

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 9, 1939.

The City Council of the City of Austin, Texas, convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, November 9, 1939, at 11:15 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, and Mayor Miller. Absent, Councilmen Bartholomew and Wolf.

The reading of the Minutes was dispensed with.

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

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the Travis County Water Control and Improvement District No. 1, a municipal corporation, with its domicile and principal place of business in Travis County, Texas, has organized and set up a district for the purpose of supplying water to persons within the district, and the City of Austin, a municipal corporation, situated in Travis County, Texas, desires to enter into a contract with said water district for the purpose of supplying it with water from the water distribution system of the City of Austin; and

WHEREAS, the City Manager has presented to and there is now before the City Council a contract and agreement evidencing and effectuating the foregoing, which instrument is in words and figures substantially as follows:

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This CONTRACT and AGREEMENT dated as of the ___ day of November, 1939, by and between City of Austin (hereinafter sometimes for convenience called the "City"), a municipal corporation situated in Travis County, Texas, duly organized, existing, enjoying and exercising the privileges of a municipality by virtue of a charter granted by the Legislature of the State of Texas and amended by the electorate thereof under the "Home Rule Amendment" of the Constitution of the State of Texas; and the Travis County Water Control and Improvement District No. 1 (hereinafter sometimes for convenience called the "District"), a municipal corporation created and existing by virtue of Chapter 76, Acts 1933, Forty-third Legislature, as amended in Chapter 19, paragraph 1, Acts 1933, Forty-third Legislature, First Called Session, with its domicile and principal place of business in Travis County, Texas, WITNESSETH:

That for and in consideration of the mutual agreements, conditions, covenants and terms hereinafter contained, the City of Austin and the Travis County Water Control and Improvement District No. 1 mutually covenant and agree as follows:

ARTICLE I - Delivery of Water.

- (a) During the term of this contract the City agrees to sell to the District and the District agrees to purchase from the City all water required for the operation of the District's system within limits of the District, such water to be supplied from the City's water distribution system and delivered at or within the corporate limits of the City of Austin.
- (b) The City shall deliver water to the District at a pressure of 25 to 35 pounds at the master meter or at the point of delivery.
- (c) The City shall furnish such supply of water as will be adequate to care for the needs of the District.

ARTICLE II - Rates

- (a) The District agrees to pay the City in full payment for all water delivered to the District at the official rates fixed by the City Council of the City of Austin, and the rates shall be based upon the supply of water through a single delivery and metering point.

- (b) The City shall render a bill to the District for water consumed once each month.
- (c) Payments shall be made by the District within 20 days from the billing date for the water delivered to the District during the period covered by such bill.
- (d) The meter deposits made by individual customers of the District shall be held by the District.
- (e) The City agrees to furnish one 6-inch compound master meter for measuring the water consumed by the District, and the District agrees to post with the City a deposit on the meter for the first 12 months of this contract in the sum of \$543.40; thereafter the District shall post one deposit with the City to cover the master meter, such deposit to be equal to 1-1/2 months average bill based on the preceding calendar year's business.
- (f) The District shall charge the individual customers within the District such uniform rate or rates as the District shall determine.

ARTICLE III - Services.

All services described in this Article shall be on a yearly basis and renewals of any service shall be subject to agreement between the City and the District prior to January 1 of each year for the year to follow.

- (a) Maintenance of mains and service lines within the District may be performed by the City on a contract basis of cost plus 10% to be paid to the City by the District.
- (b) Meter readings and billings therefor for the customers of the District may be done monthly by the City on a contract basis; and for the purposes of any such service contract it is now estimated that the cost of meter readings and billings would be approximately \$1.50 per meter per year.
- (c) Extensions of water lines within the District after initial construction of the system may be made by the City on a contract basis of cost plus 10%, to be paid by the District to the City.

ARTICLE IV - Construction.

The District shall construct its own system of mains and service lines for the transmission and delivery of water within the District and shall use City standard specifications for water line construction.

ARTICLE V - Fire Protection.

The City shall answer not fewer than twenty-five fire alarms or calls within the District annually without charge to the District; all costs in excess of twenty-five fire alarm calls shall be paid for by the District at the rate of \$20.00 per call.

ARTICLE VI - Present Customers in the District.

- (a) All customers who are now served by lines within the District from water lines originally constructed by the City of Austin shall remain customers of the City.
- (b) But all customers who are now served within the District from privately-owned lines or water lines which were not originally constructed by the City of Austin shall become customers of the District.

ARTICLE VII - Bonds and Duration of Contract.

- (a) The Water Improvement bonds of the District shall be callable five years from their date or on any interest-paying date thereafter (by giving due notice as provided for in the bonds); and the City shall have the option five years after date of the bonds, or at any interest-paying date thereafter, to buy the system from the District for a price represented by the outstanding bond debt and interest thereon upon 90 days notice prior to any interest-paying day thereafter. Any such sale shall be conducted and concluded according to the laws of the State of Texas.
- (b) This contract to supply water to the District shall last for the life of the Water Improvement bonds, it being understood and agreed that the life of the bonds shall be 20 years.

ARTICLE VIII - Ratification and Execution.

- (a) All the stipulations, promises, undertakings and agreements herein contained by or on behalf of either the City or the District shall bind the successors and assigns of either party whether so expressed or not; but neither the City nor the District shall have the right to assign this contract or any part thereof without the consent of the other party.
- (b) Either party may waive any default on the part of the opposite party in respect to any provision of this contract without affecting any other provision of the contract; and a waiver of any one default shall not be deemed a waiver of any other or subsequent default or defaults. No delay by either party in enforcing any of its rights under this contract shall be deemed a waiver of such rights.

(c) This contract may be executed simultaneously in several counterparts, each executed counterpart to have all the force and validity of an original.

IN TESTIMONY WHEREOF the City of Austin, Texas, has executed these presents by its City Manager, authorized hereunto by the City Council, attested with the City's seal by the City Clerk, and the Travis County Water Control and Improvement District No. 1 has executed the same by the President of its Board of Directors, and has caused its seal to be affixed and attested by its Secretary, all as of the ____ day of November, 1939.

CITY OF AUSTIN

Attest:

City Manager, City of Austin

City Clerk

TRAVIS COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1

Attest:

By President, Board of Directors

Secretary

now, therefore,

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

THAT the City Manager be and he is hereby authorized and directed on behalf of the City of Austin to enter into the contract and agreement hereinabove set out with the Travis County Water Control and Improvement District No. 1.

Councilman Alford introduced the following resolution:

WHEREAS, E. H. Perry, acting by and through R. Max Brooks, Architect, owner of Lots 6, 7, and 8, Block 4, of Laurel Heights, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said Laurel Heights on file in the office of the County Clerk of Travis County, Texas, which Lots 6, 7, and 8, Block 4, abut the west side of River Avenue at a location north of Kennelwood Road within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct two commercial driveways across the west sidewalk area of River Avenue at the above location and to construct, maintain and operate facilities for boat landing purposes on the west side of Lots 6, 7, and 8, same being adjacent to the future lake level of the proposed Lake Austin, all as shown upon the plan hereto attached marked 2-C-532; 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. H. Perry, acting by and through R. Max Brooks, Architect, owner of Lots 6, 7, and 8, Block 4, Laurel Heights, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said Laurel Heights on file in the office of the County Clerk of Travis County, Texas, which Lots 6, 7, and 8, said Block 4, abut the west side of River Avenue at a location north of Kennelwood Road within the City of Austin, Travis County, Texas, is hereby permitted to construct two commercial driveways across the west sidewalk area of River Avenue at the above described location, and also construct, maintain and operate facilities for boat landing purposes on the west side of Lots 6, 7, and 8, same being adjacent to the future lake level of the proposed Lake Austin, all subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-532, which plan is hereby made a part of said 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, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

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 CHERICO STREET from Gonzales Street to Sellers Street, the centerline of which pole line shall be 1 foot east of and parallel to the west line of said Cherico Street.

(2) A telephone pole line in ANN ARBOR AVENUE from LaCasa Drive to Rabb Glen Street, the centerline of which pole line shall be 8 $\frac{1}{2}$ feet west of and parallel to the east line of said Ann Arbor 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 the ordinances and regulations of the City of Austin governing such construction.

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

Councilman Alford introduced the following resolution:

WHEREAS, the Geo. Wesley Estate, acting by and through Lee M. Smith, Architect, owner of portions of Lots 5 and 6, Block 73, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Guadalupe Street at a location adjacent to West Sixth Street Alley, and being locally known as 606 Guadalupe Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Guadalupe Street at the above described location, as shown upon the plan hereto attached marked 2-H-667, 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 the Geo. Wesley Estate, acting by and through Lee M. Smith, Architect, owner of portions of Lots 5 and 6, Block 73, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Guadalupe Street at a location adjacent to West Sixth Street Alley, and being locally known as 606 Guadalupe Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Guadalupe Street 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-H-667, 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, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and 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 DYWER AVENUE from Garner Avenue easterly 213 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Dywer Avenue.

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

(2) A gas main in EAST 53RD STREET from Bennett Avenue easterly 771 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 53rd Street.

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

(3) A gas main in BONNIE ROAD from a point 127 feet west of the west line of Hopi Trail westerly 228 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.

(4) A gas main in DILLMAN STREET across Bonnie Road intersection, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of and parallel to the east line of said Dillman Street.

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

(5) A gas main in WEST MONROE STREET from a point 127 feet west of the west line of South Fifth Street westerly 238 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West Monroe Street.

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

(6) A gas main in ROWENA STREET from East 50 $\frac{1}{2}$ Street southerly 253 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Rowena Street.

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

(7) A gas main in EAST 50 $\frac{1}{2}$ STREET from Rowena Street to Avenue F, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 50 $\frac{1}{2}$ Street.

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

(8) A gas main in AVENUE F from a point 32 feet north of the north line of East 50 $\frac{1}{2}$ Street southerly 19 $\frac{1}{2}$ feet, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Avenue F.

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

(9) A gas main in GARDEN STREET from a point 22 $\frac{1}{2}$ feet east of the east line of Chalmers Avenue, easterly 59 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.

(10) A gas main in WEST 32ND STREET across Glenview Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 32nd Street.

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

(11) A gas main in WEST 33RD STREET across Glenview Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 33rd Street.

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

(12) A gas main in GLENVIEW AVENUE across West 33rd Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Glenview Avenue.

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

(13) A gas main in COLORADO COURT from Kenwood Avenue easterly 320 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Colorado Courts. (The portion of Colorado Court herein referred to being the most southerly portion of same).

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

(14) A gas main in EAST 43RD STREET from a point 7 feet west of the west line of Caswell Avenue westerly 33 feet, 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.

(15) A gas main in EILERS AVENUE across East 43rd Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Eilers 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, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, in Book 2, page 222, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as College Court, which subdivision is out of and a part of Outlot No. 1, Division "X" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas; and

WHEREAS, a street shown upon said map or plat as Duval Street is adjacent to Lot 41 and other lots along the western boundary of said College Court; and

WHEREAS, in the course of developing, widening and improving Duval Street and other streets adjacent to Lot 41 and other portions of said College Court the hereinafter described portion of Duval Street has been left as an unused portion of said street and is no longer needed for street or roadway purposes; and

WHEREAS, James A. King is the owner of Lot 41 of College Court and has requested the City Council of the City of Austin to vacate a portion of the original Duval Street contiguous to his lot as hereinafter described; and

WHEREAS, a survey has been made upon the ground showing the area of the original Duval Street referred to by the said James A. King; and

WHEREAS, the City Council of the City of Austin has reviewed said request and has favorably considered the granting of same; therefore

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

THAT Eighteen Hundred Ninety-six (1896) square feet of the original Duval Street contiguous to Lot 41 of College Court as shown upon the map or plat of said College Court previously referred to, which 1896 square feet of land is more particularly described by metes and bounds as follows, be and the same is hereby permanently closed and vacated except as provided hereinafter:

Beginning at an iron stake at an angle point in the west line of Lot 41 of said College Court;

Thence following the original west line of Lot 41 S. $11^{\circ}36'$ E. 133.60 feet to an iron stake at the original southwest corner of said Lot 41;

Thence following a line coincident with the westerly prolongation of the south line of Lot 41 N. $82^{\circ}26'$ W. 16.15 feet to an iron stake at the point of curvature of a curve whose intersection angle is 84.03° , whose tangent distance is 14.59 feet, and whose radius is 16.19 feet;

Thence following said curving line to the right an arc distance of 23.75 feet, the long chord of which arc bears N. $40^{\circ}24'$ W. 21.65 feet to an iron stake at the point of tangency of said curve;

Thence following a line $8\frac{1}{2}$ feet east of and parallel to the street face of the east curb line of Duval Street or San Jacinto Boulevard as now evidenced by a concrete curb in place, N.1037' E. 112.31 feet to the point of beginning;

except, however, the City of Austin reserves the right to construct, maintain and operate any or all public utilities in, upon and across the 1896 square feet previously described.

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

Councilman Gillis 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, A. R. McTee, owner of property in Pemberton Heights, Section 6, a subdivision within the City of Austin, Travis County, Texas, which property is more specifically described as the north 12 feet of Lot 4, all of Lot No. 3, and the south 12 feet of Lot No. 2, said Pemberton Heights, Section 6, which property fronts 80 feet on the west side of Jarratt Avenue and being locally known as 2604 Jarratt Avenue, has made application to the City Council of the City of Austin for permission to construct a flagstone 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 flagstone walk; therefore

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

THAT A. R. McTee, owner of property in Pemberton Heights, Section 6, a subdivision within the City of Austin, Travis County, Texas, which property is more specifically described as the north 12 feet of Lot No. 4, all of Lot No. 3, and the south 12 feet of Lot No. 2, said Pemberton Heights, Section 6, which property fronts 80 feet on the west side of Jarratt Avenue and being locally known as 2604 Jarratt Avenue, is hereby granted permission to construct a flagstone 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 stone 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 stone 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, Gillis, Mayor Miller, nays, none; Councilmen Bartholomew and Wolf absent.

A letter from the Reverend James J. O'Brien, C.S.C., National Vice President of Military Chaplains of the United States, inviting the City Council to be present at the Military Mass to be celebrated at St. Mary's Church, Tenth and Brasas Streets, on Saturday, November 11, at 8:00 A. M., was received. The City Clerk was instructed to notify the said Reverend James J. O'Brien of the City Council's acceptance of his kind invitation.

It was moved by Councilman Alford that a taxicab driver's permit be granted to Horace Worth Platt, 503 West 41st Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

It was moved by Councilman Alford that a taxicab driver's permit be granted to Charles William Briscoe, 701 West Annie Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew

and Wolf absent.

It was moved by Councilman Alford that a taxicab driver's permit be granted to Reuben Oswald Moore, 1010 San Antonio Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

It was moved by Mayor Miller that the City purchase the W. L. Stark 40-acre tract of land lying along the Colorado River bank in the Old Tenth Ward as a site for the proposed Federal Fish Hatchery, for a consideration of \$275 per acre, subject to approval of the title by the Legal Department and a survey of the site by the Engineering Department. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Mr. A. S. Hull, representing the Optimist Club, appeared before the Council and submitted a proposal for the City to purchase the Old Governor Davis Homestead in the Old Tenth Ward for a Youth Center, to be sponsored then by the NYA as a project, the Optimist Club agreeing to contribute \$1000 in materials for repairs to same. The Mayor advised Mr. Hull that the City did not have the money at present to buy this property, and suggested that he submit his proposition to the Community Chest.

The following resolution was introduced:

WHEREAS, the City of Austin taxes were assessed in the name of C. T. Bustin for the year 1937 on Lots 9 and 10, Block 5, Outlot 12, Division "C", Oaklawn, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$32.34; and for non-payment of same at maturity penalty in the sum of \$1.62 has been assessed, and interest in the sum of \$4.54, making the total amount of taxes, penalty and interest, \$38.50; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$1.62, and one-half of the interest in the sum of \$2.27; therefore

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

THAT the aforesaid penalty in the sum of \$1.62, and one-half of the interest in the sum of \$2.27 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 \$1.62, and one-half of the interest in the sum of \$2.27 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, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Ivan M. Stewart for the years 1924, 1925, 1926, 1927, and 1928 on 1 acre, Lot 31, Bradley Subdivision, Flat 106 and Flat 107, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$23.33; and for non-payment of same at maturity penalty in the sum of \$1.16 has been assessed, and interest in the sum of \$18.11, making the total amount of taxes, penalty and interest \$42.60; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$1.16, and one-half of the interest in the sum of \$9.05; therefore

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

THAT the aforesaid penalty in the sum of \$1.16, and one-half of the interest in the sum of \$9.05, 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 \$1.16, and one-half of the interest in the sum of \$9.05, 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, if paid by December 1, 1939.

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

Hallie M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 16, 1939.

The City Council of the City of Austin, Texas, convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, November 16, 1939, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The reading of the Minutes was dispensed with.

In accordance with published notice thereof, the Mayor 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 "B" District to "C" Commercial District: the property fronting the west side of Congress Avenue between 14th and 15th Streets, more particularly described as the East One-half of Block 173, Original City, known as Original Lots 1, 2, 3, 4, 5, and 6, in the City of Austin, Texas.

To amend the USE designation of the following described property so as to change same from "C" Commercial District to "C-2" Commercial District: the property at 920 1/2 West 12th Street, more particularly described as a part of Lot 19, Outlot 6, Division "2" of the City of Austin, Texas.

The following appeared and were heard relative to the change in zoning of the west side of Congress Avenue between 14th and 15th Streets:

Judge Coleman Gay, Attorney for the proponent, plead for the change on the ground that the property was no longer usable for residential purposes by reason of its close proximity to business property.

H. J. H. Melin, representing St. Martin's Lutheran Church, opposed the change on the grounds that it would not enhance the value of their property; that there was sufficient commercial property in that locality now; and that no assurance was given that the right kind of business would be located there.

Miss Ada Dorr opposed the change unless both sides of Congress Avenue were zoned as commercial.