MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 15, 1945

10:40 A. M.

Council Chamber, City Hall

The meeting was called to order, and roll call showed the following present:

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

Present also: Guiton Morgan, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of November 1, 1945, were read, and on motion of Councilman Alford were adopted as read by the following vote:
Ayes: Councilmen Alford, Bartholomew, Gillis and Wolf
Absent: Mayor Miller

Councilman Wolf presented the following report of the Board of Adjustment on the application of Mrs. GOODALL H. WOOTEN for a change in zoning of all of Outlot 46, Division "D" which is now zoned "A" Residence to "B" Residence, and from First Height and Area District to Second Height and Area District:

"Austin, Texas
November 14, 1945

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 November 13, 1945:

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 its consideration a petition of Mrs. ELLA WOOTEN requesting a change in the Use Designation of the following property:

(a) All of Outlot No. 46 in the City of Austin, bounded on the north by West 25th Street, on the east by an alley between 24th and 25th Streets, on the south by West 24th Street, and on the west by San Gabriel Street, with the exception of the southwest corner of said outlot, which is now zoned as a "C" Commercial District, and that portion which is now zoned as a "B" Residence District,

from an "A" Residence District to "B" Residence District, and from First Height and Area District to Second Height and Area District; and

(b) To extend the present portion zoned as a "C" Commercial District ten ft. (10') to the north to provide a frontage of one hundred ft. (100') on San Gabriel Street, and having a frontage of one hundred fifty ft. (150') on West 24th Street,

as a "C" Commercial District and Second Height and Area District; and

2. WHEREAS, the Board held a hearing on this application on November 13, 1945, at which a representative of the applicant appeared together with a prospective purchaser of this tract who averred that he desired to develop this property into a high class apartment house district to serve the housing needs of the University of Texas and, further, that he would provide housing facilities for families with children on the first floor with two bedroom apartments and for families without children on the upper floors, and that after surveying a large area surrounding the University, there was little undeveloped property available for a larger type of apartment developments; and

3. WHEREAS, at the hearing no objections were filed to this change and approval was expressed by certain other property owners; and

4. WHEREAS, the land requested to be changed consists of a present undeveloped area butting on the east on an existing "B" Residence District fronting on Rio Grande Street, on the south on a "B" Residence District fronting on 24th Street, and separated from "A" Residence Districts on the north and west by 25th and San Gabriel Streets, and the Zoning Maps of the City of Austin show that all the property to the south of this extending to 19th street and east to Guadalupe street and as far as Leon street on West 24th street, are now zoned as "B" Residence and "C" Commercial Districts; and

5. WHEREAS, other residents in the block between San Gabriel Street and Rio Grande Street, of which this Outlot is a part, also desire this change in Use Designation for the purpose of building apartments, the Board deems this change is desirable and should be made in view of the lack of available land near the University for development for apartments and housing and that the extension of the "B" Residence Zone is pressing due to the extreme housing shortage existing in the City of Austin at this time, and that relief should be given wherever it is feasible and sound and not contrary to a comprehensive zoning plan; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the Use Classification of the property requested by the applicant, including the remainder of the block between San Gabriel Street and Rio Grande Street, between 24th and 25th streets, now zoned as "A" Residence District, be recommended to the City Council to be changed from an "A" Resi-

dence District to a "B" Residence District, and from a First Height and Area District to a Second Height and Area District, and that the City Council be urged to include all of the property above mentioned when calling for a hearing on this Amendment to the Zoning Ordinance in order that all of the property owners have an opportunity to be heard and express themselves.

Respectfully submitted,

BOARD OF ADJUSTMENT,

/ s / By H. F. Kuehne,
Chairman"

Councilman Alford moved that a public hearing on a change in zoning of the property recommended in the foregoing report of the Board of Adjustment be called for December 6, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment on the application of TOM YUGOEY, for a change in zoning, for "C" Commercial District to "C-1" Commercial District, of the property located at the southwest corner of 12th and Red River streets, was read:

"Austin, Texas
November 14, 1945

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 November 13, 1945:

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 TOM YUGOEY requesting a change in the Use Designation of the following property:

The Lot located on the southwest corner of the intersection of 12th Street and Red River Street,

from "C" Commercial District to "C-1" Commercial District; and

WHEREAS, the Board held the hearing on this application at a meeting on November 13, 1945, at which the applicant appeared and averred that he was erecting a modern building in which to conduct a first class Chinese Cafe, and that he desired to sell beer and wine in connection with the meals to be served in his Cafe, the serving of the beer and wine to be incidental to the service of the meals, and only with meals, and not as a primary business; and

WHEREAS, attached to the original application were twelve copies of the same bearing signed statements by various property owners on Red River Street adjacent to and in the immediate neighborhood of this property, each one offering no objections and approving the proposed sale of beer and wine in connection with this restaurant; and

WHEREAS, this application was for the change of the zoning classification of one lot only which would constitute a spot zone, the Board carefully considered the character of all the remainder of the property on Red River Street between 11th Street and 12th Street and finds that this is now almost entirely developed for Commercial Uses with the Waller Creek running through part of it and, therefore, that, if any change is made, it should include all of the property on both sides of Red River Street between 11th and 12th Streets so as to prevent creating a monopoly to one individual, and to extend the same privilege to the other property owners in this block who have approved the selling of beer and wine in this area; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, it be and is hereby recommended to the City Council that all of the property on both sides of Red River Street between 11th and 12th Streets be changed from "C" Commercial District to "C-1" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT,

/ s / By H. F. Kuehne, Chairman."

Councilman Bartholomew moved that a public hearing on a change in zoning of the property recommended by the Board of Adjustment in the foregoing report be called for December 6, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was read and ordered filed:

"Austin, Texas
November 14, 1945

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

At a meeting held by the Board of Adjustment on November 13, 1945 the application of JOHN PRADO for a change in the Use designation of Lot No. 5, Block No. 2, Division "B", located at 1115 East 8th Street, from "A" 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.

At the above mentioned meeting the applicant notified the Board that he desired to withdraw the application in view of the fact that he had changed his plans and would not need the change for conducting any business at this location. The Board, therefore, did not give any further consideration

to this application.

In view of the desire to withdraw his application, the Board recommends to the City Council the acceptance of the withdrawal of the application and the dismissal of the case.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s / By H. F. Kuehne, Chairman

The City Manager presented the following tabulation of the bids received on November 13, 1945, for the construction of Zilker Springs Bathhouse:

General Contract

Moore Construction Company, base bid	$148,575.00
Alternate for brick, deduct	3,000.00
Alternate for Onion Creek limestone, add	2,000.00
Taylor Construction Company, base bid	$156,156.00
Alternate for brick, deduct	660.00
Alternate for Onion Creek limestone, add	812.00

Bids for Plumbing were as follows

Fox-Schmidt	$ 12,675.00
Groos, Miller & Wiley	13,573.00
Louis Bradshaw	13,940.00

Bids for Electric were as follows:

Jennings Electric	$ 8,649.00
Fox-Schmidt	8,778.00
Cummings Electric	9,552.00
Combination Plumbing & Electric bid, Fox-Schmidt	$ 21,153.00

By taking the low combination bid of Fox-Schmidt for Plumbing and Electric the total bid would be as follows:

Moore Construction Company, General Contract, basebid,	$148,575.00
Plumbing and electric	21,153.00
Total	$169,728.00
Moore Construction Company, alternate brick	$145,575.00
Plumbing and electric	21,153.00
Total	$166,728.00
Moore Construction Company, alternate Onion Creek Limestone	$150,575.00
Plumbing and electric	21,153.00
Total	$171,728.00

The following rider was placed on the bid of Moore Construction Company:

"This bid is based on present O. P. O. ceiling prices, any changes in prices to be adjusted accordingly."

After quite a good deal of discussion about the bids, by the Council and also by the members of the Zilker Springs Bathhouse Committee of the Chamber of Commerce, E. B. Moody, Chairman, and upon the recommendation of the City Manager, Councilman Gillis offered a motion that the matter of the final decision on whether the bathhouse would be built this year not be deferred until next week's Council Meeting so as to permit the City Manager and the City Engineer to study the plans and specifications to see if any changes could be made in same without reducing the size and efficiency of the bathhouse and report back to the City Council. The motion carried by the following vote:

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

The application of ANDREW JEWEL PATTON, Star Route A, Box 29, for a permit to drive a taxicab, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

The application of LOUIS LLOYD SETTLEMIRE, 311 East 14th street, for a permit to drive a taxicab, 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 and Wolf
Noes: None
Absent: Mayor Miller

The application of MATIAS M. VELASQUEZ, 704 East 11th street, for a permit to drive a taxicab, 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 and Wolf
Noes: None
Absent: Mayor Miller

The application of EUGENE WOODWARD SEAMAN, 105 East 19th street, for a permit to drive a taxicab was submitted. The City Manager recommended this permit with the provision that the applicant obtain a State Chauffeur's license. Councilman Bartholomew moved that the permit be granted upon the condition that the Chauffeur's license be obtained first. The motion carried by the following vote:

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

The applications of JOHN JOSEPH SILVA, 75 Chicon street, ROBERT EUGENE WATLEY, 306 East 8th street, and RICHARD LEE WOKATY, Sam Houston Motel, for permits to drive taxicabs were submitted. The City Manager recommended that these permits be granted provided that the applicants obtain a State Chauffeur's license. Councilman Wolf moved that the permits be granted upon the condition that the Chauffeur's licenses be obtained first. The motion carried by the following vote:

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

The application of MRS. LEONA L. RIGGS, 1105 East 1st street, for a license to operate as a taxicab, a 2-door Chevrolet, 1940 model, motor No. 6KB07-10275, License FR 3919, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

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

The application of W. A. STEWART, 4203 Guadalupe street, for a license to operate as a taxicab, a 4-door sedan, 1940 Mercury, Motor 99A164267, License FS 5643. This is a transfer of a car owned and operated by Vernon Pendergrass under License No. 116. The application was duly approved by the City Manager, and Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of MORRIS PETTUS WILLIS, Route 2, Box 68, for a license to operate as a taxicab, a 4-door Chevrolet, 1940 model, Motor No. 3106313, License FT 4286, duly approved by the City Manager, was submitted. The motion carried by the following vote:

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

The Council received the resignation of DR. J. M. COLEMAN, Acting CITY HEALTH OFFICER of the City of Austin, and accepted same. Dr. Coleman will now devote his entire time to his duties as Director of Brackenridge Hospital.

Councilman Wolf announced the return to civilian life of DR. BEN PRIMER and moved that, pursuant to a resolution heretofore passed by the City Council whereby all employees of the City called into military service would be returned to their respective positions when released from such service, the said DR. BEN PRIMER be appointed City Health Officer to succeed DR. J. M. COLEMAN. The motion carried by the following vote:

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

A letter from the BOARD OF ADJUSTMENT stating that the change of zoning request from JOHN PRADO of Lot No. 5, Block No. 2, Division "B" had been withdrawn by the applicant was received and ordered filed.

A letter from E. W. JACKSON, President Austin School Board, requesting that the School Tax remain at 70¢ on the $100 valuation for 1945; and that the $175,000.00 authorized to be transferred from the Water and Light Fund each year, in January, in accordance with the Charter Amendment voted April 2 1945, be set aside in the 1946 budget, was read and ordered filed.

The application of H. M. HOUSTON for a change in zoning of his property located at the northwest corner of 28th and Nueces Street, from "B" Residence to "C-1" Commercial was referred to the Zoning Board of Adjustment for consideration and their recommendations.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943 and 1944, were assessed in the name of Mrs. ANNIE SPILLER, on Lots 1 to 8, and 11 to 18, Convenient Courts, Plat 118, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of $357.61, and for non-payment of same at maturity, penalty in the sum of $17.88 has been assessed, and interest in the amount of $116.85 has accrued, making the total amount of taxes, penalty and interest due $492.34; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of $17.88, and one-half of the interest in the sum of $58.42; therefore,

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

THAT the aforesaid penalty in the sum of $17.88 and one-half of the interest in the sum of $58.42 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 $17.88 and said interest in the sum of $58.42 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.

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

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

Name	Years	Amount Collected
Lillian Clouse	1944	$ 8.26
W. W. Ince	1944	4.31
Mrs. S. C. Jenkins	1939,1942,1944	13.77
L. G. Johnsey	1939 thru 1944	27.08
Chester E. Nagel	1944	4.30
Harlem Theatre	1936	22.14
C. W. Irvine	1938 & 1939	22.67
W. H. Sullivan	1944	2.39
Mrs. O. B. Bradshaw	1932	15.03
Doyle Hughes	1933,1934,1937,1938	12.23
Carl Hickman	1938,1939,1940,1942	13.98
M. E. Eggeling	1933 thru 1937,1941,1942	28.70
James R. D. Eddy	1942,1943,1944	28.45
Don W. Jackson	1937 thru 1944	43.65

G. L. Duke	1942,1943,1944	5.70
A. G. Jenkins	1940 thru 1944	17.08
J. W. Muenster	1943 & 1944	24.30
H. W. Hobbs	1929	6.60
Ira Hildebrand, Jr.	1936 & 1937	12.25
Leonard Baker	1932 & 1941	22.60
Henry E. Jacobson	1942 & 1943	13.94
J. M. Durham	1943	8.44
A. D. Duncan	1940,1941,1942,1944	3.86
J. D. Houston	1938,1942,1943,1944	7.03
E. B. Snead	1944	2.39
W. B. Hendon	1931,1933,1934,1935,1937	20.36
Travis R. Anderson	1941,1942,1943,1944	37.17
Joe DeBerry	1938 thru 1944	16.58
H. S. Dyer	1938 thru 1942	21.67
V. M. Millsap	1944	3.83
Eddie Edwards	1937,1938,1940,1941	5.94
J. W. Driskill	1930 thru 1936	15.50
W. H. Dickey	1933 thru 1936 &1940 thru'44	16.30
A. P. Dooley	1934,1935 &1940 thru 1944	51.98
Willie Palmer	1941	3.05
Jack F. Disch	1941,1943,1944	19.51
R. Donley	1941,1942,1944	4.90
Gibson Products	1944	38.57
Joe Hernandez	1941 thru 1944	23.76
George D. Hetzel	1937,1938,1943,1944	10.34
John Hill	1931,1933,1934,1935,1944	4.83
Claude Traweek	1942, 1943	9.55
E. M. Everton	1932	4.89
Mecie Jennings	1942 thru 1944	4.50
Alfred Johnson	1942 thru 1944	.74
B. W. Janosky	1933 thru 1943	18.93
R. J. Jaehne	1937 thru 1940	28.08
Bowen Motor Coaches	1936,1938,1942,1943	79.77

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 directed 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, Bartholomew, Gillis and Wolf
Noes: None
Absent: Mayor Miller

Upon motion, seconded and carried, the meeting was recessed at 11:15 A. M., subject to call of the Mayor.

ATTEST: APPROVED: Tom Miller

Deputy City Clerk