

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 17, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building on Thursday, July 17, 1941, 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 July 10, 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.

The following resolution was introduced by Councilman Alford:

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 public bathing beach equipped with the life guard ropes and markers on the property owned by the City of Austin, as described in the Travis County Deed Records, on the shore of Lake Austin, and hereby authorizes the said City of Austin to construct, maintain, and operate this public bathing beach, subject to 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 public bathing beach 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 City of Austin has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

" Austin, Texas
July 17, 1941.

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of the Recreation Department of the City of Austin for a permit to build two piers and a floating platform, together with a guard rope and marking buoys extending out into Lake Austin on the Park property owned by the City of Austin, located some ten (10) miles above the Dam.

Since these piers extend out into the Lake approximately 70 feet and the floating platform approximately 120 feet and the marking buoys some 145 feet, they will be in conflict with the ordinance governing construction along the lake front. However, since the Citizens Conservation Corps have erected a very beautiful and substantial bath house on this site and with a very large sand beach in front of same extending out into the Lake, to make the proper use of same and provide these natural facilities for the citizens of Austin to enjoy, it becomes necessary to provide suitable facilities and safeguards such as these marking buoys and life ropes. Therefore, we recommend that the City Council give this proposal favorable consideration and permit this variation from the present ordinance subject to the following conditions:

That all floats and marking buoys be properly anchored to prevent them from breaking loose and causing a hazard to navigation, and also that two additional light buoys be installed on the extreme downstream and upstream limits of the proposed development to remain lighted during the night and equipped with flags or other warnings for daylight use. A plan of the proposed development is herewith attached for your guidance.

Respectfully submitted,

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

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 Gillis:

WHEREAS, J. F. Johnson is the Contractor for the alteration of a building located at 608 Congress Avenue, and desires a portion of the sidewalk and street space abutting the South 1/2 of Lot 3, Block 70, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said J. F. Johnson, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue 6 feet to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. F. Johnson, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than 1 inch material and at least 8 feet in height, substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricade and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels,

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than September 1, 1941.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), which shall protect, indemnify, and hold harmless the City of Austin

from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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 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 51ST STREET from East Avenue westerly 65 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 51st Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (2) A gas main in EAST 50TH STREET from East Avenue westerly 180 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 50th Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (3) A gas main in EAST AVENUE from East 50th Street to East 51st Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of, and parallel to, the east property line of said East Avenue.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (4) A gas main in EAST 51ST STREET from East Avenue easterly 936 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 51st Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (5) A gas main in WEST 8TH STREET across East 20 feet of West Lynn Street, the centerline of which gas main shall be 16 feet south of, and parallel to, the north property line of said West 8th 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 9TH STREET across east 20 feet of West Lynn Street, the centerline of which gas main shall be 14 feet south of, and parallel to, the north property line of said West 9th 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 LYNN STREET from West 6th Street to West 9th Street, the centerline of which gas main shall be 16 feet east of, and parallel to, the centerline of said West Lynn 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 out 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; 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>
Bohn, J. - Telephone No. 9567	Home-made, Outboard, 1937 Model, "Helen Ann", Evinrude, 6-passenger
Burditt, L. A. 810 Kearsby Street	Home-made, Outboard, New, 4-passenger
Friedsam, S. R. 3612 Bonnie Road	Home-made, Outboard, New, 6-passenger
Hall, Milton A. Route 3, Box 426	Home-made, Outboard, 1940 Model, "Eula Mae", Sea King, 2-passenger
Jenkins, Jos. E. 106 East 20th Street	Old Town, Canoe and Sail, 1923 Model, Outboard, Sea King, 2-passenger
Jernigan, M. T. 4409 Guadalupe Street	Dixie, Outboard, 1940 Model, Evinrude, 4-passenger
Johnson, Fred W., Jr. 500 Deep Eddy Avenue	Home-made, Wood, New, Johnson, 4-passenger
Long, Mrs. Ray E. Route 5, Telephone 84734	Home-made, Outboard, New, Wizard, 4-passenger
Petty, Harold D. 1505 East 6th Street	Home-made, Outboard, 1939 Model, Johnson, 5-passenger
Piper, Sam 108 West Elizabeth Street	Home-made, Row, 1941 Model, 5-passenger

