

within the City of Austin, Travis County, Texas.

BE IT FURTHER RESOLVED:

THAT the sum of \$1500.00 be and the same is hereby appropriated out of the General Fund to pay for said lands above described, and that a warrant issue therefor.

The resolution was adopted by a vote of 4 ayes, Councilman Bartholomew absent, 1.

The Council then recessed until 2:00 P. M.

AFTERNOON SESSION:

The meeting was called to order at 2:00 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present; Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4 ; absent, Councilman Bartholomew, 1.

The Mayor stated that the meeting was called for the purpose of discussing with the Directors of the Chamber of Commerce, the City Manager, and the Superintendents of Departments plans for permanent improvements to the City's Water, Light & Power System as a safeguard against future floods.

After a lengthy discussion, the City Manager submitting an outline of the proposed improvements, the Council recessed, subject to call of the Mayor.

Attest:

Hallie McEllen City Clerk

APPROVED: Tom Miller.  
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 1, 1935.

The meeting was called to order at 10:45 A. M., with Mayor Pro tem Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen C. M. Bartholomew, Simon Gillis, Mayor Pro tem Oswald G. Wolf, 3; absent, Councilman C. F. Alford and Mayor Tom Miller, 2.

The Minutes of the meetings of June 27, July 5, July 11, July 19, July 24, and July 25 were read and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, were adopted, as read, by vote of 3 ayes, Councilman Alford and Mayor Miller absent, 2.

The request of J. F. Lucksinger for the widening of Morningside Avenue from 38th to 45th Streets by requiring the State of Texas to move its fence back to the property line when same is rebuilt was referred to the City Manager to confer with the Board of Control.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin has heretofore filed condemnation proceedings against W. H. Spillar and wife, Ora M. Spillar, as the owners of certain land situated on the Fredericksburg Road in the City of Austin, for the purpose of appropriating out of same the certain strip of land needed for widening and improving said Fredericksburg Road, as appears in Cause No. 8249, City of Austin vs. W. H. Spillar and wife, Ora M. Spillar, on the docket of the County Court of Travis County, Texas; and the Special Commissioners appointed by the County Judge in said Cause to assess the damages to said land and the owner on account of said condemnation have awarded the sum of \$675.00 to said owner; and

WHEREAS, it is necessary for the City to enter said land immediately, in pursuance of said purpose, and the law requires that before taking such step a sum of money in the amount of the award be deposited in the registry of the court; therefore

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

THAT the sum of \$675.00 be and the same is hereby appropriated out of the General Fund for the purpose of making such deposit for the payment of such award and that a warrant issue therefor in said sum, payable to Emilie Limberg, Clerk of the County Court of Travis County, Texas, for the benefit of said W. H. Spillar and wife, Ora M. Spillar, and the sum of money recited in said warrant be delivered to the said W. H. Spillar and wife, Ora M. Spillar, upon their demand.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin has heretofore filed condemnation proceedings against O. E. Roberts and wife, Louise Roberts, as the owners of certain land situated on the Fredericksburg Road in the City of Austin, for the purpose of appropriating out of same the certain strip of land needed for widening and improving said Fredericksburg Road, as appears in Cause No. 8253, City of Austin vs. O. E. Roberts and wife, Louise Roberts, on the docket of the County Court of Travis County, Texas; and the Special Commissioners appointed by the County Judge in said Cause to assess the damages to said land and the owners on account of said condemnation have awarded the sum of \$225.00 to said owners; and

WHEREAS, it is necessary for the City to enter said land immediately, in pursuance of said purpose, and the law requires that before taking such step a sum of money in the amount of the award be deposited in the registry of the court; therefore

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

THAT the sum of \$225.00 be and the same is hereby appropriated out of the General Fund for the purpose of making such deposit for the payment of such award and that a warrant issue therefor in said sum, payable to Emilie Limberg, Clerk of the County Court of Travis County, Texas, for the benefit of said O. E. Roberts and wife, Louise Roberts, and the sum of money recited in said warrant be delivered to the said O. E. Roberts and wife, Louise Roberts, upon their demand.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin has heretofore filed condemnation proceedings against Nannie E. Dawson, as the owner of certain land situated on the Fredericksburg Road in the City of Austin, for the purpose of appropriating out of same the certain strip of land needed for widening and improving said Fredericksburg Road, as appears in Cause No. 8247, City of Austin vs. Nannie E. Dawson, on the docket of the County Court of Travis County, Texas; and the Special Commissioners appointed by the County Judge in said Cause to assess the damages to said land and the owner on account of said condemnation have awarded the sum of \$560.75 to said owner; and

WHEREAS, it is necessary for the City to enter said land immediately, in pursuance of said purpose, and the law requires that before taking such step a sum of money in the amount of the award be deposited in the registry of the court; therefore

