

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 26, 1944  
11:00 A.M.

Council Chamber, City Hall

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

## Roll call

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

Present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; and J. M. Patterson, Jr., Acting City Attorney.

The minutes of the Regular Meeting of October 19, 1944, were read; and on motion of Councilman Gillis were adopted as read by the following vote:

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

E. C. DUKE presented a letter from Major Weldon M. Swenson, requesting that the City continue its monthly appropriation of TWO HUNDRED DOLLARS (\$200.00) for the Fifth Battalion of the Texas State Guard for the year 1945 as it had for the year 1944. The Acting City Manager was instructed to include said appropriation in the budget for 1945.

GEORGE JOSEPH, 407 East 8th Street, appealed to the Council to reconsider its action revoking his taxicab driver's permit on October 19, and to grant him a probational permit to drive a taxicab. The matter was referred to the Chief of Police for further investigation and recommendation at the next regular meeting.

The application of COLEMAN HENRY CUNNINGHAM, Walten Lane, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of MARVIN EDWARD HAMILTON, 3706 Wabash Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion

carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The application of PVT. HAROLD JOHN KRUSE, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The application of CORPORAL J. C. MUIR, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The application of SGT. CHESTER A. SUJECKI, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The application of PFC. ALBERT A. DEPOLO, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The application of PERRONE FOOD MARKET, 1600 East 6th Street, for a wine and beer off-premises license, duly approved by the Acting City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The following report of the Board of Equalization for the year 1944 was received, read, and ordered spread on the minutes:

"Austin, Texas  
October 16, 1944

The Honorable Mayor and City Council  
City of Austin  
Austin, Texas

Gentlemen:

Your Board of Equalization submits to you the following report

covering its work for the year 1944.

The Board of Equalization convened on September 1, 1944, and adjourned October 16, 1944. Assessment records have been carefully checked. Corrections and adjustments have been made where in the judgment of the Board they were warranted. These changes in valuation covered all corrections which were necessary because of new construction, alterations and changes in personal property.

A total of 1377 items were submitted for consideration by the Board, and notices were mailed. Board hearings were held in a total of 272 cases, and inspections were made by the Board where necessary. Signed approval was given by the property owner in 168 of these cases. The Board made adjustments in 44 cases and voted to make no change in the remaining 60 cases.

We wish to extend our thanks to the Tax Department for the spirit of cooperation which has been shown us and desire to especially commend the very fine effort put forth during this year by Mr. J. M. Wells. His handling of personal property assessments has been of unusual value to the Board and deserves this recognition and appreciation.

Respectfully submitted,

BOARD OF EQUALIZATION

By /s/ S. P. Tadlock, Chairman  
 /s/ K. R. Meyer  
 /s/ Rickey Key "

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by an ordinance recorded in Volume 456, Pages 237-239, of the Deed Records of Travis County, Texas, the City of Austin fixed a lien on the property abutting the alley between First and Second Streets in Block 4, from the West line of Colorado Street to the East line of Lavaca Street, known and designated as Unit or District No. P-65, to secure the expense of paving the said alley between said points; and

WHEREAS, the indebtedness created for the purpose of such paving has been fully paid so that the City of Austin no longer owns or has any lien on the said property abutting on said alley between said points resulting from such improvements; now, therefore, in consideration of the premises and of the payment of said sum of money to the City of Austin, the Acting City Manager is hereby authorized and directed to release the said lien against said property; and

WHEREAS, by an ordinance recorded in Volume G, Pages 615-626, of the Ordinances of the City of Austin, a lien was created on the property abutting West Second Street from the East line of Nueces Street to the West

line of Colorado Street, known as Unit or District No. 2, and against property known as "A.J. Zilker West 43½ feet, Lot 9, and all of Lots 10, 12 and 11 in Block 4, in the City of Austin; and

WHEREAS, it is possible that the City of Austin may appear to have some claim or interest in such lien and the money which the same secures; and

WHEREAS, the City of Austin does not now own or claim any interest in the lien against said property;

NOW, THEREFORE, the Acting City Manager of the City of Austin is hereby authorized and directed to release the said property from any lien or claim which the City of Austin may have against it, but such release shall not pertain to the lien of Southwest Bitulithic Company, or its assigns, of any such lien or claim.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and in behalf of the CITY OF AUSTIN a Quitclaim Deed to Wallace Wren and wife, Bertha Wren, conveying all the right, title and interest acquired by the CITY OF AUSTIN to Lot 2, Block 11, Outlet 32, 33, Division "B", Glenwood Subdivision, City of Austin, by judgment in Cause No. 43438 and order of sale and sale to the CITY OF AUSTIN under said judgment by deed dated November 8, 1929, recorded in Volume 442, Pages 636-637, Deed Records of Travis County, Texas.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

Councilman Wolf 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 WHITTIER STREET from a point 138 feet south of Hawthorne Street northerly 64 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet east of, and parallel to, the west property line of said Whittier Street.

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

- (2) A gas main in SANTA MARIA STREET, from a point 113 feet west of Frowse Lane westerly 771 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said Santa Maria Street.

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

- (3) A gas main in GROVER AVENUE, from a point 8 feet south of North Loop Boulevard southerly 135 feet, the centerline of which gas main shall be  $5\frac{1}{2}$  feet west of, and parallel to, the east property line of said Grover Avenue.

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

- (4) A gas main in TOYATH STREET, from a point 167 feet north of West 11th Street northerly 114 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of, and parallel to, the east property line of said Toyath Street.

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

- (5) A gas main in LEON STREET, from a point 5 feet north of west 24th Street northerly 153 feet, the centerline of which gas main shall be 25 feet west of, and parallel to, the east property line of said Leon Street.

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 City Engineering Department 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 replacement 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: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, McPhail Florist, acting by and through Mrs. Rosa McPhail, owner of a portion of Lot 1, Block B, of the James E. Bouldin Estate in the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the south side of Barton Springs Road at a location west of South 1st Street, and being locally known as 605 Barton Springs Road, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of Barton Springs Road adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached, marked 2-C-978, and made a part hereof; and

WHEREAS, said request and plan have 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 McPhail Florist, acting by and through Mrs. Rosa McPhail, owner of a portion of Lot 1, Block B, of the James E. Bouldin Estate in the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the south side of Barton Springs Road at a location west of South 1st Street, is hereby permitted to construct a commercial driveway across the south sidewalk area of Barton Springs Road, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-978, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The following report of the Board of Adjustment on the rezoning of the property of JOSEPH A. STUMPF at the corner of University Avenue and 30th Street, was received, read, and ordered filed:

"Austin, Texas  
October 12, 1944

Honorable 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 October 10, 1944:

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 Mr. Joseph A. Stumpf requesting a change in the USE designation of the following property:

Lots 13 and 14, Block 6, Fruth Addition, 88 feet along University Avenue and 137 feet along 30th Street, Austin, Texas;

from "B" Residence District and Second Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a hearing on this application on October 10, 1944, having duly notified the property owners adjacent to and within the immediate neighborhood of this property in order to determine the attitude of the neighborhood toward this change; and

WHEREAS, at this meeting a large number of property owners appeared, including the following: Edgar Fox; Dr. Bohls, representing the First English Lutheran Church; Miss Meta Kunx; Dr. R. E. Suehs; Harold M. Hatter; C. W. Moeller; Mrs. Albert Moehr, representing Mrs. G. Flury; and other members of the Congregation of the First English Lutheran Church and owners of neighboring property, who entered vigorous protests against this change; and the Board received several written protests against this change; and

WHEREAS, it was established as a fact that all of the property in this neighborhood is now used exclusively for "A" and "B" Residence purposes, and that this property and other private property along 30th Street is now zoned as a "B" Residential District; and

WHEREAS, this property is located at the intersection of 30th Street, which is a continuation of San Jacinto Boulevard, and University Avenue, which is an extension of Speedway for a short distance, and that the property to the south is public property developed as a City park; and

WHEREAS, it was brought out in this hearing that this particular intersection of 30th Street with University Avenue and Speedway is a dangerous intersection owing to the topography thereof, and that there now exists a traffic hazard due to these conditions which has resulted in many near accidents, and that the establishment of a filling station on one corner of this intersection would increase the traffic hazards, and would create a dangerous situation for both pedestrians and vehicular traffic; and

WHEREAS, this entire neighborhood is residential in character and it is the desire of the property owners throughout this section to maintain its residential character and preserve these values and vigorously protest any change in the USE designation of the property; and

WHEREAS, the present USE designation as "B" Residential area permits the development of this property for apartment purposes which would provide a high economic return on this land and would not adversely affect the values of adjacent and surrounding property nor destroy its residential character; and

WHEREAS, this application is for two lots under a single ownership and of such topography to be of doubtful value for a filling station for which this change is requested, and that to grant the request would result in the establishment of a spot zone for the benefit of a single owner and not in response to any public demand or necessity or convenience and detrimental to the interest of the public as well as the neighborhood; and

WHEREAS, this neighborhood is now amply served with filling stations and other commercial uses on Guadalupe Street, San Jacinto Boulevard and Speedway; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of this property from its present designation as a "B" Residence District to a "C" Commercial District is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the CITY OF AUSTIN

a contract of sale to Mrs. Charlie King for Lots 17 and 18 in Block 6, Glenridge Addition, City of Austin, for a consideration of \$300, payable \$25 cash and the balance in monthly installments of \$10 each; and the Acting City Manager is hereby authorized and directed to execute for and in behalf of the City of Austin a Special Warranty Deed to said Mrs. Charlie King conveying the above described property upon payment in full of said consideration, all in accordance with the terms and conditions of the contract of sale, a copy of which is attached hereto and made a part hereof for all purposes.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

The following report of the Board of Adjustment on the rezoning of the property of JAMES LEE at 2916 East 14th Street, was received, read, and ordered filed:

"Austin, Texas  
October 12, 1944

Honorable 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 October 10, 1944:

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 Mr. James Lee requesting a change in the USE designation of the following property:

Lot No. 2916 East 14th Street, being a single lot;

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment carefully considered this application and viewed the property and examined the character of the neighborhood; and

WHEREAS, it was found that this neighborhood is only partly developed with only a few residences existing therein, and that there are now sufficient commercial areas in the vicinity to serve this neighborhood, there being non-conforming grocery stores close by; and

WHEREAS, this application is for the change of a single lot and not in response to any public demand nor convenience and necessity, and that the lot is located at practically the center of a block on a street which is practically a dead-end street; and

WHEREAS, this change would create a spot zone of one lot in a residential subdivision without any relation to any comprehensive zoning plan and contrary to all sound zoning principles, and would tend to adversely affect the residential character and residential values of the neighborhood; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of this lot from its present designation as an "A" Residence District to a "C" Commercial District is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby authorized and directed to execute for and in behalf of the CITY OF AUSTIN a deed to W. F. Smith, conveying to him all of the right, title, claim and interest of the City of Austin to Lots Nos. 16 and 17, Block 3, in Glenridge Addition to the City of Austin, for the consideration of Three Hundred Dollars (\$300.00) in cash.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Nees: 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 Walter E. Seaholm, Acting City Manager, be, and he is hereby authorized and directed to execute for and on behalf of the City of Austin a contract of sale to Ed R. Stammnitz for the following described property:

1. Lots 13 and 14, Block 5, Glenridge Addition to the City of Austin, for the consideration of \$300, payable \$25 in cash, and the balance at \$15 per month until the consideration is fully paid;

2. Lots 16 through 23, Block 7, Glenridge Addition to the City of Austin, for the consideration of \$900, payable \$100 in cash, and the balance at \$25 per month until the consideration is fully paid;

and the Acting City Manager is hereby authorized and directed to execute for and on behalf of the City of Austin a Special Warranty Deed to said Ed R. Stammnitz, conveying the above described property, upon payment in full of said consideration, all in accordance with the terms and conditions of the contract of sale, a copy of which is attached hereto and made a part hereof for all purposes.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

THOMAS A. TAYLOR appealed to the City Council to reconsider its action revoking his taxicab driver's permit on October 12. The matter was referred to the Chief of Police for further investigation and recommendation at the next regular meeting.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT T. B. Marshall, Tax Assessor and Collector of the City of Austin, be, and he is hereby, authorized and directed to reduce the valuations for taxes on the property of Lester A. Conlisk, consisting of the improvements on Lot 3, and North One-half of Lot 2, Block 21, Rosedale F, for the years 1943 and 1944, as follows:

The main residence on said lots is hereby reduced from \$3,150.00 to the sum of \$2,500.00 for each of the years 1943 and 1944; and

The garage apartment thereon is hereby reduced from \$1,000.00 to \$810.00 for said years.

It is further authorized and directed that the penalty and interest on taxes for the year 1943 be, and the same are hereby waived and relinquished, and said Tax Assessor and Collector is hereby authorized and directed to receive the taxes on the valuations as above reduced for said years, and upon receipt thereof, cancel the same on the records of his office.

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

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller, Councilman Wolf

Noes: None

Absent: Councilman Alford

There being no further business, upon motion seconded and carried, the meeting was recessed at 11:45 A.M., subject to call of the Mayor.

APPROVED Tom Miller  
MAYOR

ATTEST:

Wallis M. Keller  
CITY CLERK