

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 23, 1939.

The City Council convened in regular session at its regular meeting place in the City Hall on Thursday, February 23, 1939, at 10:30 A. M., with Mayor Pro Tem. Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Pro Tem. Oswald G. Wolf; absent, Mayor Tom Miller absent.

The Minutes of the meetings of February 2, February 7, February 9, and February 16 were read, and upon motion of Councilman Gillis, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Councilman Gillis introduced the following resolution:

WHEREAS, M. H. Crockett, owner of Lots 32, 33 and 34, of a subdivision of Outlot 57, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of East 19th Street at a location east of San Jacinto Street; and

WHEREAS, the said M. H. Crockett 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 south side of East 19th Street and to build a commercial driveway across the south sidewalk area of said East 19th Street at the above described location; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway, which plan is hereto attached marked 2-H-625 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 M. H. Crockett, owner of Lots 32, 33, and 34, of a subdivision of Outlot 57, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of East 19th Street at a location east of San Jacinto Street, is hereby granted permission to set the curb back from the established curb line on the south side of East 19th Street and to build a commercial driveway across the south sidewalk area of East 19th 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-H-625 and made a part hereof and in accordance with the following conditions:

(1) That the construction of the setback area on East 19th Street shall be carried out in accordance with the accompanying plan marked 2-H-625 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 be not 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-H-625.

(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, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Texas Public Service Company be, and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WEST 38TH STREET from Blanco Street westerly 52 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 38th Street.

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

(2) A gas main in BLANCO STREET from West 38th Street southerly approximately 300 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Blanco Street.

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

(3) A gas main in WEST 38TH STREET across Blanco Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 38th Street.

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

(4) A gas main in BOULDIN AVENUE northerly 75 feet from a point 172 feet north of the north line of Milton Street, the centerline of which gas main shall be 18 feet east of and parallel to the west line of said Bouldin Avenue.

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

(5) A gas main in SWISHER STREET southerly 115 feet from a point 35 feet north of the north line of East 21st Street, the centerline of which gas main shall be 17 feet west of and parallel to the east line of said Swisher Street.

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

(6) A gas main in ROSEDALE AVENUE southerly 43 feet from a point 111 feet south of the south line of West 47th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west line of said Rosedale Avenue.

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

(7) A gas main in HOLLYWOOD AVENUE northerly 206 feet from a point 181 feet north of the north line of Concordia Avenue, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of and parallel to the east line of said Hollywood Avenue.

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

(8) A gas main in EAST 46TH STREET westerly 187 feet from a point 5 feet west of the west line of Red River Street, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north line of said East 46th Street.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of

their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

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 prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

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 prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1 OF THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE VACATING AND ABANDONING CERTAIN STREETS IN A SUBDIVISION OF PART OF OUTLOT NO. 15 IN DIVISION "C" OF THE CITY OF AUSTIN, ACCORDING TO PLAT OF SAID SUBDIVISION OF RECORD IN THE CITY ENGINEER'S OFFICE, AND RECORDED IN PLAT BOOK NO. 3, PAGE 205, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND PERMITTING THE OWNER OF SAID SUBDIVISION TO VACATE AND ABANDON SAID SUBDIVISION," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL SEPTEMBER 6, 1934, AND IS RECORDED IN BOOK "J", AT PAGE 615, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, 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 carried

by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

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 carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The following report of the Zoning Board of Adjustment was received:

"Austin, Texas
February 22, 1939

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 14, 1939:

R E S O L U T I O N .

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 Zoning Board of Adjustment for its consideration a petition of W. C. Schulle requesting a change in the Use designation of Lot 7, Block 131, of the Original City of Austin, from "B" Residence District to "C" Commercial District, said property being located on the south side of West 12th Street east of Rio Grande Street; and

WHEREAS, the Board of Adjustment held a hearing on this petition on February 14, 1939, at which a large number of protests were filed with the Board; and

WHEREAS, this lot is situated in the rear of a non-conforming commercial use at the intersection of 12th and Rio Grande Street, which is now classified as "B" Residence District; and

WHEREAS, at this intersection are located the Senior High School and Pease School, and both 12th Street and Rio Grande Street are major thoroughfares leading to the downtown section of the City of Austin; and

WHEREAS, the Board carefully considered this petition and viewed the property in the surrounding neighborhood in order to determine the necessity and desirability of a change of use classification of this property; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change of the Use designation of this single lot be not recommended, and that the same remain in "B" Residence District for the following principal reasons:

1. That this change would establish a spot zone for a commercial use, adjacent to an existing non-conforming commercial use, which would be illogical zoning inasmuch as any such change should include the existing non-conforming commercial use.
2. That the extension of commercial uses at this particular location would greatly increase traffic hazards, owing to the fact that 12th Street and Rio Grande Street are major thoroughfares, and that 12th Street is a parked street, the traffic ways of which are narrow, being only wide enough for one lane of traffic in a one-way direction, where cars are parked along the curb.
3. That it was never contemplated in laying out West 12th Street as a parked boulevard that any commercial property should front thereon.
4. That there is at present a dangerous congestion of traffic at this point, which is inimical to the safety of many children attending the Senior High School and Pease School.
5. That a more desirable development of this property is for "B" Residence purposes such as apartments.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman.