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

THAT the sum of \$560.75 be and the same is hereby appropriated out of the General Fund for the purpose of making such deposit for the payment of such award and that a warrant issue therefor in said sum, payable to Emilie Limberg, Clerk of the County Court of Travis County, Texas, for the benefit of said Nannie E. Dawson and the sum of money

recited in said warrant be delivered to the said Nannie E. Dawson upon her demand.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin has heretofore filed condemnation proceedings against Mrs. Lelia O. Chilton, as the owner of certain land situated on the Fredericksburg Road in the City of Austin, for the purpose of appropriating out of same the certain strip of land needed for widening and improving said Fredericksburg Road, as appears in Cause No. 8248, City of Austin vs. Mrs. Lelia O. Chilton, on the docket of the County Court of Travis County, Texas; and the Special Commissioners appointed by the County Judge in said Cause to assess the damages to said land and the owner on account of said condemnation have awarded the sum of \$278.75 to said owner; and

WHEREAS, it is necessary for the City to enter said land immediately, in pursuance of said purpose, and the law requires that before taking such step a sum of money in the amount of the award be deposited in the registry of the court; therefore

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

THAT the sum of \$278.75 be and the same is hereby appropriated out of the General Fund for the purpose of making such deposit for the payment of such award and that a warrant issue therefor in said sum, payable to Emilie Limberg, Clerk of the County Court of Travis County, Texas, for the benefit of said Mrs. Lelia O. Chilton and the sum of money recited in said warrant be delivered to the said Mrs. Lelia O. Chilton upon her demand.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

Councilman Bartholomew 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 BARTON SPRINGS ROAD, beginning at a point 20 feet south of and 286 feet west of the intersection of the centerline of Barton Springs Road and the west line of South Congress Avenue;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 20 feet south of and parallel to the centerline of said Barton Springs Road, to a point 363 feet east of the east line of South 1st Street.

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

(2) A gas main in BARTON SPRINGS ROAD from South 1st Street to Josephine Street, the centerline of which gas main shall be 24 feet south of and parallel to the centerline of said Barton Springs Road.

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

(3) A 2" gas service stub across BARTON SPRINGS ROAD spaced 150 feet apart from South Congress Avenue to Josephine Street.

Said gas service stub described above shall have a cover of not less than 2½ feet.

(4) A 2" gas service stub across FREDERICKSBURG ROAD spaced 200 feet apart from Barton Springs Road south to the city limits.

Said gas service stub described above shall have a cover of not less than 2½ feet.

(5) A gas main in BOULDIN AVENUE from the south line of Barton Springs Road south 35 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of Bouldin Avenue.

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

(6) A gas main in SOUTH FIFTH STREET from the south line of Barton Springs Road south 35 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said South 5th Street.

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

(7) A gas main in FREDERICKSBURG ROAD from the south line of Barton Springs Road south 35 feet, the centerline of which gas main shall be 28 feet west of and parallel to the centerline of Barton Springs Road.

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

(8) A gas main in FREDERICKSBURG ROAD from the north line of Barton Springs Road north 75 feet, the centerline of which gas main shall be 12½ feet east of and parallel to the west line of said Fredericksburg Road.

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

(9) A gas main in JOSEPHINE STREET from the north line of Barton Springs Road north 75 feet, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Josephine Street.

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

(10) A gas main in BOULDIN AVENUE, beginning at a point 18 feet south of and 18 feet east of the intersection of the north line of West Annie Street and the west line of Bouldin Avenue;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 18 feet east of and parallel to the west line of Bouldin Avenue, for a distance of 115 feet.

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

(11) A gas main in WEST ANNIE STREET, beginning at a point 18 feet south of and 160 feet east of the intersection of the north line of West Annie Street and the east line of Bouldin Avenue;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 18 feet south of and parallel to the north line of said West Annie Street, to a point 18 feet east of the west line of Bouldin Avenue.

Said gas main described above shall have a cover 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 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 Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

The following report of the Board of Adjustment was read:

"Austin, Texas, July 24, 1935.

