

## REGULAR MEETING OF THE CITY COUNCIL;

Austin, Texas, November 7, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, November 7, 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 the regular meeting of October 30, 1940, 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.

Judge D. J. Pickle came before the Council and submitted an offer to sell the City 41.49 acres of the Gibson property, at \$225 per acre, for enlargement of the Municipal Airport. The matter was taken under advisement, pending a 30-day option on the property to be secured by the said D. J. Pickle.

The following resolution was introduced by Councilman Wolf:

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS OF THE CITY OF AUSTIN TO COOPERATE WITH THE ADMINISTRATOR OF CIVIL AERONAUTICS OF THE UNITED STATES DEPARTMENT OF COMMERCE WITH A VIEW TO OBTAINING FEDERAL AID IN FINANCING THE DEVELOPMENT OF PUBLIC AIRPORT FACILITIES ADJACENT TO AUSTIN, TEXAS, AND AS MORE COMPLETELY OUTLINED IN THE MASTER PLAN OF THE MUNICIPAL AIRPORT ATTACHED HERETO.

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce (herein called the "Administrator") considers the public airport facilities available in and near Austin, Texas, inadequate for national defense, and is therefore contemplating expenditures of Federal funds, under Public Law No. 812, 76th Congress, to remedy this condition; and

WHEREAS, the development of additional public airport facilities in or near Austin, Texas, would be in the public interest and to the advantage of the City of Austin, Travis County and the State of Texas; now, therefore,

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

Section 1. THAT J. E. Motheral, City Engineer, be, and he is hereby, authorized to write to the Administrator, on behalf of the City of Austin, advising that the City of Austin is greatly interested in the possibility of obtaining Federal aid in financing the development of public airport facilities in or adjacent to the City of Austin, and in this connection is prepared to furnish any legal or factual information that may reasonably be requested, is desirous of assisting and cooperating in every way possible in connection with any and all engineering surveys of airports and proposed airport sites in or adjacent to the City of Austin that the Administrator may wish to make, and will be willing, if an offer of aid in financing the development of public airport facilities in or adjacent to the City of Austin is made, to enter into an agreement with the United States, through the Administrator, undertaking, among such other things as may be agreed upon: (1) that all title to property and other property interests as outlined on the Master Plan of the Municipal Airport necessary to prosecution of the project will be acquired by the City of Austin; (2) that the City of Austin will cooperate with the Government in the prosecution of the project; (3) that the aerial approaches of the airport will be protected against obstruction insofar as is possible; (4) that the airport will be operated as an airport during the useful life of the facilities thereof established or improved with Federal aid; (5) that the airport and all its facilities will be maintained in reasonably good condition and kept in good repair; and (6) that the airport will be operated and managed for the use and benefit of the public, on reasonable terms and without unjust discrimination.

Section 2. THAT the City Attorney and the City Finance Director be, and they are directed to make such studies as may be necessary to determine what obligations the City of Austin could assume,

practically, financially, and legally, in entering into an agreement such as that referred to in Section 1 hereof, and report thereon to this City Council as soon as possible.

Section 3. THAT the City Attorney and the City Engineer be, and they are, authorized to furnish such legal and factual information to the Administrator as he may reasonably request in connection with consideration of the desirability of an airport project in or adjacent to the City of Austin.

Section 4. THAT this resolution shall be in full force and effect from and after its passage.

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.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE CREATING THE OFFICE OF AN INSPECTOR OF PLUMBING AND A BOARD FOR THE EXAMINATION OF PLUMBERS AND PRESCRIBING RULES AND REGULATIONS FOR THE LICENSING OF PLUMBERS, AND FOR THE INSTALLATION OF PLUMBING AND PLUMBING FIXTURES IN THE CITY OF AUSTIN, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OCTOBER 11, 1934, AND IS RECORDED IN BOOK "J", PAGES 625-634, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND AMENDING THAT CERTAIN AMENDATORY ORDINANCE PASSED BY THE CITY COUNCIL MAY 23, 1940, AMENDING IN CERTAIN PARTICULARS THE SAID PLUMBING ORDINANCE OF THE CITY OF AUSTIN, WHICH AMENDATORY ORDINANCE IS RECORDED IN BOOK "I", PAGES 1-7, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; PRESCRIBING CERTAIN RULES AND REGULATIONS FOR THE INSTALLATION OF PLUMBING AND WATER PIPING IN THE CITY OF AUSTIN; PROVIDING A SAVING CLAUSE FOR THE VALID PORTIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rules 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 rules 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 declared the ordinance finally passed.

Councilman Alford moved the application of Willie Babson Cruz, 223 Pedernales Street, 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 Alford moved that the application of Dudley Hogan, 407 East Third Street, 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 below the Austin Dam be granted, subject to the approval of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Cantu, William - 704 East Third Street	Home-made, Flat-bottom, 1940 Model, 5-passenger.

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 applications to operate private boats on Lake Austin be granted, subject to the approval of the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

Bock, Carl Edward - 2810 Bowman Avenue, Secretary Austin Yacht Club, Inc.	Home-made, Outboard, 1937 Model, "Marwick" 12-passenger
Bock, Carl Edward - 2810 Bowman Avenue	Home-made, Inboard, 1940 Model, 8-passenger
Chreitsberg, R. H. - 1702 Linacomb	Home-made, Outboard, 1940 Model, 4-passenger
McIntosh, Quintus, - Box 295, Giddings, Texas	Skiff, Outboard, 1940 Model, "Lulla Belle", 3-passenger
Sutherland, Robert L. - 1513 Gaston Avenue	Old Town, Canoe, 5 years old, 4-passenger

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, Charles L. Black, acting by and through the Harrison-Wilson Company as agents, owner of Lots 1 and 2, Outlet 55, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated on the north side of East 15th Street at a location east of San Jacinto Street, 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 15th Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said commercial driveway, which plan is hereto attached marked 2-C-897 and made a part hereof; and

WHEREAS, said plan and request have 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 Charles L. Black, acting by and through the Harrison-Wilson Company as agents, owner of Lots 1 and 2, Outlet 55, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated on the north side of East 15th Street at a location east of San Jacinto Street, is hereby permitted to construct a commercial driveway across the north sidewalk area of East 15th Street adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-C-897, 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, A. A. Mundt is the Contractor for the alteration of a building located at 619 Congress Avenue and desires a portion of the sidewalk space abutting the north one-half of Lot 5, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration 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 A. A. Mundt, the boundary of which is described as follows:

Sidewalk Working Space

BEGINNING at the northwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue to a point six feet east of the east curb line; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction

and at right angles with the centerline of Congress Avenue to the southwest corner of the above described property.

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

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than 1 inch material and at least 3 feet in height (or extending from the sidewalk to the underside of the present awning), substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricade, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(2) 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.

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

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

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

(6) 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.

(7) 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 November 27, 1940.

(8) 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.

(9) 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.

(10) 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.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 or 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 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, Swearingen-Armstrong, Inc., acting by and through J. S. Swearingen, lessee from R. A. Johns of portions of Lots 1 and 2, Block 4 of the Original City of Austin, Travis County, Texas, 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 First Street at a location east of Lavaca Street adjacent to the above described property; and

WHEREAS, a map has been prepared showing the location of said driveways, which map is hereto attached marked 2-C-896, and is made a part hereof; and

WHEREAS, said map and request have 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 Swearingen-Armstrong, Inc., acting by and through J. S. Swearingen, lessee from R. A. Johns of a portion of Lots 1 and 2, Block 4, of the Original City of Austin, Travis County, Texas, is hereby permitted to construct commercial driveways across the north sidewalk area of West First Street at a location east of Lavaca Street adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-896, 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, William Dieter is the Contractor for the erection of a building located at 206 San Antonio Street, and desires a portion of the sidewalk and street space abutting the south part of Lot 5, Block 23, 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 William Dieter, 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 an easterly direction and at right angles with the centerline of San Antonio Street to a point 14 feet east of the west curb line; thence in a northerly direction and parallel with the centerline of San Antonio Street 33 feet to a point; thence in a westerly direction and at right angles with the centerline of San Antonio Street to the east property line of the above described property.

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

(1) That the Contractor shall construct a four-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 brace 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 shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

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

(7) 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.

(8) 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 December 1, 1940.

(9) 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.

(10) 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.

(11) 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 project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 or 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 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 ELTON LANE from Griswold Lane south 170 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Elton Lane.

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

(2) A gas main in EAST 51ST STREET from Duval Street to Martin Avenue, 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 51st Street.

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

- (3) A gas main in EAST 13TH STREET from a point 136 feet east of Alamo Street easterly 60 feet, 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.

- (4) A gas main in QUARRY ROAD from a point 85 feet west of Kent Lane westerly 70 feet, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Quarry Road.

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

- (5) A gas main in EILERS AVENUE from East 46th Street northerly 128 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Eilers Avenue.

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

- (6) A gas main in EAST 46TH STREET from Eilers Avenue westerly 100 feet, 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 46th Street.

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

- (7) A gas main in SHOALWOOD AVENUE from a point 21 feet south of West 43rd Street southerly 248 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Shoalwood Avenue.

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

- (8) A gas main in HARMON AVENUE from a point 220 feet north of East 49th Street southerly two blocks, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Harmon Avenue.

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

- (9) A gas main in EAST 49TH STREET from Harmon Avenue westerly 146 feet, 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 49th Street.

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

- (10) A gas main in EAST 48 $\frac{1}{2}$  STREET from Harmon Avenue westerly 88 feet, 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 48 $\frac{1}{2}$  Street.

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

- (11) A gas main in SOUTH SIXTH STREET from a point 215 feet north of West Annie Street northerly 72 feet, the centerline of which gas main shall be 10 feet west of, and parallel to the east property line of said South Sixth Street.

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

- (12) A gas main in BOULDIN AVENUE from Jewell Street northerly 107 feet, the centerline of which gas main shall be 18 feet east of, and parallel to, the west property line of said Bouldin Avenue.

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

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

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

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

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, 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:

A telephone pole line in EXPOSITION BOULEVARD from Greenlee Drive to McCullough Street, the centerline of which pole line shall be 8 feet east of, and parallel to, the west property line of said Exposition Boulevard.

THAT the work and construction of said pole line, 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.

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 Wolf:

WHEREAS, in making a general study of the names of the streets within the City of Austin in conjunction with the street marking program now being carried out, it has become apparent that the names of certain streets should be changed in order to avoid duplicate street names; and

WHEREAS, the City Engineer of the City of Austin has prepared a list of the streets whose names should be changed, and has recommended the names to be adopted in lieu of the names now being used; and

WHEREAS, after reviewing and considering the recommendations of said City Engineer, it is deemed advisable by the City Council to adopt said recommendations in order to avoid further confusion in delivery services and in public records in general; therefore,

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

THAT the streets within the City of Austin as hereinafter listed be named and marked as follows:

1. The first street west of Fannin Street and extending from West Sixth Street southerly approximately  $3\frac{1}{2}$  blocks and shown upon the maps of the City of Austin as "Crockett Street", be known and designated hereafter as BAYLOR STREET.
2. The street shown upon the maps of the City of Austin as "Fiskville Road", and beginning at the intersection of East 51st Street and Duval Street and extending in a northeasterly direction to the intersection of East 53rd Street and Clarkson Avenue be known and designated hereafter as BRUNING AVENUE.
3. The street shown upon the maps of the City of Austin as "Red River Street", being east of, and contiguous to, the east R.O.W. line of the M&TC R.R., and beginning at a point one-half block south of East 50th Street and extending northerly to East 53rd Street, be known and designated hereafter as BROADMORE STREET.
4. The street shown upon the maps of the City of Austin as "Grapevine Street", being the first street north of East 43rd Street and extending from Eilers Avenue to Red River Street, be known and designated hereafter as EAST 44TH STREET.
5. The street shown upon the maps of the City of Austin as "Poponoe Street", being the first street north of East 45th Street and extending from Eilers Avenue to Red River Street, be known and designated hereafter as EAST 45TH STREET.
6. The street shown upon the maps of the City of Austin as "Townes Avenue", being the fourth street east of Duval Street and extending from East 50th Street to East 52nd Street, be known and designated hereafter as CASWELL AVENUE.
7. The street shown upon the maps of the City of Austin as "Wahrenberger Street", being the first street north of East 24th Street, and extending from Red River Street to Swisher Street, be known and designated hereafter as EAST 25TH STREET.
8. The street shown upon the maps of the City of Austin as "East 25th Street", being the second street north of East 24th Street, and extending from Sabine Street to Cole Street, be known and designated hereafter as WAHREMBERGER STREET.

9. The street shown upon the maps of the City of Austin as "Forest Avenue", being the first street west of Harris Boulevard and extending from Westover Road to Northwood Road, be known and designated hereafter as KENNEY LANE.
10. The street shown upon the maps of the City of Austin as "Ardene Avenue", being approximately in line with the easterly extension of East 38<sup>1</sup>/<sub>2</sub> Street, and extending from East Avenue to Alexander Avenue, be known and designated hereafter as EAST 38<sup>1</sup>/<sub>2</sub> STREET.

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.

The public hearing on the proposal 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 "C" Commercial District and First Height and Area District to "C-2" Commercial District and First Height and Area District:

The northeast corner of the intersection of Guadalupe Street and Sixteenth Street, Austin, Texas, the same being also described as a portion of the Southwest Quarter of Outlet No. 37, Division "E", Unplatted,

which was continued from the regular meeting of October 30, 1940, was reopened.

The following property owners appeared and protested the change in zoning substantially as follows:

P. R. James declared that a restaurant with a dance floor would be a continuous nuisance and would cause tenants in this locality to move.

Miss Estelle Lewright declared that she bought her property there under the present zoning classification and asked that same be continued, declaring that the proposed change would cause her tenants to leave.

Mrs. Katherine E. Paysinger and Mrs. Netta S. Hughes, by representative, stated that they were opposed to the change.

Dr. Clay Nichols, Sr., declared that he opposed the change because he has valuable property there which will be affected thereby; that such change would not add anything to the value of the property in question, or the surrounding property; and that he objects to the sale of alcohol.

Written protest of Fred W. Adams, declaring that the change in zoning would injure his property, was received.

The following property owners, in person and by written communication, declared they had no objections to the change in zoning:

H. D. Pruett  
A. G. Gerjes  
Mrs. Herman L. Achilles, et al.  
by petition.

Arthur P. Bagby, Attorney for Proponent, then asked that a temporary permit for the sale of beer be granted.

It was moved by Councilman Gillis that no change in zoning of the property in question be made, but that a temporary permit to sell beer with food be granted, subject to revocation at any time should same become a nuisance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

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 on which is situated the old Elks Building at the southwest corner of the intersection of West Seventh and Colorado Streets, said property being located in Block 71, Original City, of the City of Austin, Texas.

To amend the USE designation of the following described property so as to change same from "A" Residence District and "C" Commercial District to "C-2" Commercial District:

Blocks 1 and 2, Pecan Grove Addition, City of Austin, Texas.

No one appearing to protest the proposed change in zoning of the property on which is situated the old Elks Building at the southwest corner of the intersection of West Seventh and Colorado Streets, from "C" Commercial District to "C-2" Commercial District, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

At the request of the Board of Adjustment, the hearing on the proposal to change the zoning of Blocks 1 and 2, Pecan Grove Addition, from "A" Residence and "C" Commercial Districts to "C-2" Commercial District was postponed until the next regular meeting.

The following report of the Board of Adjustment was received:

"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 October 30, 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 H. D. Pruett and J. E. Smith requesting a change in the USE designation of the following property:

Lot 7, Block 71, of the Original City of Austin, being the Elks Building at the southwest corner of the intersection of Colorado and Seventh Streets

from "C" Commercial District and Fourth Height and Area District to "C-2" Commercial District and Fourth Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on October 30, 1940, at which hearing Mr. H. D. Pruett appeared pleading for this change; and

WHEREAS, at this hearing no objections were heard or filed protesting this change; and

WHEREAS, the Zoning Maps of the City of Austin show that all the property on both sides of Colorado Street to the south of the property in question is now zoned as a "C-2" Commercial District and the property on the east side of Colorado Street immediately opposite this property extending up to Eighth Street is now "C-2" Commercial District and that the Brown Building at the southwest intersection of West Eighth Street and Colorado Street is now zoned for "C-2" Commercial uses; and

WHEREAS, to zone this property as a "C-2" Commercial District would be to simply extend the "C-2" District, bringing in part of the gap between the present "C-2" Brown Building and the "C-2" to the south thereof; and

WHEREAS, the Board of Adjustment carefully considered this change and in the light of existing conditions surrounding same and the present status of the Zoning Maps of the City of Austin; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT this change is recommended to the City Council as a just and acceptable extension of the present "C-2" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuchne  
Chairman. "

October 30, 1940.

Councilman Wolf nominated the following as members of the Retirement Board of the Retirement and Pensioning System:

E. R. L. Wroe  
Walter Fremont  
Dennis Macken

The nomination was confirmed 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 11:40 A. M., subject to call of the Mayor.

Approved: Tom Miller.  
Mayor

Attest:

Hallie McKeel  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 14, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building on Thursday, November 14, 1940, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

" November 12, 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 November 12, 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 C. F. Dye, M. H. Crockett, K. A. Dye, Susie Cater Linscomb, and C. C. Linscomb requesting a change in the Use designation of the following property:

Blocks 1 and 2, in Pecan Grove Addition, located  
at the intersection of Barton Springs Road and  
the proposed Lamar Boulevard

from "C" Commercial District and "A" Residential District and First Height and Area District to "C-2" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment considered this application at a hearing on October 30, 1940, at which meeting Mr. M. H. Crockett and Mr. C. C. Linscomb appeared and plead for this change; and

WHEREAS, after hearing the petitioners, the Board took the matter under advisement for further study and investigation, and requested the City Council to postpone a public