

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

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, and Mayor Miller; nays, none; Councilman Wolf absent.

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 EAST 13TH STREET from Salina Street westerly 132 feet, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said East 13th Street.

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

(2) A gas main in EAST 43RD STREET across Caswell Avenue intersection, the centerline of which gas main shall be 24 feet south of and parallel to the north line of said East 43rd Street.

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

(3) A gas main in CASWELL AVENUE from Park Boulevard northerly 15 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Caswell Avenue.

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

(4) A gas main in NECHES STREET from East 9th Street northerly 345 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Neches Street.

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

(5) A gas main in SINCLAIR AVENUE from a point 255 feet north of 47th Street northerly 58 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Sinclair Avenue.

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

(6) A gas main in MOHLE DRIVE from Glenview Avenue easterly 190 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Mohle Drive.

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

(7) A gas main in ALGARITA AVENUE from Kenwood Avenue west  $1\frac{1}{2}$  block, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said Algarita Avenue.

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

(8) A gas main in KENWOOD AVENUE from Algarita Avenue southerly 200 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Kenwood Avenue.

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

(9) A gas main in EBONY STREET from 119 feet west of Bouldin Avenue westerly 155 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Ebony Street.

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

(10) A gas main in BONNIE ROAD 53 feet west of Hopi Trail westerly 54 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Bonnie Road.

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

(11) A gas main in EAST 47TH STREET 154 feet east of Duval Street east 105 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north line of said East 47th Street.

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

(12) A gas main in CONCHO STREET from East 20th Street northerly 25 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Concho Street.

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

(13) A gas main in EAST 20TH STREET from Concho Street westerly 26 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 20th Street.

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

(14) A gas main in AVENUE H from 171 feet north of East 53rd Street northerly 59 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Avenue H.

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

(15) A gas main in ROSEWOOD AVENUE from 103 feet west of Leona Street westerly 85 feet, the centerline of which gas main shall be 17 feet south of and parallel to the centerline of said Rosewood Avenue.

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

(16) A gas main in GARDEN STREET 176 feet east of Chalmers Avenue easterly 50 feet, the centerline of which gas main shall be 18 feet north of and parallel to the south line of said Garden Street.

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

(17) A gas main in BARROW AVENUE 248 feet south of East 45th Street southerly 82 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east line of said Barrow Avenue.

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

(18) A gas main in HASKELL STREET 85 feet west of Anthony Street easterly 50 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Haskell Street.

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

(19) A gas main in HOLLY STREET 110 feet east of Lynn Street easterly 110 feet, the centerline of which gas main shall be 26 feet south of and parallel to the north line of said Holly Street.

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

(20) A gas main in RAMSEY AVENUE from West 42nd Street southerly 200 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Ramsey Avenue.

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

(21) A gas main in JEFFERSON STREET across Gaston Avenue intersection, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Jefferson Street.

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

(22) A gas main in GASTON AVENUE from Jefferson Street easterly 5 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Gaston Avenue.

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 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, and Mayor Miller; absent, Councilman Wolf.

Councilman Gillis introduced the following resolution:

WHEREAS, W. E. Johnson is the contractor for the addition to a building located at the southwest corner of West 17th Street and Colorado Street and desires a portion of the sidewalk space abutting Lot H, Block 40, of the Original City of Austin, Travis County, Texas, during the addition to the building, 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 W. E. Johnson, the boundary

of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 17th Street to a point 4 feet south of the south curb line; thence in an easterly direction and parallel with the centerline of West 17th Street 50 feet to a point; thence in a southerly direction and at right angles with the centerline of 17th Street to the north property line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said W. E. Johnson, herein-after termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, north, and west line of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

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

(6) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) 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 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 October 1, 1939.

(9) 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 barricades or safeguards if the conditions demand it.

(10) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for the other necessary public purposes.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) 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 or 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, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Thos. Otho Condron, 500 Walsh 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, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that William Rex McClain, 711 West 24th 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, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Fred Castro, 816 East Ninth 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, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Jason Montague, 710 Evergreen 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, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Airhot Reinhard Engelke, 503 East Third 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, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that H. W. Pittman, 217 West Sixth Street, be granted a license to operate a taxicab, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Hillery Owens, 300 Congress Avenue, be granted a license to operate a taxicab, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Thomas Otho Condron, 500 Walsh Street, be granted a license to operate a taxicab, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Gillis 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 Gillis 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 Miller; nays, none; Councilman Wolf absent.

The ordinance was read the second time and Councilman Gillis 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 Miller; nays, none; Councilman Wolf absent.

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

The Mayor announced that the ordinance had been finally passed.

Mr. V. O. Curtis appeared before the City Council and asked for permission to drill for oil in the eastern part of the City at a location approximately two blocks east of Chicon Street and north of East Seventh Street. The matter was referred to the City Engineer for investigation, and Mr. Curtis was advised to submit a petition signed by adjoining property owners indorsing the project.

Councilman Bartholomew introduced the following resolution:

" Before the  
CIVIL AERONAUTICS AUTHORITY

In the matter of the Application of

BRANIFF AIRWAYS, INC.

for certificate of public convenience and necessity.

Docket No. 1-401(b)-1

Memorandum in Support of Application

The City of Austin, Texas, files this memorandum in support of the issuance of a certificate of public convenience and necessity for the transportation by air of mail, passengers and property by Braniff Airways, Inc., between the Cities of Houston, Texas, and Memphis, Tennessee, via Shreveport, Louisiana, as specified in its application in the above numbered docket in the particulars hereinafter indicated, and for grounds of such support respectfully shows:

1. Austin is located near the center of Texas and is now serviced by the Braniff Airways making through connections to San Antonio and Brownsville on the south and Ft. Worth and Dallas and Chicago on the north. Air transportation is very important to this city. The University of Texas is located here and will have an enrollment of around 12,000 by the first of October, 1939. A large number of parents make contact with their children here by the air ways. The Supreme Court, Railroad Commission, and other related State Departments attract a large number of business men and lawyers to this city because of the functions of these departments. Austin's population at this time is between 80,000 and 90,000 people and its growth has increased about 80% since the census was taken in 1930. It now stands third in building permits in the State of Texas, being led by Houston first, Dallas second, and Austin third. It is also the third fastest growing city in the United States.

2. In the paragraph above, we have mentioned only a few of the many reasons why air transportation is very important for mail and passengers to and from this city. There is no doubt that additional lines to Austin and additional connections to other points will greatly increase air traffic to and from Austin. It is not an unusual occurrence for additional planes to be put on the present line in handling the accumulated passenger traffic in Austin. Should this additional service be added, it would greatly increase the business through the nearby connections as well as connections even as far distant as Memphis where connections would be made with the American Air Lines for all eastern cities.

3. Braniff Airways has long served the City of Austin with modern, convenient and safe air transportation.

4. Braniff Airways has constantly and regularly improved its services to Austin by the purchase of the most modern and comfortable equipment; by increasing the frequency of its services; by rearranging its schedules to serve the City of Austin; by its policy of maintenance and safety of operations; and by the constant improvement of its standards of service - all to the benefit of Austin and this territory.

5. In accordance with its proven policy of endeavoring to provide for the growing needs for additional air transportation between Austin and other principal cities of the United States, Braniff Airways, Inc. has filed its application with the Civil Aeronautics Authority for permission to

inaugurate air transport service for passengers, mail and property between the cities referred to in its application.

6. Braniff Airways can render a service over the proposed route best designed to serve the needs of the people of Austin, and better than any other carrier now an applicant for authority to inaugurate service over the proposed route.

7. Braniff Airways is the only applicant for this route whose interest in its full and complete development is not divided with any other route, and which plans, for reasons which must be apparent to the Authority, to make the route a major part of its operations in the best interests of the public at large.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AUSTIN:**

Section 1. That the City Council of Austin does hereby endorse the proposed service to be established by Braniff Airways, Inc., between the Cities of Houston, Texas, and Memphis, Tennessee, via Shreveport, Louisiana, and believes that the establishment of such a line by Braniff Airways, Inc., will be of material benefit to the citizens of this City and of the State of Texas.

Section 2. That the Mayor of the City of Austin be, and he is hereby, fully authorized and empowered to render any aid possible to Braniff Airways, Inc., in securing a certificate of convenience and necessity from the Civil Aeronautics Authority for the establishment of the aforesaid air transport services, including the appointment of a representative of this Body to attend any hearings held in connection therewith.

Section 3. That the City Secretary is hereby directed to serve a copy of this memorandum in support of application upon all interested parties to the proceedings herein.

Section 4. There exists a public emergency requiring that this resolution be passed finally on the date of its introduction, and the Mayor having in writing declared the existence of such emergency and requested such passage, this resolution shall be passed finally on the date of its introduction, this the 31st day of August, A. D. 1939, and shall take effect immediately upon its passage and approval by the Mayor.

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

Upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

Approved: Tom Miller  
MAYOR

Attest:

Walter McKeen  
City Clerk