

ratification at the next regular meeting.

Upon motion, seconded and carried, the meeting was recessed at 5:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Wallis McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 22, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, at 10:30 A. M., Thursday, August 22, 1940, 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 August 15, 1940, both morning and afternoon sessions, 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.

Councilman Alford moved that the proposed Pension Ordinance be amended to include under Article IV, Membership, the following provision: "provided that the provisions of this ordinance shall not in any manner affect or apply to the Judge or Recorder of the Corporation Court, the Clerk of said Court, and any Deputy Clerk of said Court."

The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Wolf; nays, Councilman Bartholomew and Mayor Miller.

Councilman Bartholomew went on record as declaring that his vote against the foregoing motion was not directed at the Judge of the Corporation Court or any other City employee, but at the principle involved.

Councilman Bartholomew then moved that the fifth paragraph of Article IV, Membership, of the proposed Pension Ordinance be amended by striking out what follows after the word "until" in the third line, and substituting therefor the following: "he elects to retire, or his retirement is demanded by the City Manager."

The motion, failing of a second, was lost.

The Austin Transit Company, by J. E. McClain, submitted proposed changes in schedules and routes of Rosedale, Rio Grande, Lake Austin, East End, and Oil Mill Bus Lines. The matter was referred

to the City Engineer for investigation and recommendation to the Council.

The petition of residents of northwest Austin asking for a swimming pool at Ramsey Park was received and ordered filed with the Superintendent of Recreation; the Mayor stating to petitioners that if funds could be made available for the building of said pool before next year, the City would be happy to build same.

Dan McAlister, representative of Peter Pirsch & Sons, was heard relative to alleged inefficiency of the ladder on the aerial truck recently purchased from said Company. The matter was referred to the City Engineer and the Fire Chief for a demonstration by said representative.

At the request of Mrs. Roland Freund, Councilman Gillis moved that a public hearing be called for September 12, at 11:00 A. M., on the application of Roland Freund for a change in zoning, to "C" Commercial, of the property at the southeast corner of the intersection of 34th Street and Shoal Creek Drive. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

At the request of the Council, acquiesced in by the representatives of the various insurance companies present, the opening of bids on the Pension and Retirement System for City Employees was postponed until 3:00 P. M.

The written request of Robert Waterston for a change in zoning, from "B" Residence District to "C" Commercial District of the Waterston homestead facing West Lynn Street between Waterston and West 13th Streets, was received. Councilman Gillis moved that the matter be referred to the Board of Adjustment for consideration and recommendation, and that a public hearing on same be called for September 12, at 11:00 A. M. The motion prevailed 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, Mrs. Mattie Eva Norman is the owner of spaces 1 and 2, Lot No. 166, in Block "A", Evergreen Cemetery, in the City of Austin, Travis County, Texas; and said Mrs. Mattie Eva Norman desires to sell to Samantha Duncan the said spaces 1 and 2; therefore

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

THAT said change in ownership of said cemetery spaces 1 and 2, Lot No. 166, is hereby approved, and the City Manager is hereby instructed to have the records of the City changed accordingly.

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.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, the City of Austin is the holder of the hereinafter described land and desires to construct and perpetually maintain a sanitary sewer in, upon and across said land; and

WHEREAS, for the purpose of making the location of said sanitary sewer definite and certain, and for the further purpose of giving any future purchaser of said land from said City of Austin, or its successors or assigns, in the event the City of Austin should part with title to same, notice of the location of the hereinafter described sanitary sewer, and to make the easement granting same a covenant running with the land;

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

THAT a sanitary sewer be constructed in, upon and across a tract of land, containing 7.44 acres, a portion of the George W. Spear League as conveyed to the City of Austin by J. C. Bryant by deed recorded in Volume 405, at page 83, of the Deed Records of Travis County, Texas, the centerline of said sanitary sewer being more particularly described by metes and bounds as follows:

Beginning at a point in the western boundary line of said 7.44 acre tract, and from which point of beginning a concrete monument at the first angle point south of West 34th Street in the western boundary of said 7.44 acre tract bears N. 11°35' E. 110.5 feet;

Thence S. 60°30' E. 150.47 feet to point of termination on an existing sanitary sewer main in Shoal Creek.

BE IT FURTHER RESOLVED:

THAT the City of Austin reserves the right and same shall be a covenant running with the land should it be hereafter conveyed or sold by said City of Austin, or its successors or assigns, to hold said sanitary sewer perpetually, together with the rights and privileges at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said sanitary sewer and for making connection therewith, all upon the condition that said City of Austin, in the event it has parted title to said land, will at all times, after doing any work in connection with the construction or repair of said sanitary sewer, restore said premises to the condition in which same were found before said work was undertaken, and that in the use of said rights and privileges herein granted, the City of Austin will not create a nuisance or do any act that will be detrimental to said premises.

BE IT FURTHER RESOLVED:

THAT the City Clerk of the City of Austin is hereby authorized and directed to have a certified copy of this resolution duly recorded in the office of the County Clerk of Travis County, Texas.

Upon motion of Councilman Bartholomew, 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 Wolf:

WHEREAS, Simon Gillis, owner of property within the Isaac Decker League and being situated at the northwest corner of the intersection of South Congress Avenue and Crockett 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 commercial driveways across the west sidewalk area of South Congress at the above described location; and

WHEREAS, a plan has been prepared showing the proposed driveways as described above, which plan is hereto attached marked 2-C-557 and made a part hereof; and

WHEREAS, said plan and 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 Simon Gillis, owner of property within the Isaac Decker League, which property is situated at the northwest corner of the intersection of South Congress Avenue and Crockett Street within the City of Austin, Travis County, Texas, be and is hereby permitted to construct commercial driveways across the west sidewalk area of South Congress Avenue adjacent to the above described property subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-C-557, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curbs, 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 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 Gillis:

WHEREAS, in Book 2, at page 218, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land by F. H. Jones; and

WHEREAS, upon said map or plat there appears an alley 12 feet in width and being contiguous to Lots 1 through 7 of said subdivision, and being further identified as the alley situated approximately one-half block north of, and parallel to, East Second and One-half Street; and

WHEREAS, several of the owners of property abutting said alley have petitioned the City Council of the City of Austin to permanently close and vacate said alley, and said petition 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 that certain alley 12 feet in width, as shown upon the map or plat of the F. H. Jones Subdivision as referred to above, be, and the same is hereby, permanently closed and vacated, except the City of Austin reserves easement rights for the construction, maintenance and operation of public utilities in, upon and across the above described alley.

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 EAST 43RD STREET from a point 45 feet west of Harmon Avenue easterly to Clarkson Avenue, the centerline of which gas main shall be 20 feet south of, and parallel to, the north property line of said East 43rd Street.

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

- (2) A gas main in SCHULLE AVENUE from a point 56 feet north of Meredith Street southerly 275 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said Schulle Avenue.

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

- (3) A gas main in WEST 33rd STREET from Kerbey Lane easterly 30 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said West 33rd Street.

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

- (4) A gas main in KERBEY LANE, beginning at a point 61 feet south of the south line of West 33rd Street and 25 feet west of the east line of Kerbey Lane; thence in a south-easterly direction angling 45° to the east line of Kerbey Lane and following a straight line to a point 7½ feet west of the east line of said Kerbey Lane.

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

- (5) A gas main in GASTON AVENUE from a point 22 feet west of the west line of Jarratt Avenue westerly 104 feet, the centerline of which gas main shall be 8½ 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 2½ feet.

- (6) A gas main in GARNER AVENUE from a point 132 feet south of Dywer Avenue southerly 255 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said Garner Avenue.

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

- (7) A gas main in SOUTH THIRD STREET from a point 52 feet south of Columbus Street southerly 82 feet, the centerline of which gas main shall be 17½ feet west of, and parallel to the east property line of said South Third Street.

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

- (8) A gas main in WEST 12TH STREET across Rio Grande Street intersection, the centerline of which gas main shall be 3½ feet south of, and parallel to, the north property line of said West 12th Street.

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

- (9) A gas main in WEST 12TH STREET from West Avenue to Rio Grande, the centerline of which gas main shall be 16½ feet south of, and parallel to, the north property line of said West 12th Street.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground 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.

Councilman Bartholomew moved that the following applications for licenses to operate private boats on Lake Austin be approved, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Cooke, Joseph - - - Brown Building	Richardson, 1940 Model, 10-passenger
Heierman, Earl - 310 West 35th Street	Home-made, Outboard, 1938 Model, "Champ", 4-passenger
Keller, Paul - 1103 Hillside Avenue	Unknown, Outboard, 1936 Model, "Mary Lenore", Muncie, 5-passenger
Lewis, David F. - 327 West 7th Street	Thompson, Outboard, 1939 Model, Johnson, 4-passenger
Loveless, John B. - 1902 South First Street	Home-made, Fishing, 1939 Model, "Little Elmer", 4-passenger
Prewitt, L. D., Jr. - o/c Elgin Standard Brick Mfg. Co., Elgin, Texas	Home-made, Outboard, 1940 Model, "Ginger", 4-passenger
Puryear, G. J. - 913 Columbus	Outboard, Johnson, 6-passenger
Sunday, Alex - 4308 Avenue G	Home-made, Flat-bottom, 1940 Model, Neptune, "Jimmie-Kay", 6-passenger

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.

Councilman Bartholomew moved that the following application for license to operate a private boat below the Dam 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>
Griffin, J. W. - Buda, Texas	Home-made, Row, 1939 Model, 3-passenger

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.

Councilman Bartholomew moved that the following application for a commercial boat pilot's license be granted, subject to the approval of the Lake Austin Navigation Board: Paul Smith, 3215 Hampton Road.

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.

J. E. Reflogal, representing the Tatalax Medicine Show, came before the Council and asked that he be granted certain exceptions under the Tent Show Ordinance; namely, an extension of time and a reduction in the license fee. It was the sense of the meeting that the request not be granted.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., until 3:00 P. M.

Attest:

City Clerk.

Approved:

Tom Miller
Mayor

AFTERNOON SESSION:

August 22, 1940.

The City Council reconvened at 3:00 P. 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 following bids on the Pension and Retirement System were received and opened:

The Travelers Life Insurance Company, by C. B. Lange, Agent;

The Connecticut General Life Insurance Company, by Jack Fadgett, Agent;

The Western Reserve Life Insurance Company, by Bob Lyles, Agent;

The Aetna Life Insurance Company, by Gus Urbantke, Agent.

After a discussion of the bids submitted, the same were referred to the City Manager and Max Werkenthin, Actuary, for further study and recommendation to the Council.

Upon motion, seconded and carried, the meeting was recessed at 4:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Walter McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 29, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, August 29, 1940, at 10:30 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 August 22, 1940, morning and afternoon sessions, were read; and upon motion of Councilman Bartholomew, seconded by Councilman Alford, the same were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Capt. Ed Clark, Ben Greig, and Buck Avery submitted a request for a donation of \$250 to the new company formed in the 111th Quartermaster Regiment of the Texas National Guard, such regiment being composed entirely of local men, for the purchase of certain supplies and equipment not furnished by either the State or Federal Governments.

Councilman Bartholomew moved that the request be granted, and that the sum of \$250 be appropriated out of the General Fund for the above mentioned purpose. The motion was seconded by