

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL:**

THAT the City of Austin pledges its full cooperation toward assisting the United States Government in all things possible towards establishing and maintaining a successful wild life and bird sanctuary on Lake Austin.

The foregoing 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 12:20 P. M., subject to call of the Mayor.

Attest:

Wallis M. Kellan  
City Clerk

Approved Tom Miller  
Mayor

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, October 5, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, October 5, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller. Absent, Councilman Oswald G. Wolf.

The reading of the Minutes was dispensed with.

It was moved by Councilman Bartholomew that both November 23 and November 30 be observed by the City Government as Thanksgiving holidays, and that all City Departments close on those days in the customary manner. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller. Nays, none. Councilman Wolf absent.

Messrs. East and Barton appeared before the Council and submitted a draft of an ordinance regulating the sale of poultry and eggs in the City of Austin, and asked that the same be passed. The ordinance was referred to the City Attorney for examination and approval, and a public hearing on the matter was set for the regular meeting on Thursday, October 19.

A committee representing the Travis County Water Control Improvement District #1, being the area contiguous to St. Elmo, appeared before the Council relative to the sale of water at wholesale by the City of Austin to said District for retail distribution through its mains. After some discussion, the matter was referred to a conference between the City Manager, the Superintendent of the Water Division, and the Committee to work out an agreement mutually satisfactory to both parties.

The application of A. R. Richey, by Hart & Brown, Attorneys, for a change in zoning of the property at the northwest intersection of Marshall Ford Dam and Burnet Roads from "C" Commercial District to "C-2" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing was called for Thursday, October 26, at 11:00 A. M.

The application of North Millican for a change in zoning of the property known as 1412 Congress Avenue, being 50'x110' of Lots 5 and 6, Block 173, fronting 50' on Congress Avenue and 110' on West 15th Street, from "B" Residence District to "C" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing was called for Thursday, October 26, at 11:00 A. M.

The following report of the Board of Equalization for the year 1939 was received, read, and ordered filed:

Austin, Texas  
October 5, 1939

The Honorable Mayor and City Council  
City of Austin  
Austin, Texas

Gentlemen:

We, the Board of Equalization for the year 1939, submit herewith our report of the work accomplished this year.

Due to the partial revaluation of land during the year, there were more notices of changes in the valuation of property sent out than is usually the case. It is gratifying to be able to report that in the vast majority of these cases the property owners accepted valuations placed on their property.

The Board of Equalization convened August 14, 1939, and adjourned September 30, 1939. We have checked all of the assessments on the records of the Tax Department, making a few adjustments that we considered warranted. There were submitted to us approximately 6,000 items representing changes in valuations due to new buildings, alterations, changes in personal property, and changes in land values due to the general revaluation. There were 1187 protests made to the Board, and inspections were made by us in all instances when requested to do so. Of these appeals an agreement was reached in 727 of them. In all probability there will be a few appeals from the action of the Board to the City Council.

We wish to extend our thanks to the Tax Department for its cooperation at all times. We also wish to express our appreciation for the confidence placed in us by your Honorable Body in appointing us to serve in our capacity as the Board of Equalization.

Respectfully submitted,

BOARD OF EQUALIZATION

By (Signed) K. R. Meyer  
Chairman.

Councilman Gillis 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 PARKER LANE from Burleson Road north 1 block, the centerline of which pole line shall be 9 feet east of and parallel to the west property line of Parker Lane.

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

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

Councilman Bartholomew introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, John H. Nash, acting by and through C. H. Page & Son, Architects, owner of a portion of Outlot 10, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of Gaston Avenue at a location approximately 150 feet west of Claire Avenue intersection and being within the City of Austin, Travis County, Texas, and being locally known as 1107 Gaston Avenue, has requested the City Council of the City of Austin to grant permission to construct a brick walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said brick walk; therefore

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

THAT John H. Nash, acting by and through C. H. Page & Son, Architect, owner of a portion of Outlot 10, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of Gaston Avenue at a location approximately 150 feet west of Clair Avenue intersection, within the City of Austin, Travis County, Texas, and being known as 1107 Gaston Avenue, is hereby granted permission to construct a brick walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following

conditions:

That the brick shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the brick shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer 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 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 36TH STREET 167 feet west of the west line of Lawton Avenue westerly 101 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north line of said West 36th Street.

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

(2) A gas main in PEOPLES STREET from  $7\frac{1}{4}$  feet east of Lincoln Street easterly 38 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north line of said Peoples Street.

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

(3) A gas main in ROSDALE AVENUE from 52 feet north of West 46th Street north 121 feet, 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.

(4) A gas main in WEST 10TH STREET from 240 feet west of West Lynn Street west 323 feet, the centerline of which gas main shall be 11 feet south of and parallel to the north line of said West 10th Street.

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

(5) A gas main in EAST 17TH STREET from Salina Street westerly 104 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 17th Street.

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

(6) A gas main in GUADALUPE STREET 144 feet north of West 45th Street northerly 125 feet, the centerline of which gas main shall be 3 feet west of and parallel to the east line of Guadalupe Street.

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

(7) A gas main in MARIPOSA DRIVE from Alameda Drive east 75 feet, the centerline of which gas main shall be 17 feet north of and parallel to the south line of said Mariposa Drive.

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

(8) A gas main in ALAMEDA DRIVE from Mariposa Drive northerly  $\frac{1}{2}$  block, the centerline of which gas main shall be 18 feet west of and parallel to the east line of said Alameda Drive.

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

(9) A gas main in MARTIN AVENUE from 55 feet north of East 51st Street northerly 262 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east line of said Martin Avenue.

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

(10) A gas main in SOUTH SIXTH STREET from West Mary Street northerly  $1\frac{1}{2}$  blocks, the centerline of which gas main shall be 10 feet west of and parallel to the east line of said South Sixth Street.

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

(11) A gas regulator pit at East 19th Street and Salina Street, the center of which regulator pit shall be  $4\frac{1}{2}$  feet east of the east line of Salina Street and  $7\frac{1}{2}$  feet south of the north line of East 19th Street.

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. Nays, none. Councilman Wolf absent.

It was moved by Councilman Alford that a taxicab driver's permit be granted to Alvis O'Lynn Bradberry, 403 East 30th Street, 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 a taxicab driver's permit be granted to Odest Gideon Hill, 508 West 41st Street, 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 a taxicab driver's permit be granted to Woodrow James Pointer, 503 East Third Street, 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 a taxicab driver's permit be granted to Clifford Earl Lawson, Route #2, Box 216, Austin, Texas, 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 a taxicab driver's permit be granted to Durwood M. Thompson, 502 East Seventh Street, 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 a taxicab driver's permit be granted to Bob Dolton Dildy, Route #2, Box 213, Austin, Texas, 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.

The City Manager was instructed to have the Police Department keep a daily calendar of all public functions in the City in order that same may be properly policed.

The Architects' plans for the fire station to be built at the northeast corner of East Second and Chicon Streets, at an estimated cost of \$12,544.75, as submitted by the City Manager, were tentatively approved, and the City Manager was authorized to call for bids on same.

Councilman Bartholomew introduced the following resolution:

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

THAT the sum of \$3,750.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of supplementing the funds received from the sale of the Tenth Ward Fire Station for the purpose of building a new station at Second and Chicon Streets.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were originally assessed in the name of C. A. Dahlich on personal property in the City of Austin, Travis County, Texas, for the years 1932-1936, inclusive, which, together with penalty and interest for non-payment of same at maturity, were as follows:

<u>Year</u>	<u>Taxes</u>	<u>Penalty</u>	<u>Interest</u>	<u>Total</u>
1932	\$ 966.94	\$ 48.35	\$ 375.75	\$1,391.04
1933	790.51	39.51	299.70	1,089.52
1934	319.49	15.97	85.80	421.26
1935	263.92	13.20	54.79	331.91
1936	166.76	8.34	24.78	199.88
	<u>\$2,507.42</u>	<u>\$125.37</u>	<u>\$ 800.82</u>	<u>\$3,433.61</u>

and

WHEREAS, upon an adjusted statement of said taxes for the above named years, together with penalty and interest, said taxes are as follows:

<u>Year</u>	<u>Taxes</u>	<u>Penalty</u>	<u>Interest</u>	<u>Total</u>
1932	\$ 506.25	\$ 25.31	\$ 196.73	\$ 728.29
1933	450.00	22.50	147.87	620.37
1934	322.50	16.13	86.62	425.25
1935	215.00	10.75	44.85	270.60
1936	110.00	5.50	16.34	131.84
	<u>\$1,603.75</u>	<u>\$ 80.19</u>	<u>\$ 492.41</u>	<u>\$2,176.35</u>

and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$80.19, and all the interest in the sum of \$492.41, upon the basis of the above named adjusted settlement; therefore

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

THAT the aforesaid penalty in the sum of \$80.19, and interest in the sum of \$492.41, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$80.19 and interest in the sum of \$492.41 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes in the sum of \$1,603.75, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller. Nays, None. Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Rhoda Clayton for the years 1932, 1935, 1937, and 1938 on the North one-half of Lot 45 and all of Lot 46, Outlet 6, 7 and 8, Division "E", of Enfield A, Flat 90A, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$265.14; and for non-payment of same at maturity penalty in the sum of \$13.25 has been assessed, and interest in the sum of \$47.46, making the total amount of taxes, penalty and interest \$325.85; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$13.25, and one-half of the interest in the sum of \$23.73; therefore

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

THAT the aforesaid penalty in the sum of \$13.25, and one-half of the interest in the sum of \$23.73, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$13.25, and one-half of the interest in the sum of \$23.73 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 of the interest, as aforesaid.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of William Newby for the years 1933-1938, inclusive, on Lot 5, Block 5, O. L. 36, of Division "B", Flat 39, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$282.48; and for non-payment of same at maturity penalty in the sum of \$14.12 has been assessed, and interest in the sum of \$50.72, making the total amount of taxes, penalty and interest \$347.32; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$14.12, and one-half of the interest in the sum of \$25.36; therefore

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

THAT the aforesaid penalty in the sum of \$14.12, and one-half of the interest in the sum of \$25.36, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$14.12 and one-half of the interest in the sum of \$25.36, 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 of the interest, as aforesaid.

The 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 12:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Halie McKeen  
City Clerk