

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 25, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, May 25, 1939, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

The written request of Mr. O. W. Roberts, 2132 East Avenue, for withdrawal of his application of May 2, asking that the property on both sides of Cedar Avenue in the 1700 block be changed from "A" Residence District to "C" Commercial District, was received. The request was granted.

A letter from Mr. Marvin Hall, Fire Insurance Commissioner, by Mr. Geo. C. Hawley, Chief Engineer, approving the proposed site for a new fire station at Chicon and Second Streets, was received. The matter was referred to the City Manager to find out if this property can be bought at a reasonable price, and to report to the Council.

The following communication from the Austin Street Railway Company was received:

Austin, Texas  
May 25, 1939

Honorable Mayor and City Council  
Municipal Building  
Austin, Texas

Gentlemen:

At the request of residents and patrons residing on Murray Lane, between the intersection of Murray Lane and Enfield Road and Murray Lane and West Lynn, we respectfully request that the Austin Street Railway Company be granted the privilege of changing the course of our Enfield Bus Line from Murray Lane north from Enfield Road at West Lynn, to continue west on Enfield Road to West Lynn, thence north to the intersection of Murray Lane at West Lynn, and from that point to follow our present route.

We believe this will serve the patrons in that particular section in just as efficient manner as it is now being served, and at the same time will eliminate our bus traversing this short gravel street.

We would appreciate your prompt attention to this matter.

Very truly yours,

AUSTIN STREET RAILWAY CO.

By J. E. McClain. "

The foregoing request of the Austin Street Railway Company for change in route of the Enfield Bus Line was granted.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or 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 EAST 50TH STREET from Red River Street to East Avenue, the centerline of which pole line shall be  $8\frac{1}{2}$  feet north of and parallel to the south line of said East 50th Street.

(2) A telephone pole line in WEST 29TH STREET from Oakhurst Avenue

to Shovel Creek, the centerline of which pole line shall be 8 1/2 feet south of and parallel to the north line of said West 29th Street.

(3) A telephone pole line in OAKHURST AVENUE from West 29th Street to West 30th Street, the centerline of which pole line shall be 8 1/2 feet east of and parallel to the west line of said Oakhurst Avenue.

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 all 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; nays, none.

Councilman Alford introduced the following 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 located at the southwest intersection of 43rd and Duval Streets, which property is owned by Joe A. Wukasch and is known as Lots 1, 2, and 3, Block "A" of the Statesman property within the City of Austin, Travis County, Texas, and hereby authorizes the said Joe A. Wukasch 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, and 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 Joe A. Wukasch has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances. (Recommendations attached)

"Austin, Texas  
May 25, 1939.

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Joe A. Wukasch for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the southwest intersection of 43rd and Duval Streets, which property is known as Lots 1, 2, and 3, Block "A", of the Statesman property within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by the said Joe A. Wukasch, and we hereby advise that the following conditions exist:

A storm sewer exists in Duval Street at the west curb of said Duval Street and near the south line of East 43rd Street. The curb return at the southwest corner of said Duval and 43rd Streets will have to be adjusted in order that the new curb at this corner will be in line with the curb on the south side of 43rd Street west from this location.

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

We recommend that Joe A. Wukasch 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-G-237.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-237, and shall be of the pre-moulded 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."

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

Councilman Gillis 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 DRAKE AVENUE southerly 33 feet from a point 181 feet north of the north line of Lockhart Drive, the centerline of which gas main shall be 23 feet west of and parallel to the east line of said Drake Avenue.

Said gas main described above shall have a covering of at least 24 feet.

(2) A gas main in AVENUE H northerly 1/2 block from a point 74 feet south of the south line of East 46th Street, the centerline of which gas main shall be 25 feet west of and parallel to the east line of said Avenue H.

Said gas main described above shall have a covering of not less than 24 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 repair 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; nays, none.

Mayor Miller moved that Robert E. Ford, 106 Trinity Street, be granted a taxicab license, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that Thomas Matthew Gillespie, 705½ West Tenth Street, be granted a taxicab driver's license, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that Jesse Charlie Hildebrand, 1409 Bouldin Avenue, be granted a taxicab driver's license, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, the editors and staff of the 1939 Austin High School "Comet" have seen fit to dedicate their excellent publication to the City Council of the City of Austin; therefore

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

THAT this Body go on record as being grateful to the editors and staff of the Austin High School "Comet" for their thoughtful expression of appreciation of the City Council's earnest endeavor to serve the citizenship and the schools of the City of Austin, and that the editors and staff of the "Comet" have the sincere thanks of the Mayor and Councilmen of Austin for this dedicatory recognition.

BE IT FURTHER RESOLVED:

THAT a copy of this resolution be sent to the editors and staff of the "Comet", and that this resolution be spread upon the minutes of the City Council.

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

A committee from Travis Post #76, American Legion, composed of J. E. McClain, et al., submitted a request that the City Council whole-heartedly endorse their July Fourth celebration to be staged in Zilker Park; and that the City underwrite a part of the expenses of said celebration, due to the fact that their organization is handicapped in the solicitation of funds for same under the provisions of the recent ordinance regulating solicitations.

The Mayor assured the committee of the City Council's unqualified endorsement of such celebration, and tentatively agreed that the City might consider a contribution

of \$300 or \$400 in fireworks, conditioned upon the Superintendent of Recreation's recommendation of same.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE CREATING THE OFFICE OF INSPECTOR OF PLUMBING AND A BOARD FOR THE EXAMINATION OF PLUMBERS, TO BE KNOWN AS THE EXAMINING AND SUPERVISING BOARD OF PLUMBERS; AND TO PROVIDE FOR AN INSPECTION OF PLUMBING AND DEFINING THE MEANING OF THE WORD 'PLUMBING' AS EMBRACED IN THIS ORDINANCE; AND TO REGULATE THE TAPPING OF SANITARY SEWERS AND CESSPOOLS; AND REGULATING HOUSE DRAINAGE AND PLUMBING; AND PROVIDING FOR THE EXAMINATION AND LICENSING OF PLUMBERS; AND FURTHER PROVIDING THE METHOD OF OBTAINING PERMITS TO MAKE SANITARY SEWER CONNECTIONS AND PLUMBING INSTALLATIONS; AND FURTHER PROVIDING THE MANNER AND MEANS OF MAKING CONNECTIONS; AND PROVIDING REGULATIONS WITH REFERENCE TO INSTALLATION AND MAINTENANCE OF PLUMBING AND SEWERS IN THE CITY OF AUSTIN; AND DEFINING THE DUTIES OF EXAMINING AND SUPERVISING BOARD OF PLUMBERS; AND DEFINING THE DUTIES OF PLUMBING INSPECTOR; AND FIXING THE INSPECTION FEES TO BE PAID BY MASTER PLUMBERS; AND FIXING THE LICENSE FEES FOR MASTER PLUMBERS AND JOURNEYMAN PLUMBERS EXAMINED; AND PROVIDING FOR THE DISPOSITION OF SAID FEES; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OCTOBER 11, 1934, AND IS RECORDED IN BOOK "J", PAGES 625-634, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND ALSO AMENDING THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE CREATING THE OFFICE OF CITY GAS INSPECTOR, AND DEFINING THE DUTIES OF SUCH OFFICE; CREATING A BOARD FOR THE EXAMINATION OF GAS FITTERS; AND PROVIDING FOR THE EXAMINATION AND LICENSE OF GAS FITTERS, PROVIDING FOR THE INSPECTION OF GAS AND GAS METERS; PRESCRIBING RULES AND REGULATIONS FOR THE QUALITY, PRESSURE AND MEASURE OF GAS SUPPLIED TO CONSUMERS, AND FOR THE ENFORCEMENT THEREOF; PROVIDING RULES AND REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF GAS PIPING AND FIXTURES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 19, 1928, AND IS RECORDED IN BOOK "G", AT PAGES 435-443, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY REPEALING IN SAID ORDINANCE SECTION 5, SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10, SECTION 11, AND A PART OF SECTION 12, AND PROVIDING A SAVING CLAUSE FOR THIS AMENDATORY ORDINANCE, 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, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, Councilman Gillis.

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, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, Councilman Gillis.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, Councilman Gillis.

The Mayor announced that the ordinance had been finally passed.

Councilman Gillis, in voting "no" on the passage of the foregoing ordinance, went on record as doing so because he objected to the provision of said ordinance requiring that gas-fitters shall also be licensed plumbers.

Mayor Miller introduced the following resolution:

WHEREAS, The Salvation Army has very graciously dedicated its May 27th issue of "War Cry" to the City of Austin; and

WHEREAS, by virtue of the widespread circulation and enviable reputation which this paper enjoys, the City of Austin will greatly benefit by the advertisement which it has received in this issue; therefore,

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

THAT this Body go on record as being deeply grateful to the Salvation Army for

this tribute to the City of Austin, and hereby wishes said Organization and its publication, "The War Cry," continued success in the great work it is doing for humanity throughout the United States.

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

Upon motion, seconded and carried, the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor.

Attest:

Walter McKeen  
City Clerk

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 1, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, June 1, 1939, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

The Mayor announced that, in accordance with published notice thereof, the public hearing called for this day on the proposal of the City Council to amend the Zoning Ordinance in the following particulars would now be opened:

To amend the USE designation of Lots 15 and 16, Block 48, of the Robar Addition, located at the corner of West 24th and Leon Streets, in the City of Austin, Texas, so as to change same from "A" Residence District to "B" Residence District.

To amend Section 6 of the Zoning Ordinance so as to change No. 13 to read "animal hospitals," and to omit the words, "Laundries using soot-producing fuels."

To amend Section 6-A of said Zoning Ordinance by adding the following uses:

7. Laundries using non-soot producing fuel;
8. Lumber yard and planing mill;
9. Animal hospitals;
10. Creameries for on-site and off-site consumption of products.

To amend the first paragraph of Section 10 of said Zoning Ordinance by adding after the word "discontinued" the following: "vacated or abandoned for a period of not less than six months."

To amend the Use District Map of the City of Austin by extending the "C-2" Commercial District from the intersection of East Sixth Street and Chicon Street along both sides of Chicon Street to East Seventh Street, and thence along East Seventh Street to the intersection of East Seventh Street with Northwestern Avenue.

The following property owners appeared to protest the proposed change in zoning of the property at the corner of 24th and Leon Streets, described as Lots 15 and 16,