

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 17, 1935.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mayor Miller declared the hearing open on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars:

(1) To amend the Use designation of Lot M of Original Lot 1, Block 7, Outlot 56, Division B, being 125x214 feet in the southwest corner of said Block 7, in the City of Austin, so as to change same from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT;

(2) To amend the Use designation of Lots 1, 2, 3, and 4, in Block 11, Fairview Park, City of Austin, so as to change same from "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT.

A written protest from the property owners adjacent to Lots 1, 2, 3, and 4, Block 11, Fairview Park, protesting the proposed change in the Use designation of said property was read.

The following report of the Board of Adjustment was read:

Austin, Texas,
October 17, 1935

Hon. Mayor and
City Council
Austin, Texas

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on September 24, 1935, in regard to the changing of the Use designation of the following property: Lot M, of Original Lot 1, Block 7, Outlot 56, Division "B", being 125x214 feet of the southwest corner of said Block 7, from "A" Residence District to "C" Commercial District; and Lots 1, 2, 3, and 4, Block 11, Fairview Park, from "A" Residence District to "B" Residence District.

Yours truly,

(Sgd) H. F. Kuehne, Chairman
Board of Adjustment.

(RESOLUTION)

WHEREAS, the City Council of the City of Austin, pursuant to the terms of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration and report thereon petitions for changes in the Use designation of the following described properties: Lot M, of Original Lot 1, Block 7, Outlot 56, Division "B", being 125x214 feet of the southwest corner of said Block 7, from "A" Residence District to "C" Commercial District; and Lots 1, 2, 3, and 4, Block 11, Fairview Park, from "A" Residence District to "B" Residence District; and

WHEREAS, the Board of Adjustment at its meeting held on September 24, 1935, has carefully considered the question of changing the Use designation of the above described property; and

WHEREAS, after viewing the property and carefully studying the conditions and developments surrounding the same, and the effect of the changes on the neighboring property, the health, safety, morals and general welfare of the City of Austin and their compliance with the purpose and spirit of the Zoning Ordinance of the City of Austin;

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the changes of the Use designation of Lot M, of Original Lot 1, Block 7, Outlot 56, Division "B", being 125x214 feet of the southwest corner of said Block 7, be not recommended to the City Council for the reason that this property is surrounded by nice homes none of the owners of which joined in this request, and that 12th Street, which is only half a block distance from this property, is now zoned on both sides for the purposes for which this change is requested, and further that there appears to be no special demand or necessity for business at this location at this time and that the suggested change would be of benefit only to the petitioner and would adversely affect the surrounding property owners and therefore does not comply with the purpose and spirit of the ordinance; however, should the City Council, in its best judgment, decide this change to be advisable and to the public's interest, the Board recommends that both

sides of Navasota from 12th Street to Amber Street on the west and to Cotton Street on the east side be changed from its present Use to "C" Commercial classifications; and

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the Use designation of Lots 1, 2, 3, and 4, Block 11, Fairview Park, from "A" Residence District to "B" Residence District be not recommended to the City Council for the reason that there is now adjacent to this property a sufficient area now designated as a "B" Residence District to take care of the present needs and natural growth of this section of the City for an indefinite period of time and that there appears no immediate necessity for extending this District; and further that the appellant already has been granted a permit to erect nine residences and thirteen garages on this property and that, therefore, the erection of additional four-family apartments would create a crowded condition, not tending to promote the health, comfort, morals, safety and general welfare of the neighborhood.

Councilman Bartholomew moved that the report of the Board of Adjustment that no change be made in the Use designation of Lots 1, 2, 3, and 4, Block 11, Fairview Park, be sustained and the change be denied. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis moved that both sides of Navasota Street, from 12th Street south to Amber Street on the west and to Cotton Street on the east be changed from "A" Residence District to "C" Commercial District, as recommended by the Board of Adjustment, and that the City Attorney be instructed to prepare an ordinance to that effect. The motion was seconded by Councilman Bartholomew and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

W. Frank Carter and T. B. Trotter & Company submitted bids for auditing the City's books for the fiscal year and same were taken under advisement.

Geo. W. Hart came before the Council in regard to the Park-O-Meter device. Councilman Wolf moved that the City Manager be instructed to write a letter to the Secretary of the Retail Merchants Association advising that the City Council was considering the installation of Park-O-Meters on Congress Avenue and would like an expression from the merchants in the area affected regarding the matter. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following communications were received and ordered spread on the Minutes:

"EXECUTIVE DEPARTMENT
Austin, Texas
October 9, 1935

Honorable Mayor and City Council
City Hall
Austin, Texas

Gentlemen:

I am sincerely grateful to you for the many lovely red roses you were so thoughtful to send. They were so beautiful in our reception hall that everyone noticed them. The roses were still fresh this morning, so you can see how long we have enjoyed them.

The pink roses were equally as beautiful and I deeply appreciate your kindness.

Thanking you again, I am,

Sincerely yours,

(Sgd) Mrs. James V. Allred."

"Austin, Texas
October 8, 1935.

At a regular meeting of the Carpenters Local #300 of Austin, Texas, October 8, 1935, the following resolution was unanimously adopted:

"WHEREAS, this Local #300 Carpenters and Joiners of Austin, Texas, fully realize the importance of the drive now being pushed for more rigid enforcement of the safety laws as pertains to the motor drivers of this great City, therefore

BE IT RESOLVED that this Body of Union men indorse and support our City officials and the P.T.A. in this drive to make life safe for ourselves and our children; and

BE IT FURTHER RESOLVED that we offer our cooperation and support to these organizations in any and all ways possible to accomplish these purposes of making life and driving more safe; and

BE IT FURTHER RESOLVED that copies of this resolution be mailed to the City Council, the P.T.A., and the daily papers, and that a copy be spread on our minutes. "

(Sgd) W. G. Clarkson, President

" O. A. Robertson, Secretary. "

Councilman Wolf introduced the following ordinance:

AN ORDINANCE VACATING A PORTION OF TWENTY-FOURTH STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be placed on its second reading. The motion carried by the following vote: 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 placed on its third reading. The motion carried by the following vote: 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 same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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 WABASH AVENUE beginning at a point 12 feet east of the west line of Wabash Avenue and 101 feet south of the south line of West 35th Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 12 feet east of and parallel to the west line of said Wabash Avenue, for a distance of 80 feet.

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

(2) A gas main in WEST FORTY-FOURTH STREET from Marathon Boulevard west one-half block, the centerline of which gas main shall be 15 feet south of and parallel to the north line of West 44th Street.

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

(3) A gas main in MARATHON BOULEVARD, beginning at West 44th Street and extending in a southerly direction to a point 215 feet south of the south line of said West 44th Street, the centerline of which gas main shall be 8½ feet west of and parallel to the east line of said Marathon Boulevard.

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

(4) A gas main in NELLIE STREET from Bouldin Avenue west 314 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Nellie Street.

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

(5) A gas main in EAST FORTY-THIRD STREET, beginning at a point 117 feet east of the east line of Barrow Avenue and 24 feet south of the north line of East 43rd Street.

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 24 feet south of and parallel to the north line of East 43rd Street, for a distance of 465 feet.

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

(6) A gas main in GREENWAY from East 35th Street north a distance of 315 feet, the centerline of which gas main shall be 7 feet east of and parallel to the west line of said Greenway.

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

(7) A gas main in WOODLAND AVENUE, beginning at a point 22 feet south of the north line of said Woodland Avenue and 59 feet east of the east line of Kenwood Avenue;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 22 feet south of and parallel to the north line of Woodland Avenue, for a distance of 350 feet.

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

(8) A gas main in HARTFORD ROAD from Palma Plaza north 107 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east line of said Hartford Road.

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

(9) A gas regulator pit at SOUTH CONGRESS AVENUE and BARTON SPRINGS ROAD, the size of the pit to be 7'x8' and the center of which regulator pit shall be 15 feet west of and 11 feet north of the intersection of the west line of South Congress Avenue and the south line of Barton Springs Road.

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 Gillis offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines 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 in the following streets:

(1) A telephone pole line in CHRISTOPHER STREET from South 5th Street east two blocks, the center of which pole line shall be 8 feet north of and parallel to the south line of said Christopher Street.

That the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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, the curb and sidewalk specifications of the City of Austin which have previously been 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 and sidewalks of other materials; and

WHEREAS, Fowler Harper, owner of portions of Lots 7 and 8, Block 8, of Pemberton Heights, within the City of Austin, Travis County, Texas, which property abuts Harris Boulevard and being locally known as 2526 Harris Boulevard, 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 on said Harris Boulevard at the above 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 Fowler Harper, owner of portions of Lots 7 and 8, Block 8, of Pemberton Heights, which property abuts Harris Boulevard and is locally known as 2526 Harris Boulevard, 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:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades as furnished by the Engineering Department of the City of Austin in order that said flagstone walk 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 street area shall be done by a bonded sidewalk contractor.

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, Mrs. Pearl R. Key, acting by and through Edwin C. Kreisle, architect, owner of a portion of Lot 4, Block 49, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Rio Grande Street at a location approximately one-half block north of 5th Street and being locally known as 510 Rio Grande Street, has made application to the City Council of the City of Austin for permission to construct two 10-foot commercial driveways across the west sidewalk area of Rio Grande Street as shown upon the plan hereto attached marked 2-C-611, which plan is made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT Mrs. Pearl R. Key, acting by and through Edwin C. Kreisle, architect, owner of a portion of Lot 4, Block 49, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Rio Grande Street at a location approximately one-half block north of 5th Street, and being locally known as 510 Rio Grande Street, is hereby permitted to construct two 10-foot commercial driveways across the west sidewalk area of Rio Grande Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-611, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done

by a bonded sidewalk contractor under the direction and supervision 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.

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

Councilman Wolf offered the following resolution:

WHEREAS, M. K. Hage is the Contractor for the repair of an awning located at 325 East Sixth Street, and desires a portion of the sidewalk space abutting the east 33 feet of Lot 7, Block 58 of the Original City of Austin, Texas, during the repair of the awning, 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 M. K. Hage, the boundary of which is described as follows:

Sidewalk Working Space.

Beginning at the northeast corner of the above described lot; thence in a southerly direction along the east line of said lot to the north line of the alley traversing Block 58 of the Original City of Austin, Texas; thence in an easterly direction and at right angles to the centerline of Trinity Street a distance to the west curb line of Trinity Street; thence in a northerly direction along the west curb line of Trinity Street a distance to the point of intersection of the west curb line of Trinity Street with the south curb line of East Sixth Street; thence in a westerly direction along the south curb line of East Sixth Street a distance of 43 feet; thence in a southerly direction and at right angles to the center line of East Sixth Street a distance to the south line of East Sixth Street; thence in an easterly direction along the south line of East Sixth Street to the place of the beginning.

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

(1) That the Contractor shall maintain an unobstructed walkway on the sidewalk adjacent to the building in East Sixth Street and in Trinity Street, such walkway to be at least 4 feet wide and to be protected from the balance of the sidewalk space by a guard rail at least 4 feet high and substantially braced and anchored.

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

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

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

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk 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 November 7, 1935.

(6) 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.

(7) 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.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to

or be brought by any person by reason of the exercise of the privileges granted 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 Wolf moved that upon the recommendation of Roy J. Smith, Sergeant of Police, Traffic Division, the following named persons be granted Taxicab Drivers Permits: Iva Otis Abbett, 512 West 43rd Street; Albert William Huber, 1001 West 6th Street; Frank Glendennen, 307 West 15th Street; Chester Lamar Spaw, 4806 Avenue H; and William Edmond Robertson, 1407 Willow Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

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

THAT the sum of \$300.00 be and the same is hereby appropriated out of the General Fund for the purpose of paying the standing reward offered by the City of Austin for the arrest and conviction of persons found guilty of arson and the City Manager be, and he is hereby, directed to pay said sum to the persons entitled to same by reason of the arrest and conviction of persons charged with the burning of a residence at 3709 Cedar Street on July 30, 1935.

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

Councilman Wolf offered the following resolution:

WHEREAS, Clifton B. Coulter has been compelled to recover for debt Lot 9, O.L. 5, University Park C, and has discovered that the city taxes for the years 1930, 1931, and 1932, in the aggregate amount of \$92.02, together with the further sum of \$19.69 interest, plus \$4.58 penalties, have accrued while said property was under another owner; and

WHEREAS, it is deemed equitable and expedient that under the above facts, the penalties on said taxes should be remitted; therefore

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

THAT said penalties amounting in the aggregate sum of \$4.58 for the years 1930, 1931, and 1932, be and the same are hereby remitted; provided that said Clifton B. Coulter pay all of said taxes, together with said interest, on or before November 1, 1935.

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

Councilman Wolf offered the following resolution:

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

THAT upon recommendation of the Board of Equalization, the assessed valuation of the furniture and fixtures of the Plaza Hotel, located at 1302 Congress Avenue, Austin, for the year 1931, 1932, 1933, and 1934, be and the same is hereby corrected from \$1,000.00 to \$300.00 for the above named years, respectively.

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

Upon motion duly made and seconded, the Council recessed at 11:55 A. M. subject to call of the Mayor.

Attest: *Francis M. Keller*, City Clerk

Approved: *Tom Miller*

Mayor.