

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 17, 1938.

The City Council of the City of Austin, Texas, met in regular session, at the regular meeting place at the City Hall in said City, on February 17, 1938, at ten o'clock A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mayor Miller introduced the following resolution:

WHEREAS, taxes have been assessed upon the following described property in the City of Austin, Travis County, Texas, to-wit: Lots 4, 5, 6, 9, 10, 11 and 12, Block 13, Outlots 32 and 33, Division "B", Glenwood, Plat 37, for the years 1920-1937, inclusive, said taxes aggregating the sum of \$233.44, penalty \$10.84, and interest \$115.46, making a total of taxes, penalty and interest, \$359.74; and

WHEREAS, it is deemed equitable and advisable by the City Council of the City of Austin to remit said penalty of \$10.84, and \$106.22 of said interest, leaving the amount of interest to be collected \$19.24, total taxes \$233.44, total taxes and interest \$252.68, on condition that the same be paid within 30 days from this date; therefore,

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

THAT the penalty in the sum of \$10.84 for non-payment of the aforesaid taxes, and interest in the sum of \$106.22, same being all the interest except the sum of \$19.24, should be and same is hereby remitted on condition that same be paid within 30 days from this date, and the Tax Collector and Assessor of the City of Austin is authorized and directed to accept said taxes in the sum of \$233.44, plus interest in the sum of \$19.24, making the aggregate amount \$252.68, and on the payment thereof within 30 days from this date to issue to the party entitled thereto a receipt in full for the aforesaid taxes, penalty and interest, and to charge said amount of interest, \$106.22, and penalty in the sum of \$10.84 off his rolls.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The written application of Chas. Wendlandt, Jr., to have Lots 7, 8, and 9, Walter Staehely and Chas. Wendlandt, Jr., Resubdivision of Fredericksburg Road Acres, situated at the intersection of West Mary Street and Fredericksburg Road, zoned as a "C" Commercial District was received, and the same was referred to the Zoning Board of Adjustment and the City Plan Commission for their recommendations, and to the Legal Department for an opinion relative to public hearings in the zoning of recently annexed territory.

Mr. L. O. Wells appeared before the Council in the matter of a Wine and Beer Permit at 1011 East Eleventh Street, and was advised to submit a petition signed by the residents in the neighborhood stating whether such an establishment would be objectionable.

The application of Messrs. Henry and Ted Wendlandt for a change in the zoning of property on East Eleventh Street facing south between Curve and Waller Streets, to a depth of 130 feet, from "C" Commercial District to "C-2" Commercial District, was received and referred to the Board of Adjustment for recommendation.

Councilman Alford offered the following resolution:

WHEREAS, Frank R. Rundell is the Contractor for the erection of a store building located at 704 West Sixth Street and desires a portion of the street and sidewalk space abutting part of Lot 3, Block 76, of the Original City of Austin, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said Frank R. Rundell, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of West Sixth Street to a point 16 feet south of the north curb of West Sixth Street; thence in an easterly direction and parallel with the centerline of West Sixth Street 44 feet to a point; thence in a northerly direction and at right angles to the centerline of West Sixth Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to said Frank R. Rundell, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of his working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored and without wood strips or obstructions of any kind along the pavement within the walkway. If at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall be permitted to maintain a substantial gate in this walkway, which shall be kept closed at all times when not in use and at all times when the gate is open the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks.

(3) That no vehicle in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rails.

(5) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(6) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(7) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(8) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalks and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than May 16, 1938.

(9) That the Contractor shall restore all public and private property injured

during the use of such space to as good condition as the same existed before the use of such space began.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person by reason of the exercise of the privileges granted to the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, J. R. Blackmore is the Contractor for the erection of an apartment house located at 112 West 15th Street and desires a portion of the street and sidewalk space abutting Lot 12, Block 46, of the Original City of Austin, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. R. Blackmore, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Colorado Street to a point 8 feet west of the east curb of Colorado Street; thence in a southerly direction and parallel with the centerline of Colorado Street 46 feet to a point; thence in a southeasterly direction and at an angle of 45 degrees to a point 18 feet in a southerly direction from the southwest corner of the above described property and at right angles to the centerline of West 15th Street; thence in an easterly direction and parallel with the centerline of West 15th Street 160 feet to a point; thence in a northerly direction to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. R. Blackmore, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of his working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored and without wood strips or obstructions of any kind along the pavement within the walkway. If at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall be permitted to maintain a substantial gate in this walkway, which shall be kept closed at all times when not in use and at all times when the gate is open the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks.

(3) That no vehicle in loading or unloading material at the working space shall

park on any part of the street outside of the allotted working space.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rails.

(5) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(6) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(7) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(8) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalks and streets immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than November 1, 1938.

(9) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person by reason of the exercise of the privileges granted to the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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 LEON STREET across West 26th Street intersection, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of and parallel to the east line of said Leon Street.

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

(2) A gas main in BOULEVARD VIEW across West 26th Street intersection, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of and parallel to the east line of said Boulevard View.

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

(3) A gas main in PEARL STREET across West 26th Street intersection, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Pearl Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in WEST 26TH STREET across Leon Street intersection, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said West 26th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in ENFIELD ROAD across Summit Avenue intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Enfield Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in ENFIELD ROAD across Forest Avenue intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Enfield Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in ENFIELD ROAD across Pecos Street intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Enfield Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in ENFIELD ROAD across Pearl Street intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Enfield Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in SUMMIT AVENUE from Enfield Road north 10 feet, the centerline of which gas main shall be 11½ feet west of and parallel to the east line of said Summit Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in FOREST AVENUE from Enfield Road north 10 feet, the centerline of which gas main shall be 11½ feet west of and parallel to the east line of said Forest Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in PECOS STREET from Enfield Road north 10 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Pecos Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in PEARL STREET from Enfield Road north 10 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Pearl Street.

Said gas main described above shall have a covering of not less than 2½ 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Charles L. Black is owner of Lot 1, Block 1, of Brown Addition, Division "D", within the City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of Guadalupe Street and West 29th Street, and being locally known as 2900 Guadalupe Street; and

WHEREAS, the said Charles L. Black has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of Guadalupe Street adjacent to the above described property and to set the curb back and build a commercial driveway in conjunction therewith on the north side of West 29th Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setbacks and commercial drive, which plan is hereto attached marked 2-C-730 and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore

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

THAT Charles L. Black, owner of Lot 1, Block 1, of Brown Addition, Division "D", within the City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of Guadalupe Street and West 29th Street, is hereby granted permission to set the curb back from the established curb line on the west side of Guadalupe Street and to set the curb back and build a commercial driveway in conjunction therewith on the north side of West 29th Street.

Permission to construct the above described curb setbacks and commercial driveway is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-730 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback areas on Guadalupe Street and West 29th Street shall be carried out in accordance with the accompanying plan marked 2-C-730 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall not be less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-730.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED: "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 LAVACA 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," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON NOVEMBER 4, 1937, AND IS RECORDED IN BOOK "K" PAGES 316-319 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance passed to its second reading. The motion was seconded by Councilman Alford. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally adopted. The motion was seconded by Councilman Alford. The question being put upon the final adoption of the ordinance, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF THE PROPERTY ABUTTING UPON WEST EIGHTH STREET ON THE NORTH SIDE AND SOUTH SIDE FROM THE EAST CURB LINE OF COLORADO STREET AND THE WEST CURB LINE OF CONGRESS AVENUE, AND WEST EIGHTH STREET ON THE SOUTH SIDE FROM THE EAST CURB LINE OF LAVACA STREET TO THE WEST CURB LINE OF COLORADO STREET IN THE CITY OF AUSTIN, TEXAS, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREET WITHIN THE LIMITS DEFINED, AND AS TO ANY ERRORS, INVALIDITIES, OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR, OVERRULING AND DENYING ALL PROTESTS AND OBJECTIONS, FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREET WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITTED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE ASSESSED AGAINST SAID PROPERTIES AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREET WITHIN SAID LIMITS, FIXING A CHARGE AND LIEN AGAINST THE PROPERTY ABUTTING UPON SAID STREET AND THE TRUE OWNER OR OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford,

Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford. The question being put upon the final passage of the ordinance, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following resolution:

"Austin, Texas
February 17, 1938

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of J. F. Robinson for permission to construct, maintain and operate a drive-in gasoline filling station upon property situated at the northeast corner of the intersection of East First Street and Brazos Street, which property is known as Lots 1 and 2, Block 7 of the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property on which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer inlet exists on the east curb line of Brazos Street in the north property line of East First Street.

We recommend that J. F. Robinson be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-C-731.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-731 and shall be of the premoulded type.

(6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer. "
J. C. Eckert
Building Inspector

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northeast corner of the intersection of East First Street and Brazos Street, which property is owned by J. F. Robinson and is designated as Lots 1 and 2, Block 7, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said J. F. Robinson to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. F. Robinson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A report of the Police Department recommending the installation of additional parking meters at designated locations was read and tentatively approved.

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 Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance

be finally passed. The motion was seconded by Councilman Gillis. The question being put upon the final passage of the ordinance, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford 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 Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Wolf. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf. The roll being called upon the final passage of the ordinance, the result was as follows: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A petition signed by Andrew T. Bailey, et al., asking that Emancipation Park be preserved and not included in the land to be purchased for the negro low-income housing project, was received, and was referred to the Housing Authority of the City of Austin for consideration.

Mayor Miller moved that in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named person be granted a taxicab driver's permit: Dean Eugene Joslin, 2002 West Seventh Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford. The question being put upon the final passage of the ordinance, the roll was called with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

It was the sense of the Council that the City Manager and Superintendent of Electric Division be instructed to have signal lights installed at the intersection of Nineteenth and Lavaca Streets and at the intersection of Nineteenth and Guadalupe Streets, without further delay, and that consideration be given to the installation of a signal light at the intersection of Forty-fifth and Guadalupe Streets.

The following resolution was introduced:

WHEREAS, taxes have been assessed in the name of D. C. Moore for the years 1929-1937, inclusive, on Lot 25, Block 12-F, Fairview Park, Flat 125, in the City of Austin, Travis County, Texas, said taxes aggregating the sum of \$211.61, penalty for non-payment thereof at maturity has been assessed in the sum of \$9.44, and the interest for non-payment of said taxes at maturity is \$51.75, making a total of taxes, penalty and interest due said City of Austin \$272.80; and

WHEREAS, suit has been brought by the City of Austin to collect said delinquent taxes and to foreclose the City's tax lien on said property, said suit being No. 49,237 in the District Court of Travis County, Texas, which suit is still pending; and

WHEREAS, in view of the circumstances it is deemed equitable and advisable by the City Council to remit the penalty in the sum of \$9.44, and one-half the interest on said taxes in the sum of \$25.87, making the aggregate amount to be remitted \$35.31; therefore

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

THAT the penalty on the aforesaid taxes in the sum of \$9.44 and one-half the interest in the sum of \$25.87, is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$9.44 and one-half the interest in the sum of \$25.87, off his rolls and to issue to the party entitled thereto a receipt in full, conditioned that the taxes due on said property and one-half the interest thereon and the court costs in said suit No. 49,237 be paid, amount of taxes owing to bear interest at 6% from the date of this resolution.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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

Attest:
Helen McKee City Clerk

Approved: Tom Miller
Mayor