

buildings and equipment; nor shall the terms of any such lease contract preclude the City from building additional runways, installing additional lights, or constructing new buildings, or any other improvements which the City from time to time may elect to undertake. Such lease contracts may not be transferred or assigned by the lessee except upon written consent of the City. The lessee shall agree to purchase and keep in force public liability and property damage insurance, sufficient to protect the City from claims of damages resulting from operations on the leased premises, and failure to provide such insurance and other necessary safeguards, or failure of the lessee to operate the airport in accordance with federal, state and local regulations applicable to airports and their operations, or failure of the lessee to comply with any of the terms of such lease contracts shall be grounds for forfeiture and cancellation of the contracts.

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

Upon motion, seconded and carried, the meeting was recessed at 12:50 P. M., subject to call of the Mayor.

Approved

*Tom Miller*  
Mayor

Attest:

*Stella McCallan*  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 1, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room of the Municipal Building on Thursday, August 1, 1940, at 10:30 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 July 18, 1940, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; noys, none; Councilman Bartholomew absent.

G. H. Kinney and other property owners appeared before the Council and petitioned for the immediate paving of Kinney Avenue in order to eliminate a dust nuisance. The matter was referred to the City Manager and the City Engineer for an inspection on the ground with the Committee at 5:00 P. M., of this date.

Mr. Eilers appeared before the Council and registered a protest against the proposed erection of a garage at 12th and Guadalupe Streets.

In accordance with published notice thereof, the Mayor announced the public hearing upon the proposal of the City Council 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 "E" Heavy Industrial District to "A" Residence District:

All that property now zoned as "E" Heavy Industrial District lying west of, and adjacent to, Pleasant Valley Road, and extending from the present Commercial District on East First Street south to the Colorado River, thence west along said Colorado River to Pedernales Street.

To amend the HEIGHT and AREA designation of the following described property so as to change same from Third Height and Area District to First Height and Area District and Second Height and Area District:

All that property now zoned as Third Height and Area District lying west of, and adjacent to, Pleasant Valley Road, and extending from the present Commercial District on East First Street south to the Colorado River, to First Height and Area District;

All that property in the present Commercial District lying west of, and adjacent to, the Pleasant Valley Road and south of, and adjacent to, East First Street now zoned as Third Height and Area District, to Second Height and Area District.

To amend the USE designation and the HEIGHT and AREA designation of the following described property so as to change same from "A" Residence District and First Height and Area District to "Unrestricted" zoning classification:

All that property east of Lots 15 and 35 of Ridgeway Gardens between the Municipal Airport and the north city limits, and extending to east city limits, said property having been recently acquired by the City of Austin.

No one appearing to protest the aforesaid changes in zoning, Councilman Alford moved that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilmen Wolf; nays, none; Councilman Bartholomew absent.

Dr. J. S. Koenig appeared before the Council and registered a protest against a change in zoning of the property at the intersection of Lower Goerzertown Road and Capitol Court to permit the sale of liquor, but stated that the protest did not apply to the sale of beer with meals.

The Board of Adjustment was requested to make a comprehensive study relative to the creation of a "C-1" Commercial zone for the sale of beer only, and submit their recommendations to the Council.

A committee from the King's Daughters, Colored, composed of Mrs. W. H. Fuller and Mrs. C. H. Christian, came before the Council and requested that the City sponsor a NYA project to be undertaken by said organization; and that the monthly contribution of \$25 to the Old Negro Women's Home be transferred to said project, by reason of the discontinuance of said Home. The Mayor advised the committee that the City would probably grant their request for the contribution, and that the matter would be referred to the City Manager and the NYA Director for further consideration.

A committee of Negro citizens, composed of Dr. E. H. Givens, et al., submitted a request for the appointment of a Negro supervisor for the Negro Housing Unit, and were advised to refer their request to the Housing Authority instead.

The aforesaid committee also submitted requests for: Negro policemen, should the City employ additional policemen, for a playground for the smaller colored children more centrally located, and for an additional park for the adults. The matters were taken under advisement.

The aforesaid committee also registered a protest against the proposed plan a carnival to be given at Reservoir Park on the 2nd instant being used to purchase playground equipment; and asked to be on record as being opposed to this policy in the future.

Councilman Alford moved that a taxicab driver's permit be granted Odie Leon Johnson, 1404 Willow Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilmen Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford moved that a taxicab driver's permit be granted Leonard Wilford Sloan, 1508 West Fifth Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford moved that a taxicab license be granted Vernie Ralph Moore, 2320 Sabine Street, in accordance with the recommendation of the City Manager. The motion 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 for licenses to operate private boats on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

| <u>Name and Address of Applicant</u>      | <u>Description of Boat</u>  |
|---|---|
| Blackmore, Denis - 75 Rainey Street       | Home-made, 1939 Model, 4-passenger                                |
| Dykes, Edward - 206 East 16th Street      | Home-made, Sail, New, "Shad", 8-passenger                         |
| James, Menora - 1409 West 35th Street     | Cabinet-built, Outboard, 1939 Model, "Les", 4-passenger           |
| Kennedy, Geo. A. - 1606 Red River Street  | Home-made, Outboard, 1940 Model, Elto, 3-passenger                |
| Rehfeld, Herbert - 202 San Jacinto Street | Home-made, Outboard, 1940 Model, Johnson, 5-passenger             |
| Rogers, John D. - 2508 Quarry Road        | Home-made, Outboard, 1940 Model, "Wee-Jan," Evinrude, 1-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 for licenses to operate commercial boats below the Dam be granted, subject to approval of same by the Lake Austin Navigation Board:

| <u>Name and Address of Applicant</u>    | <u>Description of Boat</u>                     |
|---|--|
| Gilmore, Lucius - 1803 West 10th Street | Home-made, Row Boat, 2 years old, 2-passenger  |
| Gilmore, Lucius - 1803 West 10th Street | Home-made, Row Boat, 2 years old, 2-passenger  |
| Police Department - City Hall           | Home-made, Fishing Boat, Outboard, 3-passenger |
| Shelton, R. G. - Lake Austin            | Home-made, Row Boat, New, 3-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.

The following resolution was introduced by Councilman Wolf:

WHEREAS, the City of Austin has acquired by purchase from The Austin National Bank an Independent Executor of the Estate of Maude W. McDonald, deceased, the following described lots, tracts, or parcels of land, lying and being in the City of Austin, in Travis County, Texas, and more particularly described as follows:

A part of Magnolia Addition to the City of Austin, a subdivision made by Mrs. Maude W. McDonald out of a tract of 9-29/100 acres of land out of the south half of Outlets 56 and 57, in Division "O", of said City, and being: Lots Nos. Two (2), Three (3), Four (4), and Five (5), in Block No. One (1), out of the south half of Outlet 56; and Lots Nos. One (1), Two (2), Four (4), and Five (5), in Block No. Two (2), of said Subdivision, out of the south half of Outlet 57, in said Division "O", of said City of Austin; SAVING AND EXCEPTING out of said Lots 4 and 5 in Block 2 a tract of land situated at the corner of Haskell and Comal Streets, fronting one hundred and forty-three (143) feet on Haskell Street and one hundred and thirty-three (133) feet on Comal Street, the south line of said tract being parallel to the north line of said Lots 4 and 5, and the west line of said tract being parallel to the east line of said Lot 5, upon which is situated three cottages; and

WHEREAS, the United States Government, through its Bureau of Fisheries, has indicated that if the City of Austin will convey said above described lands by warranty deed to the United States Government, the Bureau of Fisheries will locate, establish and maintain a fish cultural station on

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Conveyed to U.S. Govt.

REGULAR MEETING OF THE CITY COUNCIL  
Austin, Texas  
August 1, 1940

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The following resolution was introduced by Councilman Wolf:

WHEREAS, the City of Austin has acquired by purchase from The Austin National Bank as Independent Executor of the Estate of Maude W. McDonald, deceased, the following described lots, tracts, or parcels of land, lying and being in the City of Austin, in Travis County, Texas, and more particularly described as follows:

A part of Magnolia Addition to the City of Austin, a subdivision made by Mrs. Maude W. McDonald out of a tract of 9-29/100 acres of land out of the south half of Outlots 56 and 57, in Division "O", of said City, and being: Lots Nos. Two (2), Three (3), Four (4), and Five (5), in Block No. One (1), out of the south half of Outlot 56; and Lots Nos. One (1), Two (2), Four (4), and Five (5), in Block No. Two (2), of said Subdivision, out of the south half of Outlot 57, in said Division "O", of said City of Austin; SAVING AND EXCEPTING out of said Lots 4 and 5 in Block 2 a tract of land situated at the corner of Haskell and Comal Streets, fronting one hundred and forty-three (143) feet on Haskell Street and one hundred and thirty-three (133) feet on Comal Street, the south line of said tract being parallel to the north line of said Lots 4 and 5, and the west line of said tract being parallel to the east line of said Lot 5, upon which is situated three cottages; and

WHEREAS, the United States Government, through its Bureau of Fisheries, has indicated that if the City of Austin will convey said above described lands by warranty deed to the United States Government, the Bureau of Fisheries will locate, establish and maintain a fish cultural station on the lands so conveyed, together with other lands heretofore conveyed by the City of Austin to the United States Government, being 21.68 acres out of the north portion of Outlots 69 and 70, Division "O", City of Austin, and

WHEREAS, the United States Bureau of Fisheries has available approximately \$40,000.00 to be expended for superintendence, equipment, and material in the establishment and construction of a fish hatchery, and has indicated that the first above-described tracts of land will be needed in connection with the heretofore conveyed 21.68 acre tract for the establishment of the Bureau's fish cultural station; and

WHEREAS, arrangements have been made with the Board of Water Engineers of the State of Texas for the appropriation annually of 2500 acre-feet of water from the Colorado River to be used in the operation of said Federal fish hatchery; and

WHEREAS, by supplying only the land for the location of said fish hatchery, the City of Austin may enjoy all the benefits to be derived from the location and maintenance of such a project within the City and may obtain fish from such hatchery for stocking Lake Austin, of which 18.6 miles lie within the City of Austin, and over which the City of Austin exercises general police power, by virtue of its Charter; and

WHEREAS, the location and maintenance of such Federal fish hatchery will be an integral part of an improvement and development program on lands adjoining the above described tracts and the 21.68 acre tract heretofore conveyed to the United States Government, including the dedication, construction and maintenance of a scenic boulevard, and the location and maintenance of a "Youth Center," with club houses, parks and playgrounds and other recreational facilities, together with all necessary additional street lighting, and general improvement of surrounding streets approaching said fish hatchery and the immediate area to be used for other public purposes named above; and

WHEREAS, the fish hatchery will be parked and landscaped and provided with walks and passageways and will be open to the general public at reasonable times for the use and enjoyment of the public generally and the citizens of Austin, thus furnishing to the people of Austin an educational and recreational feature not now available within thirty miles of the City of Austin; and

WHEREAS, the City Council deems it advisable and beneficial to the City of Austin and its citizens to convey said above-described tracts to the United States Government to be used, together with the 21.68 acre tract heretofore conveyed by the City of Austin to the United States Government, for the location, establishment and maintenance of a Federal fish cultural station; now, 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, for and in behalf of the City of Austin, to convey by general warranty deed to the United States of America, or its assigns, those certain lots, tracts or parcels of land, lying and being in the City of Austin, in Travis County, Texas, and more particularly described as follows:

A part of Magnolia Addition to the City of Austin, a subdivision made by Mrs. Maude W. McDonald, out of a tract of 9-29/100 acres of land out of the South half of Outlots 56 and 57, in Division "O", of said City, and being:

Lots Nos. Two (2), Three (3), Four (4), and Five (5), in Block No. One (1), out of the South half of Outlot 56; and Lots Nos. One (1), Two (2), Four (4), and Five (5), in Block No. Two (2), of said Subdivision, out of the South half of Outlot 57, in said Division "O", of said City of Austin; SAVING AND EXCEPTING out of said Lots

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4 and 5 in Block 2 a tract of land attached at the corner of Bushell and Canal Streets, fronting one hundred and forty-three (143) feet on Bushell Street and one hundred and thirty-three (133) feet on Canal Street, the south line of said tract being parallel to the north line of said lots 4 and 5, and the west line of said tract being parallel to the east line of said lot 5, upon which is situated three cottages.

