

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 10, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber of the Municipal Building, on Thursday, September 10, 1942, 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.

There were present also: Acting City Manager Seaholm, Acting City Attorney Randle, City Engineer Motheral, and Chief of Police Thorp.

The Minutes of the regular meeting of September 3, 1942, 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.

Jay H. Brown, Attorney, and Guy P. Darsey, Vice-President and General Manager, respectively, for the Woodward Manufacturing Company, came before the Council and offered to deed to the City, free of charge, the right-of-way of said Company from the Missouri Pacific Railroad to the Post Road, subject to the stipulation that such right-of-way be used solely for railroad purposes and in the event such use be terminated, said right-of-way revert to the Company.

Following a discussion of the matter, it was the sense of the Council that it was to the best interest of the City that the foregoing offer of said Woodward Manufacturing Company carrying with it certain restrictions, be declined.

The City Engineer was instructed to proceed with the removal of the old street car rails from 11th Street, provided a permit for the replacement of the pavement can be secured from the War Production Board, the rails so removed to be salvaged for the Scrap Iron Drive.

Dr. Conway T. Wharton and W. M. Long, representing the International Council of Churches, came before the Council and requested the issuance of a proclamation by the Mayor, proclaiming the week of September 27 to October 4 as NATIONAL RELIGIOUS EDUCATION WEEK. The request was granted.

In accordance with published notice thereof, the Mayor announced the public hearing open 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 "C-1" Commercial District and First Height and Area District:

FIRST TRACT: The lands and territory bounded as follows:

On the west by Lamar Boulevard;  
On the south by Butler Road;  
On the east by the old Fredericksburg Road; and  
On the north by a line running east and west and being parallel to the north line of Butler Road at a distance north from Butler Road that will provide a frontage of 250 feet along the east line of Lamar Boulevard.

SECOND TRACT: The lands and territory bounded as follows:

On the east by Lamar Boulevard;  
On the south by Butler Road;  
On the west by a line projected north from Butler Road and being a prolongation of the east line of Jessie Street, to a point where said line will intersect the north boundary line of this Second Tract; and  
On the north by a line running east and west parallel to the north line of Butler Road at a distance north from Butler Road that will provide a frontage of 250 feet along the west line of Lamar Boulevard.

No one appearing to protest the proposed change, Councilman Wolf then introduced the following ordinance:

AN ORDINANCE AMENDING THE CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, BEING A GENERAL REVISION OF THE ZONING ORDINANCE OF THE CITY OF AUSTIN, WHICH AMENDATORY ORDINANCE IS RECORDED IN BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, TEXAS, THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT OF ALL THE TWO FOLLOWING TRACTS; FIRST TRACT; THE LANDS AND TERRITORY BOUNDED AS FOLLOWS; ON THE WEST BY LAMAR BOULEVARD; ON THE SOUTH BY BUTLER ROAD; ON THE EAST BY THE OLD FREDERICKSBURG ROAD; AND ON THE NORTH BY A LINE RUNNING EAST AND WEST AND BEING PARALLEL TO THE NORTH LINE OF BUTLER ROAD AT A DISTANCE NORTH FROM BUTLER ROAD THAT WILL PROVIDE A FRONTAGE OF 250 FEET ALONG THE EAST LINE OF LAMAR BOULEVARD; AND SECOND TRACT; THE LANDS AND TERRITORY BOUNDED AS FOLLOWS; ON THE EAST BY LAMAR BOULEVARD; ON THE SOUTH BY BUTLER ROAD; ON THE WEST BY A LINE PROJECTED NORTH FROM BUTLER ROAD AND BEING A PROLONGATION OF THE EAST LINE OF JESSIE STREET, TO A POINT WHERE SAID LINE WILL INTERSECT THE NORTH BOUNDARY LINE OF THIS SECOND TRACT; AND ON THE NORTH BY A LINE RUNNING EAST AND WEST PARALLEL TO THE NORTH LINE OF BUTLER ROAD AT A DISTANCE NORTH FROM BUTLER ROAD THAT WILL PROVIDE A FRONTAGE OF 250 FEET ALONG THE WEST LINE OF LAMAR BOULEVARD; BOTH OF SAID TRACTS BEING 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 CHANGE 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 then 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 then 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.

Councilman Gillis introduced the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized and directed to execute for and in behalf of the City of Austin a warranty deed to Theo. P. Meyer and wife, Antonie Meyer, conveying a tract of land fronting approximately 250 feet on Lamar Boulevard, for a consideration of \$10,000.00, all in accordance with the terms and conditions of the warranty deed attached hereto and made a part hereof for all purposes.

