

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 24, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 24, 1941, 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 July 17, 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.

Mr. J. M. Patterson, Jr., attorney, came before the Council and asked that the ordinance heretofore passed, closing specified areas above and below the Tom Miller and Marshall Ford, or Mansfield, Dams to public access, be amended so as to exclude the property of his client, Mrs. Ella Jessen, from such prohibited zones. It was the sense of the meeting that the ordinance in question should stand unless a change in same is requested by the Lower Colorado River Authority, proponents of the measure.

A committee from the Austin Yacht Club, composed of Marion Fowler, et al., came before the Council and asked that said Club be granted the same facilities as last year for the staging of the National Outdoor Championship of America races to be held on the Lake shortly. It was the sense of the meeting that the request be granted, and the City Manager was instructed to grant said Club the same privileges as were granted to it last year.

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 GREENLEE DRIVE, from Dormarion Lane westerly 790 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north line of said Greenlee Drive.

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

- (2) A gas main in DORMARTON LANE, from Copo Avenue to Greenlee Drive, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east line of said Dormarion Lane.

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

- (3) A gas main in WEST THIRTY-SIXTH STREET, from a point 321 feet west of Lawton Avenue, westerly 100 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north line of said West 36th Street.

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 470 feet north of West 47th Street, northerly 103 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east 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 BRADWOOD ROAD, across Ardenwood Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east line of said Bradwood Road.

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

- (6) A gas main in BRADWOOD ROAD, across Wilshire Boulevard intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east line of said Bradwood Road.

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

- (7) A gas main in WILSHIRE BOULEVARD, across Bradwood 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 Wilshire Boulevard.

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

- (8) A gas main in WEST LYNN STREET from a point 186 feet north of West 6th Street northerly 102 feet, the centerline of which gas main shall be 1 foot west of, and parallel to, the east property line 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 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.

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>
Armstrong, J. B. - 1605 Dexter Court	Home-made, Row Boat, 5-passenger
Engle, Francis M.- 500 East 24th Street	Moad, Kayak, two years, Canoe, 2-passenger
Newman, Walter D.- 1909 Robinhood Trail	Home-made, Outboard, 1939 Model, "Kitty", Neptune, 5-passenger
Schutze, G.A., Jr.- 1901 Red River Street	Home-made, Kayak, Paddle, New, 2-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 Alford that the application of Smith Henry Thompson, 1207 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, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Hubert Browning Jacob, 1804 Muecca 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.

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 float on the property owned by Mr. A. W. Hart, known as 2008 Scenic Drive, and being Lot 1, Block 4, Laurel Heights, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said Mr. A. W. Hart to construct, maintain and operate this private float, 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 float 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. A. W. Hart has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

" Austin, Texas
July 24, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of Mr. A. W. Hart, the owner of a piece of property abutting on Lake Austin at 2008 Scenic Drive, known as Lot 1, Block 4, Laurel Heights, a subdivision within the City of Austin, Travis County, Texas, to construct and maintain a private float projecting out into Lake Austin at this location.

We recommend that Mr. A. W. Hart be granted permission to construct and maintain said float, 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,

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

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, on the 25th day of March, 1935, the City of Austin, by its City Manager, Guiton Morgan, did execute a quitclaim deed to Mrs. May Webourg Nass, in consideration of the payment and satisfaction of all taxes and court costs involved in Cause No. 47773, City of Austin vs. John Webourg; said quitclaim deed conveying all of the right, title, interest, claim and demand which said City of Austin had acquired by virtue of the Sheriff's deed to said City of Austin, dated October 25th, 1930, and recorded in Volume 459, at pages 338-339, of the Deed Records of Travis County, Texas, in and to the hereinafter described property; and

WHEREAS, through clerical error in said quitclaim deed, the property was described as being in Division "Z", when said property should have been described as being in Division "E"; and

WHEREAS, to prevent difficulties hereafter, it is deemed expedient to correct said error; 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, in behalf of the City of Austin, to execute a quitclaim deed of correction to Mrs. May Webourg Nass to 69 x 138 feet of the northwest quarter (N.W. 1/4) of Lot No. 7, in Outlot 65, in Division "E", in the City of Austin, Travis County, Texas, which said property was sold to the City of Austin by Sheriff's deed, as

hereinbefore mentioned.

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 Alford:

WHEREAS, Ira White, lessee from Steve Hoffington of Lots 13 and 14, Block 10, Hyde Park Addition, which property is situated on the east side of Guadalupe Street at a location north of West 43rd 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 a commercial driveway across the east sidewalk area of Guadalupe Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway in relation to said property, which plan is hereto attached marked 2-C-925, and made a part hereof; and

WHEREAS, said request and plan have been favorably considered by the City Council of the City of Austin; therefore,

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

THAT Ira White, lessee from Steve Hoffington of Lots 13 and 14, Block 10, Hyde Park Addition, which property is situated on the east side of Guadalupe Street at a location north of West 43rd Street, within the City of Austin, Travis County, Texas, is hereby permitted to construct a commercial driveway across the east sidewalk area of Guadalupe Street 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-925, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, 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 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 Bartholomew:

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 situated at the southeast intersection of Guadalupe Street and West 43rd Street, which property is owned by James McConnachie and is designated as portions of Lots 1, 2, and 3, Block 2, of Hyde Park Addition No. 2, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said James McConnachie to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks 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 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 James McConnachie has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

"Austin, Texas
July 24, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of James McConnachie for permission to construct, maintain, and operate a drive-in gasoline filling station upon portions of Lots 1, 2, and 3, Block 2, of Hyde Park Addition No. 2, which property is owned by the said James McConnachie and being situated at the southeast corner of the intersection of Guadalupe Street and West 43rd Street within the City of Austin, Travis County, Texas, 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 Use District upon the zoning maps of the City of Austin.