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 lands so conveyed, together with other lands heretofore conveyed by the City of Austin to the United States Government, being 21.68 acres out of the north portion of Outlots 69 and 70, Division "0", City of Austin; and

WHEREAS, the United States Bureau of Fisheries has available approximately \$10,000.00 to be expended for superintendence, equipment, and material in the establishment and construction of a fish hatchery, and has indicated that the first above-described tracts of land will be needed in connection with the heretofore conveyed 21.68 acre tract for the establishment of the Bureau's fish cultural station; and

WHEREAS, arrangements have been made with the Board of Water Engineers of the State of Texas for the appropriation annually of 2500 acre-feet of water from the Colorado River to be used in the operation of said Federal fish hatchery; and

WHEREAS, by supplying only the land for the location of said fish hatchery, the City of Austin may enjoy all the benefits to be derived from the location and maintenance of such a project within the City and may obtain fish from such hatchery for stocking Lake Austin, of which 18.6 miles lie within the City of Austin, and over which the City of Austin exercises general police power, by virtue of its Charter; and

WHEREAS, the location and maintenance of such Federal fish hatchery will be an integral part of an improvement and development program on lands adjoining the above described tracts and the 21.68 acre tract heretofore conveyed to the United States Government, including the dedication, construction and maintenance of a scenic boulevard, and the location and maintenance of a "Youth Center," with club houses, parks and playgrounds and other recreational facilities, together with all necessary additional street lighting, and general improvement of surrounding streets approaching said fish hatchery and the immediate area to be used for other public purposes named above; and

WHEREAS, the fish hatchery will be parked and landscaped and provided with walks and passageways and will be open to the general public at reasonable times for the use and enjoyment of the public generally and the citizens of Austin, thus furnishing to the people of Austin an educational and recreational feature not now available within thirty miles of the City of Austin; and

WHEREAS, the City Council deems it advisable and beneficial to the City of Austin and its citizens to convey said above-described tracts to the United States Government to be used, together with the 21.68 acre tract heretofore conveyed by the City of Austin to the United States Government, for the location, establishment and maintenance of a Federal fish cultural station; now, 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, for and in behalf of the City of Austin, to convey by general warranty deed to the United States of America, or its agents, those certain lots, tracts or parcels of land, lying and being in the City of Austin, in Travis County, Texas, and more particularly described as follows:

A part of Meerslie Addition to the City of Austin, a subdivision made by Mrs. Maude W. McDonald, out of a tract of 2-23/100 acres of land out of the South half of Outlots 56 and 57, in Division "0", of said City, and being:

Lots Nos. Two (2), Three (3), Four (4), and Five (5), in Block No. One (1), out of the South half of Outlet 56; and Lots Nos. One (1), Two (2), Four (4), and Five (5), in Block No. Two (2), of said Subdivision, out of the South half of Outlet 57, in said Division "0", of said City of Austin; SAVING AND EXCEPTING out of said Lots 4 and 5 in Block 2 a tract of land situated at the corner of Haskell and Camel Streets, fronting one hundred and forty-three (143) feet on Haskell Street and one hundred and thirty-three (133) feet on Camel Street, the south line of said tract being parallel to the north line of said Lots 4 and 5, and the west line of said tract being parallel to the east line of said Lot 5, upon which is situated three cottages.

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



The following resolution was introduced by Councilman Gillis:

WHEREAS, O. G. Hanseler, acting by and through J. R. Blackmore, owner of Lot 4, Block 47, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West Fourth Street and Nueces Street, within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Nueces Street at the above described location; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-A-173 and made a part hereof; and

WHEREAS, said plan has been approved by the City Council of the City of Austin; therefore

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

THAT O. G. Hanseler, acting by and through J. R. Blackmore, owner of Lot 4, Block 47, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West Fourth Street and Nueces Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Nueces 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-A-173, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, 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 WEST 10TH STREET from a point 20 feet east of Charlotte Street westerly 200 feet, the centerline of said gas main shall be 11 feet south of and parallel to the north property line of said West 10th Street.  
Said gas main described above shall have a covering of not less than 2½ feet.
- (2) A gas main in DORMERION LANE from Townes Lane to Copo Avenue, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Dormerion Lane.  
Said gas main described above shall have a covering of not less than 2½ feet.
- (3) A gas main in COPO AVENUE from Dormerion Lane easterly 108 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Copo Avenue.  
Said gas main described above shall have a covering of not less than 2½ feet.
- (4) A gas main in KEATING LANE from Windsor Road northerly 240 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Keating Lane.  
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 warrant 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 installations, 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 repairing 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; Councilmen Bartholomew absent.

A written communication from R. D. Thorp, Chief of Police, and Roy J. Smith, Captain of Police, Traffic Division, recommending certain amendments to the Traffic Code, was received. Councilman Wolf moved that the recommendations be approved, and the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Stella McKeen  
City Clerk