

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 3, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on July 3, 1940, at 10:45 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. Thursday being a legal holiday, the meeting was held on the Wednesday preceding.

The Minutes of the regular meeting of June 27, 1940, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mrs. Roger Roberdeau and Mrs. W. R. Long, representing the Texas Fine Arts Association, came before the Council and submitted a request that the City contribute to the upkeep of the Elizabeth Ney Museum. After some discussion, the matter was referred to said Association to determine whether the property in question could be transferred to the City of Austin in trust in order that the City may legally contribute to the maintenance of same.

The public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the zoning of the following described property from "C" Commercial District and First Height and Area District, to "C-2" Commercial District and First Height and Area District:

Lots 31, 32, and 33, N. A. Ladd Addition to the City of Austin, Texas, said property facing the Lower Georgetown Road and Capitol Court Street,

which was continued from the last regular meeting, was reopened.

Bryan Blalock, Attorney for the proponent, Eugene Thompson, the proponent himself, and William E. Simpson, property owner, plead for the change on the ground that it was necessary to the sale of the property.

No property owners appearing to protest the proposed change, the City Attorney was instructed to prepare a tentative ordinance for the next regular meeting, subject, however, to a continuance of the hearing until then in order to give all protestants a further opportunity to be heard.

H. E. Martin presented a petition, signed by the owners of property at all four corners of the intersection of South First and West Live Oak Streets, asking that said property be zoned as "C" Commercial District in order that store buildings may be erected thereon.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 29, 1937, AND RECORDED IN ORDINANCE BOOK "K", PAGE 239, ET SEQ., OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT OF ALL FOUR (4) CORNERS OF THE INTERSECTION OF SOUTH FIRST STREET AND WEST LIVE OAK STREET, IN THE CITY OF AUSTIN, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGES HEREBY ORDERED.

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 announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN PORTIONS OF PECOS STREET IN THE CITY OF AUSTIN, TEXAS, LYING BETWEEN POPLAR AND CHERRY STREETS, AND RELINQUISHING ANY AND ALL INTEREST, RIGHT, TITLE, OR CLAIM OF THE CITY OF AUSTIN IN AND TO SAID PORTIONS OF PECOS STREET.

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

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The Mayor announced that the ordinance had been finally passed.

Mr. M. H. Crockett came before the Council and asked that the City build a storm sewer to carry the flood waters draining onto his property from Barton Springs Road and Riverside Drive. The matter was referred to the City Manager and the City Engineer for an estimate of the cost of running said sewer either to Bouldin Creek or to connect with the South Congress Avenue sewer.

The following resolution was introduced by Councilman Gillis:

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

THAT the sum of \$3,500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing additional land for the Fish Hatchery, consisting of Lots 2, 3, 4, and 5, Block 1; Lots 1 and 2, Block 2, and 180 feet off the south end of Lots 4 and 5, Block 2, Magnolia Addition to the City of Austin, and owned by the Maude W. McDonald Estate.

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

The following resolution was introduced by Councilman Alford:

WHEREAS, 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 TOM GREEN STREET from a point 118 feet south of East 13rd Street northerly 73 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said Tom Green Street.

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

- (2) A gas main in HARMON AVENUE from East 50th Street southerly 401 feet, the centerline of which gas main shall be 7½ 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 24 feet.

- (3) A gas main in McDONALD AVENUE from a point 85 feet north of West 37th Street northerly 99 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east property line of said McDonald Avenue.

Said gas main described above shall have a covering of not less than 24 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

At the written request of the Retail Grocers Association and the Travis County Food Industry Committee, Mayor Miller was authorized to issue a proclamation proclaiming the week of July 14-20 as SURPLUS FOOD WEEK.

The City Manager submitted to the Council an invitation from Marvin C. Turner, President of Capital Area Water and Sanitation Association, to attend the meeting of said Association at the Sunken Garden Amphitheater of Barton Springs on Wednesday, July 10, at 7:30 P. M.

The following resolution was introduced :

WHEREAS, City of Austin taxes were assessed in the name of W. B. Wheeler for the years 1933 through 1938, on Lot 1, Block 36, Sweetman Subdivision, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$241.11; and for non-payment of same at maturity, penalty in the sum of \$12.05 has been assessed, and interest in the sum of \$54.25, making the total amount of taxes, penalty and interest, \$307.41; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.05, and one-half of the interest in the sum of \$27.12; therefore,

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

THAT the aforesaid penalty, in the sum of \$12.05, and one-half of the interest, in the sum of \$27.12, are 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 \$12.05 and one-half of the interest in the sum of \$27.12, off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 11:50 A. M., subject to call of the Mayor.

Attest:

Walter M. Keenan City Clerk

Approved:

Tom Miller
Mayor

AFTERNOON SESSION:

July 3, 1940.

The City Council and the Commissioners Court of Travis County met in joint session at 3:30 P.M., in the Council Room at the Municipal Building, with Mayor Tom Miller presiding.

The following members of the City Council were present: Councilman Gillie, Mayor Miller, and Councilman Wolf; absent, Councilmen Alford and Bartholomew.

The following members of the Commissioners Court were present: Judge Matthews, Commissioners Chote, Freund, Parker, and Shelton.

The Mayor stated that the meeting was called for the purpose of appointing two members to the Austin-Travis County Tuberculosis Sanatorium Board, to fill the unexpired terms of Charles Howell and Dr. F. N. Moore, resigned.

Confirmation by the Commissioners Court of the appointment of Dr. F. N. Peavy as a member of said Board, heretofore recommended by the City Council, came before the meeting.

After considerable discussion, it was the sense of the meeting that, in the interest of harmony but with no reflection on the reputation and integrity of the said Dr. Peavy, the appointment be not confirmed.

Councilman Wolf then nominated Jess Allman and Cecil Cabaniss as members of said Board to fill the existing vacancies aforementioned. The nominations were unanimously confirmed by both the City Council and the Commissioners Court.

The City Manager reported to the meeting that an agreement had been reached with the County of Travis whereby the County would assume the expense of rent and utilities for the Sewing Room Project, and the City would contribute to the extent of an additional \$500.

Upon motion, seconded and carried, the meeting was recessed at 4:00 P. M.

Approved: Tom Miller
Mayor

Attent:

Marie McKeen
City Clerk.