

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 11, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, April 11, 1940, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Alford.

The reading of the Minutes was dispensed with.

Mr. E. A. Murchison, President of the Board of Trustees, and Prof. A. N. McCallum, Superintendent, respectively, of the Austin Public Schools, came before the Council and requested that the portion of Rosedale Terrace lying between Alameda Drive and Sunset Lane be vacated and deeded them for school ground purposes, together with Lots 1, 2, and 3, Block 14, Travis Heights Addition.

Following the discussion, the City Attorney was instructed to prepare the necessary papers vacating the street in question, but no action was taken relative to deeding said Lots 1, 2, and 3, Block 14, Travis Heights Addition, as requested.

Councilman Wolf moved that George Best and Mrs. W. H. Stubbs be appointed as Clerks in the 7-B Voting Ward to fill the vacancies created by the inability of W. C. Blundell and Mrs. J. H. Strickland to serve. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Gillis moved that Harvey Edward Bryant, 901 Dawson Road, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Wolf moved that Harrison Willie Pittman, 75 San Marcos Street, be granted a license to operate a taxicab, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

The written request of the Austin Transit Company for changes in schedules and routes of the North Main Bus Line, and other bus lines, was received. The matter was referred to the City Manager, the City Engineer, the City Attorney, and the Traffic Division for consideration and recommendation to the Council at its next regular meeting.

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

WHEREAS, the Capital City Lumber Company, acting by and through J. K. Eichelberger, owner of a portion of Lot 8, Block 46, of the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of West Fifth Street and Nueces Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of West Fifth Street at the above location, as shown upon the plan hereto attached, marked 2-A-164, 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 Capital City Lumber Company, acting by and through J. K. Eichelberger, owner of a portion of Lot 8, Block 46, of the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of West Fifth Street and Nueces Street, is hereby permitted to construct a commercial driveway across the south sidewalk area of West Fifth Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-A-164, which plan is hereby made a part of this resolution, and further subject to

the condition that all concrete curbs, ramps 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

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

WHEREAS, E. L. Williams and wife, owners of a portion of Block 13 of the C. R. Johns Subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of East 12th Street at a location west of Chicon Street, has made application to the City of Austin for permission to set the curb back from the established curb line on the south side of East 12th Street at the above described location, thereby relieving traffic congestion by creating a greater width of travel-way on East 12th Street; and

WHEREAS, a plan has been prepared showing the proposed curb setback and said plan has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT permission is hereby granted E. L. Williams and wife, owners of a portion of Block 13 of the C. R. Johns Subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of East 12th Street at a location west of Chicon Street, to set the curb back from the established curb line on the south side of East 12th Street at the above described location.

Permission to construct the above described curb setback 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-C-857, and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on East 12th Street shall be carried out in accordance with the accompanying plan marked 2-C-857, 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, 2 $\frac{1}{2}$ 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 $\frac{3}{4}$ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-857.
- (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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford 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 loading platform in the sidewalk area on the Fourth Street side of the property situated at the southeast corner of the intersection of East Fourth Street and Medina Street, which property is owned by Capitol Beer Company and is designated as Lots 21 and 22, Block 13, Outlot 2, Division "O", of the City of Austin, Travis County, Texas, and hereby authorizes the said Capitol Beer Company to construct and maintain said loading platform, 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 a building permit for the erection of

this loading platform 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 Capitol Beer Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations
Attached)

" Austin, Texas
April 11, 1940

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Capitol Beer Company through P. B. Watson, agent, for permission to construct and maintain a loading platform in the sidewalk area along East Fourth Street and situated at the southeast corner of the intersection of East Fourth Street and Medina Street, within the corporate limits of the City of Austin, Travis County, Texas, which property is known as Lots 21 and 22, Block 13, Outlot 2, Division "O", of the City of Austin.

The property upon which this loading platform is to be located is designated as "D" Industrial Use district, as shown upon the zoning maps of the City of Austin.

This neighborhood is essentially a warehouse district in which a number of warehouses now exist with loading platforms extending out over the sidewalk area.

We recommend that the Capitol Beer Company be granted permission to construct and maintain said loading platform on the sidewalk area on the Fourth Street side of the above described property subject to the following conditions:

- (1) That the said platform cannot extend nearer than $8\frac{1}{2}$ feet to the centerline of the present railroad tracks located in front of this property and that suitable steps be arranged at the end of this platform to provide a means for pedestrian travel along this sidewalk area.
- (2) That all grades and lines for the curb in front of this property be constructed along the lines given and with the approval of the Engineering Department of the City of Austin.