Hon. Mayor and City Council  
Austin, Texas.  
Gentlemen:

The Board of Adjustment, at a meeting held on April 18, 1935, passed the following

resolution, which is hereby submitted for your consideration:

WHEREAS, the City Council, on October 19, 1933, extended the City limits of the City of Austin to include all property known as Rosedale B, C, and D, and property west extending to the new City limit line, or more particularly described by metes and bounds in the Ordinance incorporating said property; and

WHEREAS, the original subdivider incorporated uniform restrictions and covenants in the deed to each lot respectively conforming to the terms of the Zoning Ordinance with respect to use requirements and height and area requirements prior to the extension of the City limits of the City of Austin to include this property; and

WHEREAS, as this property was without the corporate limits of Austin, and the same was not covered by the Zoning Ordinance, it is now deemed desirable to zone the same as a part of a comprehensive Zoning Ordinance; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT, that it is recommended to the City Council that all that portion of the said property which is platted and for which restrictions and covenants have been incorporated within the deeds shall be zoned to conform to such deed restrictions and covenants, and that this property, together with that portion which is now unplatted, shall be zoned as "A" Residence District and First Height and Area District, except that portion designated as Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 7, Rosedale B, which shall be zoned as "C" Commercial District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,  
Chairman. "

The following report of the Board of Adjustment was read:

"Austin, Texas  
July 31, 1935

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

Attached hereto is a copy of a resolution passed by the Board of Adjustment at a meeting on July 23, 1935, regarding the request of Mr. Theo. P. Meyer for a change of the Use designation of property located on Barton Springs Road.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,  
Chairman. "

(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 the request of Mr. Theo. P. Meyer for a change in the Use designation of property located south of Barton Springs Road and east of the Railroad right-of-way from "A" Residence District to "C" Commercial District, to the Board of Adjustment for its consideration and report; and

WHEREAS, the Board of Adjustment considered the proposed change at a meeting held July 23, 1935, after visiting the site of the proposed change; and

WHEREAS, at this meeting, Mr. Meyer's letter to the City Council requesting this change was read and considered by the Board; and

WHEREAS, a letter from Miss Nannie Dawson, owner of adjacent property, objecting to the proposed change in the Use designation, was also read and considered by the Board; and

WHEREAS, the Board of Adjustment carefully considered all arguments for and against the change and after considerable discussion and careful analysis of all the effects of said change found no objection thereto; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation as requested by the appellant, which is for a 100-foot extension of the present commercial district to the south of Barton Springs Road, is hereby approved and recommended to the City Council of the City of Austin for the following reasons:

1. That 150 feet of the appellant's property lying next to Barton Springs Road is now zoned as business property, which owing to the peculiar topography is impractical and practically impossible to use as business purposes, and since it is apparent that the development along Barton Springs Road is for business and not for residential property, it would work a hardship on the owner to stay within the 150-foot boundary, and in order to use the property at all facing Barton Springs Road for business purposes it is necessary that the commercial designation be extended 100 feet as requested by the applicant.

2. That an examination of the property in this neighborhood reveals that there is no development of any character except on the property owned by the applicant and that an



extension of this property to 250 feet from Barton Springs Road will not influence materially any future development of the existing residential property.

3. That the only way to approach this property is from the Dawson Road as the approach from Barton Springs Road is impossible.

4. That the proposed change only includes a sufficient area to make usable property as originally intended for business and a large area of the applicant's property between the business district and the property to the south will remain as residence property, and the proposed business district will be so far removed from the adjoining residence property that it could not possibly interfere with the adjacent property owners if they desired to build residences.

Mayor Pro tem Wolf then offered the following resolution:

WHEREAS, the Board of Adjustment has proposed that the Zoning Ordinance of the City of Austin be amended in the following particulars:

1. To amend the Use designation of property located south of Barton Springs Road and east of the Railroad right-of-way, and more particularly described as the west four acres of Block 10-B of the Isaac Decker League, so as to change same from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT;

2. To zone as RESIDENCE "A" DISTRICT and FIRST HEIGHT AND AREA DISTRICT all that property known as Rosedale B, C, and D which was taken into the city limits by ordinance passed October 19, 1933, except that portion designated as Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 7, Rosedale B, which shall be zoned as "C" COMMERCIAL DISTRICT and SECOND HEIGHT AND AREA DISTRICT; and

WHEREAS, under the terms of the Zoning Ordinance a public hearing must be held, at which opportunity shall be given the public to offer any objections to said amendment; therefore

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

THAT a public hearing be held on this amendment at the City Hall, beginning at 11:00 A. M., on Thursday, August 22, 1935, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

Mayor Pro tem Wolf introduced the following ordinance:

AN ORDINANCE REGULATING THE KEEPING, LICENSING, RUNNING AT LARGE, IMPOUNDING AND SALE OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

The above ordinance was read the first time and laid over.

Councilman Gillis moved that the City Manager be directed to advertise for bids for City Depository to be opened August 9, and that he be directed to send copies of such notice to the various banks in the City. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilmen Alford and Mayor Miller absent, 2.

There being no further business, Councilman Gillis moved to recess subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Pro tem Wolf, 3; nays, none; Councilman Alford and Mayor Miller absent, 2.

The Council then recessed at 11:30 A. M.

Approved: Rowell B. Wolf

Mayor Pro tem.

Attest:

Thelma McKellar  
City Clerk