

The hearing on the change in zoning, from "A" Residence District to "C" Commercial District, of the property of H. E. Martin, located at the northeast corner of West Live Oak and South First Streets, more particularly described as Lot 1, Block 3, Davis & Dawson Addition of the City of Austin, Texas, which was continued from the last regular meeting, was continued to the next regular meeting.

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:

Marie McKeen  
City Clerk

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, May 16, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, May 16, 1940, at 10:55 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 Minutes of the regular meeting of May 9, 1940, were read, and upon motion of Councilman Alford, were adopted, as read, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

A public hearing on the proposed amendment to the Plumbing Ordinance was called for the next regular meeting, Thursday, May 23.

The application of Roland R. Freund for a change in zoning of the property at the southeast corner of the intersection of 34th Street and Shoal Creek Drive, said property facing 143.42 feet on 34th Street and 162.52 feet on Shoal Creek Drive, from Residential to "C" Commercial, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of W. E. Thompson for a change in zoning of Lots 31, 32, and 33, of N. A. Ladd Addition, said property fronting 115 feet on the Lower Georgetown Road and facing Capitol Court Street, from "C" Commercial to "C-2" Commercial, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

A petition asking for the closing of the alley running through Block 1 of Tobin & Johnson's Addition, extending from Schulle Street to Pecos Street, between Enfield Road and Bonnie Road, signed by Iline Cameron, et al., property owners, was received.

A petition protesting the closing of the aforementioned alley, signed by A. C. Cade, et al., was received, also.

Mayor Miller moved that the alley in question be not closed. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Alford:

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 DEXTER STREET from a point 140 feet west of Kinney 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 Dexter Street.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (2) A gas main in EAST 30TH STREET from a point 144 feet east of Dancy Street, easterly 40 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet north of and parallel to the south property line of said East 30th 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 44TH STREET from a point 60 feet east of Harmon Avenue, 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 44th Street.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (4) A gas main in ELTON LANE from a point 185 feet south of Windsor Road, northerly 72 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.
- (5) A gas main in AVENUE G from East 43rd Street southerly 191 feet, the centerline of which gas main shall be 23 feet west of and parallel to the east property line of said Avenue G.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (6) A gas main in MONTCLAIRE STREET from a point 147 feet east of Paramount Avenue westerly 210 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 Montclair Street.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (7) A gas main in LAFAYETTE AVENUE from a point 181 feet north of East 32nd Street northerly 202 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 Lafayette Avenue.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (8) A gas main in GASTON AVENUE from a point 504 feet west of McCallum Drive westerly 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 Gaston Avenue.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (9) A gas main in ALGARITA AVENUE from Kenwood Avenue easterly 250 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 Algarita Avenue.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (10) A gas main in BOWMAN AVENUE from Keating Lane to Dormarion Lane, the centerline of which gas main shall be  $7\frac{1}{2}$  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  $2\frac{1}{2}$  feet.
- (11) A gas main in BOWMAN AVENUE from Dormarion Lane easterly 96 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 Bowman Avenue.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.
- (12) A gas main in DORMARION LANE from Bowman Avenue to Townes Lane, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Dormarion Lane.  
Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (13) A gas main in TOWNES LANE from Dormarion Lane easterly 96 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 Townes Lane.

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

- (14) A gas main in EAST 19th STREET from a point 62 feet east of the west property line of East Avenue, westerly 110 feet, the centerline of which gas main shall be 18 feet south of and parallel to the north property line of said East 19th Street.

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

- (15) A gas main in EAST AVENUE from East 19th Street southerly 109 feet, the centerline of which gas main shall be 62 feet east of and parallel to the west property line of said East 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Gillis:

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 located at the southeast corner of the intersection of East First and Trinity Streets, the same being the north one-half ( $1/2$ ) of Block 183 of the Original City of Austin, Travis County, Texas, according to a map or plat of said Original City on file in the General Land Office of the State of Texas, and hereby authorizes R. E. Leigh, acting by and through Roy L. Thomas, Architect, to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways 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 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 R. E. Leigh has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations  
attached )

"Austin, Texas  
May 16, 1940

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of R. E. Leigh, acting by and through Roy L. Thomas, Architect, for permission to construct, maintain and operate a drive-in gasoline filling station upon property owned by the State of Texas, the same being the north one-half (1/2) of Block 183 of the Original City of Austin, Travis County, Texas, according to a map or plat of said Original City on file in the General Land Office of the State of Texas, which filling station is to be situated at the southeast corner of the intersection of East First Street and Trinity Street, 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 as shown upon the Zoning Maps of the City of Austin.

Storm sewer drainage facilities do not exist at the street intersection at the site of this proposed filling station. The waste oils and water from this station will have to be drained into a seep well to be located upon the property of the applicant or drained into Waller Creek adjacent to this proposed filling station.

We recommend that R. E. Leigh be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, sidewalks and driveways 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, or shall be concentrated into a seep well located upon the property 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-H-692.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-692, 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,

/s/ J. E. Motheral  
City Engineer

/s/ J. G. Eckert  
Building Inspector. "

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

The following resolution was introduced by Councilman Alford:

WHEREAS, the Pitts Ice Company is the owner of Lots 9 and 10, Block 1, Outlot 35, Division "C", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which property abuts the south side of East First Street at a location west of Chalmers Avenue, and said Pitts Ice Company, acting by and through W. H. Pitts, 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 East First Street at the above location, as shown upon the plan hereto attached, marked 2-C-869, 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 Pitts Ice Company, owner of Lots 9 and 10, Block 1, Outlet 35, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which property abuts the south side of East First Street at a location west of Chalmers Avenue, is hereby permitted to construct a commercial driveway across the south sidewalk area of East First Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-C-869, 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Wolf:

WHEREAS, the Dr. Pepper Bottling Company, acting by and through Page & Southerland, Architects, owner of Lots 1 and 2, Block 49, of the Original City of Austin, Travis County, Texas, which property is situated at the northeast corner of West Fifth Street and West Avenue, has requested the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of West Fifth Street at the above described location, as shown upon the plan hereto attached, marked 2-C-871, which plan is hereby made a part of said request; and

WHEREAS, said request 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 the Dr. Pepper Bottling Company, acting by and through Page & Southerland, Architects, owner of Lots 1 and 2, Block 49, of the Original City of Austin, Travis County, Texas, which property is situated at the northeast corner of West Fifth Street and West Avenue, is hereby permitted to construct a commercial driveway across the north sidewalk area of West Fifth Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-C-871, 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 Wolf, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Alford:

WHEREAS, the City Council has determined to give relief to domestic water consumers residing within the corporate limits of the City of Austin for the three summer months, namely, for water consumption between May 20 and September 20, 1940, for the purpose of encouraging the further beautification of our City and thereby indirectly creating more employment; and

WHEREAS, it is the intention of the City Council that this reduction shall be made only to those water consumers whose use shall be strictly for residential purposes, and is not effective for commercial purposes; therefore,

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

THAT the City Manager be and he is hereby authorized and directed to make effective on all water readings within the corporate limits of the City of Austin, Texas, for all water consumers whose use is strictly for residential purposes, as of June 20 to September 20, 1940, a reduction of 10% from the gross bill on amounts from \$1.00 to \$3.00, inclusive, there being no reduction on any amount less than \$1.00; a reduction of 20% from gross bill on amounts between \$3.01 and \$6.00, inclusive; a reduction of 25% on gross bill on amounts above \$6.00; all amounts of water used in excess of 250,000 gallons per month to be billed net on the regular rate.