Respectfully submitted,

(Signed) J. E. Motheral
City Engineer

J. O. Eckert
Building Inspector. "

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

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

WHEREAS, Rex D. Kitchens is the Contractor for the erection of a building located at 301 Brazos Street and desires a portion of the sidewalk and street space abutting Lots 1, 2, and 3, Block 31, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said Rex D. Kitchens, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East Third Street to a point 5 feet north of the north curb line; thence in a westerly direction and parallel to the centerline of East Third Street approximately 138 feet to a point along the extended west line of the above described property; thence at approximately a 45 degree angle to a point 6 feet west of the east curb line of Brazos Street; thence in a northerly direction and parallel with the centerline of Brazos Street to a point 4 feet north of the south alley line; thence in an easterly direction and parallel with the centerline of the alley approximately 145 feet to a point; thence in a southerly direction to the north property line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Rex D. Kitchens, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space on Brazos Street, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall construct a guard rail within the boundary line along the above described working space on East Third Street and the alley, such guard rail to be at least 4 feet high and substantially braced and anchored.

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

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

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

(6) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

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

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

(10) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than August 1, 1940.

(11) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

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

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

(14) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public

utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

The following resolution was introduced by Councilman Gillis, 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 FLETCHER STREET from a point 132 feet east of South Second Street easterly 54 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Fletcher Street.

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

- (2) A gas main in BOWMAN AVENUE from a point 95 feet west of Hopi Trail westerly 109 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Bowman Avenue.

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

- (3) A gas main in PRESTON AVENUE from a point 310 feet east of Jefferson Street westerly 130 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Preston Avenue.

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

- (4) A gas main in EAST 38½ Street from a point 602 feet east of Red River Street easterly 450 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north property line of said East 38½ Street.

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

- (5) A gas main in WINSTED LANE across Griswold Lane intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the east property 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 WOODMONT AVENUE across Winsted Lane intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Woodmont Avenue.

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

- (7) A gas main in BEVERLY ROAD from a point 141 feet north of West 32nd Street northerly 141 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Beverly Road.

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

- (8) A gas main in RAMSEY AVENUE from a point 280 feet south of West 42nd Street southerly 90 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Ramsey Avenue.

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

- (9) A gas main in LAFAYETTE AVENUE from a point 135 feet north of East 32nd Street northerly 46 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Lafayette Avenue.

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

- (10) A gas main in EAST 38½ Street from a point 602 feet east of Red River Street easterly 450 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north property line of said East 38½ Street.

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

- (11) A gas main in FLORES STREET from San Marcos Street westerly 116 feet, the centerline of which gas main shall be 6½ feet south of and parallel to the north property line of said Flores Street.

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

- (12) A gas main in EAST 38TH STREET from a point 30 feet west of Harmon Avenue westerly 165 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said East 38th Street.

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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford 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 as a filling station site the property situated at the southwest corner of the intersection of East 18th Street and San Jacinto Street, which property is owned by Prewitt Oil Company, acting by and through Jim Garrard, agent, and is designated as a portion of Outlot 52, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Prewitt Oil Company, acting by and through Jim Garrard, agent, 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's 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 Prewitt Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations
Attached)

"Austin, Texas
April 11, 1940

Mr. Cuiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Prewitt Oil Company, acting by and through Jim Garrard, Agent, for permission to construct, maintain, and operate a drive-in gasoline filling station upon property located at the southwest corner of the intersection of East 18th Street and San Jacinto Street, which property is designated as a portion of Outlot 52, Division "E", of the Government Outlots adjoining the original City of Austin, Travis County, Texas, 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, and was approved as a filling station site by resolution of the City Council adopted May 11, 1933.

Storm sewer drainage facilities exist adjacent to the property upon which this filling station is to be constructed.

We recommend that the Prewitt Oil Company, acting by and through Jim Garrard, agent, 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-A-165.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-A-165, 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. "

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

The following report of the Board of Adjustment was received:

" Austin, Texas
April 9, 1940

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on April 9, 1940, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. H. E. Martin requesting a change in the Use designation of the following properties:

Lot 1, Block 3, Davis and Dawson Addition, City of Austin, Texas, being the northeast corner of the intersection of South First Street and Live Oak Street, South Austin, Austin, Texas,

from "A" Residential District and First Height and Area District to "C" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on April 9, 1940, at which hearing a number of protests against this change were registered by the adjacent property owners; and

WHEREAS, the Board of Adjustment carefully considered all of the arguments for and against this change, viewed the property and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; and

WHEREAS, an examination of the Zoning Map of the City of Austin and the site discloses the fact that Live Oak Street is a residential street, being zoned as a residential property in its entirety with the exception of the intersection at Congress Avenue; and that South First Street from the alley north of Live Oak Street to the property of the Texas State School for the Deaf is now zoned as a commercial district, in that there is a commercial district south of Live Oak Street approximately one block south of Live Oak Street; and that the lots on Live Oak Street front on the same so that the commercial district north of the above property ends at the road thereof; and

