

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 12, 1940.

The City Council convened in regular session, at the regular meeting, place in the Council Room at the Municipal Building, on Thursday, December 12, 1940, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of December 5, 1940, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis:

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

THAT the sum of \$79.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing 100 mattresses, at 79¢ each, from the Surplus Commodities Division, to be used by the City-County Welfare Department for distribution to their clients.

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 Bartholomew:

WHEREAS, the State Highway Department of the State of Texas has agreed to erect at its own expense a new bridge across the Colorado River if the City of Austin will obtain at its own expense certain rights-of-way within its corporate limits; and

WHEREAS, the Engineer for the State Highway Department has advised the City of Austin that it is necessary to obtain a certain parcel or parcels of land on and lying adjacent to Fannin Street in the City of Austin, Texas, for the necessary approaches to the new Colorado River bridge, which said parcel or parcels are described as follows:

TRACT No. 1. Seven hundred and seventy-three one-thousandths (0.773) of one acre of land, the same being a portion of land off of the west side of Lot 1, Block 7, of Raymond Plateau, a subdivision by James H. Raymond and wife of Outlet 11, Division "Z", 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 map or plat of said Raymond Plateau appears of record in Book 1, at page 30, of the Plat Records of Travis County, Texas, and which 0.773 of one acre of land is a portion of that certain tract or parcel of land conveyed to the International-Great Northern Railroad Company by R. R. Robertson and wife, by deed dated December 1, 1876, as recorded in Volume 36, at page 313, of the Deed Records of Travis County, Texas, and which 0.773 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set for the northwest corner of Lot 1, Block 7, of said Raymond Plateau, same being the point of intersection of the east line of Fannin Street and the south line of West Third Street and from which point of beginning an iron stake at the northeast corner of Lot 2, Block 3, of said subdivision bears N. 65°10' W. 30.0 feet;

THENCE along the south line of West Third Street S. 65°10' E. 62.47 feet to an iron stake;

THENCE S. 20°47' W. 441.36 feet to an iron stake in the north line of the State of Texas Sand Bench Reserve Tract;

THENCE along the north line of the State of Texas Sand Bench Reserve tract N. 54°50' W. 95.77 feet to an iron stake in the east line of Fannin Street;

THENCE along the east line of Fannin Street N. 24°57' E. 423.02 feet to the place of beginning.

TRACT NO. 2. Four hundred and five one-thousandths (0.405) of one acre of land, the same being a portion of land off of the east side of Lot 2, Block 3, of Raymond Plateau, a subdivision by James H. Raymond and wife of Outlet 11, Division "Z", 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 map or plat of said Raymond Plateau appears of record in Book 1, at page 30, of the Plat Records of Travis County, Texas, and which 0.405 of one acre of land is a portion of that certain tract or parcel of land conveyed to the International-Great Northern Railroad Company by R. R. Robertson and wife by deed dated December 1, 1876, as recorded in Volume 36, at page 312, of the Deed Records of Travis County, Texas, and which 0.405 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set for the northeast corner of Lot 2, Block 8, of said Raymond Platess Subdivision, same being the point of intersection of the west line of Fannin Street and the south line of West 3rd Street, and from which point of beginning; an iron stake at the northwest corner of Lot 1, Block 7 of said Subdivision bears S. 65°10' E. 20 feet;

THENCE along the west line of Fannin Street S. 24°57' W. 402.6 feet of an iron stake in the north line of the State of Texas Sand Beach Reserve Tract;

THENCE along the north line of the State of Texas Sand Beach Reserve Tract N. 54°50' W. 29.35 feet to an iron stake;

THENCE N. 20°47' E. 404.26 feet to an iron stake in the south line of West Third Street;

THENCE along the south line of West Third Street S. 65°10' E. 58.11 feet to the place of beginning.

Now, therefore,

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

THAT the Acting City Manager be, and he is hereby, authorized to offer, or cause to be offered, to the owner or owners of said land, or any interest therein, hereinabove described, as their interests may appear, a sum not to exceed \$1550.00 for all of said lands hereinabove described, conditioned upon the delivery of a general warranty deed to the City of Austin and a showing of good and merchantable title to the lands above described, or good title to any interest therein.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, on the 20th day of February, 1931, Lee P. James, of Cameron County, Texas, granted to Herman Brown, of Travis County, Texas, certain easements over lands described therein, which said instrument granting such easements is recorded in Volume 554, pages 636-637, inclusive, of the Deed Records of Travis County, Texas, to which instrument and the record thereof reference is here made for all purposes; and

WHEREAS, said easement did not describe by notes and bounds the place or places to be occupied by the electric power lines, or telephone lines crossing said lands; and

WHEREAS, the power lines have been transferred to the City of Austin, and it is contemplated that the telephone lines will be transferred to the Southwestern Bell Telephone Company, and it is desired to fix definitely the easements and rights of way over and across said lands at the location or locations where such electric power lines and such telephone lines now cross said lands; now, therefore,

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

THAT the Acting City Manager be, and he is hereby, authorized and directed to execute in behalf of the City of Austin a new easement, reaffirming the easements and rights of way heretofore granted for electric power and telephone lines at the respective location or locations now actually occupied by such lines, and in all other respects confirming the load of easement described above.

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.

It was moved by Councilman Alford that the application of Thomas Leonard Young, 609 East 11th Street for a Taxicab Driver's License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that the application of Edward Mike Overides, 1311 Willow Street, for a Taxicab Driver's License be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, 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 EAST 22ND STREET from Chicon Street easterly 111 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 22nd Street.

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

- (2) A gas main in COMAL STREET from a point 60 feet south of East 21st Street southerly 57 feet, the centerline of which gas main shall be 27 feet east of, and parallel to, the west property line of said Comal Street.

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

- (3) A gas main in WHITTIER STREET from a point 200 feet west of Comal Street westerly 72 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said Whittier Street.

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

- (4) A gas main in SANTA ROSA STREET from Provus Lane to Canadian Street, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of, and parallel to, the north property line of said Santa Rosa Street.

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

- (5) A gas main in EAST 49TH STREET from Harmon Avenue easterly 500 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 49th Street.

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

- (6) A gas main in WEST 13TH STREET from West Lynn Street to Elm Street, the centerline of which gas main shall be 7 feet south of, and parallel to, the north property line of said West 13th Street.

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

- (7) A gas main in WEST 14TH STREET from West Lynn Street westerly 222 feet, the centerline of which gas main shall be 4 feet south of, and parallel to, the north property line of said West 14th Street.

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

- (8) A gas main in SHERWOOD AVENUE from a point 65 feet north of West 44th Street northerly 55 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 Sherwood Avenue.

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

- (9) A gas main in FRENCH PLACE from East 31st Street northerly 55 feet, the centerline of which gas main shall be 1 foot west of, and parallel to, the east property line of said French Place.

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

- (10) A gas main in GLENDALE PLACE from a point 147 feet north of Burleson Road northerly 191 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 Glendale Place.

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

- (11) A gas main in WOODROW AVENUE from North Loop Boulevard southerly 1212 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 Woodrow Avenue.

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

- (12) A gas main in NORTH STREET from Woodrow Avenue westerly 748 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 North Street.

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

- (13) A gas main in NORTH LOOP BOULEVARD from Woodrow Avenue to Roosevelt Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said North Loop Boulevard.

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

- (14) A gas main in ROOSEVELT AVENUE from North Loop Boulevard northerly 102 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 Roosevelt Avenue.

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

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

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

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

The following resolution was introduced by Councilman Bartholomew:

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

THAT the Acting City Manager of the City of Austin be, and he is hereby, authorized to apply to the State of Texas to purchase on behalf of the City of Austin as a Good Faith Claimant any land which in his judgment may belong to the State lying adjacent to or within the enclosure of the land acquired by the City from W. F. Hays, et al.

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

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

To amend Section 2, Definitions, by deleting entirely the definition "Non-conforming Use."

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."

To amend 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, so as to change same to "B" Residence District and Second Height and Area District.

Messrs. M. H. Crockett, W. C. Moore, G. A. Mauffrais, C. C. Linscomb, and Ed St. John, property owners, were present to protest the proposed change in zoning of the property bordering the south bank of the Colorado River from Blunn Creek to Bouldin Creek. Mr. Crockett, as spokesman for the group, declared that the change was unnecessary and destructive.

Mr. G. S. Moore, representing the City Plan Commission as City Plan Engineer, proponent of the change, plead for same on the ground that a "B" Residence District classification was more nearly suited to the uses for which this property was adapted, and would restrict the use of same pending an amendment to the Zoning Ordinance creating a recreational and semi-commercial zone.

The following written recommendation of the City Plan Commission was submitted by the said G. S. Moore:

**"RECOMMENDATION OF THE CITY PLAN COMMISSION
FOR
ZONING OF LAND SOUTH OF THE COLORADO RIVER**

In general, the same facts and principles which apply to the land adjacent to the Colorado River on the south side between the Missouri Pacific Railroad and a point opposite East Avenue also apply to any of the land abutting the river channel along the banks where water will be ultimately impounded by a low water dam and throughout the course of the river where it traverses land within the City limits. Care should be taken in classifying such land under the Zoning Ordinance to consider the legitimate interests of existing and future property owners of such property as well as the general welfare and public interests.

