

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 13, 1944
10:55 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, Acting City Manager; J.E. Motheral, City Engineer; Wm. Wolf, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of April 6, 1944, were read; and upon motion of Councilman Alford were adopted as read by the following vote:

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

M. B. AYRES, individually, and by attorney, Ayres K. Ross, came before the Council and asked for reinstatement on the City's payroll. The matter was referred to the Acting City Manager for consideration.

The following report of the Board of Adjustment on change in zoning of the premises at 1510-1512 Lavaca Street, from "C-1" Commercial District to "C-2" Commercial District, was received:

(REPORT)

"Austin, Texas
April 12, 1944

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 April 11, 1944:

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 Dr. Robt. W. Shipp requesting a change in the USE designation of the following property:

A part of Lot 5, Block 38, of the Original City of Austin, Texas, being Nos. 1510 and 1512 Lavaca Street, portions of an existing building formerly occupied by a commercial use,

from "C-1" Commercial District to "C-2" Commercial District; and

2. WHEREAS, the Board of Adjustment considered the use of these premises above described for a liquor package store on an appeal from the owner for a variation of the Zoning Ordinance, and the Board was without jurisdiction under the law to grant such an appeal; and

3. WHEREAS, the owner withdrew the appeal and later filed an application to the City Council for a change in the zoning classification of these premises; and

4. WHEREAS, the Board carefully considered this application again on the above date in the light of the effect of such change on the property and the neighborhood and otherwise in the light of sound zoning principles; and

5. WHEREAS, this application is for a change of only a portion of a lot of record and a part of the building, which does not properly define the boundaries of the changed use area in accordance with the requirements of the Ordinance, which stipulates that the boundaries of zoning districts shall be either streets, alleys, or property lines; and

6. WHEREAS, this change would be for the benefit of a single owner and not in answer to the public demand, a change in trend of property uses in this area or in conformity with any comprehensive plan, and would be the creation of a spot zone unrelated to any general zoning plan for this district; and

7. WHEREAS, the Board deems that the granting of such spot zones in both single lots or portions of lots sets a dangerous precedent which, if pursued generally, would ultimately break down the Zoning Ordinance and destroy its purpose and nullify its benefits; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the specific portions of this property requested in the application be not recommended to the City Council.

Respectfully submitted,
BOARD OF ADJUSTMENT, by H.F. Kuehne, Chairman."

Pursuant to published notice thereon, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to wit:

To amend the USE designation of the following described property so as to change same from a "C-1" Commercial District to a "C-2" Commercial District: A portion of Lot 5, Block 38, Original City, being known as 1510-1512 Lavaca Street, in the City of Austin, Texas,

was opened.

No property owner or other interested person appearing to protest the proposed change, Councilman Gillis thereupon moved that the change be granted, and that the Acting City Attorney be instructed to draw the necessary amendment to the Zoning Ordinance making said change effective, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

The application of LOUIS JOSEPH, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Motor No. 2BH09-2109, State License (1942) No. N23-578, State License (1944) No. FF3-337, to replace Taxicab Permit No. 59 cancelled by H. W. Platt, 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

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:

A gas main in WEST JAMES STREET from a point 154' east of South 5th Street easterly 59 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said West James Street.

Said gas main described above shall have a covering of not less than 2-1/2 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 Alford, Bartholemew, Gillis, Mayor Miller.
 Noes : None
 Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, it has been determined that the assessment for taxes for the years 1933 to 1943, both inclusive, against the improvements on the East 57' of Lot 47, Outlot 41, Division "B", assessed at \$465.00 in the name of Mrs. Cora E. Weaver, is excessive, and that the assessment for taxes for the years 1933 through 1943, both inclusive, against the improvements on 160' by 130' of Lot P, Block 2, South half of Outlet 4, Hancock Division, assessed at \$795.00 is excessive, and that both of said assessments be corrected; therefore,

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

THAT the assessment for taxes on the improvements on the property above first mentioned be reduced and corrected from the present assessed value of \$465.00 to \$270.00, and that the assessment for taxes on the improvements on the property last above mentioned be reduced and corrected from the present assessed value of \$795.00 to \$390.00, for each of the years 1933 through 1943, both inclusive; and the City Assessor and Collector of taxes is authorized and directed to make such change in the tax rolls.

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

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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of J. V. Cuneo for the years 1929 through 1943, on personal property, and for the years 1940 through 1943 on Lot 1, Block 1, Outlet 20 and 21, Country Club Heights Addition, and for the years 1939 through 1943 on Lots 3 and 4, Block 15, Highlands Addition to the City of Austin; said taxes being in the amount of \$332.01, and for non-payment of same at maturity, penalty in the amount of \$12.77 has been assessed and interest in the amount of \$43.25 has accrued; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the amount of \$12.77, and one-half of the interest in the amount of \$21.62; now, therefore,

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

THAT the aforesaid penalty in the amount of \$12.77, and one-half of said interest in the amount of \$21.62 be and the same are hereby remitted and the Tax Assessor and Collector is hereby authorized and directed to charge said penalty and one-half of said interest off his rolls and issue to the party entitled to receive same a receipt in full upon payment of the said 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, Bartholemew, Gillis, Mayor Miller

Nays : None

Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:50 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hollie M. Keller
CITY CLERK