WHEREAS, the present commercial district is only slightly developed for commercial purposes,

there being ample provisions for commercial development to serve the needs of this entire section of the City; and

WHEREAS, at the hearing it was disclosed that the appellant bought this property knowing it to be a residential property but that it might be changed to commercial property subsequently; and

WHEREAS, the Board of Adjustment deemed that to change this single lot on this corner would create the same rights on the other three corners, therefore any change should include all corners, but that such a change would destroy the residential character of Live Oak Street and would not be in response to any public demand or necessity and therefore would not be in consonant with the comprehensive Zoning Ordinance and Master Plan of the City of Austin, Texas; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman. "

Councilman Wolf moved that a public hearing on the property of H. E. Martin described in the foregoing report of the Board of Adjustment be called for Thursday, May 2, 1940, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Gillis moved that Alfred Morris Mize, 4413 Avenue B, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford 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 sum of \$2,400 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of supplementing the budget appropriations of the Police Department for the purchase of motor equipment, including cars and motorcycles.

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

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

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

THAT the sum of \$2,750.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of supplementing the budget appropriations of the Engineering Department for the purchase of one car and trucks to be used in the Cemetery, Street & Bridge and the Trash & Garbage Departments.

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

Mrs. Roy L. Haynes appeared before the Council and complained of the odor arising from the fertilizer being placed on the golf course. The matter was taken under advisement.

In accordance with published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance in the following particulars was opened:

To amend the USE designation of the following property so as to change same from "A" Residence District to "B" Residence District, First Height and Area District:

South 110'x171' of Lot "C", north 1/2 Outlet 64, Division "D", which property is located on the west side of Salado Street in the 2700 block.

To amend the USE designation of the following property so as to change same from "A" Residence District, First Height and Area District, to "C" Commercial District, Second Height and Area District:

All of Lots 1, 2, 3, 4, and 5, out of the Henry Colly Home tract, out of the Geo. W. Spear League, located in the 2700 block on West 7th Street west of Norwalk Lane.

Dr. S. E. Gideon, proponent of the change in zoning of the property on the west side of the 2700 block on Salado Street, together with his attorney, Polk Shelton, appeared and plead for the change on the ground that the property in question was not salable under its present zoning classification because of the nature of surrounding property.

Mr. Milton Morris, by proxy, and Mrs. Emily M. Miller, property owners, appeared and indorsed the change.

The following property owners appeared and protested the proposed change on the grounds that it would depreciate the value of their property and would interfere with the peaceful enjoyment of their homes:

- Mr. and Mrs. Tom Lemon;
- Mrs. Josephine Daniel;
- Dr. Edward Micek;
- Dr. Frederick Eby;
- Mrs. R. A. Law;
- Dr. R. A. Law (by written protest)

No other property owners appearing to be heard, the hearing on the foregoing matter was continued to the next regular meeting, pending an inspection on the ground by the City Council.

No one appearing to protest the change in zoning of the property in the 2700 block on West Seventh Street west of Norwalk Lane, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Wolf moved that the following applications for licenses to operate private boats on Lake Austin be granted, in accordance with the recommendations of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Ayer, Jack K. - 4 Enfield Road	Thompson, Outboard, Runabout, 1940 Model, "Fatsy Mae", 7-passenger
Callan, Joe P., Jr. - 213 Archway	Woverine, Outboard, Runabout, 1938 Model, 4-passenger
Hooper, Fred D. - 712 Garner	Unknown, Outboard, 1930 Model, "Bugger", 6-passenger
Keller, Paul A. - 1103 Hillside Avenue	Mullins, Outboard, Runabout, "Mubbin", 5-passenger
Larson, D. R. - 2210 Oldham	Shell Lake Boat Company, Canoe, 3-passenger
Meadows, J. E. - 2704 South Congress Avenue	Century, Inboard, 1940 Model, "Guzzie", 5-passenger
Miller, E. B. - 809 Barton Road	Home-built, Outboard, 4-passenger
McClung, Robert - School for Blind	Home-built, Inboard, 1940 Model, "Shaata", 6-passenger
Philips, Wm. E. - Route 4, Box 245	Flat-bottom Fishing, 3-passenger
Rogers, Floyd - 2615 Willow Street	Home-built, Outboard, 1939 Model, 6-passenger
Swift, O. T. - 207 East Ninth Street	Home-built, 3-passenger

The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Gillis moved that Fred Kingdon, Jr., 726 Brown Building, be granted a commercial pilot's license, in accordance with the recommendation of the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Councilman Gillis moved that John Thomas Stewart, 1000 Norwalk Lane, be granted a commercial pilot's license, in accordance with the recommendation of the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

Upon motion, seconded and carried, the meeting was recessed at 12:25 P. M., subject to call of the Mayor.

Attest:
Harris McMiller City Clerk

Approved: *Tom Miller*
Mayor