

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 14, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber of the Municipal Building, on Thursday, December 14, 1939, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman C. M. Bartholomew.

The reading of the Minutes was dispensed with.

Upon motion of Councilman Alford, a license to operate a taxicab was granted to Lawrence Reyes, 1603 East Sixth Street, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

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

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

THAT the City Council of the City of Austin hereby approves the erection of a private dock on the property owned by Gordon Fulcher as described in the Travis County Deed Records, Volume 550, page 377, on the shore of Lake Austin, and hereby authorizes the said Gordon Fulcher to construct, maintain and operate this private dock, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this dock after full compliance with all the provisions of this resolution. 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 and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Gordon Fulcher has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations of Building Inspector attached)

"Austin, Texas
December 14, 1939

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed and considered the application of Gordon Fulcher, the owner of a piece of property abutting on Lake Austin, as recorded in the Travis County Deed Records, Volume 550, page 377, for permission to construct and maintain a private dock projecting out into the lake.

We recommend that Gordon Fulcher be granted permission to construct and maintain said dock, subject to the following conditions:

1. That nothing but creosoted piles and galvanized iron bolts be used in the construction of this dock.
2. That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares or merchandise, and no living quarters of any character shall be erected on this dock.
3. That said dock be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

(Signed) J. C. Eckert
Building Inspector. "

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

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

WHEREAS, the general budget of the City of Austin, Texas, for the year 1940 was presented to the City Council by the City Manager and filed with the City Clerk of said City on December 9, 1939, for

public inspection; and

WHEREAS, the law requires that the City Council shall provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the City Council not less than fifteen days subsequent to the time such budget is filed; and that public notice shall be given that on the date of hearing the budget prepared by the City Manager will be considered by the City Council and that notice of such hearing shall name the hour, the date and the place where the hearing shall be conducted, and that any taxpayer of the City shall have the right to be present and participate in such hearing; therefore

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

THAT a public hearing on said general budget of the City of Austin for the year 1940 will be held in the Municipal Building in the City of Austin, situated on the corner of Eighth and Colorado Streets in said City, at 10:00 A. M., on the 4th day of January, 1940, at which hearing any taxpayer of the City of Austin will have the right to be present and participate in such hearing, and that a notice of such hearing be published in one issue of the Austin American and in one issue of the Austin Tribune not less than 10 days before the date set for such hearing.

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

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

WHEREAS, G. C. Seiders 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 Congress Avenue at a location north of East Tenth Street adjacent to Lot 2, Block 123, of the Original City of Austin, Travis County, Texas, as shown upon the plan hereto attached marked 2-H-673; and

WHEREAS, the location of this commercial driveway has been approved by the Traffic Safety Division of the Police Department of the City of Austin; 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 G. C. Seiders is hereby granted permission to construct a commercial driveway across the east sidewalk area of Congress Avenue at a location north of East Tenth Street within the City of Austin, Travis County, Texas, adjacent to Lot 2, Block 123, of the Original City of Austin, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-673, 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.

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

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

WHEREAS, the Bertha Bohn Estate, acting by and through William Bohn, is the owner of Lots 15, 16, 17 and part of 18, Block 4, of the Gammel & Taylor Subdivision, within the City of Austin, Travis County, Texas, which property abuts the east side of East Avenue at a location south of Manor Road; and

WHEREAS, the said Bertha Bohn Estate, acting by and through William Bohn, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the east side of East Avenue and to build a commercial driveway across the east sidewalk area of East Avenue adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway, which plan is hereto attached marked 2-H-671 and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore

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

THAT the Bertha Bohn Estate, acting by and through William Bohn, owner of Lots 15, 16, 17, and part of 18, Block 4, of the Gammel & Taylor Subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of East Avenue at a location south of Manor Road, is hereby granted permission to set the curb back from the established curb line on the east side of East Avenue and to build a commercial driveway across the east side of East Avenue.

Permission to construct the above described curb setback and commercial driveway is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-671, and made a part hereof, and in accordance with the following conditions:

1. That the construction of the setback area on East Avenue shall be carried out in accordance with the accompanying plan marked 2-H-671, and that all such widened area, driveways, or ramps and curbs shall be constructed of concrete at the expense of the applicant.
2. That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.
3. That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-671.
4. That all such expansion joints shall be of the pre-moulded type.
5. That all concrete work within the street area shall be done by a bonded sidewalk contractor.
6. That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.
7. That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

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

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

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 COLETO STREET from East 16th Street south 100 feet, the centerline of which gas main shall be 6½ feet west of and parallel to the east line of said Coleto Street.

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

2. A gas main in WINDSOR ROAD from a point 40 feet west of Hopi Trail westerly 419 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Windsor Road.

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

3. A gas main in BLANCO STREET from a point 226 feet south of West 38th Street, southerly 50 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Blanco Street.

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

4. A gas main in WINDSOR ROAD from Sharon Lane to Winsted Lane, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said Windsor Road.

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

5. A gas main in WINSTED LANE from Windsor Road southerly 226 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Winsted Lane.

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

6. A gas main in STEVENSON AVENUE from Hopi Trail westerly 175 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Stevenson Avenue.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

The written application of Melete Numbers and Emily Numbers for a change in zoning of the property at 1201-1205 Rio Grande Street, from "B" Residence District to "C" Commercial District, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The written application of Leon Posey, 2016 Tillotson Avenue, for a change in zoning of this property, from "A" Residence District to "C" Commercial District, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

Upon motion of Councilman Alford, a taxicab driver's permit was granted to James Ahmadine Tune, as recommended by the City Manager, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Mr. Geo. W. Walling appeared before the Council and submitted a proposal to straighten the channel of Hancock Branch in Broadacres Addition. Following the discussion, Councilman Gillis moved that the matter be referred to the Engineering Department to dispose of to the best interest of the City. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The public hearing on the proposal to change the zoning of the property fronting the west side of Congress Avenue between 14th and 15th Streets, from "B" Residence District to "C" Commercial District, continued from time to time, was reopened.

Mr. North Millican, proponent of the change, appeared and submitted a petition signed by Miss Willie I. Birge, et al., indorsing the proposed change.

Mr. W. R. Smith, Jr., Attorney for Mr. G. A. Kamrath, protested the change on the grounds that it would be detrimental to his client's large apartment house investment, and that conditions had not

changed sufficiently to warrant a commercial designation. He further declared that other property owners, including Miss Ada Dorr, Messrs. Frank DeLashmatt and Charley Louldart, also opposed the change, and that all protestants particularly objected to the erection of a gasoline filling station or commercial garage at this location.

The Reverend F. G. Roesener and H. J. H. Molin, representing St. Martin's Lutheran Church, opposed the change on the grounds that no public necessity exists for a commercial designation, there being a commercial area within two blocks; and that any zoning change should take into consideration the possibility that sometime the State of Texas may acquire the property extending north to 19th Street, from Colorado to Brazos Streets, for an extension of the Capitol Grounds. They further opposed the change on the ground that if the entire half block is changed, there may be some objectionable businesses located there, such as hamburger stands and filling stations.

Following the discussion, it was moved by Mayor Miller that the proposed change in zoning, from "B" Residence District to "C" Commercial District, apply to the property of North Millican only, the same being described as 50x110' out of Lots 5 and 6, Block 173, Original City; and that the City Attorney be instructed to prepare the necessary ordinance, conditioned upon Mr. Millican's submitting in writing an agreement that no gasoline filling station or auto repair shop will be erected on said property during his ownership of same. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf moved to take from the table the question of a change in zoning of the property at 920½ West 12th Street from "C" Commercial District to "C-2" Commercial District. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf then moved that the change in zoning of the property at 920½ West 12th Street from "C" Commercial District to "C-2" Commercial District be not granted. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion of Councilman Alford, a license was granted to the Lightsey Cab Company, 112 East Seventh Street, to operate a taxicab, as recommended by the City Manager, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following representatives from the Austin Safety Council were present and submitted a copy of the revised Constitution and By-Laws of said organization to the City Council for approval: Albert Boggess, Jr., President; David T. Lamme, Jr.; C. A. Schutze; Fred Loser; and J. Donald Hill.

Mayor Miller then introduced the following resolution:

WHEREAS, the Safety Council has performed efficiently since its inception, but now the Junior Chamber of Commerce is sponsoring an enlarged Safety Council, to be composed of four representatives from each of the professional, civic, and other service clubs of the City, on the assumption that the greater the number of people taking an interest in keeping down accidents, the greater will be the results; therefore

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

THAT the Junior Chamber of Commerce be thanked for its suggestion, with which we are heartily in accord; and

BE IT FURTHER RESOLVED:

THAT the Mayor be authorized to send letters to the presidents of the aforementioned clubs, inviting them to have their representatives at the meeting on January 9, 1940, at 7:30 P. M., for the purpose of a reorganization of said Safety Council.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Texas Federation of Women's Clubs for the years 1933, 1934, and 1935 on 180'x248' of Lot (L), Outlot 40, Division "D", Plat 47, in the City of Austin, Travis County, Texas, together with penalty and interest, said taxes being as follows:

| <u>Year</u> | <u>Taxes</u> | <u>Penalty</u> | <u>Interest</u> | <u>Total</u> |
|-------------|-----------------|----------------|-----------------|-----------------|
| 1933 | \$2,285.77 | \$114.29 | \$ 777.16 | \$3,177.22 |
| 1934 | 2,184.19 | 109.21 | 611.57 | 2,904.97 |
| 1935 | <u>2,184.18</u> | <u>109.20</u> | <u>480.53</u> | <u>2,773.91</u> |
| | \$6,654.14 | \$332.70 | \$1,869.26 | \$8,856.10 |

and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$332.70, and has authorized settlement upon an adjusted basis; therefore

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

THAT the aforesaid penalty in the sum of \$332.70 is 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 \$332.70 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the settlement authorized, in the sum of \$8,422.79.

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