

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 20, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on November 20, 1940, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller; absent, Councilman Wolf.

The meeting was held on Wednesday preceding the official Thanksgiving Holiday on Thursday.

The Minutes of the special meeting of November 1, the regular meetings of November 7 and 14, 1940, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 52, OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON OCTOBER 10, 1940, AND IS RECORDED IN BOOK "L", PAGES 42-51, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY CHANGING THE EFFECTIVE DATE OF THE RETIREMENT AND PENSIONING SYSTEM FROM DECEMBER 1, 1940, TO JANUARY 1, 1941, AND DECLARING AN EMERGENCY. "

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

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

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

The Mayor declared the ordinance finally passed.

Councilman Bartholomew moved that the application of J. E. Long 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 ApplicantDescription of Boat

Long, J. E. - 616 West Monroe Street

Home-built, Flat-bottom,  
1940 Model, 2-passenger

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

The following report of the Board of Adjustment was received:

"Austin, Texas  
November 12, 1940

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 12, 1940, passed the following resolution, which is hereby submitted for your favorable consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin has been administering the Zoning Ordinance of the City of Austin since its passage on April 23, 1931, and has at

a meeting held on November 12, 1940, carefully considered several amendments thereto; and,

WHEREAS, during this long period of hearing appeals from the strict enforcement of the terms of the Zoning Ordinance and granting numerous variations thereto, the Board has found that the Ordinance in many instances is not sufficiently clear, definite, and explicit, in its definitions, terms, and the wording of its regulations, and that it is now highly desirable to amend the Ordinance to clarify such ambiguous, indefinite, and conflicting portions thereof; and

WHEREAS, recent litigation has emphasized the necessity for the clarification of the Ordinance on certain points and the elimination of an apparent conflict between the Zoning Ordinance and the Ordinance governing the construction and operation of gasoline filling stations passed April 23, 1931, in order that the City may not be placed at a disadvantage in any future litigation; and

WHEREAS, the Board also deems it desirable at this time to change the Use classification of the property along the south bank of the Colorado River now zoned as an Industrial District in conformity with the Master Plan of the City, which contemplates a low water dam and a lake in this portion of the City and to preserve and safeguard the esthetic values of the approach to the City of Austin and the water front and to provide for a more appropriate development of this land for the future benefit and welfare of the City; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT it be, and is hereby, recommended to the City Council that the following amendments to the Zoning Ordinance of the City of Austin be adopted, to-wit:

- (1) To amend Section 2, Definitions, by deleting entirely the Definition, "Non-conforming Use."
- (2) To amend Section 6, "C" Commercial District, by adding item "34. Gasoline Filling Stations, except where a legal permit has been issued by the City Council of the City of Austin, Texas, for the erection, maintenance, and operation of the same."
- (3) To change the USE designation of all the property now shown as a "D" Industrial District on the Use District Map of the City of Austin bordering the south bank of the Colorado River from Blunn Creek to Bouldin Creek to "B" Residence District and Second Height and Area District, as shown on attached sectional map of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuhns  
Chairman. "

A public hearing on the proposed changes in the Zoning Ordinance as recommended in the foregoing report of the Board of Adjustment was called for Thursday, December 12, 1940, at 11:00 A. M.

The following resolution was introduced by Councilman Gillis:

WHEREAS, Rex D. Kitchens is the Contractor for the erection of a building located at 700 block on East 15th Street, and desires a portion of the sidewalk space abutting Lots 5, 6, 7, and 8, Block 166, 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 Working Space

BEGINNING at the northeast corner of the above described property; thence in a northerly direction and at right angles with the centerline of East 15th Street to a point 4 feet south of the south curb line; thence in a westerly direction and parallel with the centerline of East 15th Street to a point 4 feet east of the east curb line of Sabine Street; thence in a southerly direction and at right angles with the centerline of Sabine Street approximately 120 feet to a point; thence in an easterly direction and at right angles with the centerline of Sabine Street to the west 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 guard rail within the boundary line along the north, west, south, and east lines of the above described space, such guard rail to be at least 4 feet high

and substantially braced and anchored.

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

(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 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 1, 1941.

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

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 WINSTED LANE from a point 427 feet south of Enfield Road southerly 169 feet, the centerline of which gas main shall be 12 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.