Councilman Gillis moved that the foregoing report of the Board of Adjustment be upheld, and that no change in the zoning of the property described therein be made. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and

Mayor Pro Tem. Wolf; ayes, none; Mayor Miller absent.

The following report of the Zoning Board of Adjustment was received:

"Austin, Texas
February 22, 1939

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 14, 1939:

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 Zoning Board of Adjustment for its consideration a petition of S. E. Gideon for a change in the Use designation of the south 110'x171' of Lot (C), Outlot N. 1/2 of 64, Division "D", from "A" Residence District to "B" Residence, said property being located on the west side of Salado Street south of West 28th Street; and

WHEREAS, the Board of Adjustment held a hearing on this petition on February 14, 1939, at which hearing a large number of neighboring property owners appeared, protesting against this change; and

WHEREAS, this is for the change of a Use designation of a single interior lot, which change would constitute a spot zone; and

WHEREAS, the Board carefully considered this petition and viewed the property in the surrounding neighborhood to determine the necessity and desirability of establishing a "B" Residence District or extending the present "B" Residence District to include this property; and

WHEREAS, it developed at this hearing that it was the unanimous desire of the other residents of this neighborhood to maintain its classification as an "A" Residence District, and vigorously protested the further intrusion of boarding houses, rooming houses, sororities and fraternities, and large apartments into this quiet residential area, in which the majority of homes are owned and occupied by the residents; and

WHEREAS, the Petitioner affirmed that no immediate building was contemplated on the above property and that the request was merely for the purpose of disposing of the property to better financial advantage; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the above described property from "A" Residence District to "B" Residence District be not recommended to the City Council and that the property remain in "A" Residence District for the following principal reasons:

1. That this change would be a spot zone, placing a single lot with a "B" Residence classification between other lots with an "A" Residence classification.
2. That a unanimous protest against such a change has been registered by the surrounding property owners.
3. That no urgent need or public necessity has been demonstrated for this change.
4. That there is still a considerable area of "B" Residence property in this section of the City which is not fully developed for this purpose.
5. That this petition was presented for the purpose of promoting the sale of the property and not for the purpose of immediately developing the same for the uses which would be permitted under such a change.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuchne
Chairman.

Councilman Alford moved that the foregoing report of the Board of Adjustment be upheld and that no change in the zoning of the property described therein be made. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Tillis, and Mayor Pro Tem Wolf; ayes, none; Mayor Miller absent.

O. G. Hill appeared before the Council and asked to have embodied in the proposed Electrical Ordinance a provision, similar to Section 51 of the Plumbing Ordinance, which would give the owner the right to do electrical work on his own premises. The matter was taken under advisement and referred to the Legal Department for the ruling of the Supreme Court in this regard.

The application of T. H. McGregor and wife for a change in the zoning of a tract of land owned by them at the intersection of West 29th and Oakhurst Streets, from "A" Residence District to "C" Commercial District, was received and referred to the Board of Adjustment for recommendation.

Miss Annie Lee Spires submitted to the Council the following proposal: that the City either grant her the right to build new riding stables at Zilker Park, to be reimbursed for the cost of same out of the gross receipts; or that the City build such stables and lease same to her at the rate of \$50 per month.

Councilman Bartholomew moved to postpone action on the matter for at least a week, in order that the City Council may have an opportunity to study the proposal, after definite estimates of the cost of same have been prepared by the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

There being no further business, Councilman Alford moved to adjourn to March 1, at 10:00 A. M., at which time the proclamation calling the municipal election and a further hearing on the Electrical Ordinance would be taken up for consideration. The motion carried unanimously.

Approved Osward G. Wolf
Mayor Pro Tem

Attest:

Walter McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 1, 1939.

The City Council convened in regular session, at its regular meeting place in the Municipal Building, on Wednesday, March 1, 1939, at 10:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. E. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

A large delegation of citizens, representing various commercial organizations of the City, appeared before the Council and submitted a resolution asking for the enactment of (1) an Ordinance to prevent the Abuse of Charity; (2) an Ordinance regulating Solicitations for Advertisements and Subscriptions Within the City of Austin; and (3) an Ordinance regulating the Solicitation of Funds and the raising of Contributions Over the Telephone Within the City of Austin, drafts of such Ordinances being attached thereto.

S. L. Apperson, General Chairman of the Committee; L. C. Schneider, President of Chamber of Commerce; F. W. Posey, President of Austin Wholesale Credit Men's Association; W. T. Johnson, President of Retail Grocers' Association; Joe Stanton, Secretary of Junior Chamber of Commerce; Joe S. Dunlap, Secretary of Austin Clearing House Association; Horace Barnhart, Secretary of Retail Merchants Association and Wholesale Credit Men's