(Deed Attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS;

COUNTY OF TRAVIS :

That the City of Austin, a municipal corporation, situated in the County of Travis, State of Texas, acting by and through its Acting City Manager, Walter E. Seaholm, duly authorized by the City Council of said City by resolution duly passed, for and in consideration of One Hundred Dollars (\$100.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien expressed or implied, is retained, has granted, sold and conveyed and by these presents does grant, sell and convey unto Theo. P. Meyer and wife, Antonie Meyer, of the County of Travis, State of Texas, with the restriction and upon the covenant and condition below stated, all that certain tract or parcel of land described as follows:

1.78 acres of land, the same being a portion of the Isaac Decker League in Travis County, Texas, and being out of and a part of those certain tracts or parcels of land conveyed to the City of Austin by the following two deeds of conveyance: (1) by Henry Paggi by deed dated December 6, 1940, of record in Volume 660, pages 261-263, of the Deed Records of Travis County, Texas; and (2) by John F. Butler, et al, by deed dated June 28, 1941, of record in Volume 681, pages 199-203, of the Deed Records of Travis County, Texas, and which 1.78 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set at the intersection of the north line of Butler Road and the west line of Lamar Boulevard, said iron stake also marking the southeast corner of a 1.332 acre tract of land described in the aforementioned Paggi to City of Austin tract;

THENCE along the south line of the said City of Austin tract of land, the same being the north line of Butler Road, N. 60° 04' W. 340.30 feet to a point, and from which point an iron stake at the intersection of the west line of Jessie Street and the north line of Butler Road bears N. 60° 04' W. 50.0 feet;

THENCE N. 29° 55' E. 245.28 feet to a point;

THENCE S. 60° 04' E. 291.82 feet to a point in the west line of Lamar Boulevard and from which point an iron stake set at an angle point in the west line of said Lamar Boulevard bears N. 18° 47' E. 96.18 feet;

THENCE along the east line of said City of Austin tract of land, same being the west line of Lamar Boulevard, S. 18° 47' W. 250.0 feet to the place of beginning.

TO HAVE AND TO HOLD the above described tract of land together with all and singular the rights and appurtenances thereunto belonging unto the said Theo P. Meyer and wife, Antonio Meyer, their heirs and assigns forever, and the City of Austin does hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the said Theo P. Meyer and wife, Antonio Meyer, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But the above conveyance is subject to the covenant, hereby made by grantees, and the condition that no spirituous, vinous, or malt liquors, or other intoxicating beverages shall ever be sold or offered for sale upon the premises hereby conveyed or any part thereof.

In case of and upon any violation or non-observance of the above covenant and condition, and thereupon the said conveyance shall be null and void, and the said premises shall then and there wholly and absolutely revert without suit or re-entry to the grantor herein, its successors or assigns; and no act or omission upon the part of any of the beneficiaries of this covenant and condition shall be a waiver of the operation or enforcement of either such covenant or such condition.

WITNESS the hand of the City of Austin by Walter E. Seaholm, its Acting City Manager, duly authorized by the City Council of said City by its resolution duly passed, attested by its City Clerk, with the seal of the City of Austin affixed, this the \_\_\_\_ day of \_\_\_\_\_, 1942.

CITY OF AUSTIN

By \_\_\_\_\_  
Acting City Manager

Attest:

\_\_\_\_\_  
City Clerk

THE STATE OF TEXAS :  
COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared Walter E. Seaholm, Acting City Manager of the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of the City of Austin for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the \_\_\_\_ day of \_\_\_\_\_, 1942.

\_\_\_\_\_  
Notary Public in and for Travis County,  
T e x a s .

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote:

"ayes," Councilmen Alford, Bartholomew, Gillin, Mayor Miller, and Councilman Wolf; "nays," none.

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 street:

A gas main in EAST AVENUE from a point 53 feet south of East 19th Street southerly 445 feet, the center-line of which gas main shall be 67 feet east of and parallel to the west property line of said East Avenue

Said gas main described above shall have a covering of not less than 24 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 assignment, 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.

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be and he is hereby authorized and directed to enter into a contract in behalf of the City of Austin with the United States Government for the sale of light and power by the City of Austin to the United States Government at the Del Valle Air Support Command Base now under construction in the Del Valle area in the County of Travis, State of Texas, all substantially in accordance with the terms and provisions of United States Standard Form 33 (Revised), being designated Contract No. W-359-eng-4784, as exhibited to the City Council by the Acting City Manager.

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 applications for licenses to operate private boats were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Henna, Louis Morgan -	Crisp Craft, Inboard, 1940 Model, Hercules, 6-passenger
Whitefield, Jas. F. - 1507 Scenic Drive	Home-made, Outboard, 1939 Model, Neptune, 4-passenger

Councilman Bartholomew moved that the applications be granted, subject to the approval of the Lake Austin Navigation Board. The motion prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "no," none.

The application of Ray T. Stevens, 300 Congress Avenue, for a license to operate as a taxicab a 1941 Chevrolet Sedan, D.C., Serial No. 3A011-10685, Motor No. AA213279, State License No. H-14-540, approved by the Acting City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "no," none.

The application of Ward Henry Barnett, 4310 Alice Avenue, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "no," none.

Acting City Manager Seaholm submitted the application of P. L. Bible for a permit for a skating rink at his amusement park, 505 Barton Springs Road. It was the recommendation of the Council that the permit be granted.

Upon motion, seconded and carried, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

APPROVED, Tom Miller  
MAYOR

ATTEST:

Hallie M. Liles  
CITY CLERK

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 18, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on September 18, 1942, at 10:30 A. M., with Mayor Tom Miller presiding, the meeting having been held on Friday instead of Thursday, at the request of the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

There were present also: Acting City Manager Seaholm, Acting City Attorney Randle, City Engineer Motheral, and Chief of Police Thorp.

The Minutes of the regular meeting of September 10 were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: "yes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "no," none; Councilman Bartholomew absent.

Councilman Gillis introduced the following ordinance: