 P. M.

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

Roll call

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

Absent : Councilman Alford

Present also: Guiton Morgan, City Manager; and Trueman O'Quinn, City Attorney.

The Mayor announced that this meeting was to be a continuation of the hearing at the morning session, and of hearings previously held on the rezoning of the 1901 acres contiguous to the Georgetown Road annexed to the City in October, 1945; and particularly on the rezoning of the Chalk Hill Theater property included in said 1901 acres, it having been announced by the City Council two weeks ago that the hearing on the rezoning of the entire tract of 1901 acres would be closed at this meeting.

The hearing was thereupon opened to all citizens present who wished to be heard on the matter, and the following appeared and were heard in opposition to the rezoning of the Chalk Hill Theater property from "A" Residence to "C" Commercial:

C. F. HERRING, Attorney for Edward Joseph, stated that at the request of his client, he had had a survey made of traffic conditions on the Georgetown Road in the vicinity of the proposed drive-in theater of the Chalk Hill Theater Company by Hank Clewis, Civil Engineer, in his private capacity, and asked permission to submit said report, which was granted.

HORACE SHELLTON, Attorney, stated that his clients came into the City with the understanding that their property would be residential and they wished it kept that way; that 95% of the people in that section would vote against a "C" Commercial District, and if it is possible, his clients asked that the entire tract be left as residential and not put in commercial.

MR. DEVEAU stated that he had a petition from the residents in the vicinity objecting to the Chalk Hill Theater as being an undesirable business, as well as a traffic hazard.

A property owner living on Genard Street stated that he built his home there in 1938 in the middle of a field, where it was nice and quiet; that since then other houses have been built there, but it is still nice and quiet, and that personally he would hate to see a drive-in theater, or anything else come in close where the noise would keep them awake at night, and the automobile horns of patrons at the theater would create a noise and the traffic at every drive-in theater is bad.

B. HOES, 500 Melray Boulevard, stated that his property is just back of the proposed theater and that he objects to the theater.

MR. and MRS. R. D. CARTER, 507 Melray Boulevard, stated that if the theater is built, they will have to sell their home and move.

GEORGE WALKER, 705 Melray Boulevard, objected to the theater on account of the noise and traffic danger to his family and to others, declaring that every cent he has is invested in his home, but he cannot live there if the theater is built.

A property owner residing at 504 Melray Boulevard, stated that they are all working people out there and have to sleep at night, and the noise from the theater will keep them awake.

J. H. GRIFFIN, 711 Melray Boulevard, stated that he had no objection to a commercial zone, but that if his neighbors do not want it, he does not

either. He further stated that a representative of Edward Joseph had told him that if the neighbors voted for the drive-in theater, he was going to open up a Coney Island on his property in that vicinity; and that that threat had thrown his vote for the theater.

J. R. HILDERBRAND stated that he was opposed to the theater.

A. B. BEDDOW stated that he owns property just north of the theater and he thought the people had nothing to fear from the noise, as this type of sound picture is silent.

After hearing at length both the proponents and the opponents of the proposed change in zoning, from Residence "A" to "C" Commercial of the Chalk Hill Theater property, Mayor Miller entertained a motion to embody in the general ordinance covering the rezoning of the 1901 acres, the change to "C" Commercial of said Chalk Hill Theater Company's property, those in favor of granting the change to vote "aye", those opposed, "no". Councilman Wolf then made the motion, and same carried by the following vote:

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

Noes : None

Absent: Councilman Alford.

Upon motion, seconded and carried, the meeting was then recessed at 10:30 P. M., subject to call of the Mayor.

Attest:

Shirley M. Miller

City Clerk

Approved:

Tom Miller

MAYOR