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

The following resolution was introduced by Councilman Wolf:

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

THAT the sum of \$500 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of actuary services on the pension system.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, on the 7th day of March, 1940, a resolution was duly passed by the City Council of the City of Austin, Texas, giving notice of its intention to pass an ordinance providing for the submission to the qualified voters of the City of Austin, Texas, at an election to be held for such purpose four certain amendments to the existing Charter of said City of Austin; and

WHEREAS, in accordance with law, notice of intention to submit such proposition at such election was given by publication in the Austin American, the Austin Statesman, and the Austin Tribune, newspapers of general circulation published in said City of Austin, which notice was published in said newspapers consecutively for ten days, to wit, March 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, 1940, the first of said publications being 20 days before the passage of said ordinance; and

WHEREAS, under and by virtue of the terms of the certain ordinance passed by the City Council, and approved by the Mayor of said City, on the 4th day of April, 1940, a special election was held in said City, according to law, on the 10th day of May, 1940, for the purpose of the adoption or rejection by the qualified voters of said City of said proposed amendments to the existing Charter of the City of Austin, Texas; and

WHEREAS, upon due consideration of said election, it appears and it is found that due and legal notice thereof has been given, and further upon consideration of the returns of said election, it appears and it is found that the votes cast at said election have been duly counted and the returns thereof legally made, and the City Council having counted and canvassed said returns, it appears therefrom that there were cast in said election thirty-one hundred and seventy-three (3173) votes, of which number there were cast for and against each of said propositions proposing said amendments the following:

|                                      |      |       |
|--------------------------------------|------|-------|
| FOR Proposition No. 1 -----          | 2232 | votes |
| AGAINST Proposition No. 1 -----      | 887  | votes |
| MAJORITY FOR Proposition No. 1 ----- | 1345 | votes |

|                                      |            |
|--------------------------------------|------------|
| FOR Proposition No. 2 -----          | 2256 votes |
| AGAINST Proposition No. 2 -----      | 858 votes  |
| MAJORITY FOR Proposition No. 2 ----- | 1398 votes |
| FOR Proposition No. 3 -----          | 2341 votes |
| AGAINST Proposition No. 3 -----      | 737 votes  |
| MAJORITY FOR Proposition No. 3 ----- | 1604 votes |
| FOR Proposition No. 4 -----          | 2457 votes |
| AGAINST Proposition No. 4 -----      | 610 votes  |
| MAJORITY FOR Proposition No. 4 ----- | 1847 votes |

And it appearing to the City Council from the returns of said election, after the canvass thereof as tabulated and set out above, that a majority of the qualified voters at said election have voted in favor of each of the four said amendments to the City Charter of the City of Austin, Texas, therein contained, and that all of the propositions proposing said amendments were approved and adopted at said election; therefore,

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

1. THAT the four said propositions to adopt the amendments proposed at said election were sustained, and that at such election said amendments were approved and adopted by a majority of the qualified voters of said city voting at said election, and that the Charter Amendments thereby became and are now hereby recognized and declared to be a part of the City Charter of the City of Austin, Texas, and it is so ordered.

2. THAT the Mayor and the City Manager be, and they are hereby directed, to certify to the Secretary of State of the State of Texas, an authenticated copy of each of the four said amendments, under the seal of the City of Austin, showing the approval of and adoption by the qualified voters at said election of said amendments, and that the Secretary of State be requested to file and record the same in a separate book to be kept in his office for such purpose.

3. THAT the City Clerk be and is hereby directed to record at length upon the records of the City of Austin, Texas, in a separate book to be kept for such purpose, the four said amendments so adopted.

Councilman Gillis moved that the foregoing resolution be adopted. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following ordinance was introduced by Councilman Alford:

**AN ORDINANCE CLOSING, VACATING AND ABANDONING THAT PORTION OF ROSDALE TERRACE LYING BETWEEN ALAMEDA DRIVE AND SUNSET LANE, AND DISCONTINUING THE USE THEREOF AS A PUBLIC STREET.**

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

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

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote:

Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON THE 2ND DAY OF FEBRUARY, 1940, REGULATING THE OPERATION OF PRIVATE AND COMMERCIAL BOATS ON LAKE AUSTIN, AND CREATING THE LAKE AUSTIN NAVIGATION BOARD, WHICH ORDINANCE IS RECORDED IN BOOK "K", PAGES 595-600 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING TO SAID ORDINANCE A NEW SECTION TO BE KNOWN AS SECTION 5-A, REGULATING THE OPERATION OF BOATS BELOW THE DAM ON THE COLORADO RIVER; 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

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, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

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, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the ordinance had been finally passed.

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

| <u>Name of Applicant</u>                          | <u>Description of Boat</u>  |
|---|---|
| Grubbs, H. C. - 1104 Reagan Terrace               | Home-made, Outboard, 1940 Model, Johnson, 4-passenger                 |
| Johnson, Tobin - 1802 Lavaca Street               | Home-made, Sail, 1940 Model, 5-passenger                              |
| Mueller, Rudolph George, Jr.-<br>1400 West Avenue | Welch 12' Fishing, Flat-bottom Hull, 1940 Model,<br>4-passenger       |
| Mueller, Rudolph George, Jr.-<br>1400 West Avenue | Welch, 19' Runabout, 1940 Model, 6-passenger                          |
| Tillman, Floyd - Riverside Tourist Camp           | Penyen, Outboard, 1938 Model, "Daisy Mae", Waterwitch,<br>4-passenger |
| Torn, Paul Elmer-4208 Avenue C                    | Crandall, Outboard, 1938 Model, Evinrude, 2-passenger                 |

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

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

| <u>Name of Applicant</u>            | <u>Description of Boat</u>  |
|-------------------------------------|---|
| Searight, Geo.P., Jr.- Camp Mabry   | Home-made, Flat-bottom, Fishing, 4-passenger  |
| Searight, Geo.P., Jr.- Camp Mabry   | Home-made, Flat-bottom, Fishing, 1940 Model, 4-passenger                              |
| Searight, Geo.P., Jr.- Camp Mabry   | Home-made, Flat-bottom, Fishing, 4-passenger  |
| Searight, Geo.P., Jr.- Camp Mabry   | Home-made, Flat-bottom, Fishing, 4-passenger  |
| Shelton, Harold - 303 West Live Oak | Home-made, Cabin, Cruiser, 1938 Model, "Josephine II, "<br>30-passenger and Crew of 3 |

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



Councilman Wolf moved that John H. Booth, 205 East 15th Street, be granted a Commercial Pilot's License, in accordance with the recommendation of the Lake Austin Navigation Board. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf moved that Paul Elmer Torn, 4208 Avenue C, be granted a Commercial Pilot's License, in accordance with the recommendation of the Lake Austin Navigation Board. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf moved that Harold Shelton, 303 West Live Oak Street, be granted a Commercial Pilot's License, in accordance with the recommendation of the Lake Austin Navigation Board. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Wolf:

WHEREAS, City of Austin taxes were assessed in the name of John W. Hornsby for the years 1937 and 1938 on Lot 4, Outlot 21, Division E, City of Austin, Travis County, Texas, said taxes being for the sum of \$259.21; and for non-payment of same at maturity penalty in the sum of \$12.95 has been assessed, and interest in the sum of \$25.21, making the total amount of taxes, penalty and interest, \$297.37; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.95; therefore

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

THAT the aforesaid penalty in the sum of \$12.95 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$12.95 off his rolls and to issue to the party entitled to receive same a receipt in full, upon the payment of said taxes and interest, as aforesaid.

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

The public hearing on the change in zoning, from "A" Residence District to "C" Commercial District, of the property of H. E. Martin at the northeast corner of the intersection of South First Street and Live Oak Street, in South Austin, known as Lot 1, Block 3, Davis and Dawson Addition, which was continued from the last regular meeting, was continued to the next regular meeting.

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:

Lillian McKeen  
City Clerk