<u>SECTION 3.</u> THAT said notice shall be published in the newspapers aforesaid for ten days, the first publication of which shall be twenty days prior to the date on which the proposed ordinance is to be passed, as set out in Section 1 of this Resolution.

Upon motion, duly seconded and carried, the meeting was recessed, subject to the call of the Mayor.

Approved: Jon Milla

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REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 4, 1937.

The meeting was called to order at 10:50 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 Minutes of September 2 to November 1, inclusive, were read, and upon motion of Councilman Gillis, were adopted as read, by the following vote; Ayes, Councilman

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Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

At the request of Spink's Spick N Span Cleaning Shop, 705 Brazos Street, the City Manager was instructed to have a loading zone marked off at said place of business. The Mayor introduced the following resolutions and moved their adoption by a rising vote of the Council. The motion carried unanimously.

The resolutions are as follows:

"A good name is rather to be chosen than great riches, and loving favour rather than silver and gold." If the inspired writer had had Judge O. S. Lattimore in mind when he penned the preceding words, they could not have been more applicable to the man.

On the 27th day of October, 1937, Judge O. S. Lattimore died. His was a long and useful life. While in the full vigor of his intellectual power, he was stricken by paralysis, from which, without undergoing a lingering illness, he fell asleep like a tired child, peacefully and calmly. 'God's finger touched him and he slept.'

Judge Lattimore served Tarrant County as Assistant City Attorney under O. W. Gillespie from 1894 to 1898, and then as County Attorney of Tarrant County from 1900 to 1904, and in said office he served the people faithfully and well. A few years later he was elected to the State Senate, where he served two terms from 1910 to 1918, and as a member of the State Senate, he rendered the people of his district and the State the same faithful and efficient service that characterized his conduct as a public prosecutor in Tarrant County.

Shortly after his retirement from the State Senate, he became a member of the Court of Criminal Appeals of the State of Texas, the highest court in the State involving questions where a man's life and liberty are at stake. He served on the Court of Criminal Appeals for approximately eighteen years, during all of which time he was a worthy member of that great court, and during said time was a fnithful and conscientious servant of the people rendering them distinguished service. While a member of the Court of Criminal Appeals, Judge Lattimore wrote a number of outstanding opinions. We leave to the Bar of the State the duty and privilege of recording same. Suffice it to say that one of his outstanding opinions was the Middleton case reported in 217 S. W. 1046 et seq., in which opinion Judge Lattimore cleared the uncertainty as to what constituted a principal in the commission of a crime, and put the court of Criminal Appeals on the right path, from which it had in the maze of conflicting opinions strayed. The opinion in the Middleton case has been widely cited in other jurisdictions and is a land mark in the criminal jurisprudence of the State of Texas.

In the consideration of questions the Court of Criminal Appeals was called upon to decide, Judge Lattimore brought to bear natural ability, profound learning, and conscientious thought, having the desire at all times to serve the people of his beloved State faithfully and well. He could well have said, in the language of the great Apostle, though his natural modest would have forbidden his doing so, "I have fought a good fight, I have finished my course, I have kept the faith."

Judge Lattimore was not only a great lawyer, but he was a devoted Christian and rendered the cause of Christianity the same high degree of service which he rendered his State, and it may truly be said that in serving the Church he was serving his State.

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Judge Lattimore was devoted to his family and was a firm believer in the doctrine that around the family fireside should be inculcated the principles that make for good citizenship, and his children are living examples of the good influence he exerted upon their lives. He was devoted to his wife, and hand in hand they lived and worked together as Christians, filling various important positions in the Church of their choice; and taking special interest in the training of young boys and girls; therefore,

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

THAT the City Council joins with the people of the State of Texas in deploring the death of Judge O. S. Lattimore, and feel and know that in his death, the people of the great commonwealth of Texas have suffered the loss of a just, able and conscientious Judge, a valued citizen and one whose influence will be missed as a jurist, as a devoted Christian and as a citizen.

BE IT FUATHER RESOLVED:

THAT in token of the appreciation of the City Council for the services Judge O. S. Lattimore has rendered his State and his good work in the City of Austin, a copy of this resolution be entered in the Minutes of the City Council, and that a copy of same, signed by the members of the Council, be sent to Mrs. O.S.Lattimore, to whom and to the other members of the family we extend our heartfelt sympathy and sincere condolence.

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Samuel Ealy Johnson died on the 23rd day of October, 1937, at the residence of his son, Congressman Lyndon B. Johnson, in Austin, Texas, and was buried in the old Johnson Cemetery at Stonewall, in Gillespie County, Texas, where his forbears rest. Samuel Ealy Johnson was born in Buda, Texas, where he spent his early manhood and received his education. As a young man, he entered the farming and ranching business, in which business he was engaged until the age of twenty-seven.

In 1905 he was elected a member of the Texas Legislature from the old Eightyseventh District. During the period from 1905 until 1924, he served this district intermittently about twelve years altogether. Mr. Johnson was widely known because of his progressive liberal stand on all matters of State Legislation. He was an uncompromising champion of the full doctrine of democratic liberty. During the World War he delivered a speech on the floor of the House of Representatives on tolerance, in which he advocated that type of patriotism which is tempered with common sense and justice. He was an ardent supporter of labor reform laws for Texas, and much that is modern and vital in the Texas Statutes on labor is due to his untiring efforts. He was the author of the Alamo Furchase Bill, which took the historic old mission at San Antonio completely out of the hands of private interest and put it in the control of the State forever. He was the author of the Johnson Blue Sky Law which has placed the curb upon sharp practices and protects honest investors. For many years he served as Chairman of the Committee on Municipal and Private Corporations. During the World War when drought was afflicting the West Texas farmer and ranchman, he was a leader in the program to provide adequate relief to tide them over.

In recent years, Mr. Johnson has been an Inspector for the Texas Railroad C_{O} mmission, maintaining his home at Johnson City, where his family has lived for many years.

During the entire career of Sam Johnson, as he was known to his friends, as a public official, he was faithful, untiring and efficient in his service to his people.

He was devoted to his family and inculcated in his children principles that make for honesty, morality and good citizenship;

therefore,

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

THAT the City Council joins with the people of the State of Texas in deploring the death of Samuel Ealy Johnson, and know that in his death the people have suffered the loss of the services of a just, upright and honorable man.

BE IT FURTHER RESOLVED:

THAT in token of the appreciation of the City Council for the public services rendered by Samuel Ealy Johnson and his outstanding work as a citizen of the State, a copy of this resolution be entered in the Minutes of the City Council, and that a copy of same be sent to his surviving children, Congressman Lyndon B. Johnson of Austin; Miss Rebekah Johnson, member of the staff of the Library of Congress in Washington, D. C.; Mrs. W. H. Gaston, Austin; Sam Houston Johnson of Corpus Christi; and Mrs. Birge Alexander of Burnet.

Councilman Gillis 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 GLENVIEW STREET across State Street, the centerline of which gas main shall be 72 feet west of and parallel to the east line of said Glenview Street.

Said gas main described above shall have a covering of not less than 22 feet.

(2) A gas main in STATE STREET from Blanco Street westerly approximately 20 feet, the centerline of which gas main shall be 13g feet south of and parallel to the north line of said State Street.

Said gas main described above shall have a covering of not less than 22 feet.

(3) A gas main in STATE STREET from Crawford Street west approximately 20 feet, the centerline of which gas main shall be 13g feet south of and parallel to the north line of said State Street.

Said gas main described above shall have a covering of not less than 22 feet.

(4) A gas main in MILLS AVENUE across the north side of State Street, the centerline of which gas main shall be 7 feet west of and parallel to the east line of said Mills Avenue.

Said gas main described above shall have a covering of not less than 23 feet.

(5) A gas main in MILLS AVENUE across the south side of State Street, the centerline of which gas main shall be 10 feet west of and parallel to the east line of said Mills Avenue.

Said gas main described above shall have a covering of not less than 22 feet.

(6) A gas main in EAST 10TH STREET easterly 221 feet from a point 32 feet west of the west line of Lincoln Streat, the centerline of which gas main shall be 7 feet north of and parallel to the south line of said East 10th Street.

Said gas main described above shall have a covering of not less than 22 .

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feet.

(7) A gas main in DUVAL STREET northerly 523 feet from a point 149 feet north of the north line of East 52nd Street, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Duval Street.

Said gas main described above shall have a covering of not less than 2g feet.

(8) A gas main in WOODLAND AVENUE westerly 36 feet from a point 78 feet west of the west line of Kenwood Avenue, the centerline of which gas main shall be 22 feet south of and parallel to the north line of said Woodland 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 Fublic 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 foregoing 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 offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks, and ramps of other materials; and

WHEREAS, D. X. Bible, owner of Lot 27 of Sunset Hill, Enfield, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Woodlawn Boulevard at a location north of Watchhill Road, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT D. X. Bible, owner of Lot 27 of Sunset Hill, Enfield, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Woodlawn Boulevard at a location north of Watchhill Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

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That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

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

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The application of Edward Wendlandt, owner of Lots 19 and 20, Block 4, Outlot 72, Division "D", Leander Brown Subdivision, located at the corner of 29th Street end West Avenue, for a change in the zoning of said property from "A" Residence District to "C" Commercial District, was received and referred to the Board of Adjustment for recommendation.

The following report of the Board of Adjustment was received:

"Hon. Mayor and City Council Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 1, 1937, passed the following resolution, which is hereby submitted for your consideration:

RESOLUTION.

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration, a petition of Mr. Dan P. Graddock for a change in the "Use" District designation of Lots 1 and 2, Block 2, Graham's Addition, Austin, Texas, from Residence "B" to Commercial "C"; and

WHEREAS, the Board of Adjustment, at a meeting held on November 1, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principles, therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is hereby recommended to the City Council that the "Use" designation of the above described property be changed from "B" Residence to "C" Commercial, with the reservation that any building placed thereon shall be set back from the 6th Street property line in accordance with the Height and Area Regulations of the Second Height and Area District in which this property is situated, waiving all exceptions thereto, for the following reasons:

1. That after examination of this property, it is the opinion of the Board that it is not desirable for residential purposes owing to its location on the railroad right-of-way of the Missouri Pacific Railroad.

2. That it is the opinion of the Board that when these lots are leveled down to the grade of 6th Street and any building placed thereof with a setback as provided by the Ordinance of 25', it would increase the visibility of the underpass around the curve on 6th Street at this point and reduce traffic hazards and congestions which will occur whenever the Austin Dam is completed; in case a filling station is constructed on this property, this condition would be enhaced still more and a possibly serious traffic situation would be avoided.

Respectfully submitted,

BOARD OF ADJUSTMENT

H. F. Kuchne Chairman.

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November 2, 1937.

Upon motion, duly seconded and carried, a public hearing on the proposal to

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change the zoning of the property described in the foregoing report of the Board of Adjustment from "B" Residence District to "C" Commercial District was set for Wednesday, November 24, 1937, at 11:00 A. M.

The following resolution was introduced:

WHEREAS, on August 5, 1937, the City Council of the City of Austin passed an ordinance extending the corporate limits of the City of Austin to include certain territories in the community known as Govalle; and

WHEREAS, within the said Govalle there are numerous streets that have never been named; and

WHEREAS, the people residing on said streets have petitioned the City Council of the City of Austin to adopt names for said streets in order to lessen confusion among delivery services and in order to furnish definite addresses when making applications for telephone service and for other utility services; and

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

THAT the streets situated in the community known as Govalle and being within the new territory annexed to the City of Austin by action of the City Council dated August 5, 1937, shall hereafter be known and designated in accordance with the various names recommended therefor, all as shown upon the map or plat hereto attached, which map or plat is hereby made a part of this resolution.

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

The following report of the Board of Adjustment was received;

"Hon. Mayor and City Council Austin," Texas

Gentlemen:

'The Board of Adjustment at a meeting held on November 1, 1937, passed the following resolution, which is hereby submitted for your consideration:

RESCLUTION

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration a petition of N. O. Crumley for a change in the "Use" District designation of Lot 10, Block M, Plat 115, Bouldin Addition, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on November 1 carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principles; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the "Use" designation of the above described property be changed from "A" Residence District to "C" Commercial District and that this shall include the re-subdivided lot taken out of the rear of Lots 9 and 10 for the following reasons:

1. That the above request is for an extension of an existing commercial district recently created at the intersection of West Mary Street and South 5th Street, which extension is found necessary because of the requirements of the Building Code and Gasoline Filling Station Ordinance of the City of Austin as applied to the construction of a filling station and grocery store on the original Lot No. 9 adjacent to the lot above described.

2. That only by extending this commercial district to include this additional lot would it be possible for the owner to construct a filling station and grocery store on this property. 487

Respectfully submitted,

BOARD OF ADJUSTMENT

H. F. Kushne Chairman,

11

November 2, 1937.

Upon motion, duly seconded and carried, a public hearing on the proposal to change the zoning of the property described in the foregoing report of the Board of Adjustment from "A" Residence District to "C" Commercial District was set for Wednesday, November 24, 1937, at 11:00 A. M.

Councilman Alford moved that, upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted taxicab driver's permite: Beder Roy Bedgood, 304 South Crockett Street; Ira Lee Crouch, 410 West Avenue; Jesse C. Hildebrand, 1409 South 4th Street; Robert Neil Hillin, 308 West 15th Street; and Edward Forest Hocker, 2114 East 2nd 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 introduced the following ordinance:

AN ORDINANCE LEVYING ASSESSMENTS FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND WIDENING A PORTION OF WEST EIGHTH STREET ON THE NORTH SIDE AND SOUTH SIDE, FROM THE EAST CURB LINE OF COLORADO STREET TO THE WEST CURB LINE OF CONGRESS AVENUE, AND OF IMPROVING AND WIDENING WEST EIGHTH STREET ON THE SOUTH SIDE FROM THE EAST CURB LINE OF LAVAGA STREET TO THE WEST CURB LINE OF COLORADO STREET, IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING ON THE SAID PORTIONS OF SAID STREET AND A PERSONAL CHARGE AGAINST THE OWNERS THEREOF, AND PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS.

The ordinance was read the first time, and upon motion of Councilman Alford, 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 Alford, 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 Gouncilman Alford, 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.

The following resolution was introduced:

WHEREAS, City taxes for the years 1933, 1934, 1935, and 1936, are delinquent on the following described property in the City of Austin, Travis County, Texas, being the east 60.1 feet of Lot 2, Block 50, Original City, Flat 7, assessed in the name of Pierre Bremond Estate, said taxes amounting to \$1055.25, penalty \$52.76, interest \$132.23, making the aggregate amount of \$1240.24, taxes, penalty and interest on the aforesaid real estate; and the taxes on personal property, towit, a 1932 model Plymouth Sedan, for the years 1933 and 1934 are delinquent, said taxes aggregating \$10.11, penalty \$.50, interest \$1.58, making a total on said personal property of \$12.49; and

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WHEREAS, it is deemed equitable by the City Council to remit the penalty on both the aforesaid real estate and said personal property, upon the payment of said taxes, together with interest thereon for the aforesaid years; therefore,

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

THAT the penalty on said real estate and said personal property, aggregating \$53.26, is hereby remitted, and the Tax Assessor and Collector is authorized and directed to strike same from his assessment rolls and to issue a receipt in full to the party entitled thereto on its payment to the City of Austin of the aforesaid taxes, together with interest thereon, in accordance with the terms of this resolution.

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

WHEREAS, taxes for the years 1933 to 1936, inclusive, have been assessed and are delinquent on the following described land, towit: In the City of Austin, Travis County, Texas, and being the SE $55\frac{1}{2}$ ' x 64' of Lot 7 (A), Block 80, Original City, Plat 7, assessed in the name of Pierre Bremond Estate, said taxes aggregating \$119.00, interest thereon \$14.91, and the penalty \$5.94; and

WHEREAS, it is deemed equitable and desirable by the City Council to remit the penalties on the aforesaid taxes in the sum of \$5.94 on the condition that said taxes and interest thereon shall be paid on said property; therefore,

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

THAT the penalty aggregating the sum of \$5.94 on the above property for the aforesaid years is hereby remitted, and the Tax Assessor and Collector is authorized and directed to strike same from his assessment rolls and to issue a receipt in full to the party entitled thereto on its payment to the City of Austin of said taxes, together with interest thereon, in accordance with the terms of this resolution.

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

The following resolution was introduced:

WHEREAS, City taxes for the years 1933, 1934, 1935, and 1936 are due and delinquent upon the following described property in the City of Austin, Travis County, Texas, being Lot No. 1, Block 111, Original City of Austin, Travis County, Texas, assessed in the name of Eugene Bremond, Jr., said taxes amounting in the aggregate to \$3197.67, and the interest thereon \$406.13, and penalty for failure to pay same before delinquency amounting to \$159.57; and

WHEREAS, it is deemed equitable and desirable by the City Council to remit the afiresaid penalty if and when said taxes and interest are promptly paid; therefore,

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

THAT the penalty aggregating \$159.87 on the delinquent taxes on the above described property for the years 1933, 1934, 1935, and 1936 are hereby remitted, and the Tax Assessor and Collector is authorized and directed to strike said penalty from the assessment rolls and to issue a receipt in full to the party entitled thereto on his payment to the City of Austin of said taxes, with interest in full thereon, in accordance with the terms of this resolution.

The foregoing 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 11:55 A.M., subject to call of the Mayor.

Approved: Sim