

Upon motion, seconded and carried, the meeting was recessed at 10:55 A. M., subject to call of the Mayor.

Attest:

Harriet M. Kellan
City Clerk

Approved: Richard S. Wolf
Mayor Pro Tem.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 7, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, August 7, 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 31, 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.

Mrs. Claude De Van Watts, State President, and Mrs. Thos. E. Jensen, State Secretary, respectively, of the Women's Christian Temperance Union, came before the Council on behalf of Carrie E. Martin, colored, State Organizer for the Women's Christian Temperance Union's work among the Negroes, who presented a petition, signed by a large number of residents living between East 12th Street and East 19th Street, and Chestnut Street and the Northwestern Railroad, asking that the sale of intoxicating drinks be not allowed in this vicinity. The petition was received and ordered filed.

The City Manager submitted to the Council a letter from Mr. Max Starcke, General Manager of the Lower Colorado River Authority, recommending that the restricted area below the Marshall Ford, or Mansfield, Dam be reduced to four hundred feet.

The following ordinance was then introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "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," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JUNE 26, 1941, AND IS RECORDED IN ORDINANCE BOOK "L", PAGES 136-137, BY AMENDING SECTION 1 OF SAID ORDINANCE SO AS TO PROVIDE A NEW DOWNSTREAM BOUNDARY FOR THE PROHIBITED ZONE AT THE MARSHALL FORD OR MANSFIELD DAM; 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 was seconded by Councilman Alford, and the same 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 was seconded by Councilman Alford, and the same 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 was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

The following resolution was introduced:

WHEREAS, in the District Court of Travis County, Texas, in Cause No. 13,369, City of Austin v. Henry Hauke and E. Hauke, judgment was rendered on the 9th day of April, 1897, in favor of the City of Austin for the taxes, penalty and interest involved in said suit, together with the foreclosure of the tax lien of the City of Austin on the North One-half (1/2) of Lot Eight (8), Block 169, Original City of Austin, Travis County, Texas; and

WHEREAS, under said judgment, an order of sale issued, and the hereinbefore described land was sold by the Sheriff of Travis County, Texas, to the City of Austin by deed dated the 5th day of June, 1897, recorded in Vol. 142, pages 595-596, of the Deed Records of Travis County, Texas; and

WHEREAS, taxes have accrued on said property in the sum of \$420.16, and for non-payment of same at maturity, penalty in the sum of \$21.00 has been assessed, and interest in the sum of \$514.44; also interest has accrued on said judgment in the sum of \$91.01, filing fee \$1.00, and court costs in the sum of \$23.65; making the total amount of taxes, penalty, interest, interest on judgment, filing fee and court costs, the sum of \$1071.26; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$21.00 and a portion of said interest on said taxes in the sum of \$334.52, and the interest on the judgment in the sum of \$91.01, the filing fee in the sum of \$1.00, and the court costs in the sum of \$23.65; THEREFORE,

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

THAT the aforesaid penalty in the sum of \$21.00, the portion of the interest on said taxes in the sum of \$334.52, the interest on the judgment in the sum of \$91.01, the filing fee in the sum of \$1.00, and the court costs in the sum of \$23.65, be and they are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty, such portion of the interest on the taxes, the interest on the judgment, the filing fee, and the court costs 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 remaining portion of the interest on said taxes, as aforesaid.

Upon motion, 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, heretofore on the 5th day of June, 1897, the City of Austin acquired the property hereinafter described at Sheriff's sale made by virtue of order of sale issued under judgment entered in Cause No. 13,369, City of Austin v. Henry Hauke and E. Hauke; being 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 and directed, in consideration of the payment of all taxes involved in said Cause No. 13,369, City of Austin v. Henry Hauke and E. Hauke, owing

to the City of Austin, upon the property hereinafter described, to execute a quitclaim deed, quitclaiming to Philip Hauke, of Travis County, Texas, all 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, Travis County, Texas, to-wit:

North One-half (1/2) of Lot Eight (8) Block
169, of the Original City of Austin.

Upon motion, 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 EAST FORTY-NINTH STREET from East Avenue westerly 78 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north line of said East 49th Street.

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

- (2) A gas main in INDIAN TRAIL, from a point 222 feet east of Keating Lane easterly 316 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north line of said Indian Trail.

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 the 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 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 fishing pier on the property owned by the J. B. Mitchell Estate, acting by and through W. D. Foster, agent, as described in the Travis County Deed Records, on the shore of Lake Austin, and hereby authorizes the said J. B. Mitchell Estate to construct, maintain, and operate this private fishing pier 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 private fishing pier 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 J. B. Mitchell Estate, acting by and through W. D. Foster, agent, has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

Austin, Texas
August 7, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of the J. B. Mitchell Estate, acting by and through W. D. Foster, agent, the owner of a piece of property abutting on Lake Austin approximately four miles above the Tom Miller Dam, being the east one-half of the Wm. Brown tract in the L. H. Duggan Survey, as recorded in the Deed Records of Travis County, Texas, for permission to construct and maintain a private fishing pier projecting twelve feet out into the Lake.

We recommend that the J. B. Mitchell Estate, acting by and through W. D. Foster, agent, be granted permission to construct and maintain said private fishing pier, subject to the following conditions:

- (1) That nothing but creosoted piles and heavy iron bolts be used in the construction of this pier, dock or wharf.
- (2) 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.
- (3) 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. "

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 Gillis:

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 private gasoline plant for the sole purpose of servicing motor equipment, and from which no gasoline is to be sold, the property situated on the west side of Trinity Street south of East Fourth Street, which property is owned by the Austin Fireproof Warehouse Company and is designated as a part of Lot 7, Block 32, of the Original City of Austin, Travis County, Texas, and hereby authorizes the Austin Fireproof Warehouse Company, acting by and through L. O. Wallin, General Manager, to operate a private gasoline plant for the sole purpose of servicing motor equipment, and from which no gasoline is to be sold, subject to the same's being operated 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 operation of this private gasoline plant 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 Austin Fireproof Warehouse Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

"Austin, Texas
August 6, 1941Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Austin Fireproof Warehouse Company, acting by and through L. O. Wallin, General Manager, for permission to operate a private gasoline plant for the sole purpose of servicing motor equipment, and from which no gasoline is to be sold, upon property located on the west side of Trinity Street south of East 4th Street, which property is designated as a part of Lot 7, Block 32, of the Original City of Austin, Travis County, Texas, and locally known as 308 Trinity Street.

This property is located in a "C-2" Commercial District, and I recommend that this permit be granted subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an improved type and shall bear the label of the National Board of Fire Underwriters, and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That a permit be secured from the Building Inspector's Office before any installation work is started.

Respectfully submitted,

/Signed/ 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 Wolf:

WHEREAS, the City of Austin holds an easement for construction and maintenance of a sanitary sewer line across the East 60 feet of Lot 9, Block 15, Westfield "A", a Subdivision of a part of the George W. Spear League in the City of Austin, Travis County, Texas, according to the map or plat of said Westfield "A", appearing in Book 3, page 107, of the Plat Records of Travis County, Texas; and

WHEREAS, the City of Austin does not now need or desire an easement across said parcel of land; now, 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 the name of the City of Austin, to release and quitclaim the sanitary sewer easement across the said East 60 feet of Lot 9, Block 15, of Westfield "A".

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

The written application of Ted Wendlandt for an extension of the commercial zone on the west side of Navasota Street from Amber Street to Olive Street, was received; and the matter was referred to the Board of Adjustment for consideration and report.

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>
Freeman, L. P. - 1108 Clare Avenue	Thompson, Outboard, 1933 Model, "Monnie", Johnson, 4-passenger
Greenwood, E. L.-917 E.38 $\frac{1}{2}$ Street	Fen Yan, Outboard, 1941 Model, Sea King, 5-passenger
Paulson, A. - 1705 Willow Street	Home-made, Outboard, 1941 Model, Evinrude, 6-passenger

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

The following report of the Board of Adjustment was received:

"Austin, Texas
August 6, 1941

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on August 5, 1941, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. and Mrs. Charles W. Kluge, by Henry Kluge, and K. S. Wendler, Austin, Texas, requesting a change in the Use designation of the following described property:

Lot "C" and 60 feet of Lot "D", in Outlet 15, Division "E", in the City of Austin, Travis County, Texas, extending from corner of Pearl and West 19th Streets along the south line of West 19th Street a distance of 233 feet, with a depth of 130 feet south on the west line thereof and a depth of 95 feet along the west line of Pearl Street,

from "A" Residence District and First Height and Area District to "B" Residence District and First Height and Area District; and

WHEREAS, on August 5, 1941, the Board of Adjustment held a public hearing on the petition, at which hearing a large number of protests were registered against this change by adjacent property owners; and

WHEREAS, on July 9, 1941, the Board of Adjustment considered a petition by the same applicants for changing the entire block in which the above property is located from "A" Residence District to "B" Residence District, and held a public hearing thereon and thereupon submitted to the City Council a resolution recommending against the change; and

WHEREAS, the amended application applies to a portion of the same block and the same protests were registered with the Board by the surrounding property owners against the amended application; and

WHEREAS, the Board deemed that limiting the scope of the change does not alter conditions and circumstances affecting this property with respect to zoning classification and that the same reasons set out in the former resolution of July 9, 1941, again apply to the application; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kushne
Chairman.

A petition, signed by Oscar Robinson, et al., property owners, protesting the proposed change in zoning of Lot "C" and sixty feet of Lot "D", Outlet 15, Division "E", in the City of Austin, from "A" Residence District to "B" Residence District, was received.

The written request of Mr. and Mrs. Chas. W. Kluge and K. S. Wendler, proponents of the aforesaid change in zoning, for a withdrawal of their application for such change in zoning, was received, also.

There being no one present for the public hearing, either for or against, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "A" Residence District and First Height and Area District to "B" Residence District and First Height and Area District:

Lot "C", fronting 173 feet on West 19th Street and 95½ feet on Pearl Street; and 60 feet of Lot "D", fronting on West 19th Street and running back a depth of 130 feet, all in Outlet 15, Division "E", in the City of Austin, Texas, as shown on the maps of the Assessor and Collector of the City of Austin,

in accordance with published notice thereof, it was moved by Mayor Miller, seconded by Councilman Gillis,

that, in view of such fact, and the further fact that the applicants have requested a withdrawal of their application for such change, the City Council concur in the recommendation of the Board of Adjustment that the change be not granted. 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 Mayor Miller:

WHEREAS, negotiations with the owners of that certain tract of land known as the "Butler property," located south of the Colorado River in the City of Austin, resulted in the execution of a deed, dated June 28, 1941, by John F. Butler, Margaret B. Walne and her husband, Walter H. Walne, conveying to the City of Austin their respective interests in said property, which is more fully described in said deed; and

WHEREAS, Thos. J. Butler is the owner of the only outstanding interest in said land not already conveyed to the City of Austin; and

WHEREAS, Thos. J. Butler has informed the City Council that he will execute the deed referred to above, conveying his interest in said tract to the City, provided the City Council will guarantee to begin, within three (3) years after the execution of the deed, bona fide construction of a regulation golf course to be located, at least in part, on a portion of the Butler tract; and

WHEREAS, such covenant and requirement is acceptable to the City Council; now, therefore,

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

THAT the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Fund of the City of Austin for the purposes of

- (a) Preparing necessary plans and specifications; and
- (b) Construction of a regulation golf course, part of which shall be on the Butler property;

and

BE IT FURTHER RESOLVED:

THAT such additional funds as may be needed from time to time will be appropriated to assure the completion of said golf course; and

BE IT FURTHER RESOLVED:

THAT the City Manager be, and he is hereby, authorized and directed to proceed with the preparation of plans and specifications and to begin construction of said golf course when said property is acquired by the City of Austin, but not later than December 31, 1941, if the City acquires said property prior to that time, and to continue the construction during the fiscal year of 1942, and to diligently prosecute same to completion. This appropriation and the resultant work thereunder are contingent upon the execution of the deed by Thos. J. Butler and the acquisition of the property by the City of Austin.

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.

Upon motion, seconded and carried, the meeting was recessed at 11:05 A. M., subject to call of the Mayor.

Approved: Tom Miller.
Mayor

Attest:

Sharon McKeenan
City Clerk