

The amendment under Section 26, as shown in red on Page 22 of said printed copy, was approved.

The amendment under Section 30, as shown in red on Page 23 of said printed copy, was approved.

The foregoing constituting all of the proposed amendments, the Mayor then expressed the thanks of the City Council to the Board of Adjustment and the City Attorney for their efforts in the matter.

The meeting was then recessed at 6:30 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie M. Kellan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 29, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 29, 1941, at 10:55 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 May 22, 1941, 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.

The following report of the Board of Adjustment was received:

"Austin, Texas
May 13, 1941

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on May 13, 1941, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of T. J. Caldwell requesting a change in the Use designation of the following property:

Lots Nos. 1, 2, 3, and 4, and the north half of Lots 13 and 14, in Block 3, Subdivision of Outlet No. 11, Division "Z", known as the Caldwell Homestead at the corner of West Sixth and Crockett Streets, and fronting 208 feet on West Sixth Street and 208.7 feet on Crockett, Or Baylor Street,

from "C" Commercial District and Third Height and Area District to "D" Industrial District and Third

Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on an appeal by the owner for a variance or special exception to the Zoning Ordinance to permit the erection of the Coca-Cola Bottling Works on the above described property, at which hearing a large number of property owners appeared and expressed their approval of the proposed improvements on the property on condition that certain restrictions and safeguards be attached to the permit so that the operation of the plan would not adversely affect the surrounding residential development; and

WHEREAS, the consent of practically all the property owners of adjacent and surrounding property was dependent on a qualified permit and not a change in zone; and

WHEREAS, the above application is for a change in the zoning classification of this particular property under single ownership to a "D" Industrial District which would permit all of the industrial uses plus commercial uses now permitted under the Zoning Ordinance to be applied to this property creating a spot industrial zone for the benefit of a single owner and specific use; and

WHEREAS, recent decisions of the higher courts of the United States have held that such spot zones are illegal and unconstitutional and that no authority rests with the legislative body to amend the ordinance for such a purpose. (See 31 Northeast Reporter (2d) 436, Supreme Court of Massachusetts; 110 S.W. (2d) 409, Supreme Court of Missouri; 121 S.W. (2d) 775, Supreme Court of Missouri); and

WHEREAS, the Board deems that the creation of a spot industrial zone composed of this property alone does not conform to the intent of Sections 2 and 3 of the statute authorizing cities to pass zoning regulations, or Section 1 of the Zoning Ordinance of the City of Austin, as the same is not pursuant to a comprehensive zoning plan; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT this change is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehns
Chairman. "

In accordance with published notice, the Mayor announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USA designation of the following described property so as to change same from "C" Commercial District to "D" Industrial District:

Lots 1, 2, 3, and 4, and the North half of Lots Nos. 13 and 14, in Block No. 2, in the Subdivision of Outlet No. 11, Division "2", the same being known as the Caldwell Homestead at the corner of West Sixth and Crockett Streets, said property having a combined frontage of 208 feet on West Sixth Street and 208.7 feet on Crockett Street, or Baylor Street.

H. A. Butcher, Agent for the Austin Coca-Cola Bottling Works, plead for the change on the grounds that his Company wishes to purchase the property in question provided the zoning is changed to permit their type of business, and that the building they propose to erect will cost not less than \$100,000, and will be an asset to the City of Austin, as well as to that neighborhood.

Robert Thrasher, representing the applicant, T. J. Caldwell, also plead for the change.

A large group of property owners, composed of Miss Lucile Morley, Messrs. B. H. Bloor, John Q. Gaines, and others, was present to oppose the change in zoning to "D" Industrial District on the ground that it would open up this neighborhood to other types of business which might prove objectionable, but declared that they did not object to the Coca-Cola Bottling Works locating there.

Following the hearing, it was the sense of the meeting that the action of the Board of Adjustment be sustained and the change in zoning to "D" Industrial be not granted; and that the Council take under consideration a reclassification of Bottling Works so as to place same in a "C" Commercial District.

It was moved by Councilman Alford that the application of Ferman Lee Bishop, 2000 South First Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Bartholomew 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:

Name and Address of ApplicantDescription of Boat

Bartley, A. A. - 1010 West 37th Street	Home-made, Row, Flat-bottom, 2-passenger
Dye, John R. - State Hospital	Home-made, New, Row, "Edith", 5-passenger
Groin, Bobby - 1209½ Willow Street	Rowe, New, 3-passenger
Hamilton, Edwin- 1802 Bremen Street	Home-made, Row, Flat-bottom, New, "Hambone", 3-passenger
Hays, W. M. - 907 West 11th Street	Montgomery-Ward, Outboard, New, Champion, 6-passenger
Keeler, Alton D.-3209 Lafayette Street	Home-made, Outboard, 1941 Model, 4-passenger
McElroy, Howard K.-Route 4, Box 209B	Home-made, Outboard, Sail, 1939 Model, "Burp II", Johnson, 5-passenger
McVey, William - 2008 River Avenue	Foldboat, Sail, Clipper, 2-passenger
Masden, Howard - 2317 South Congress Avenue	Dunphy, Outboard, New, 2-passenger
Fayne, Robert - 811 Blance Street	Boats & Motors, Outboard, 1939 Model, Johnson, 4-passenger
Raven, L. H. - 605 Red River Street	Pennyan, Outboard, New, Evenrude, 6-passenger
Schneider, G.E.- Driftwood, Texas	Montgomery, Outboard, two years, Johnson, 4-passenger
Threadgill, Kenneth-Route 3, Box 512	Home-made, Outboard, New, "Poly" Sea King, 5-passenger
Williams, T. T. - Marshall Ford, Box 95	New, 1937 Model, Sea King, 4-passenger

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

It was moved by Councilman Bartholomew that the following application for license to operate a commercial boat be granted, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

McRoberts, A. L. - 2709 W. River View	Home-made, Paddle, New, 4-passenger
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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, 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 MOFFETT DRIVE from Windsor Road south 107 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said Moffett Drive.

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

- (2) A gas main in EAST 49TH STREET from a point 250 feet west of Harmon Avenue westerly 82 feet, the centerline of which gas main shall be 7½ 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 2½ feet.

- (3) A gas main in EAST 48½ STREET from a point 88 feet west of Harmon Avenue westerly 75 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said East 48½ Street.

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

- (4) A gas main in EAST 14TH STREET from Alexander Avenue to Harvey Street, the centerline of which gas main shall be 8½ feet south of, and parallel to, the north property line of said East 14th Street.

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

- (5) A gas main in EAST 13TH STREET from Alexander Avenue to Clifford Avenue, the centerline of which gas main shall be 8½ feet north of, and parallel to, the south property line of said East 13th Street.

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

- (6) A gas main in ALEXANDER AVENUE from East 12th Street to East 14th Street, the centerline of which gas main shall be 8½ feet west of, and parallel to, the east property line of said Alexander Avenue.

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

- (7) A gas main in SOUTH 1ST STREET from Barton Springs Road to Riverside Drive, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of, and parallel to, the east property line of said South 1st Street.

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

- (8) A gas main in SOUTH 1ST STREET from Riverside Drive to Colorado River, the centerline of which gas main shall be 5 feet east of, and parallel to, the west property line of said South 1st Street.

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

- (9) A gas main in WEST 1ST STREET from San Antonio Street to Lavaca Street, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said West 1st Street.

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

- (10) A gas main in SAN ANTONIO STREET from West 1st Street to West 2nd Street, the centerline of which gas main shall be 26 feet west of, and parallel to, the east property line of said San Antonio Street.

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

- (11) A gas main in WEST 5TH STREET from Lamar Boulevard to Nueces Street, the centerline of which gas main shall be 14 feet south of, and parallel to, the north property line of said West 5th Street.

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

- (12) A gas main in WEST 5TH STREET from Nueces Street to San Antonio Street, the centerline of which gas main shall be 7 feet south of, and parallel to, the north property line of said West 5th Street.

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

- (13) A gas main in SAN ANTONIO STREET from West 2nd Street to West 5th Street, the centerline of which gas main shall be 5 feet west of, and parallel to, the east property line of said San Antonio Street.

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

- (14) A gas main in WEST 34TH STREET from Beverly Road 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 West 34th Street.

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

- (15) A gas main in OXFORD AVENUE across Ashby Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Oxford Avenue.

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

- (16) A gas main in GARNER AVENUE across Ashby Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ 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 $2\frac{1}{2}$ feet.

- (17) A gas main in EXPOSITION BOULEVARD from Gilbert Street to Windsor Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Exposition Boulevard.

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

- (18) A gas main in EAST 11TH STREET from a point 138 feet east of Navasota Street easterly $4\frac{1}{2}$ feet, the centerline of which gas main shall be 22 feet south of, and parallel to, the north property line of said East 11th Street.

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

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:

Helen M. Keenan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 5, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, June 5, 1941, at 10:35 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 recessed meeting of May 26, and the regular meeting of May 29, 1941, 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.

In re application of T. J. Caldwell, owner, for a change in zoning of the property at the corner of West Sixth and Baylor Streets from "C" Commercial District to "D" Industrial District in order to effect a sale of said property to the Coca Cola Bottling Works. The Mayor stated that inasmuch as the adjacent property owners had objected to the change in zoning to "D" Industrial, and inasmuch as the City Council had taken into consideration the great improvement in bottling during the last twenty years, the City Council had decided to take Bottling Works out of "D" Industrial District and put same in "C" Commercial District, with the understanding that same would not go into "Community Centers," as will be defined by an amendment to the Zoning Ordinance now under consideration.

The City Manager was thereupon instructed to write a letter to Mr. Robert Ben Thrasher, attorney for applicant, advising him that the City Council had agreed to give the Coca Cola Bottling Works a building permit at the above location, but expects them to follow out their "gentlemen's" agreement