The motion was seconded by Councilman Alford, and the same 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 Weller McCoy Moore, 1912 East Second 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 Woodrow Harrison, 1504 Hether Street, for a taxicab license 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 Mayor Miller that the Recreation Department be instructed to grant free admission to the Golf Course and to the Deep Eddy and Barton Springs Bathing Pools to all men in the service in uniform, and to see what arrangements can be made for furnishing bathing suits to such men free of charge; and, further, to arrange for dances at Barton Spring pavilion for such men, enlisting the support and cooperation of the "Minute Girls". The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", AT PAGES 301-318, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same 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.

The following ordinance was introduced by Councilman Alford:

AN ORDINANCE REGULATING THE STORAGE AND HANDLING OF GASOLINE OR OTHER VOLATILE OR EXPLOSIVE LIQUIDS AND EQUIPMENT THEREFOR AT FILLING STATIONS, WHOLESALE OR BULK STORAGE PLANTS, PRIVATE PLANTS, BOAT DOCKS, BOAT HOUSES AND ON BOATS; DEFINING CERTAIN WORDS AND PHRASES AS USED HEREIN; PROHIBITING THE ERECTION OR ALTERATION OF ANY FILLING STATION, WHOLESALE OR BULK STORAGE PLANT OR PRIVATE PLANT WITHOUT PERMIT THEREFOR FROM THE CITY COUNCIL; PRESCRIBING APPLICATION FOR SUCH PERMIT AND PROVIDING PROCEDURE AND BASIS FOR CONSIDERING SUCH APPLICATION; PROVIDING FOR CERTAIN INSPECTION OF FILLING STATIONS AND SUCH PLANTS; PROVIDING FOR REVOCATION OF SUCH PERMIT IF GRANTEE OR TRANSFEREE THEREOF VIOLATES THIS ORDINANCE; PROHIBITING SALE, DELIVERY OR PURCHASE OF GASOLINE FROM TANK TRUCKS OR PORTABLE TANKS EXCEPT AS PROVIDED HEREIN; PROHIBITING BUILDING OF TYPES IV. OR V. AS DEFINED BY THE BUILDING CODE IN CONNECTION WITH ANY FILLING STATION; REGULATING USE OF FILLING STATION BUILDING OR PORTION THEREOF FOR SLEEPING OR LIVING QUARTERS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVING CLAUSE; REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF AND EXPRESSLY REPEALING THAT CERTAIN ORDINANCE PASSED APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 319-324; AND DECLARING AN EMERGENCY.

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

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

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same 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.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE GRANTING TO GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY, DEBTOR, HIS SUCCESSORS, ASSIGNS, LESSEES, LICENSEES AND INVITEES, THE RIGHT, PRIVILEGE AND FRANCHISE OF CONSTRUCTING, MAINTAINING AND OPERATING A CERTAIN RAILWAY SPUR TRACK IN AND ALONG WEST THIRD STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND PRESCRIBING THE TERMS AND CONDITIONS OF SUCH RIGHT, PRIVILEGE AND FRANCHISE; AND REPEALING THAT CERTAIN ORDINANCE HERETOFORE PASSED BY THE CITY COUNCIL ON THE 3RD DAY OF JULY, 1941; 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 was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and 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 was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and 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 was seconded by Councilman Alford, and the same 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.

R. M. Key, agent for petitioners, Chas. Kluge and wife, and S. K. Wendler, submitted in writing the amended application of said petitioners for a change in zoning of their respective properties fronting on West 19th Street between Pearl and San Gabriel Streets from "A" Residence District to "B" Residence District. The matter was referred to the Board of Adjustment for reconsideration and report, and a public hearing called for August 7, 1941, at 11:00 A. M.

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:

Shelley M. McLean
City Clerk