

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 17, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, October 17, 1940, at 11:00 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 Minutes of the regular meeting of October 10, 1940, were read; and upon motion of Councilman Gillis, seconded by Councilman Wolf; were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A written statement of the Austin Transit Company, showing operating loss sustained in the operation of the "North Loop" trial bus line, was received.

Councilman Wolf moved that a public hearing on the discontinuance of this line be set for Thursday, October 24; that notice of such hearing be given through the newspapers; and that if no protests are submitted at such hearing, the line be discontinued Saturday, October 26. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A communication from the Library Commission, inclosing the written resignation of Wm. J. Trees, as a member of said Commission, was received. It was the sense of the meeting that the appointment of a successor to Mr. Trees be postponed until the next regular meeting.

The written application of Smith & Pruett for a change in the zoning, from "C" Commercial District to "C-2" Commercial District, of the Elks Building, located at the southwest corner of West Seventh and Colorado Streets, was received.

Councilman Wolf moved that the matter be referred to the Board of Adjustment for consideration and report, and that a public hearing on same be called for November 7. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The written application of C. F. Dye, et al., for a change in the zoning, from Residence "A" and "Q" Commercial Districts to "C-2" Commercial District, of Blocks 1 and 2, Pecan Grove Addition, was received.

Councilman Wolf moved that the matter be referred to the Board of Adjustment for consideration and report, and that a public hearing on same be called for November 7. 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 Alford:

WHEREAS, the City of Austin is the owner of the hereinafter described land and desires to construct and perpetually maintain a sanitary sewer in, upon, and across said land; and

WHEREAS, for the purpose of making the location of said sanitary sewer definite and certain and for the further purpose of giving any future purchaser of said land from said City of Austin, or its successors or assigns, in the event the City of Austin should part with title to same, notice of the location of the hereinafter described sanitary sewer, and to make the easement granting same a covenant running with the land;

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

THAT a sanitary sewer be constructed in, upon and across the following described tracts of land:

- (1) A sanitary sewer across a tract of land containing 45 acres and being out of the J. C. Harrelson Survey No. 22 in Travis County, Texas, which 45 acre tract of land was conveyed to the City of Austin by S. F. Nolen and wife by deed of date September 17, 1928, of record in Volume 428, at pages 244-245, of the Deed Records of Travis County, Texas, and the centerline of such sanitary sewer being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of said 45 acre tract and from which point of beginning the southwest corner of said tract as evidenced by an iron stake bears N. 59°06' W. 2027.92 feet;

THENCE crossing said tract of land N. 11°58' E. 784.17 feet to point of termination in the north line of said 45 acre tract and from which point of termination the northwest corner of said tract as evidenced by an iron stake bears N. 59°55' W. 1784.20 feet.

(2) A sanitary sewer across a tract of land containing 55 acres out of the Joseph Burleson Survey No. 22 in Travis County, Texas, which 55 acre tract of land was conveyed to the City of Austin by Mary Agnes Matthews by deed of date September 13, 1928, of record in Volume 428, at pages 242-244 of the Deed Records of Travis County, Texas, and the centerline of such sanitary sewer being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of said 55 acre tract and from which point of beginning the southwest corner of said tract as evidenced by an iron stake bears N. 59°55' W. 1784.20 feet;

THENCE crossing said 55 acre tract N. 11°58' E. 918.78 feet to point of termination in the north line of said tract and from which point of termination the northwest corner of said tract as evidenced by an iron stake bears N. 59°54' W. 1499.40 feet.

(3) A sanitary sewer across a tract of land containing 90.58 acres out of the Joseph Burleson Survey in Travis County, Texas, which 90.58 acres of land was conveyed to the City of Austin by M. H. Matthews, et ux, by deed of date September 13, 1928, of record in Volume 428, pages 245-246 of the Deed Records of Travis County, Texas, and the centerline of such sanitary sewer being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of said 90.58 acre tract of land and from which point of beginning the southwest corner of said tract as evidenced by an iron stake bears N. 59°54' W. 1499.40 feet;

THENCE crossing said 90.58 acre tract of land with the following 5 courses:

N. 11° 58' E. 68.05 feet to a point,  
 N. 13° 06' W. 1239.78 feet to a point,  
 N. 25° 40' E. 460.38 feet to a point,  
 N. 55° 29' E. 91.40 feet to a point, and  
 N. 3° 30' E. 168.44 feet to point of termination

BE IT FURTHER RESOLVED:

THAT the City of Austin reserves the right, and same shall be a covenant running with the land should it be hereafter conveyed or sold by said City of Austin, or its successors or assigns, to hold said sanitary sewer perpetually, together with the rights and privileges at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said sanitary sewer and for making connection therewith, all upon the condition that said City of Austin, in the event it has parted title to said land, will at all times, after doing any work in connection with the construction or repair of said sanitary sewer, restore said premises to the condition in which same were found before said work was undertaken; and that in the use of said rights and privileges herein granted, the City of Austin will not create a nuisance or do any act that will be detrimental to said premises.

BE IT FURTHER RESOLVED:

THAT the City Clerk of the City of Austin is hereby authorized and directed to have a certified copy of this Resolution duly recorded in the office of the County Clerk of Travis County, Texas.

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

Councilman Alford moved that the application of Gilbert Jessie Duty, 93 Navasota Street, for a taxicab driver's permit be granted, 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.

Acting City Manager Garrison reported to the Council the appointment of Joe D. Huffman as Finance Director to succeed Geo. G. Grant, who, owing to illness, had requested to be relieved of the duties of said office.

The following resolution was then introduced by Councilman Wolf:

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

THAT the sum of \$125 be, and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the increase in the salary of Joe D. Huffman, who has been made Finance Director, this change to be effective October 15, 1940.

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

Councilman Gillis moved that the following application for license to operate a private boat on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of Applicant

Description of Boat

Taylor, Edward Dorsey - 2006 River Avenue

Pionier, Kayak Sail Paddle, 4 years old, 2-passenger.

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.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY KNOWN AS THE CHUNN SUBDIVISION OUT OF THE J. C. TANNERHILL LEAGUE, SUCH ANNEXED TERRITORY BEING 8.83 ACRES OF LAND IN GOVALL, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

The ordinance was then laid over.

The following resolution was introduced by Councilman Gillis:

WHEREAS, J. R. Blackmore & Son are the Contractor for the erection of a building located at 201-205 San Jacinto Street, and desire a portion of the sidewalk and street space abutting Lots 1, 2, and 3, Block 16, 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 J. R. Blackmore & Son, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at a point on the south property line 120 feet east of the southwest corner of the above described property; thence in a southerly direction and at right angles with the centerline of East Second Street to a point 14 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of East Second Street approximately 120 feet to a point; thence in a northwesterly direction at approximately 45° angle to a point 14 feet west of the east curb line and an extension of the south property line of the above described property; thence in a northerly direction and parallel with the centerline of San Jacinto Street 110 feet to a point; thence in an easterly direction and at right angles with the centerline of San Jacinto Street to the west line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. R. Blackmore & Son, 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, such walkway to be protected on each side by a guard rail at least four 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 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.

(3) 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.

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

(5) 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.

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

(7) 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.

(8) 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.

(9) 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 March 15, 1941.

(10) 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.

(11) 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.

(12) 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), 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 abuse 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 motion of Councilman Gillis, 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:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits 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 underground telephone conduits in the following streets:

An underground telephone conduit in ENFIELD ROAD from Exposition Boulevard to Forest Trail, the centerline of which underground telephone conduit shall be 5 feet south of, and parallel to, the north property line of said Enfield Road.

THAT the work and construction of said underground conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground conduits 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.

Upon motion of Councilman Alford, 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 Bartholomew:

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 EAST 13TH STREET from Chicon Street east to a point 140 feet east of Alamo Street, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 13th Street.

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

- (2) A gas main in GILBERT STREET from a point 35 feet east of Meadowbrook Drive easterly to Moffett Drive, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said Gilbert Street.

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

- (3) A gas main in HASKELL STREET from Waller Street easterly 433 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of, and parallel to, the north property line of said Haskell 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 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 motion of Councilman Bartholomew, 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, A. W. Bloor and B. H. Bloor, acting by and through H. F. Kuehne, Architect, owners of property situated within the City of Austin, Travis County, Texas, being a portion of Block B, Outlot 2, Division "C", of the Government Outlots adjoining the Original City of Austin, Travis

County, Texas, which property is situated at the northwest corner of the intersection of West Sixth Street and Lamar Boulevard, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the north sidewalk area of West Sixth Street and across the west sidewalk area of Lamar Boulevard at the above described location; and

WHEREAS, a plan has been prepared, showing the location of said driveways, which plan is marked 2-H-722, and is attached hereto and made a part hereof; and

WHEREAS, 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 B. H. Bloor and A. W. Bloor, acting by and through H. F. Kushne, Architect, owners of a portion of Block "B", Outlot 2, Division "C", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West Sixth Street and Lamar Boulevard, is hereby permitted to construct a commercial driveway across the north sidewalk area of West Sixth Street, and a commercial driveway across the west sidewalk area of Lamar Boulevard, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-722, 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 motion of Councilman Alford, 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 Gillis:

WHEREAS, Stuart Watt, Inc., acting by and through E. S. Watt, President, owner of property situated at the northeast corner of the intersection of East 16th Street and San Jacinto Boulevard within the City of Austin, Travis County, Texas, being locally known as 1601 San Jacinto Boulevard, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of East 16th Street adjacent to the above described property, as shown upon the plan hereto attached marked 2-C-894, which plan is hereby made a part of said request; and

WHEREAS, 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 Stuart Watt, Inc., acting by and through E. S. Watt, President, owner of property situated at the northeast corner of the intersection of East 16th Street and San Jacinto Boulevard within the City of Austin, Travis County, Texas, being locally known as 1601 San Jacinto Boulevard, is hereby permitted to construct a commercial driveway across the north sidewalk area of East 16th Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints, as shown upon the plan marked 2-C-894, 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 motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Wallie McKeelan  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 24, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, October 24, 1940, at 10:40 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 Minutes of October 17, 1940, regular meeting, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. Jack Grizzard of San Antonio, Texas, came before the Council and requested that the Vending Ordinance of the City be amended so as to enable him to secure a permit to operate a traveling sandwich shop in the University of Texas neighborhood. The applicant was advised that the approval of the dean of men, the dean of women, and the student body of the University would have to be secured before further consideration would be given the matter.

In accordance with previous notice, the public hearing on the discontinuance of the "North Loop" trial bus line was opened, and a delegation of citizens in that section appeared to protest the same. After some discussion, the matter was finally referred to said delegation and officials of Austin Transit Company present to work out a compromise.

Mr. J. W. McDugald appeared before the Council and requested settlement of his clients' claim to ownership of a part of Enfield Road. The matter was referred to the City Attorney for legal opinion, to be submitted at the regular meeting of Wednesday, October 30th.

Councilman Alford moved that the application of Robert Barnwell Morris, Box 1163, Austin, Texas, for permit to drive a taxicab be granted, 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.

Councilman Bartholomew moved that the following application to operate a private boat on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board: