

REGULAR MEETING OF THE CITY COUNCIL;

Austin, Texas, August 24, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber in the Municipal Building, on Thursday, August 24, 1939, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilmen C. F. Alford and C. M. Bartholomew.

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

"Austin, Texas
August 10, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on August 8, 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 E. H. Ferry, Jr., and Scott & Gregg Real Estate Company requesting a change in the Use designation of the following property:

The south side of the one-half block between the alley east of the Austin Hotel and Brazos Street, located in Block 84 of the City of Austin

from "C" Commercial District and Fourth Height and Area District to "C-2" Commercial District and Fourth Height and Area District; and

WHEREAS, the Zoning Maps of the City of Austin show that this property is now located in a "C" Commercial District which extends from the alley east of the Austin Hotel to the center of the block between Neches and Red River Streets, and that the property on the south side of Seventh Street between Congress Avenue and Brazos Street is now zoned as a "C-2" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting held on August 8, 1939, carefully considered the changing of the Use designation of this property and has viewed the premises and carefully studied the conditions and developments surrounding the same, and considered this change in the light of sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is hereby recommended to the City Council that all the frontage on the north side of West Seventh Street between the alley east of the Austin Hotel and Brazos Street and extending north a distance of one hundred feet from East Seventh Street, be changed to a "C-2" Commercial District and remain in a Fourth Height and Area District for the following principal reasons:

1. That inasmuch as all the frontage on the south side of East Seventh Street between Congress Avenue and Brazos Street and opposite the property in question is now zoned as a "C-2" Commercial District, and the owners of the property enjoy the privileges permitted in this district, it appears logical and equitable to accord the same privileges to the property owners on the north side of the street and opposite thereto, as the properties are of like character, similarly situated, and without specific differentiation.

2. It is a well recognized principle of zoning, which has been sustained in the high courts of the United States, that property of like character should be zoned alike.

3. That the granting of this change results merely in the extension of an existing "C-2" Commercial District, as the property west of the alley to Congress Avenue is now in a "C-2" Commercial District, and that this change would in no wise be detrimental to the general welfare of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kushne
Chairman.

Addendum:

BE IT FURTHER RESOLVED that it is recommended that any use of this property for any use permitted in the "C-2" Commercial District shall face only on Seventh Street.

(Signed) V. H. Pannell
Vice Chairman "

In accordance with the published notice thereof, the Mayor then announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "C" Commercial District to "C-2" Commercial District; Lot 12, Block 84, Original City, being the property located on the north side of East Seventh Street, extending from the alley east of Congress Avenue to Brazos Street, in the City of Austin, Texas.

Mr. William Yeldermann, Attorney, and Miss Emma Burleson, representing St. Mary's Academy, an adjoining property owner, appeared and were heard, stating that there would be no objection to the proposed change if same applied to Seventh Street only, and not to Brazos Street, and no liquor stores were allowed to open on Brazos Street.

Nobody else appearing to be heard, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance, stipulating that the entrance to all liquor establishments shall be from Seventh Street only, and not from Brazos Street. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

A committee from the Chamber of Commerce appeared before the Council in the matter of the proposed Fish Hatchery for the City of Austin. Following the discussion, it was agreed that the Committee and the City Council would go in a body immediately after adjournment to inspect a proposed site in the Old Tenth Ward, known as the W. L. Stark tract, for the location of said hatchery.

W. E. Willmon, et al., gas fitters, appeared before the Council and protested the practice of the Examining and Supervising Board of Plumbers of holding examinations for plumbers at intervals of six months, declaring the delay caused thereby worked a hardship on them. After discussion, the matter was referred to the City Manager, with instructions to request said Board to hold examinations every four months instead.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

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

THAT the sum of \$363.39 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing an Electro Surgical Unit for the Brackenridge Hospital,

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

The following resolution was introduced by Councilman Wolf, who moved its adoption. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, and of the State statutes, proposal for bids for the Equipment, Furnishings & Water System under PWA Docket No. TEX-2070-F, Sanatorium, was duly advertised and publicly opened at 10 o'clock A. M., August 4, 1939, at the City Hall in Austin, Texas; and

WHEREAS, at said time and place said bids were publicly opened and read as specified; and

WHEREAS, on August 10, 1939, the City Council of the City of Austin, by resolution, awarded to A. S. Aloe Company of St. Louis, Mo., contract for furnishing Hospital Furniture and Equipment with Alternate Treatment Table with certain items deducted, leaving the contract price of \$767.35; and

WHEREAS, the Commissioners Court for the County of Travis likewise, by resolution, adopted August 10, joined with the City Council of the City of Austin in awarding this contract; and

WHEREAS, it has since been found that this contract amount was in error, and due to the regulations of the PWA, the bid of A. S. Aloe Company can not be accepted since the by-item price, by which the contract amount was arrived at, was in error, and the bid of the Hospital Equipment Corporation, Dallas, Texas, was found to be the best and lowest bidder for this equipment, with a base bid #3A of \$1241.35, with items under Alternate Bids 3-1, 3-2, and 3-3 omitted and from which certain other items be omitted

and added so that a final contract price total \$750.30 shall be the basis of award and shall be the amount to be paid for the equipment included therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AND THE COMMISSIONERS COURT FOR THE COUNTY OF TRAVIS:

THAT the said bid with the final amount as the contract sum enumerated above is hereby accepted subject to the approval of the Federal Emergency Administration of Public Works, and Guiton Morgan, City Manager of Austin, Texas, in behalf of the City of Austin and the County of Travis is authorized and instructed to enter into contract with the firm and contractor enumerated above and subject to the final approval of the Public Works Administration.

It was moved by Councilman Wolf that Ocie Traweck, 217 West Sixth Street, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Gillis introduced the following resolutions:

WHEREAS, Mrs. A. B. Cox, acting by and through E. W. Strandtmann, has made application to the City Council of the City of Austin, Travis County, Texas, for permission to construct two commercial driveways across the west sidewalk area of the Post Road, sometimes known as San Antonio Road, adjacent to her property, which is a portion of Live Oak Grove Addition within the City of Austin, Travis County, Texas, and being situated in the 2500 block of said Post Road, sometimes known as San Antonio Road, as shown upon the plan hereto attached marked 2-C-522, which plan is hereby 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. A. B. Cox, acting by and through E. W. Strandtmann, is hereby permitted to construct two commercial driveways across the west sidewalk area of the Post Road, sometimes known as San Antonio Road, adjacent to her property, which is a portion of Live Oak Grove Addition within the City of Austin, Travis County, Texas, and being situated in the 2500 block of said Post Road, sometimes known as San Antonio Road, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-522, 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, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf 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 THE CIRCLE from 162 feet north of Drake Avenue northerly 70 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said The Circle.

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

(2) A gas main in EAST EIGHTH STREET from East Avenue easterly 452 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 8th Street.

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

(3) A gas main in EAST AVENUE from East Eighth Street northerly 17 feet, the centerline of which gas main shall be 17 feet west of and parallel to the east line of said East Avenue.

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

(4) A gas main in SPARKS AVENUE from Waller Creek westerly approximately 169 feet, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said Sparks Avenue.

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

(5) A gas main in EAST THIRTY-FIRST STREET from Waller Creek easterly approximately 75 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 31st 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, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf introduced the following resolution:

WHEREAS, E. B. Sneed has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of Red River Street at a location north of East Fifth Street Alley opposite property known as Lot 8, Block 61, of the Original City of Austin, Travis County, Texas, as shown upon the plan hereto attached marked 2-C-821, which plan is hereby 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 E. B. Sneed is hereby permitted to construct a commercial driveway across the east sidewalk area of Red River Street at a location north of East Fifth Street Alley opposite property known as Lot 8, Block 61, of the Original City of Austin, Travis County, Texas, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-821, 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, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf introduced the following resolution:

WHEREAS, William C. Holder, lessee of a portion of Lot A-1 of Swisher Addition, which property is

situated at the southeast corner of the intersection of South Congress Avenue and Leland Street within the City of Austin, Travis County, Texas, and being locally known as 2101 South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of South Congress Avenue at the above described location, as shown upon the plan hereto attached marked 2-C-823, which plan is hereby made a part of this resolution; 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 William C. Holder, lessee of a portion of Lot A-1 of Swisher Addition, which property is situated at the southeast corner of the intersection of South Congress Avenue and Leland Street within the City of Austin, Travis County, Texas, and being locally known as 2101 South Congress Avenue, is hereby permitted to construct a commercial driveway across the east sidewalk area of South Congress Avenue at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-823, 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, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

The Mayor announced that the resolution had been finally adopted.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration Projects, and G. S. Moore, in direct charge of Docket Texas-1847-1-P-F, being the project for the construction of Electric Power Plant & System, have reported that the contract for the construction of Power Plant Improvements has been completed by Fox-Schmidt, General Contractors, in accordance with the plans, specifications and change orders, and in compliance with the rules and regulations of the Administration of Public Works, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said contract and the works thereunder and is of the opinion that the same should be finally accepted; now, therefore,

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

THAT said contract and the works thereunder is hereby accepted and the City Manager be and is hereby authorized and directed to approve the final estimate and to issue warrants in payment thereof, and that he be further authorized and directed to release the Contractors from any further liability in connection with said work and to authorize cancellation of the bond guaranteeing the successful completion of the contract.

