

in the sum of \$41.80 and one-half of the interest in the amount of \$94.45; therefore,

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

THAT the aforesaid penalty in the sum of \$41.80 and one-half of the interest in the amount of \$94.45 is 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 \$41.80 and one-half of the interest in the amount of \$94.45 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.

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

Halle M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 19, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, June 19, 1941, at 10:25 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 meetings of June 5th and 12th, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Miss Jane Sumner came before the Council and requested that the City Council appoint someone to supervise and coordinate the various women's defense activities in the City in order that the work may be centralized. The Mayor advised Miss Sumner that he would request Ray Lee, Chairman of the Austin Defense Council, to call a meeting of all the defense agencies the first week in July for a consideration of the matter.

A committee of fishermen, with Leslie Ziller as spokesman, came before the Council and protested against a recent order of the County Commissioners Court establishing fish sanctuaries 400 feet above and below the Tom Miller and the Mansfield Dams as a defense measure, declaring that as a result of such order only fishermen were barred from these areas, and that as an adequate safety measure, the same should apply to the public generally - in which case such measure would have the hearty approval

and cooperation of the fishermen.

A letter from Max Starcke, General Manager of the Lower Colorado River Authority, requesting that, as a precaution against sabotage and in compliance with a request from the Federal Power Commission, the City close to public access the area between the low water county bridge and the Mansfield Dam, and the area between the large gravel bar and the Tom Miller Dam.

It was then moved by Mayor Miller that the City Manager, the City Attorney, and the Police Department be authorized to forthwith set up adequate zones in accordance with the foregoing request of the Lower Colorado River Authority, and to request said Authority to have the signs marking the zones painted, but if said Authority will not do so, the City to have such signs painted; and, further, that if this action needs ratification by ordinance, the City Attorney to have such ordinance ready for passage at the next regular meeting. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The written application of Charles Kluge and wife for a change in zoning from "A" Residence District to "B" Residence District of their property on West 19th Street between Pearl and San Gabriel Streets, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

A public hearing on the various proposed amendments to the Zoning Ordinance which the City Council and the Board of Adjustment have had under consideration was set for Thursday, July 10, 1941, at 11:00 A. M.

The following resolution was introduced by Councilman Bartholomew:

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 enter into a lease contract with the State of Texas, acting by and through its State Board of Control, for the use by the City of Austin of a tract of 77.15 acres, more or less, known as the Sand Beach Reserve, within the limits of the City of Austin, Travis County, Texas, for a period of twenty (20) years, substantially according to the terms and provisions of a proposed contract, a copy of which is attached to this resolution and made a part hereof for all purposes (Contract Attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

WHEREAS, the State of Texas did on the first day of January, 1932, enter into a certain lease contract with the City of Austin leasing to the said City of Austin for a period of ten (10) years from the first day of January, 1932, several tracts of land, including the land hereinafter described; and

WHEREAS, said lease by its own terms will expire on December 31, 1941, and the 47th Legislature of the State of Texas has authorized the execution of a new lease to the City of Austin of the property hereinafter described for the term, upon the conditions, and with the provisions hereinafter stated; now, therefore,

This memorandum of agreement and lease contract by and between the State of Texas, acting by its Board of Control thereunto duly authorized by the 47th Legislature of the State of Texas at its regular session, and the City of Austin, a municipal corporation, in the State of Texas, County of Travis, acting by and through its City Manager thereunto duly authorized by the City Council of the City of Austin, WITNESSETH:

The State of Texas has this day leased and does by these presents hereby lease unto the City of Austin for a period of twenty (20) years, beginning January 1, 1942, at the expiration of the lease first above mentioned, for the purposes and upon the conditions hereinafter stated, all that

certain tract or parcel of land situated in the County of Travis and State of Texas, described as follows, to-wit:

Known as the Sand Beach Reserve located within the City limits of the City of Austin, within the County of Travis, and being bounded on the east by West Avenue, on the north by Outlots Numbers One (1) and Eleven (11), Division "Z", of the Government Outlots of the City of Austin, and being bounded on the west by the George W. Spear Survey, and on the south by the Colorado River, particularly described by metes and bounds as follows:

BEGINNING at a solid iron stake set for the most westerly corner of Outlot No. 1, Division "Z" of the City of Austin Government Outlots, said stake being on the S.E. line of the George W. Spear Survey, and from which the most easterly corner of Lot No. 1 of the Harris and Pease Subdivision as evidenced by a set stone, and being accompanied by its original bearing tree, bears N. 29° 47' E. 1047.93 feet (this description goes with the variation used upon this survey, but agrees perfectly as a "N. 30° E" line when used in conjunction with survey on the George W. Spear Survey);

THENCE with the S.W. line of Outlot No. 1, Division "Z" S. 63° 13' E. 1875 feet to a solid iron stake placed for the most southerly corner of said Outlot No. 1);

THENCE with the N.W. line of Outlot No. 11, Division "Z" S. 26° 1' W. 180 feet to a solid iron stake for the most westerly corner of said Outlot No. 11;

THENCE with the S.W. line of said Outlot No. 11, S. 54° 51' E. 1456.3 feet to a 2-inch boiler pipe stake;

THENCE with the S.W. line of said Outlot No. 11, S. 47° 30' E. 579.0 feet to a 2-inch boiler pipe stake;

THENCE with the S.W. line of said Outlot No. 11, S. 43° 30' E. 415.0 feet to an iron stake, which is the most southerly corner of Outlot No. 11, Division "Z" of the City of Austin Government Tracts, said stake being on the west line of West Avenue;

THENCE with the west line of West Avenue S. 19° W. 152.4 feet to a large iron stake on the bank of the Colorado River for the most southerly corner of the tract here described;

THENCE up the N.E. bank of the Colorado River with its meanders as follows; iron stakes being placed at every angle and all courses being from 2 to 12 feet away from the actual water edge during a stage of low water for the river, to-wit, according to courses Nos. 7 to 25, inclusive:

N. 69° 46' W. 132.4 feet;
 N. 60° 36' W. 184.2 feet;
 N. 70° 42' W. 359.8 feet;
 N. 64° 13' W. 254.3 feet;
 N. 65° 15' W. 151.4 feet;
 N. 83° 30' W. 43.4 feet;
 N. 60° 50' W. 126.0 feet;
 N. 66° 12' W. 193.4 feet;
 N. 56° 25' W. 68.0 feet;
 N. 71° 45' W. 50.0 feet;
 N. 62° 31' W. 197.2 feet;
 N. 64° 33' W. 161.0 feet;
 N. 70° 39' W. 394.5 feet;
 N. 65° 15' W. 358.5 feet;
 N. 62° 1' W. 168.1 feet;
 N. 63° 53' W. 308.5 feet;
 N. 64° 9' W. 181.6 feet;
 N. 73° 44' W. 321.0 feet;
 N. 64° 56' W. 393.7 feet;

THENCE up the N.E. bank of the Colorado River N. 59° 43' W. 324.5 feet to a large iron stake set for the most southerly corner of the George W. Spear Survey No. 7;

THENCE with the S. E. line of the George W. Spear Survey No. 7, N. 29° 47' E. 1085.4 feet to the place of beginning, containing 77.15 acres of land.

Such lease, insofar as it covers the part of the above described tract which is included in an easement granted to the City of Austin for highway purposes as an approach across said Sand Beach Reserve to the new bridge to be constructed across the Colorado River, shall be subject to such easement and the rights therein granted.

It is understood and agreed by and between the parties hereto that all of said tract of land may be used by the City of Austin during the term hereof for water source protection, water front development and recreational purposes, and said land is leased to the City of Austin to be used for those purposes only and to permit the City of Austin to beautify, improve, grade, level, and use said land for such purposes.

Said City of Austin is hereby granted the right and given an easement over said land and every part thereof to construct an electric lighting system to light such lands, to lay water lines for the distribution of water thereon and to construct and install all other necessary utilities thereon.

Said City of Austin shall have the right and privilege to improve such property and to eliminate stagnant waters and ponds by the filling of sink holes thereon and by grading, leveling and terracing the surface thereof.

In consideration of said lease, the City of Austin agrees and obligates itself to police such property and to protect the same from waste during the term of this lease.

It is understood and agreed that this lease is made under authority granted to the State Board of Control by the 47th Legislature at its regular session and this lease is in all things subject to

such authority.

IN TESTIMONY WHEREOF, the State of Texas has caused these presents to be executed in duplicate by the Chairman of its Board of Control, thereunto duly authorized as aforesaid, and the City of Austin has caused these presents to be executed in duplicate by its City Manager thereunto duly authorized as aforesaid, and the common seal of the respective parties is hereunto affixed on this the ____ day of June, 1941.

THE STATE OF TEXAS

ATTEST:

By _____
Chairman, State Board of Control

Secretary, State Board of Control

CITY OF AUSTIN

ATTEST:

By _____
City Manager

City Clerk

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.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PROHIBITING THE CONSTRUCTION OR REPAIR OF BARBED WIRE FENCES WITHIN THE CITY OF AUSTIN, AND FOR THE VIOLATION OF WHICH A PENALTY IS PRESCRIBED", PASSED BY THE CITY COUNCIL OCTOBER 30, 1911, AND RECORDED IN ORDINANCE BOOK "F", PAGE 407, BY PROVIDING IN SECTION 1 OF SAID ORDINANCE THAT BARBED WIRES MAY BE PLACED ABOVE ANY FENCE NOT LESS THAN SIX (6) FEET IN HEIGHT AND PROVIDING THAT THESE REGULATIONS SHALL NOT APPLY TO CERTAIN AIRPORTS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor announced that the ordinance had been finally passed.