All of the property adjoining the south bank of the river, which is now zoned for industrial purposes, seems to be incorrectly classified, as the occupancy of any such land for industrial purposes would be in conflict with the City Plan from economic as well as aesthetic considerations. It is contemplated that at some future date the City should possess this property for the use of the public and this will be particularly important at such time as water front development might become feasible. In the period prior to this time, the property should be zoned in conformity with the ultimate plan so as to encourage a type of development consistent with the plan. It has been suggested, therefore, that all of the area now zoned for industrial purposes be zoned as residential "B". Under this zoning classification, ample uses are provided in which property owners can make use of the land. Some of the permissible uses under this zoning classification are as follows:

One-family dwellings;
Two-family dwellings;
Churches;
Schools;
Libraries;
Museums;
Fire Stations;
Parks and Playgrounds;
Farming and truck gardening, nurseries and greenhouses;
Utilities stations, when owned by the City, except garbage incinerators, sewage disposal plants and abattoirs;
Temporary Buildings, accessory to new construction;
Private clubs, except those clubs the chief activity of which is a service customarily carried on as a business and clubs with more than two (2) sleeping rooms;
Accessory uses, which shall be understood to include, among other things:
An office, such as that of a physician, dentist, musician, artist, or other professional person when located within or directly attached to his or her dwelling;
The renting of rooms or lodgings, or the serving of meals for compensation to not more than four (4) persons.
Apartment Houses;
Apartment Hotels;
Clubs, Fraternities; Lodges, Sororities and Dormitories;
Boarding and Lodging Houses;
Hospitals and Clinics for human beings only;
Institutions of an educational, philanthropic or eleemosynary nature.

The fact that industry has failed to develop in this area during the entire past decade during which it has been zoned for industrial purposes is evidence that the land is not naturally adapted to such use. The only industrial use that has been made of the land has been made by gravel plants at the water's edge and special provision can be made for continuation of such uses so that investments made in this land for the primary purpose of gravel plant operation will not be lost and so that unnecessary hardship will not be caused. The construction of the Tom Miller Dam and other dams upstream will result in a much smaller amount of sand and gravel being periodically washed down the river channel than in the past. It is a matter of time, therefore, until the river banks in this area will become useless as sources of sand and gravel and when this takes place, such occupancies will automatically cease, irrespective of the City Planning program. In the meantime, to allow continuation of gravel plant activities is not inconsistent with the Planning program and ultimate water front development. It is contemplated that a certain amount of dredging will be necessary on the river banks when a low water dam is constructed and the lake created. The more low land and river bank, therefore, that is removed prior to this time, the less there will be to do in the lake development project.

It is hardly necessary to dwell upon the importance of the Colorado River to the Austin City Plan, particularly along the main axis and thoroughfare leading to the State Capitol. National, as well as local, authorities have from time to time commented on the possibilities of making the South Austin approach one of the most beautiful in the nation. A good start has already been made and the completion of the task involves primarily the following out of the plan so that as growth takes place naturally, the plan will be gradually accomplished.

AUSTIN CITY PLAN COMMISSION

By /s/ B. J. Rupert
Secretary. "

No one else requesting to be heard on the proposed change in zoning of the property bordering the south bank of the Colorado River from Blunn Creek to Bouldin Creek, the hearing was continued.

There being no protests against the proposal to amend Sections 2 and 6 of the Zoning Ordinance, the hearing was closed and the City Attorney was instructed to prepare the necessary ordinance.

Mrs. T. B. Paysiner came before the Council and submitted an offer of \$6000 for four houses and remainder of the lots at Ninth Street and Lamar Boulevard, and a supplemental offer of \$1500 for the alley corner lot and house at said location, in the event the first offer was not accepted; all of

same being surplus property acquired by the City for Lamar Boulevard right-of-way.

The matter was taken under advisement.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller.
Mayor

Attest:

Hallie M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 19, 1940.

The City Council of the City of Austin, Texas, convened in regular session at the regular meeting place in the Council Room at the Municipal Building on Thursday, December 19, 1940, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The Minutes of the regular meeting of December 12, 1940, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A committee from the Young Men's Business League, composed of Carl Edward Bock and Jack Sparks, submitted to the Council a request that the City lend its support to the movement for a "Night of Light," on Christmas Eve night by having the lights all over the City burn all night as symbolic of our freedom in America in contrast to the "black-outs" of Europe.

The Council indorsed the movement by agreeing to have the City's lights burn all night, and expressed the wish that the citizens would cooperate in a similar manner.

The following resolution was introduced by Councilman Alford:

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

THAT the Acting City Manager be, and he is hereby, authorized and directed to enter into an agreement for and in behalf of the City of Austin with the Highway Department of the State of Texas, which agreement will supplement a previous agreement reflected by Order No. 15,946 of the Highway Commission and by Resolution of the City Council of the City of Austin dated January 19, 1939, and by Resolution of the Commissioners' Court of Travis County dated January 18, 1940, to which records reference is here made for all purposes, said supplemental agreement to be substantially as follows: