

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 4, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, December 4, 1941, at 10:30 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 November 26, 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.

It was moved by Councilman Alford that the application of D. F. Samuel, 300 Congress Avenue, 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.

The following report of the Board of Adjustment was received:

" Austin, Texas
December 2, 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 November 25, 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 E. L. Bailes, et al., requesting a change in the Use designation of the following described property:

Property located at 1201 Alamo Street

from "A" Residence and First Height and Area to "C" Commercial and First Height and Area District; and

WHEREAS, the Board of Adjustment carefully considered this application at a meeting held on November 25, 1941; and

WHEREAS, an examination of the zoning maps of the City of Austin discloses the fact that East 12th Street is now zoned as a "C" and "C-1" Commercial District from Oleander Street to the center of the block between Poquite and Alamo Streets, and that this district is only a block and half from the applicant's property; and

WHEREAS, this lot is located in a large residential area now developed as a residential section; and

WHEREAS, this application is for a single lot and a single ownership and not pursuant to any general comprehensive zoning plan or in answer to any public demand or necessity; and

WHEREAS, the Board deemed that such a change would be the creation of a "spot" zone, consisting of a single lot for the benefit of a single owner, unrelated to any comprehensive plan, and that the long commercial area on 12th Street is only partially developed for permitted purposes and is sufficient to meet the needs of this residential area, and that no sound reason or principle has been presented to justify this change; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Alford moved that the foregoing matter be tabled and that applicants be notified of such adverse report. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew,

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

The following report of Board of Adjustment was received:

"Austin, Texas
December 2, 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 November 25, 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 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Roland R. Freund, requesting a change in the Use designation of the following described property:

Lots 1311 and 1313 fronting on West 34th Street at the intersection of West 34th Street and Shoal Creek Boulevard

from "A" Residential District and First Height and Area District to "C" Commercial District and First Height and Area District; and

WHEREAS, this application is identical to the application submitted to the Board of Adjustment by the City Council on May 17, 1940; and

WHEREAS, after careful study and consideration, the Board of Adjustment submitted a resolution to the City Council on July 9, 1940, recommending that this change be not made; and

WHEREAS, the Board of Adjustment has again carefully reviewed this application and personally investigated conditions at the site and the surrounding neighborhood and considered all other factors affecting a sound zoning policy with respect to this property; and

WHEREAS, the applicant affirms that he is seeking this change in order to permit him to erect a filling station and automobile repair shop on this property; and

WHEREAS, after the above careful study, the Board reached the conclusion that no changes in the status of the property itself, trends in the surrounding development, or any other conditions or circumstances affecting this question had occurred since July, 1940, to justify any change in the recommendation of the Board, and that the same reasons set out in the original resolution are still valid; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kushne
Chairman. "

Councilman Alford moved that the foregoing matter be tabled, and that applicant be notified of such adverse report. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Petitions, signed by J. Thomas Ward, et al., M. M. Rogers, Jr., et al., and H. T. Hibler, et al., property owners and citizens of Enfield, Westfield, Tarry Town, and Sherwood Forest, requesting that the City purchase the three, or more, acres adjoining the Westfield Swimming Pool, formerly used by the Westfield Riding Club, and convert same into a Recreation Center, was received, and the matter was referred to the City Manager for consideration and report.

Councilman Gillis offered the following resolution:

WHEREAS, Rev. Patrick Duffy and the St. Ignatius Church, acting by and through Rev. Patrick Duffy, owners of portions of Lots 7 and 8, Block 36, of Sweetman Addition, which property is situated at the northeast corner of West Johanna Street and Newton Street, within the City of Austin, Travis County, Texas, have made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the north side of West Johanna Street adjacent to the above described property; and

WHEREAS, a map has been prepared showing the alignment of said curb setback, which map is hereto attached marked 2-C-935 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 Rev. Patrick Duffy and the St. Ignatius Church, acting by and through Rev. Patrick Duffy, owners of portions of Lots 7 and 8, Block 36 of Sweetman Addition, which property is situated at the northeast corner of West Johanna Street and Newton Street within the City of Austin, Texas, is hereby granted permission to set the curb back from the established curb line on the north side of West Johanna Street adjacent to the above described property.

Permission to construct the above described curb setback is granted, subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached, marked 2-C-935, and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area shall be carried out in accordance with the accompanying plan, marked 2-C-935, and that all such widened areas, driveways, or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness, and shall be of the following proportions: 1 part cement, 2 1/2 parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high, and that an expansion joint not less than 3/4 inch thick shall be placed between the curb and the sidewalk, as shown on the plan hereto attached, marked 2-C-935.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week, and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

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

The City Manager submitted the following tabulation of bids by the City Engineer:

" Austin, Texas
December 4, 1941

Memorandum to Mr. Morgan:

Bids were received December 3rd for the construction of curbs, sidewalks, concrete drive-ways, etc., at the Brackenridge Hospital, and the bids were as follows:

1. E. Dickey - - - - -	\$1895.94
2. C. A. Maufrais - - - - -	1943.73
3. W. E. Hart - - - - -	2407.59
4. Joe Fuhrman - - - - -	2526.26

This work is comparatively simple and I think any one of the above bidders will be able to do the job in a workmanlike manner.

I recommend that the contract be awarded to the low bidder.

Yours very truly,
(Sgd) J. E. Motheral
City Engineer . "

Councilman Alford moved that contract be awarded to E. Dickey, low bidder, in the amount of \$1895.94, as recommended by the City Manager and the City Engineer. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

WHEREAS, Guiton Morgan, City Manager, has reported that the elevators at Brackenridge Hospital have been completed by the Otis Elevator Company; and

WHEREAS, the Associated Hospital Architects report that the work has been completed in accordance with the plans and specifications; and

WHEREAS, the Associated Hospital Architects have recommended that final payment be made the Contractor; and

WHEREAS, the City Council is of the opinion that the elevators should be finally accepted; now, therefore,

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

THAT said contract and the works thereunder is hereby accepted and the City Manager is hereby authorized and directed to pay the final estimate, including all authorized change orders, for the elevators.

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

Councilman Alford offered the following resolution:

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 DUVAL STREET from a point 211 feet south of East 51st Street, southerly 112 feet, the centerline of which gas main shall be 19 feet east of, and parallel to, the west property line of said Duval Street.

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

- (2) A gas main in HASKELL STREET from Navasota Street westerly 78 feet, the centerline of which gas main shall be $13\frac{1}{2}$ 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.

- (3) A gas main in VERDE VISTA, from Exposition Boulevard westerly one block to end of street, the centerline of which gas main shall be 5 feet north of, and parallel to, the south property line of said Verde Vista.

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

- (4) A gas main in SOUTH 5TH STREET from West James Street southerly 130 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said South 5th 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, and Mayor Miller; nays, none; Councilman Wolf absent.

The application of Calvin Houston Phelan, 2607 Willow Street, for a taxicab driver's permit, together with the recommendations of the City Manager and the Chief of Police that same be denied, was submitted to the Council. After some discussion, Mayor Miller moved that, in view of the fact that upon further investigation it appears that applicant's reputation for honesty while an employe recently of Meyer's Creamery was good, he be given a chance as a taxicab driver, and that the application be granted on six months' probation, subject to renewal at the expiration of that period and to revocation at any time in the meantime for cause. 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 Bartholomew that the following application for a private boat license be granted, subject to the approval of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Sanders, Geo. W. Jr.- 106 Navasota Street	Home-made, Outboard, 1930 Model, Sears-Robuck, 3-passenger

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

Upon motion, seconded and carried, the meeting was recessed at 11:00 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie M. Kellan
City Clerk