- (2) A gas main in CHICON STREET from a point 53 feet south of East 12th Street southerly 58 feet, the centerline of which gas main shall be 19 feet east of, and parallel to, the centerline of said Chicon Street.

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

- (3) A gas main in SAN GABRIEL STREET from a point 115 feet south of West 32nd Street southerly 73 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said San Gabriel Street.

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

- (4) A gas main in SAN ANTONIO STREET from West 2nd Street southerly 246 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said San Antonio 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 utilization, 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, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was offered by Councilman Gillis:

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 street shown upon the maps of the City of Austin as "Woodland Avenue," being the first street west of Bouldin Avenue and extending from Barton Springs Road southerly one block to Post Oak Street, be known and designated hereafter as DANIEL STREET.
- (2) The street shown upon the maps of the City of Austin as "King Street," being the first street west of Guadalupe Street and extending from West 37th Street to West 38th Street, be known and designated hereafter as RONSON STREET.
- (3) The street shown upon the maps of the City of Austin as "Possum Trot", being the first street west of Center Street and extending from West 7th Street to West 12th Street, be known and designated hereafter as WAYSIDE DRIVE.

- (4) The street or road shown upon the maps of the City of Austin as "Burleson Road," being a continuation of East Live Oak Street from Blunn Creek to Parker Lane, be known and designated hereafter as EAST LIVE OAK STREET.
- (5) The street shown upon the maps of the City of Austin as "Rose Street," being the second street south of West Fifth Street and extending one block west from Baylor Street, be known and designated hereafter as BLOCK STREET.
- (6) The street shown upon the maps of the City of Austin as "Block Street," being the first street south of West Fifth Street and extending one block west from Baylor Street, be known and designated hereafter as ROSE STREET.
- (7) The street shown upon the maps of the City of Austin as "Robertson Street," being the first street east of East Avenue and extending from East 8th Street to East 9th Street; be known and designated hereafter as EMBASSY DRIVE.
- (8) The street shown upon the maps of the City of Austin as "Eddy Street," being the first street west of Atlanta Street, extending from Lake Austin Boulevard south approximately one block, be known and designated hereafter as DEEP EDDY AVENUE.
- (9) The street shown upon some of the maps of the City of Austin as "New Street," being the first street west of Walsh Street, extending from West 5th Street south one block, be known and designated hereafter as ORCHARD STREET.
- (10) The street shown upon some of the maps of the City of Austin as "Orchard Street," being the first street south of West 5th Street, extending from Walsh Street westerly two blocks, be known and designated hereafter as WEST 4TH STREET.
- (11) The street shown upon some of the maps of the City of Austin as "Goodall Street," being the first street west of Blunn Creek, extending from East Live Oak Street to Island Street, and being in line with the southerly extension of East Side Drive, be known and designated hereafter as EAST SIDE DRIVE.
- (12) The street shown upon some of the maps of the City of Austin as "Viola Street," being the first street north of Copeland Street, extending from Bouldin Creek easterly to South 2nd Street, and being in line with the easterly extension of Christopher Street, be known and designated hereafter as CHRISTOPHER STREET.
- (13) The street shown upon some of the maps of the City of Austin as "North Avenue," being the first street east of South Congress Avenue, extending from Academy Drive to LeGrande Avenue, be known and designated hereafter as THE CIRCLE.

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

The following communication was received and filed:

"Austin, Texas  
November 19, 1940.

To the Mayor and Commissioners  
of the City of Austin

Gentlemen:

On the 5th instant, we, the owners of the Butler Estate, gave you an option for \$90,000.00 on our property in the City of Austin, Travis County, generally referred to as the property of the Butler Estate, being all of the land owned by the vendors, or the Butler Estate, south of the Colorado River and north of Barton Springs, and bounded on the west by Barton Creek and on the east by South First Street, consisting of approximately 90 acres.

This letter is to advise you we have concluded to reduce the price \$5,000.00, which makes the option read \$85,000.00. The other owners, Margaret B. Walno, T. J. Butler, and Walter H. Walno, have joined with me in this reduction.

Very respectfully,

BUTLER ESTATE

By /s/ John H. Butler. "

It was the sense of the meeting that the next regular meeting be held on Wednesday, November 27, on account of the Thanksgiving Holiday.

Upon motion, seconded and carried, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

Attest:

Walter M. Stearn  
City Clerk

Approved: Tom Miller  
Mayor