

direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion, duly seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McKeenan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 14, 1938.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

E. A. Murchison, President of the Board of Trustees of the Austin Public Schools, Members of the School Board, and Supt. A. N. McCallum came before the Council and expressed their thanks to the Council for the cooperation and services rendered in the passage of the recent school bond issue, and submitted a letter of thanks in the matter.

A petition from residents in the vicinity of Alameda Drive and Milam Place, asking for a street light at the intersection of said streets, was received and referred to the City Manager to have the matter attended to at once, if possible.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$3000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of widening West 8th Street from Congress Avenue to Lavaca Street.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$3500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of widening Colorado Street from 7th Street to 9th Street.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford moved that, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted taxicab driver's permits: Morris Clinton Davis, 811 Theresa Street; and Alex Ledesma, 2319 Santa Rita Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following 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 WEST 29TH STREET across Glenview Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 29th Street.

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

(2) A gas main in WEST 29TH STREET across Kerby Lane intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 29th Street.

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

(3) A gas main in JEFFERSON STREET across West 29th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Jefferson Street.

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

(4) A gas main in KERBY LANE across West 29th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Kerby Lane.

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

(5) A gas main in HARRIS BOULEVARD across West 29th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Harris Boulevard.

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

(6) A gas main in OAKHURST AVENUE across West 29th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Oakhurst Avenue.

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

(7) A gas main in ROSEDALE AVENUE northerly 105 feet from a point 277 feet north of the north line of West 45th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west line of said Rosedale Avenue.

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

(8) A gas main in SOUTH 3RD STREET southerly 25 feet from a point 229 feet south of the south line of West Live Oak Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet east of and parallel to the west line of said South 3rd Street.

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

(9) A gas main in THERESA AVENUE across West 8th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Theresa Avenue.

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

(10) A gas main in THERESA AVENUE from West 6th Street northerly 150 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Theresa Avenue.

Said gas main described above shall have a covering 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 out 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

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

THAT the sum of \$50.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of defraying incidental expense of Safety Council.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf moved that a license be granted to V. R. Moore, 1104 Rose Street, to operate as a taxicab one 1938 Chevrolet Master Sport Sedan, Engine No. M-1652068, State Highway No. F-22-224. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time, and upon motion of Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time, and upon motion of Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4;

nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time, and upon motion of Councilman Wolf, the ordinance was finally passed, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf moved that a license be granted to Jim Jackson Cryer, 2808 East First Street, to operate as a taxicab one 1936 Ford Sedan, Engine No. 18-2860931, State Highway No. 916-537. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

A list of projects for PWA grants was read and discussed, and the City Manager was instructed to write Congressman Lyndon B. Johnson relative to a re-application for such grants.

In accordance with published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

To amend the USE designation of the following described property so as to change same from "A" RESIDENCE DISTRICT and FIRST HEIGHT AND AREA DISTRICT to "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT: the entire triangular tract, including Lots 7, 8, and 9 in the Walter Staehely and Chas. Wendlandt, Jr., Resubdivision of Fredericksburg Road Acres, bounded by Fredericksburg Road, Kinney Avenue, and Hether Street.

To amend the USE designation of the following described property so as to change same from "A" RESIDENCE DISTRICT and FIRST HEIGHT AND AREA DISTRICT to "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT: Lots 10 to 18, inclusive, in Block No. 4, and Lots 6 to 14, inclusive, in Block No. 3, and Lot 69 in Block No. 5, in Glenridge Addition; and Lots 1 to 7, in Block No. 1 in the Patterson Addition; and Lots 1 to 7 in Block No. 4 of the Whitten Addition, in the City of Austin, Texas, being all the property fronting on both sides of West 34th Street between Penn Avenue and the alley west of Wabash Avenue.

There being no protests against the proposed change in zoning of the above described triangular tract bounded by Fredericksburg Road, Kinney Avenue, and Hether Street, the City Attorney was instructed to prepare an amendment to the Zoning Ordinance in accordance therewith.

There being no protests against the proposed change in zoning of the above described property fronting on both sides of West 34th Street between Penn Avenue and the alley west of Wabash Avenue, except the location of a wood yard at 1008 West 34th Street, which objection was eliminated by the execution of the following agreement by the owner of said premises, the City Attorney was instructed to prepare an amendment to the Zoning Ordinance in accordance with the proposed change.

The agreement is as follows:

"THE STATE OF TEXAS :

COUNTY OF TRAVIS :

WHEREAS, the City of Austin, a municipal corporation, has filed suit for injunction against Jack H. Key, A. F. Marsch, Richard Mus, and William Nickels, in the 53rd District Court of Travis County, Texas, which suit is docketed No. 59,625, styled City of Austin vs. A. F. Marsch, et al., to enjoin the operation of a commercial ice box, fruit and cold drink stand, and a wood yard on Lot 18 and the West 8 feet of Lot 17, in Block 4, of the Glenridge Addition to the City of Austin, which land is located at 1008 West 34th Street; and

WHEREAS, Honorable James P. Hart, Special Judge of the 53rd District Court, on February 16, 1938, set a hearing on said injunction to be held February 25, 1938; and

WHEREAS, the said Jack H. Key is the sole owner of the premises hereinabove described upon which the alleged business operations are being conducted in violation of the Zoning Ordinance of the City of Austin;

NOW, THEREFORE, Jack H. Key of Travis County, hereinafter called the owner, in consideration of the promise and agreement of the City of Austin, a municipal corporation, hereinafter called the City, to file a motion to postpone hearing on the injunction suit until Tuesday, March 8, 1938, does hereby promise and agree to have

all wood located on said premises at 1008 West 34th Street removed immediately, and further agrees that he will not, during his ownership, operate a wood yard at said location and will not permit a wood yard to be operated on said premises. The said Jack H. Key further agrees that before March 8, 1938, he will initiate a legal move or application for a hearing to be had by the proper board or commission of the City of Austin for the rezoning of property on West 34th Street, including the premises owned by the said Jack H. Key at 1008 West 34th Street.

WITNESS THE HANDS of the parties, this 14th day of April, 1938.

(Signed) Jack H. Key

CITY OF AUSTIN

By (Signed) Guiton Morgan
City Manager.

Attest:

Hallie McKellar
City Clerk.

(SEAL) "

Councilman Gillis introduced the following resolution:

WHEREAS, an election was held in the City of Austin, Texas, on the 8th day of April, 1938, at which election there was submitted to the persons who own taxable property in the City of Austin and who had duly rendered the same for taxes, and who were otherwise qualified voters in said City, for their action thereon, a certain proposition as follows:

PROPOSITION

Shall the City Council of the City of Austin be authorized to issue bonds of said City in the sum of \$750,000, for the purpose of the construction and improvement of the public free school buildings in the City of Austin and the purchase of grounds and equipment therefor, said bonds to bear interest at a rate not exceeding four per centum (4%) per annum, interest payable semi-annually, and to mature not exceeding 30 years from the date of said bonds serially or otherwise, as may be determined by ordinance of the City Council, and to annually levy a tax sufficient to pay the interest on said bonds and to create a sinking fund of at least two per centum (2%) of the principal of said bonds and sufficient to redeem said bonds at their maturity;

and

WHEREAS, the City Council has this day canvassed the returns of said election as made and reported by the officers of said election of the various polling wards of said City, and has found said returns to show the following results of said election:

EAST FIRST WARD

For the Proposition -----258 votes
Against the Proposition ----- 11 votes
Total votes cast -----270

WEST FIRST WARD

For the Proposition -----209
Against the Proposition ----- 20
Total votes cast -----234

WARD 2-A

For the Proposition ----- 36
Against the Proposition ----- 8
Total votes cast ----- 44

WARD 2-B

For the Proposition ----- 65
Against the Proposition ----- 11
Total votes cast ----- 76

WARD 2-C

For the Proposition -----	33 votes
Against the Proposition -----	1 "
Total votes cast -----	34

WARD 3-A

For the Proposition -----	87
Against the Proposition -----	9
Total votes cast -----	96

WARD 3-B

For the Proposition -----	75 votes
Against the Proposition -----	8 "
Total -----	83

WARD 3-C

For the Proposition -----	147 Votes
Against the Proposition -----	30 "
Total -----	177

WARD 4-A

For the Proposition -----	172 votes
Against the Proposition -----	19 "
Total -----	191

WARD 4-B

For the Proposition -----	235 votes
Against the Proposition -----	23 "
Total -----	258

WARD 4-C

For the Proposition -----	202 votes
Against the Proposition -----	16 "
Mutilated ballots -----	5
Total -----	223

WARD 4-D

For the Proposition -----	126 votes
Against the Proposition -----	10 "
Void ballots -----	7
Mutilated ballots -----	4
Total ballots cast -----	147

WARD 4-E

For the Proposition -----	40
Against the Proposition -----	0
Mutilated ballots -----	1
Total ballots cast -----	41

WARD 5-A

For the Proposition -----	88
Against the Proposition -----	4
Rejected ballot -----	1
Total ballots cast -----	93

WARD 5-B

For the Proposition -----	97
Against the Proposition -----	19
Total ballots cast -----	116

SIXTH WARD

For the Proposition -----	115 votes
Against the Proposition -----	9 "
Total ballots cast -----	125

WARD 6-A

For the Proposition -----	27 votes
Against the Proposition -----	4 "
Total votes cast -----	31

WARD 7-A

For the Proposition -----	59 votes
Against the Proposition -----	17 "
Total votes cast -----	76

WARD 7-B

For the Proposition -----	139 votes
Against the Proposition -----	18 "
Total votes cast -----	157

Grand total votes cast for the Proposition -----	2210
Grand total votes cast against the Proposition -----	237
Total mutilated ballots -----	10
Total void ballots -----	7
Total rejected ballots -----	<u>1</u>
Grand total of all votes cast -----	2465

and

WHEREAS, it has been shown by the returns of said election as certified by the election officers and found and determined by said canvass of said returns as tabulated and set out above that only qualified electors who owned taxable property in the City of Austin and who had duly rendered the same for taxation voted at said election, and that said proposition received at said election more than 2/3 affirmative votes of all the votes cast thereon; now, therefore,

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

THAT it is hereby declared the result of said election to be:

1. That the City Council of the City of Austin has been authorized by the duly qualified electors at said election of April 8, 1938, by the majority required by law, and is authorized to issue bonds of the City of Austin in the total sum of \$750,000, for the purpose of the construction and improvement of the Public Free School Buildings in the City of Austin, and the purchase of grounds and equipment therefor, said bonds to bear interest at a rate not exceeding four per centum (4%) per annum, interest payable semi-annually, and to mature not exceeding 30 years from the date of said bonds, serially or otherwise, as may be determined by ordinance of the City Council, and to annually levy a tax sufficient to pay the interest on said bonds, and to create a sinking fund of at least two per centum (2%) of the principal of said bonds and sufficient to redeem said bonds at their maturity.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

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

THAT the sum of \$100.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of resetting all parking meter heads so that they will be at a 30 degree angle with the curb line.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mrs. Dan E. McCray petitioned the Council for the opening of the alley abutting her property at 306 East 26 $\frac{1}{2}$ Street. The matter was taken under advisement.

A request from the Missouri Pacific Railroad and the Southern Pacific Railroad for the enactment of an ordinance regulating the standing of taxicabs at the depots was received and referred to the City Manager for investigation and recommendation.

Upon motion, seconded and carried, the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Halleie McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 20, 1938.

The meeting was called to order at 10:35 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; absent, Councilman Oswald G. Wolf, 1.

The reading of the Minutes was dispensed with.

At the request of the sponsors of Boy and Girl Week, the Council granted permission for a parade in connection therewith on Monday, May 2, and the use of some of the Police and Fire Departments' apparatus for same.

At the request of the Vocational Guidance Committee of the Kiwanis Club, the Council declared the week of May 1-9 as Vocational Emphasis Week.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines and conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; 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 pole lines and conduits in the following streets:

(1) A telephone conduit in BRAZOS STREET from East 6th Street Alley northerly 110 feet, the centerline of which conduit shall be 23 feet