

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

Both sides of Lamar Boulevard from West Twelfth Street to the north line of West Ninth Street, extending to Shoal Creek on the east and a depth of three original lots on the west to the center of the block between former Ruiz Street and Baylor Street.

No one appeared to protest the proposed change.

Councilman Wolf then moved that the action of the Board of Adjustment be sustained, and the City Attorney be instructed to prepare the necessary ordinance making the change effective. 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 11:25 A. M., subject to call of the Mayor.

Approved Tom Miller  
Mayor

Attest:

Hallie M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 9, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 9, 1941, at 10:35 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 October 2, 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.

Major Lawson and Captain Jones, representing the Fifth Battalion of the Texas Defense Guard, came before the Council and requested that the City contribute \$600 toward the maintenance of three companies of the Home Defense Guard for the remainder of the year, a similar request to be submitted by them to the County Commissioners Court.

It was the sense of the meeting that this request be granted, provided the County of Travis contributes a like amount.

Councilman Gillis then introduced the following resolution:

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

THAT the sum of \$600 be, and the same is hereby, appropriated out of the General Fund, not otherwise

appropriated, and made payable to the Home Defense Guard, for the months of October, November, and December of this year, at the rate of \$200 per month, as a contribution toward the maintenance of three companies of said Guard, a like amount to be contributed by the County of Travis.

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.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 29, 1937, AND RECORDED IN ORDINANCE BOOK "K", PAGE 239, ET SEQ., OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT HEREBY ENACTED CHANGING THE USE DESIGNATION AND THE HEIGHT AND AREA DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT OF BOTH SIDES OF LAMAR BOULEVARD FROM WEST TWELFTH STREET TO THE NORTH LINE OF WEST NINTH STREET, EXTENDING TO SHOAL CREEK ON THE EAST AND A DEPTH OF THREE ORIGINAL LOTS ON THE WEST TO THE CENTER OF THE BLOCK BETWEEN FORMER RUIZ STREET AND BAYLOR STREET; AND CHANGING THE USE DESIGNATION AND THE HEIGHT AND AREA DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT OF THE TWO LOTS FRONTING 165 FEET ON WEST 24TH STREET AND 112 FEET ON LEON STREET, BELONGING TO R. BARROW; ALL OF SAID PROPERTY BEING SITUATED IN THE CITY OF AUSTIN, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP AND THE OFFICIAL HEIGHT AND AREA MAP, SO AS TO SHOW THE CHANGES HEREBY ORDERED; 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 then announced that the ordinance had been finally passed.

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps and plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps and 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 BOB HARRISON STREET from Nevada Street easterly 126 feet, the centerline of which gas main shall be 35 feet south of, and parallel to, the north property line of said Bob Harrison Street.  
Said gas main described above shall have a covering of not less than 2½ feet.
- (2) A gas main in FRANKLIN BOULEVARD from Georgetown Road easterly 198 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said Franklin Boulevard.  
Said gas main described above shall have a covering of not less than 2½ feet.
- (3) A gas main in GEORGETOWN ROAD from North Loop Boulevard to Franklin Boulevard, the centerline of which gas main shall be 5½ feet west of, and parallel to, the east property line of said Georgetown Road.  
Said gas main described above shall have a covering of not less than 2½ feet.

- (4) A gas main in ARDENWOOD ROAD from East Avenue to Bradwood Road, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said Ardenwood Road.

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 from Wilshire Boulevard to Ardenwood Road, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property 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 WILDWOOD ROAD from Wilshire Boulevard to Ardenwood Road, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Wildwood 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 from Bradwood Road to Wildwood Road, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property 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 HASKELL STREET from a point 180 feet east of Canadian Street easterly 55 feet, the centerline of which gas main shall be 20 feet south of, and parallel to, the north property line of said Haskell 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.

The following resolution was introduced by Councilman Gillis:

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

THAT the following described tract of land owned by the City of Austin, a municipal corporation, situated in Travis County, Texas, be, and the same is hereby, set aside and dedicated for use as a public street and thoroughfare in the City of Austin, said tract being particularly described as follows:

Lot No. Four (4) in Block No. One (1) of Arholes Estate, a subdivision of part of Block No. Seven B (7-B) of the J. E. Bouldin Original Subdivision of the Isaac Decker League in the City of Austin according to the map or plat of said subdivision of record in Volume 3, page 155, of the Plat Records of Travis County, Texas.

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

THAT the City Clerk be, and she is hereby, authorized and directed to file this resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for street purposes of the tract of land hereinabove described.

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:

WHEREAS, Brown Express, Inc., acting by and through John Fawcett, Manager, has made application to the City Manager of the City of Austin for permission to construct commercial driveways across the sidewalk area at the southwest corner of East 1st Street and San Jacinto Street adjacent to Lots 7 and 8, Block 181, of the Original City of Austin, Travis County, Texas, one driveway to be constructed across the south sidewalk area of East 1st Street and the other driveway to be constructed across the west sidewalk area of San Jacinto Street; and

WHEREAS, a plan has been prepared showing the location of said driveways, which plan is hereto attached, marked 2-H-753, and made a part hereof; and

WHEREAS, said request and plan 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 Brown Express, Inc., acting by and through John Fawcett, Manager, is hereby permitted to construct commercial driveways across the sidewalk area at the southwest corner of East 1st Street and San Jacinto Street adjacent to Lots 7 and 8, Block 181, of the Original City of Austin, Travis County, Texas, one driveway to be constructed across the south sidewalk area of East 1st Street and the other driveway to be constructed across the west sidewalk area of San Jacinto Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-H-753, which plan is hereby attached and 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 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 Wolf:

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

THAT the City Council of the City of Austin approves as a private gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, the property situated on the west side of San Jacinto Street south of East 1st Street, which property is leased by Brown Express, Inc., and is designated as Lots 7 and 8, Block 181, of the Original City of Austin, Travis County, Texas, and hereby authorizes the Brown Express, Inc., acting by and through John Fawcett, Manager, to operate a private gasoline pump for the sole purpose of servicing their own 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 pump 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 Brown Express, Inc., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

" Austin, Texas  
October 2, 1941

Mr. Gulton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Brown Express, Inc., acting by and through

John Fawcett, Manager, for permission to operate a private gasoline pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of San Jacinto Street south of East 1st Street, which property is designated as Lots 7 and 8, Block 181, of the Original City of Austin, Travis County, Texas, and locally known as 96-98 San Jacinto Street.

This property is located in a "C-1" 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 approved 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 located not nearer than 10 feet to the property line and 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 Wolf, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Mrs. Clay Miles, 300 Congress Avenue, for a taxicab license be granted, in accordance with the recommendations 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 ordinance was introduced by Councilman Gillis:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY MAKING CERTAIN CHANGES SO AS TO PROVIDE NEW LOCATIONS FOR TRAFFIC LIGHTS, CERTAIN PARKING AREAS, PASSENGER ZONES, AND BUS STOPS; AND SO AS TO AMEND SECTIONS 29 AND 31 IN CERTAIN PARTICULARS MORE FULLY SET OUT IN SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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, Mayor Miller, and Councilman Wolf; nays, none.

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

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

The Mayor then announced that the ordinance had been finally passed.

Councilman Bartholomew moved that the following applications for private boat licenses 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>
Cockrell, Joe - 1513 Mohle Drive	San Antonio Boat Works, Inboard, 1938 Model, Ford V-8, 6-passenger
Davis, Bradley - 1600 West 35th Street	Thompson, Outboard, 1930 Model, "My Hootie," Evinrude, 4-passenger

The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller,

and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Leslie Homer Glenn, 304 East 8th 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.

Councilman Alford moved that the application of Harold Arnold, 1907 West 7th 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 City Manager was instructed to have the Tax Department prepare a list of all property which the City has acquired tax title to, showing street location, and submit same to the City Council for consideration, with a view to offering such property for sale.

At the request of residents in the vicinity, the City Manager was instructed to have the tower light at 15th and San Antonio Streets turned on again.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of O. R. Lott for the years 1919 through 1941, on 31½'x110' (F), Outlet 61, Division "B", in the City of Austin, Travis County, Texas, said taxes being for the sum of \$98.51; and for non-payment of same at maturity, penalty in the sum of \$4.71 has been assessed, and interest in the sum of \$59.58, making the total amount of taxes, penalty and interest \$162.80; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.71 and one-half of the interest in the sum of \$29.80; therefore,

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

THAT the aforesaid penalty in the sum of \$4.71 and one-half of the interest in the sum of \$29.80 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 \$4.71 and one-half of the interest in the sum of \$29.80 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.

Upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

Approved

Tom Miller  
Mayor

Attest:

Lillian M. Keller  
City Clerk