A resolution adopting rules and regulations for the operation of Austin Memorial Park Cemetery was introduced and ordered laid over with the City Clerk for public inspection.

It was moved by Councilman Alford that the application of Howard Lee Caffey, 84 East Avenue, 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; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that the application of Wiley Nichols, 905 Willow 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, and

Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that the application of Milton Ernest Wolander, 503 Nueces 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; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that the application of John Aron Lacey, 309 East 12th 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, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that the application of Frank Sconci, 1314 Willow Street, for a license to operate a taxicab be granted, in accordance with the recommendation of the City Manager. The motion prevailed 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 City of Austin has investigated the proposed Cotton Stamp plan of the Surplus Commodities Corporation for the distribution of surplus cotton commodities and other cotton goods through the issuance of cotton order stamps; and

WHEREAS, the City Council considers said plan sound and beneficial; 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 to execute said contract for and on behalf of the City of Austin.

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.

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:

A gas main in SPRING LANE from Copo Avenue southerly 126 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 Spring Lane.

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, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Bartholomew that the following applications for licenses to operate private boats 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>
Bailey, Dr. T. B. - 2208 Enfield Road	Thompson, Outboard, 1941 Model, Evenrude, 7-passenger
Carter, H. C. - 1501 Mohle Drive	Old Town, Oarce, 1 year old, 2-passenger
Chansy, A. A. - 412 West 17th Street	Home-made, Row, Outboard, 1941 Model, 2-passenger
Glass, W. A. - 511 Park Place,	Home-made, Outboard, New, 6-passenger
Petmecky, Jake, Jr. -	Helton, Outboard, 1939 Model, Evenrude, 6-passenger
Quick, Harold - 2115 Enfield Road	Home-made, Row, Outboard, 1941 Model, 4-passenger
Yancey, M. L. - 4607 Avenue B	Home-made, Row Boat, New, 3-passenger

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 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:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Crockett, Moton - 707 Sparks Avenue	Century, Inboard Utility, 1941 Model, 6-passenger.

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

Upon motion, the application of Moton Crockett, 707 Sparks Avenue, for a commercial pilot's license was granted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed against Tom Wilmer for the years 1899 through 1940, on Lot 3, Block 2, Outlet 58, Division "B", in the City of Austin, Travis County, Texas, said taxes being for the sum of \$201.93; and for the non-payment of same at maturity, penalty in the sum of \$10.10 has been assessed and interest in the sum of \$252.70 has accrued thereon; and

WHEREAS, in the District Court of Travis County, Texas, suits have been filed by the City of Austin vs. Tom Wilmer for the collection of said taxes owing by him, such suits being Nos. 46266, 20397, and 49145; and in such suits, court costs have accrued in the sum of \$23.62, making a total amount of taxes, penalty, interest, and court costs the sum of \$487.35; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.10 and a portion of the interest in the sum of \$160.48, and to waive the collection of the court costs in the sum of \$23.62; therefore,

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

THAT the aforesaid penalty in the sum of \$10.10, and a portion of the interest in the sum of \$160.48, and the court costs in the sum of \$23.62 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 \$10.10 and a portion of the interest in the sum of \$160.48, and the court costs in the sum of \$23.62 off his rolls, and to issue to the party entitled to same a receipt in full upon payment of

the taxes and the remaining interest due, as aforesaid.

Upon motion, 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:

WHEREAS, T. H. Wilmer was formerly the owner of the hereinafter described property; and

WHEREAS, heretofore the City of Austin purchased the property hereinafter described at Sheriff's sale made by virtue of order of sale issued under judgment entered in suit for the foreclosure of the City's tax lien against such property; now, therefore,

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

THAT the City Manager be and he is hereby authorized, in consideration of the payment to the City of Austin of the sum of Two Hundred and ninety-three and 15/100 Dollars (\$293.15), to execute a release and quitclaim deed, releasing and quitclaiming to Grant Wilmer and Corinne V. Moore all of the right, title, interest, claims, liens and demands now held or owned by the City of Austin in, to or against the hereinafter described property by reason of such tax sale and all delinquent taxes owing to the City of Austin on the following described property situated in the City of Austin, in Travis County, Texas, to-wit: Lot No. 3, in Block 2, Outlot 5B, Division "B" .

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

Crento Guerrero came before the Council and requested the use of Zaragoza Park for a celebration to be staged by the Mexican Patriotic Committee on July 18th, July 19th, and July 20th. The request was granted, subject to the approval of the Recreation Department.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved Tom Miller
Mayor

Attest:

Hallie M. Keller
City Clerk