

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 21, 1945

11:00 A.M.

Council Chamber, City Hall

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

Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4
Absent: Councilman Wolf - 1

Present also: Walter E. Seaholm, City Manager; J. E. Motheral City Engineer; W. T. Williams, City Attorney.

The minutes of the Regular Meeting of June 14, 1945, were read, and on motion of Councilman Alford were adopted as read by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

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-wit:

- (1) To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:
Lots 1, 2, 3, 4, Block 4, Outlot 1, Division "Z", Raymond's Plateau, in the City of Austin, Texas, known as 307 Lamar Boulevard.
- (2) To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District to-wit:
Lot 46, Outlot 41, Division "B", in the City of Austin, Texas, known as 806 East 13th Street.
- (3) To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District, to-wit:

Lots 41 to 73, both inclusive, Outlot 1, Division "X", as shown on page 56 of the City Section Map of the City of Austin, Texas, and known as property on Elmwood Place and the 600 block of Park Place, Austin, Texas.

was duly opened at the appointed hour.

Mayor Miller then submitted a letter from SAM P. LUNG requesting the withdrawal of his application for change in zoning of the property at 307 Lamar Boulevard.

PAUL H. PFELTTER and several other adjacent property owners were present to protest the proposed change in zoning at 307 Lamar Boulevard, and declared that, notwithstanding the withdrawal of said application, they wished to enter their protests against the change in the event the matter should come up for consideration in the future.

A letter from the REVEREND J. T. THOMAS requesting withdrawal of his application for change in zoning of the property at 806 East 13th Street was also submitted, and the Mayor thereupon declared the hearing on this change closed.

A large group of property owners was present to indorse the proposed change in zoning of the property on Elmwood Place and the 600 block of Park Place. No property owner or other interested person appearing to protest the proposed change, the City Attorney was thereupon instructed to have the ordinance enacting the change prepared for presentation at the next regular meeting..

The following report of the Board of Adjustment on the withdrawal of the application of SAM P. LUNG for change in zoning of the property at 307 Lamar Boulevard was received and filed:

" June 20, 1945

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Due to the postponement of the public hearing by the City Council on the application of Sam P. Lung for the change of the Use designation of certain property on Lamar Boulevard as described for a hearing in a notice appearing in the Austin American, the Board of Adjustment was enabled to hold a hearing on this proposed change on June 12, 1945, at which a large number of property owners appeared protesting this change, but the applicant himself not being present, the Board took the matter under advisement to give Mr. Lung an opportunity to appear before the Board at a subsequent meeting held on June 15. At this meeting, Mr. Lung did appear and due to the concerted opposition expressed by the property owners adjacent to and in the neighborhood of his property to the sale of beer and wine in connection with his proposed Chinese restaurant, Mr. Lung stated that he would notify the City Council in writing of

his desire to withdraw his application in order to meet the wishes of the property owners, and that he would not need the privilege of selling beer and wine to operate his cafe.

The Board concurred with the owner and deemed that it was not advisable to proceed with this change and that the present zoning classifications of property on Lamar Boulevard should be preserved as now designated, and therefore recommends to the City Council that the withdrawal of the application of Mr. Sam P. Lung be accepted by the City Council and the case dismissed.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

The following report of the Board of Adjustment on the withdrawal of the application of the Reverend J. T. Thomas for a change in zoning of the property at 806 East 13th Street was received and filed:

"June 20, 1945

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

At a meeting held by the Board of Adjustment on June 15, 1945, the application of the Reverend J. T. Thomas for a change in the Use designation of Lot 46, Outlot 41, Division "B", located at 806 East 13th Street, from "B" Residence District to "C" Commercial District, was considered by the Board pursuant to the referral of the matter to the Board by the City Council.

The Board investigated the proposed change and the neighborhood and found that there was opposition to this change by the President of the Samuel Huston College, who had recently bought property across the street from this location, and that there appeared to be no sound reason for changing the zoning designation of this one lot for this purpose. However, no objection was raised to the granting of a temporary permit to the appellant by the Board of Adjustment for the use of his property for a hamburger stand to enable the applicant to supplement his affirmed meager income for the time being until his economic status would be improved.

At the above mentioned meeting, the applicant appeared and agreed to withdraw his application and to accept a temporary permit from the Board of his own free will. Thereupon, the Board, under its authority provided in the Zoning Ordinance, did grant the Reverend J. T. Thomas a temporary permit for a period of one year, which was entirely satisfactory to the Reverend Thomas.

The Reverend Thomas then agreed to notify the Council in writing that he would withdraw his application for the change of zone. The Board, therefore, recommends to the City Council the acceptance of the withdrawal and dismissal of the case.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman . "

A petition, signed by C. M. Wilson, et al, representing twenty-eight property owners, in protest to the opening of 43rd Street between Duval Street and Caswell Avenue and the extension of said 43rd Street on through to Red River Street and/or East Avenue, was received. The matter was referred to the City Manager for reply, with instructions to notify protestants that the matter of opening said street was not before the Council.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY, PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES; EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN DECEMBER 15, 1938, AND IS RECORDED IN BOOK "K", PAGES 440-452, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND ALL AMENDMENTS THERETO, BY AMENDING SECTION 15(b), RELATING TO THE SOLICITATION OF PASSENGERS FOR TAXICABS OPERATING IN THE CITY OF AUSTIN; AND SECTION 23 FIXING A PENALTY; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Bartholomew, and same prevailed by the following vote:

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

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Bartholomew, and same prevailed by the following vote:

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

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis,

and same prevailed by the following vote:

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

Thereupon the Mayor declared the ordinance finally passed.

The application of ANCHOR STEAK HOUSE, 3709 Dam Boulevard, by E. R. Woolsey, for wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of DAN CARTWRIGHT, 823 West 11th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

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

The application of ROYCE MEDLOCK, 1189 Singleton 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 : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of DON LEWIS BAGLEY, 902 $\frac{1}{2}$ East 1st 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 : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of LAWRENCE GLOVER SLOAN, 704 Neches Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1931 through 1944 were assessed in the name of Mrs. Sophie Wendlandt on 80'x120' Lot (B), Block 2, Outlot 4, Division B, Plat 30, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$389.43, and for non-payment of same at maturity, penalty in the sum of \$19.47 has been assessed, and interest in the amount of \$166.17 has accrued, making the total amount of

taxes, penalty and interest due \$575.07; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$19.47, and one-half of the interest in the sum of \$83.08; therefore,

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

THAT the aforesaid penalty in the sum of \$19.47 and one-half of the interest in the sum of \$83.08 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 \$19.47 and said interest in the sum of \$83.08 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.

Upon motion, the foregoing resolution was adopted by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

William McKeen
CITY CLERK