

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 26, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, June 26, 1941, at 10:00 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 June 19, 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.

It was moved by Councilman Wolf that the following applications for licenses to operate private boats 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>
Carleton, Wm. - - 505 East 15th Street	Home-built, Outboard, 1935 Model, "Drat It", Johnson, 6-passenger
Duvall, B. E. - - Route #1, Box 632-H	Home-made, 1940 Model, Neptune, 5-passenger
Henna, Robert Lee-417 East 35th Street	Home-made, Inboard, 1930 Model A, 4-passenger
Joslin, Wm.M. 1005 South 3rd Street	Home-made, Row Boat, New, 3-passenger
Knox, Harry Capitol Building	Home-made, Outboard, 1941 Model, Neptune, 8-passenger
Long, C. E. 1301 West 10th Street	Home-made, Outboard, 1940 Model, Neptune, 6-passenger
Lorey, Edward T. 910 West 30th Street	Alessandro, Plywood, 1941 Model, Blue Bonnet, 4-passenger
Painter, Theo.S.Jr-105 West 32nd Street	Home-made, Outboard, 1938 Model, Neptune, 3-passenger
Royster, A. L. 1307 East Avenue	Wolverine, Outboard, 1941 Model, "Pattie J", Johnson, 6-passenger
Schmidt, Billie 95 San Marcos Street	Wood, Outboard, 1928 Model, Muncie, 4-passenger
Thurman, Mace B.Jr.111 East 15th Street	Home-made, Sail, New, Fram, 5-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 Wolf that the following application for a commercial boat license 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>
Fowler, Marion - 3204 Grandview Street	Locally, Mississippi River Barge, Red Wing, 100-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 Wolf that the applications of Marion West Fowler, 3204 Grandview Street, and Benjamin George Gellaspay, 1507 Scenic Drive, for commercial pilot's licenses be granted, in accordance with the recommendation of the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of William Sproll Fizer, 1109 West 5th 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.

A petition by property owners on West 10th Street between Colorado and Lavaca Streets, asking for a two-hour parking limit in this block was received; and the matter was referred to the Police Department for recommendation.

The following resolution was introduced by Councilman Gillis:

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

THAT the City Council of the City of Austin hereby approves the erection of a loading platform in the sidewalk area along the north side of East 5th Street and the west side of San Marcos Street, which property is owned by Davidson Sash and Door Company, and is designated as Lots 7 to 12, inclusive, Block 2, Outlot 1, Division "A", of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Davidson Sash and Door Company to construct and maintain said loading platform, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue a building permit for the erection of this loading platform after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic, and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Davidson Sash and Door Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

"Austin, Texas
June 26, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Davidson Sash and Door Company of Austin, Texas, for permission to construct and maintain a warehouse with loading platform in the sidewalk area along the north side of East 5th Street and the west side of San Marcos Street, in front of their new warehouse which will be located on the northwest corner of the intersection of San Marcos Street and East 5th Street within the corporate limits of the City of Austin, Travis County, Texas, which property is known as Lots 7 to 12, inclusive, Block 2, Outlot 1, Division "A", and we hereby advise that the following conditions exist:

The property upon which this planing mill is to be located is designated as "D" Industrial Use District as shown upon the zoning maps of the City of Austin.

This neighborhood is essentially a warehouse district in which a number of warehouses now exist with loading platforms extending out over the sidewalk area.

We recommend that the Davidson Sash and Door Company be granted permission to construct and maintain said loading platform on the sidewalk area along the north side of East 5th Street and the west side of San Marcos Street of the above described property subject to the following conditions:

That the proposed loading platform be constructed according to the plans on file in the Building Inspector's office and that all grades and lines for the curb in front of this property be constructed along the lines given and with the approval of the Engineering Department of the City of Austin.

Respectfully submitted,

/s/ J. E. Motheral
City Engineer

/s/ J. C. Eckert
Building Inspector. "

Upon motion of Councilman Gillis, the foregoing 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, Davidson Sash and Door Company, acting by and through Roy L. Thomas, Architect, owner of Lot 12, Block 2, Outlot 1, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection

of East 5th Street and San Marcos Street within said City of Austin, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of San Marcos Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the said curb set back, which plan is hereto attached marked 2-H-744, and made a part hereof; and

WHEREAS, said plan and request have 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 Davidson Sash and Door Company, acting by and through Roy L. Thomas, Architect, owner of Lot 12, Block 2, Outlot 1, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of East 5th Street and San Marcos Street within said City of Austin, is hereby granted permission to set the curb back from the established curb line on the west side of San Marcos Street adjacent to the above described property.

Permission to construct the above described curb setback is granted, subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-744, and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on the west side of San Marcos Street shall be carried out in accordance with the accompanying plan marked 2-H-744, and that all such widened areas, driveways, or ramps shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-744.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week, and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

Upon motion of Councilman Gillis, the foregoing 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:

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

THAT the City Council of the City of Austin hereby approves the erection of a private floating boat shelter and dock on the property owned by Mr. Werkenthin, as described in the Travis County Deed Records, on the shore of Lake Austin, and hereby authorizes the said Mr. Werkenthin to construct, maintain, and operate this private floating boat shelter and dock subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private floating boat shelter and dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Mr. Werkenthin has failed and refused, and will continue to fail and refuse to perform any

such conditions, regulations, and ordinances.

(Recommendations Attached)

"Austin, Texas
June 26, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of Mr. Max Werkenthin, the owner of a piece of property abutting on Lake Austin, known as a part of the Thomas J. Robinson Survey No. 41 and 42, and located approximately twelve (12) miles upstream from the Austin Dam, as recorded in the Travis County Deed Records, for permission to construct and maintain a private floating boat shelter and dock projecting out into the Lake.

We recommend that Mr. Werkenthin be granted permission to construct and maintain said floating boat shelter and dock, subject to the following conditions:

- (1) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares, and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.
- (2) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

/s/ J. C. Eckert
Building Inspector. "

Upon motion of Councilman Bartholomew, the foregoing 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 DANCY STREET across Edgewood Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of, and parallel to, the west property line of said Dancy Street.

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

- (2) A gas main in SHARON LANE from Indian Trail southerly 200 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 Sharon Lane.

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

- (3) A gas main in ROOSEVELT AVENUE from a point 408 feet north of North Loop Boulevard northerly 300 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 $2\frac{1}{2}$ feet.

- (4) A gas main in SINCLAIR AVENUE from a point 373 feet north of West 47th Street northerly 95 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 Sinclair Avenue.

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

- (5) A gas main in HOLLYWOOD AVENUE from a point 172 feet north of Edgewood Avenue southerly $3\frac{1}{4}$ feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of, and parallel to, the east property line of said Hollywood Avenue.

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

- (6) A gas main in EAST 48TH STREET from a point 332 feet west of Harmon Avenue westerly 75 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 48th Street.

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

- (7) A gas main in QUARRY ROAD from a point 155 feet west of Kent Lane westerly 100 feet, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Quarry Road.

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

- (8) A gas main in QUARRY ROAD from a point 195 feet east of Kent Lane easterly 75 feet, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Quarry Road.

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

- (9) A gas main in FLORES STREET from a point 226 feet west of Waller Street easterly 59 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of, and parallel to, the north property line of said Flores Street.

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

- (10) A gas main in LAFAYETTE AVENUE from Concordia Avenue northerly 313 feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of, and parallel to, the east property line of said Lafayette Avenue.

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

- (11) A gas main in POST OAK STREET across Dawson Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north line of said Post Oak Street.

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

- (12) A gas main in DAWSON ROAD across Post Oak Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east line of said Dawson Road.

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.

The following resolution was introduced by Councilman Gillis:

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

THAT the City Manager be, and he is hereby, authorized and directed in behalf of the City of Austin to execute a quitclaim deed to J. E. Smith and H. D. Fruett, in consideration of the payment of all taxes on Lot 7, in Block 71, in the City of Austin, Travis County, Texas, which said property was sold to the City of Austin by tax deed dated November 27, 1878, recorded in Volume 42, page 357, of the Deed Records of Travis County, Texas.

Upon motion of Councilman Gillis, the foregoing 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:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the west side of East Avenue at a location north of East 19th Street, which property is known as Lots 3 and 4, Block 6, of Christian and Fellman Addition, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said Harry D. Pruett, acting by and through H. F. Kuehne, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Harry D. Pruett, acting by and through H. F. Kuehne, has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

" Austin, Texas
June 26, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Harry D. Pruett, acting by and through H. F. Kuehne, Architect, for permission to construct, maintain, and operate a drive-in gasoline filling station upon property owned by the said Harry D. Pruett, same being Lots 3 and 4, Block 6, of Christian and Fellman Addition, a subdivision within the City of Austin, Travis County, Texas, which property is situated on the west side of East Avenue at a location north of East 19th Street, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial District as shown upon the zoning maps of the City of Austin.

The property upon which this filling station is to be located is across the street from a public school and is immediately south of, and adjacent to, property upon which a church is now located. However, the church authorities have given their consent for the erection of a filling station on this site.

Storm water drainage facilities do not exist adjacent to the above described property.

We recommend that Harry D. Pruett, acting by and through H. F. Kuehne, be granted permission to construct, maintain and operate a drive-in gasoline filling station, and to construct curbs, sidewalks, and commercial driveways in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water, or any floor washings shall ever pass over the City sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant, or shall be concentrated into a seep well located upon the property of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) All filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-743.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-743, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

/s/ J. E. Motheral
City Engineer

/s/ J. C. Eckert
Building Inspector. "

Councilman Wolf moved that the foregoing resolution be adopted, subject to the following letter this day filed with the City Clerk. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The letter is as follows:

" Austin, Texas
June 25, 1941

TO WHOM IT MAY CONCERN:

The general opinion of the membership of the Hillcrest Baptist Church who have been contacted is that there will be no objection to a service station located on Mr. Pruett's property, which property joins the church property on the south.

Furthermore, it is believed that a service station so located would increase the commercial value of the church property.

Sincerely yours,

/s/ C. T. Jordan, Pastor
Hillcrest Baptist Church
19 $\frac{1}{2}$ and East Avenue. "

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PROHIBITING ANY UNAUTHORIZED PERSON FROM APPROACHING CLOSER THAN THE LIMIT OF CERTAIN DEFINED ZONES TO ANY DAM ACROSS THE COLORADO RIVER, WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; REQUIRING THE ERECTION OF SIGNS MARKING THE PROHIBITED ZONES SURROUNDING SUCH DAMS, AND WARNING PERSONS AGAINST ENTERING SUCH ZONES; BUT PROVIDING THAT THE ABSENCE OF SUCH SIGNS SHALL NOT BE A DEFENSE IN A PROSECUTION FOR VIOLATION OF ANY OTHER PART OF THIS ORDINANCE; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY .

The ordinance was read the first time and Councilman Wolf 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, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf 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, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

Councilman Alford moved that the application of I. C. Smith for a taxicab driver's permit be granted, subject to the approval of same by the Police Department. The motion prevailed 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 10:35 A. M., subject to call of the Mayor.

Attest:

Walter M. Keller City Clerk

Approved: Tom Miller
Mayor