(Report of Supervising Engineer)

"Austin, Texas
August 24, 1939

Docket Texas 1847-1-P-F
Electric Power Plant & System
Austin, Texas

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

A final inspection by our Inspector, Paul A. Conrad, and P.W.A. Resident Engineer Inspector, J. V. Curnutte, and the undersigned, was made on Power Plant Improvements August 16, 1939. The contract for this work is held by Fox-Schmidt, Contractors.

This and previous inspections showed that all of the work covered by the contract has been completed in accordance with the plans, specifications and change orders, and to the satisfaction of the P.W.A. Engineers, and I recommend that the work be accepted and that the final estimate be paid thereon.

Several non-compliances with reference to apprentices have been cleared by Mr. E. A. Huebner, Resident Engineer Inspector.

We have not as yet received approval from Fort Worth on the full amount of overtime for which special permission was requested in connection with the work of moving and connecting cubicles. Mr. Huebner is of the opinion that the matter will be ultimately cleared, and since the contractor is in no way responsible for failure to get the matter cleared, I recommend that his contract be accepted as stated above.

Respectfully submitted,

(Signed) G. S. Moore
Supervising Engineer. "

Mr. Joe Dacy presented a resolution of the Travis Post No. 76, American Legion, commending the Mayor and City Council for their action in the past in denying the use of public parks for communistic gatherings, and offering their services in the future in combatting the work of any and all subversive groups.

The resolution was received and the thanks of the City Council were extended to said Organization for its interest in the matter.

It was moved by Councilman Wolf that J. W. Burris, Rear 1007 Congress Avenue, be granted a license to operate a taxicab. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of John W. Brady and wife, Nellie Brady, for the years 1924, 1925, 1928-1936, inclusive, and 1938, on personal property in the City of Austin, Travis County, Texas, said taxes being for the sum of \$90.12; and for non-payment of same at maturity penalty in the sum of \$4.51 has been assessed, and interest in the sum of \$48.66, making the total amount of taxes, penalty and interest, \$143.29; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to accept in settlement for the above taxes the amount of \$70.00; therefore

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

THAT the Tax Assessor and Collector of the City of Austin is authorized and directed to issue to the party entitled to receive same a receipt in full upon the payment of \$70.00, in full settlement of the above named taxes, as aforesaid.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of John W. Brady and wife, Nellie Brady, for the years 1924, 1925, and 1928-1938, inclusive, on 69' x 137 1/2' of S.W. corner of Lot 10, Outlot 10, Division "E", Plat 89, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$1,730.78; and for non-payment of same at maturity penalty in the sum of \$86.54 has been assessed, and interest in the sum of \$735.06, making the total amount of taxes, penalty and interest, \$2,552.38; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$86.54, and one-half of the interest in the sum of \$367.53, and court costs in Suits Nos. 47,435 and 41,524, amounting to \$53.42; therefore

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

THAT the aforesaid penalty in the sum of \$86.54 and one-half of the interest in the sum of \$367.53, together with court costs totalling \$53.42, are hereby remitted, and the Tax Assessor and Collector of

the City of Austin is authorized and directed to charge said penalty of \$86.54 and one-half of the interest in the sum of \$367.53 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 12:20 P. M., subject to call of the Mayor.

Approved: Tom Miller
MAYOR

Attest:

Hallie M. Kellan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 31, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, August 31, 1939, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. T. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller; absent, Councilman Wolf.

The reading of the Minutes was dispensed with.

Councilman Alford introduced the following resolution:

WHEREAS, Pete Balagia, Lessee from Mrs. Prudence Bailey, owner of Lot 4, Outlot 49, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the east side of San Antonio Street at a location north of West 24th Street and being locally known as 2407 San Antonio Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of San Antonio Street at the above described location, as shown upon the plan hereto attached marked 2-C-824, which plan is hereby 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 Pete Balagia, lessee from Mrs. Prudence Bailey, owner of Lot 4, Outlot 49, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the east side of San Antonio Street at a location north of West 24th Street and being locally known as 2407 San Antonio Street, is hereby permitted to construct a commercial driveway across the east sidewalk area of San Antonio Street, subject to the construction of concrete curbs, ramps, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-824, 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