Storm sewer drainage facilities exist on both 43rd Street and Guadalupe Street adjacent to the above described property.

We recommend that James McConnachie be granted permission to construct, maintain, and operate a drive-in gasoline filling station upon the above described property, 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 conform 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 water or oils 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. 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) That 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-747.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-747, 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,

/Signed/ J. E. Motheral
City Engineer

/Signed/ 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 Mayor Miller:

WHEREAS, the Texas Fine Arts Association has for many years maintained and directed the Elizabeth Ney Museum in the City of Austin; and

WHEREAS, they have proposed to the City Council that they convey said properties to the City of Austin by a deed of trust, on condition that the City will take over the management and operation of same as a civic enterprise; and

WHEREAS, the City Council has generally agreed to such proposal, subject to the conditions hereinafter enumerated; 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 accept a deed of trust from the Texas Fine Arts Association to the City of Austin, said deed to contain no restrictive

provisions of any kind, and the said City Manager is further authorized and directed to make provisions for the maintenance of the buildings and grounds and to provide a supervisor therefor, and to accept the responsibility for and on behalf of the City of Austin; it being understood, however, that the following provisions are mutually agreed to by the City Council and the Texas Fine Arts Association, subject to change at any time by mutual consent of both parties:

1. Mrs. W. B. Rutland will be retained as supervisor of the museum, at the present salary of \$50.00 per month.

2. The City assumes maintenance responsibilities for the buildings, grounds, shrubbery, etc.

3. The City will furnish utilities as has been done in the past.

4. The Board of Directors of the Texas Fine Arts Association will continue to function, but said Association shall recommend to the City Council the personnel composing said Board and the City Council shall appoint same as an advisory board, without administrative authority, to confer with the City Manager and the City Council on matters involving the use and the development of said properties.

5. Said advisory board shall have full authority to organize and control art exhibits, receptions and other activities and functions at the Elizabeth Ney Museum and shall be free to conduct open house, meetings and any other activities which, in their opinion, are proper and not inconsistent with the fundamental purposes and use of the property.

6. They shall have full authority to acquire additional art objects, which shall become the permanent properties of the City of Austin when so acquired and placed in the museum.

7. It is understood that should the City of Austin at any time wish to discontinue its responsibilities for the project, or should the Texas Fine Arts Association wish to take it over, both parties will give sympathetic consideration to such request, and such change shall be by mutual agreement between the City and the Texas Fine Arts Association.

8. It is understood that the Texas Fine Arts Association shall deliver to the City of Austin a deed to the properties acceptable to the City Attorney and in accordance with all legal requirements and the Constitution and by-laws of the Texas Fine Arts Association.

9. The Texas Fine Arts Association, at the time of the delivery of the deed and its acceptance by the City of Austin, shall furnish an inventory of all properties, art objects which belong to them, and also an inventory of any items or art objects which may be the property of the University of Texas, or any other agencies.

Upon motion of Mayor Miller, 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:

WHEREAS, City of Austin taxes were assessed in the name of H. F. Walker, Sr., Estate, for the years 1937, 1938, 1939, and 1940, on Lots 9, 10, 11, and 12, Block 36, Sweetman Subdivision, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$170.84; and for non-payment of same at maturity, penalty in the sum of \$8.54 has been assessed, and interest in the sum of \$18.20, making the total amount of taxes, penalty and interest, \$197.58; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.54, and one-half of the interest, in the sum of \$9.10; therefore,

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

THAT the aforesaid penalty, in the sum of \$8.54, and one-half of the interest, in the sum of \$9.10, 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 \$8.54, and one-half of the interest, in the sum of \$9.10, 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.

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:

WHEREAS, City of Austin taxes were assessed in the name of Joe C. Kerbey, for the years 1917 through 1940, on the east 91 feet of Lots 18, 19, 20, and 21, in Block No. 10, Glenridge Subdivision, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$83.43; and for non-payment of same at maturity, penalty in the sum of \$4.17 has been assessed, and interest in the sum of \$52.77, making the total amount of taxes, penalty and interest the sum of \$140.37; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.17, and a portion of the interest in the sum of \$45.33; therefore,

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

THAT the aforesaid penalty in the sum of \$4.17 and a portion of the interest in the sum of \$45.33 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 \$4.17 and a portion of the interest in the sum of \$45.33 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the balance of the interest, as aforesaid.

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 11:25 A. M., subject to call of the Mayor.

Approved: Rowell G. Wolf
Mayor Pro Tem.

Attest:

Louis M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 31, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 31, 1941, at 10:25 A. M., with Mayor Pro Tem. Wolf presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; absent, Mayor Miller.

The Minutes of the regular meeting of July 24, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The following resolution was introduced by Councilman Bartholomew:

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

WHEREAS, for the purpose of making the proposed 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 proposed location of the hereinafter described sanitary sewer, and to make