

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.

G. A. Kamrath opposed the change in the event a filling station or beer establishment were to be placed there.

The hearing was then continued until the next regular meeting in order that the Attorney for the proponent might discuss with the opponents the proposed use of this property.

At the request of L. H. Engelking, Attorney for T. H. Neal, Applicant, the hearing on the change in zoning at 920½ West 12th Street was postponed until the next regular meeting.

Mr. John C. Amaler submitted a request that the tax suit against the property at 1100 East Eighth Street, belonging to his sister-in-law, Mrs. Laura Lindman, non compos mentis, be postponed. The matter was referred to the City Manager and the Legal Department.

The written application of G. C. McGee for change in zoning, from "A" Residence District to "CM" Commercial District, of the property at the southwest corner of Lynn and Canterbury Streets, was received, and the matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 13 OF THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, LOCATION, MAINTENANCE AND REMOVAL OF SIGNS IN THE CITY OF AUSTIN, PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON APRIL 30, 1931, AND RECORDED IN BOOK "I", PAGES 544 TO 550, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY PROVIDING AN EXCEPTION FOR THE PLACING OF SIGNS UNDER PERMANENT AWNINGS WHICH DO NOT ALLOW A CLEARANCE ABOVE A PUBLIC SIDEWALK OF 8 FEET FOR A SIGN PLACED UNDER SUCH AN AWNING; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote:

ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

The Mayor laid before the Council, for its second reading, the following ordinance:

AN ORDINANCE REGULATING THE DISCHARGE OF FIREWORKS AND THE CONDUCT OF PYROTECHNIC EXHIBITIONS IN THE CITY OF AUSTIN, EXCEPT ON PRIVATE PREMISES, AND PROHIBITING THE DISCHARGE OF FIREWORKS AND CONDUCT OF PYROTECHNIC EXHIBITIONS IN ANY PUBLIC STREET, SIDEWALK OR ALLEY, OR IN ANY PARK OR OTHER PUBLIC PLACE, EXCEPT BY SPECIAL PERMISSION OF THE CITY COUNCIL; MAKING IT UNLAWFUL TO DISCHARGE ANY FIREWORKS WITHIN A PRIVATE RESIDENCE, HOTEL OR OTHER BUILDING; MAKING IT UNLAWFUL TO THROW ANY FIREWORKS, FIRECRACKERS OR OTHER PYROTECHNIC PRODUCTS AT OR NEAR ANY PERSON, ANIMAL OR AUTOMOBILE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PRESCRIBING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

It was moved by Councilman Alford that a taxicab driver's permit be granted to Albert Salinas, 1510 Gregory Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that a taxicab driver's permit be granted to James Etheridge Stark, 1404 Trinity Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Bartholomew:

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

THAT the sum of \$1500 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the City's one-half of the cost of equipment and other necessary expenses at the Tuberculosis Sanatorium, in accordance with a schedule approved by Dr. Z. T. Scott, Chairman of the Board, and as authorized by the City Council in their agreement with the County of Travis.

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

The following resolution was introduced by Councilman Alford:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northeast corner of the intersection of West 19th Street and San Antonio Street, which property is owned by Burt Brydson and is designated as Lot 37, Outlot 22, Division "D", Horst Addition, within the City of Austin, Travis County, Texas, and hereby authorizes the said Burt Brydson to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and

future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Burt Brydson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached to, and made a part of,  
foregoing resolution )

"Austin, Texas  
November 16, 1939.

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Burt Brydson, owner of Lot 37, Outlot 22, Division "D", Horst Addition, within the City of Austin, Travis County, Texas, which property is situated at the northeast corner of the intersection of West 19th Street and San Antonio Street, for permission to construct, maintain and operate a drive-in gasoline filling station at the above described location, and we hereby advise that the following conditions exist:

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

Storm water drainage facilities exist adjacent to the above described property.

We recommend that Burt Brydson be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the Ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-668.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-668, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Signed) J. E. Motheral  
City Engineer

" J. C. Eckert  
Building Inspector. "

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

The following resolution was introduced by Councilman Alford:

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 GASTON AVENUE across Jarratt Avenue intersection, the centerline of which gas main shall be  $8\frac{1}{2}$  feet south of and parallel to the north property line of said Gaston Avenue.

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

(2) A gas main in PRESTON AVENUE from McCallum Drive westerly 246 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the west line of said Preston Avenue.

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

(3) A gas main in VIRGINIA AVENUE from a point 563 feet west of Kinney Avenue westerly 67 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Virginia Avenue.

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

(4) A gas main in EAST AVENUE from a point 315 feet north of Edgewood Avenue northerly 103 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  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  $2\frac{1}{2}$  feet.

(5) A gas main in FLORES STREET from a point 360 feet east of San Marcos Street easterly 92 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north line of said Flores Street.

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

(6) A gas main in EAST 14TH STREET from San Bernard Street westerly 105 feet, the centerline of which gas main shall be 35 feet south of and parallel to the north line of said East 14th 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 19TH STREET from Neches Street westerly 504 feet, the centerline of which gas main shall be 18 feet south of and parallel to the north line of said East 19th Street.

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

The following resolution was introduced by Councilman Gillis:

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 SOUTH SECOND STREET from West Johanna Street southerly to Fletcher Street, the centerline of which pole line shall be  $8\frac{1}{2}$  feet west of and parallel to the east line of said South Second Street.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, City of Austin taxes were assessed in the name of Mrs. Genevieve Rubio for the years 1931-1935, inclusive, on Lot 11, 1937 and 1938 on Lots 10 and 11, Block 1, Outlot 60, Driving Park Addition, and for the years 1931-1938, inclusive, on Lot 12, Block 0, Outlot 50, Driving Park Addition, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$159.14; and for non-payment of same at maturity penalty in the sum of \$7.96 has been assessed, and interest in the sum of \$39.26, making the total amount of taxes, penalty and interest, \$206.36; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$7.96, and one-half of the interest in the sum of \$19.63; therefore

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

THAT the aforesaid penalty in the sum of \$7.96, and one-half of the interest in the sum of \$19.63, 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 \$7.96; and one-half of the interest in the sum of \$19.63, 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, Mayor Miller, and Councilman Wolf; nays, none.

Messrs. Sherman Birdwell, representing the National Youth Administration, and Joe Dacy appeared before the Council in the interest of the proposed Youth Center under consideration, setting forth the urgent need for same.

Mrs. C. E. Carter was present also and stated that the women's clubs of the City favored the inclusion of accommodations for girls, too, in the proposed Youth Center.

Councilman Wolf then introduced the following resolution:

WHEREAS, it has been brought to the attention of the City Council of the City of Austin, in memorandum by the City Manager, of date November 16, 1939, that it is important and highly desirable that some type of Youth Center be established in the City of Austin, such a project to be under the general direction and supervision of the Recreation Department of the City; and

WHEREAS, acquisition of certain property known as the Stark tract in the southeast part of the City bordering on the Colorado River has been authorized by the City Council, twelve (12) acres of which is well located land for such a Youth Center, and which 12 acres will not be needed for any other purpose at this time; and

WHEREAS, it appears that the actual cash outlay required by the City of Austin for such a project will be small compared to the social advantages, and the economic benefits in reducing juvenile delinquency and other undesirable conditions will be many times the dollars involved; and

WHEREAS, it will be necessary to develop adequate plans for all of the units of this Center; and

WHEREAS, the financial condition of the City is such that the City Council considers it expedient to include in the General Budget for the year 1940 the expenditure of amounts of money to the extent of \$5,000 for the establishment of such a project; therefore

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

THAT the City Manager is hereby authorized to proceed with the development of plans for the project

for a Youth Center as outlined by him in the memorandum hereinbefore mentioned, and to make available for such a project the said 12 acres of land hereinbefore mentioned; and the City Manager is hereby authorized to include in the General Budget of the City of Austin for the year 1940 the sum of \$5,000 for the improvements to be placed on said land to be used in said project.

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

The Mayor declared the resolution duly adopted.

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved:

*Tom Miller*  
Mayor

Attest:

*Halle M. Keller*  
City Clerk

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 22, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber in the Municipal Building, on November 22, 1939, at 10:30 A. M., with Mayor Tom Miller presiding, the meeting having been held on Wednesday preceding the official Thanksgiving Day of November 23. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

At the request of the proponent of the change, Mr. North Milligan, the public hearing on the rezoning of the west side of Congress Avenue between 14th and 15th Streets, which was continued from the last regular meeting, was continued again until the next regular meeting.

The public hearing on the rezoning of the property at 920½ West 12th Street, which was continued from the last regular meeting, was reopened. No one appearing for or against the proposed change, the matter was laid on the table; the written protest of Andrew Fleming having been received and filed.

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

WHEREAS, the County of Travis, State of Texas, and the City of Austin, Texas, desire to make available an adequate water supply for the Tuberculosis Sanatorium located on the Webberville Road in Travis County, Texas; and

WHEREAS, the Commissioners Court of Travis County, Texas, has, in its trust, funds belonging to the permanent school fund of the City of Austin and Travis County Independent School Districts which