

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 6, 1938.

The meeting was called to order at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 3; absent, Councilmen C. F. Alford and C. M. Bartholomew, 2.

The reading of the Minutes was dispensed with.

Upon motion, duly made and seconded, J. E. Haire was granted licenses to operate as taxicabs one 1937 4-door Chevrolet Sedan, Factory No. 247596, State Highway Department No. 84244, and one 1937 4-door Chevrolet Sedan, Factory No. 234731, State Highway Department No. 84230, by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Marion Fowler, Attorney for W. W. Johnson, presented a petition signed by residents in the vicinity of Deep Eddy, asking that a retail beer permit be granted to the said W. W. Johnson in connection with his grocery business at 2315 Dam Boulevard. It was the sense of the meeting that the permit be granted.

Councilman Wolf introduced the following resolution:

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

THAT the City Manager be, and he is hereby, authorized to execute on behalf of the City of Austin the agreement between the City of Austin and Adolph Kohn, the terms of which follow:

That this agreement, made and entered into by and between the City of Austin, a municipal corporation, acting by and through its City Manager, under the authority of its City Council, and Adolph Kohn, a citizen of Austin, Travis County, Texas, WITNESSETH:

1. Adolph Kohn agrees that he will lay and construct, at his own cost and expense, and in accordance with the plans, specifications and requirements, and under the supervision and subject to the approval of the City of Austin, a water pipe line, or water pipe lines, and appurtenances necessary and adequate to connect with the present water system of the City of Austin, certain parts of Shoalmont Addition, a subdivision of certain property owned by the said Adolph Kohn, as follows, to-wit: BEGINNING at a six (6) inch water main already located and lying at the intersection of Shoalmont Drive and Woodview Avenue, west along the said Shoalmont Drive to Shoal Creek Boulevard; thence southerly with said Shoal Creek Boulevard to the point of its intersection with Baltimore Avenue, in all a distance of approximately 2100 feet, said streets being located according to the map or plat of Adolph Kohn's Re-subdivision of Shoalmont Addition of record in the Plat Records of Travis County, Texas, in Book 4, page 9, said streets lying at present outside the corporate limits of the City of Austin, such construction being for the purpose of supplying the described part of said subdivision with water service by the City of Austin; it being provided that all lines constructed under this agreement shall be laid on public streets and on designated county roads, and if any portion of said line or lines is required to be laid through private property, that a definite easement for right-of-way be secured sufficient for all utility space assignments; and in consideration

for the benefits to be received by Adolph Kohn in the service of water from the water system of the City of Austin, the said Adolph Kohn agrees upon the completion thereof to convey to the City of Austin the title to all of said line or lines lying in the public highways, roads and alleys, and in the easements acquired for the purpose of laying said lines.

2. Adolph Kohn further agrees that immediately upon the completion of said line or lines, he will furnish to the City of Austin authenticated original duplicates of all receipted bills, showing the reasonable and necessary expense, as having been theretofore mutually agreed by the parties hereto, in the laying and constructing of said water line or water lines, which receipted bills shall be attached to this agreement and shall become evidence of the cost of such line or lines, for the purpose of any refund which may be made under the terms of this agreement.

3. It is agreed that if at any time within fifteen (15) years from the date of this agreement, Shoalmont Addition, or the part thereof here affected, shall be included by annexation within the corporate limits of the City of Austin, Adolph Kohn shall be entitled to be reimbursed by the City of Austin for the cost of such line or lines as shown by the receipted bills hereinabove mentioned, such reimbursement to be without interest, and to be made upon the following terms: One (1) year after the first day of January of the year immediately following such annexation the City of Austin will refund an amount equal to five times the gross revenue received from water customers connected with said line or lines during such one year period, and at the end of each subsequent year a similar amount will be so refunded until the total cost of such line or lines, less depreciation as hereinafter provided, shall have been refunded; provided, that due allowance shall be made for depreciation of said line or lines from the date of completion to the date of annexation, as follows: on all lines under six (6) inches in size and on all appurtenances and accessories thereto, at the rate of five per cent (5%) for each year, and on all lines of six (6) inches or over in size and on all appurtenances and accessories thereto, at the rate of three per cent (3%) for each year, provided that the lines of six (6) inches or over are constructed of cast-iron pipe, otherwise such lines shall bear the same rate of depreciation as herein fixed for lines under six (6) inches in size.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

In accordance with published notice, the public hearing called for this day on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

To amend the USE designation of the following described property so as to change same from "A" Residence District to "C" Commercial District: Lots 19 and 20, Block 4, Outlot 72, Division "D", Leander Brown Subdivision, located at the corner of 29th Street and West Avenue.

No one appearing to protest the proposed change, Councilman Gillis then offered the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND

DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and upon motion of Councilman Gillis the rule was suspended and the ordinance passed to its second reading by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

The ordinance was read the second time and laid over until the next regular meeting.

Councilman Wolf introduced the following resolution:

"Austin, Texas
January 9, 1938

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Henry Viscardi for permission to construct, maintain and operate a drive-in gasoline filling station, and to construct commercial driveways in conjunction therewith, upon property located at the northwest corner of West 12th Street and West Lynn Street, which property is locally known as 1200 West Lynn Street, 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.

Two storm sewer inlets exist at the northwest corner of West 12th Street and West Lynn Street.

We recommend that Henry Viscardi be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, 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 confer 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 accordance 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 oils or water 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-C-723.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-723 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,

J. E. Motheral
City Engineer.

(RESOLUTION)

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 northwest corner of West 12th Street and West Lynn Street, which property is known as 1200 West Lynn Street, City of Austin, Travis County, Texas, which property is owned by Henry Viscardi, and hereby authorizes the said Henry Viscardi 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 Henry Viscardi has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

It was moved by Mayor Miller, seconded by Councilman Gillis, that J. C. Moore, 400 Paul Street, be granted a license to operate as a taxicab one 1936 Chevrolet Standard Sedan, Engine No. M-6186354, State Highway Department No. A-24434. The motion carried by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

It was moved by Mayor Miller, seconded by Councilman Gillis, that V. R. Moore, be granted a license to operate as a taxicab one 1937 Chevrolet Master Sedan, Engine No. 262569, State Highway Department No. A-24433. The motion carried by the following vote; Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Wolf introduced 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 SOUTH SECOND STREET northerly 40 feet from a point 71 feet south of the south line of West Milton Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said South Second Street.

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

(2) A gas main in WEST 36TH STREET from Lawton Avenue westerly 148 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.

(3) A gas main in LAWTON AVENUE from West 36th Street southerly 38 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west line of said Lawton Avenue.

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

(4) A gas main in WEST 37TH STREET easterly 150 feet from a point 108 feet east of the east line of Oakmont Boulevard, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said West 37th Street.

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

(5) A gas main in MARGARETE STREET from Garner Avenue easterly 95 feet, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said Margarete Street.

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

(6) A gas main in HASKELL STREET westerly 142 feet from a point 118 feet west of the west line of Canadian Street, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Haskell Street.

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

(7) A gas main in EAST 39TH STREET easterly 32 feet from a point 58 feet west of the west line of Feck Avenue, the centerline of which gas main shall be 21 feet south of and parallel to the north line of said East 39th 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 out 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.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Gillis moved that E. Ray Kingsbury, 1106 Fredericksburg Road, be granted a taxicab driver's permit, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

The City Manager submitted an offer received for the purchase of property owned by the City at 28 $\frac{1}{2}$ Street and Shoal Creek Boulevard. The matter was taken

under advisement, pending an inspection of the property by the City Council and City Manager.

A petition by residents in the vicinity, asking for the grading and graveling of Bellvue Avenue, beginning at 4100 Alice Avenue intersection south, to West 42nd Street north, was received, and the matter was referred to the City Engineer for attention.

Councilman Wolf introduced the following resolution:

WHEREAS, the Public Works Administration requires that all projects undertaken under its regulations be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in proposed work on Docket No. 1854, the said Department of Labor has furnished the City of Austin with said schedule, but which did not contain several classes of labor which will be necessary to be used in the proposed work under Docket No. 1854; 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 submit such additional schedule to the State Director of the Public Works Administration, and provide that all contractors and sub-contractors on said Docket No. 1854 be notified and directed that such scale of wages must be complied with.

SUPPLEMENTARY WAGE SCALE (attached)

<u>Classification</u>	<u>Wages Received per Hour</u>
No. 1 Caulker - Building Openings	\$1.00
2 Cork Layer	1.00
3 Gas Fitter	1.00
4 Iron Worker - Doors & Windows	1.00
5 Iron Worker - Metal Equipment	1.00
6 Machine Setter	1.00
7 Metal Trim Worker	1.00
8 Operators - Excavator	1.00
" Motorized Equipment	1.00
" Concrete Mixer	1.00
9 Ornamental Iron Worker	1.00
10 Air Compressor Operator	.60
11 Air Hammer Operator	.50
12 Caulker - Pipe	.60
13 Elevator Constructor Helper	.60
14 Handy Man	.60
15 Labor Foreman	.65
16 Mortar Mixer	.55
17 Oiler and Greaser	.50
18 Pipe Layer	.60
19 Powder Man	.75
20 Pump Operator	.65
21 Truck Driver	.45
22 Water Proofer	.45
23 Window Cleaner	.45
18b Pitman	.50

The attached wage scale for wages and work classification covers trade operations which are not classified by the State Department of Labor but this list has been submitted to the State Labor Department and they advise that same is satisfactory and corresponds with wages paid in their approved list for work of a similar nature.

(Signed) Page & Southerland

By: Louis F. Southerland. "

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M.,

subject to the call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hattie McKeen
City Clerk.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, January 10, 1938.

The City Council, pursuant to the call of the Mayor, met in special session in the Council Chamber at the City Hall at 10:30 A. M., Monday, January 10, 1938, for the purpose of canvassing the returns of a special election held on January 4, 1938, for the purpose of submitting to the qualified voters of the City of Austin an amendment to Section 1, of Article I, of the Charter of said City.

Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, None.

A canvass of the official returns of said election was then made by the City Council, which canvass showed that there were cast 2898 votes for the amendment and 102 votes against the amendment, resulting in a majority for the amendment of 2796 votes.

The following resolution was then introduced by Mayor Miller, who moved its adoption:

RESOLUTION

WHEREAS, on the 1st day of November, 1937, a resolution was duly passed by the City Council of the City of Austin, Texas, giving notice of its intention to pass an ordinance providing for the submission to the qualified voters of the City of Austin, Texas, at an election to be held for such purpose, a certain amendment to Article 1, Section 1, of the existing Charter of said City, therein contained; and

WHEREAS, in accordance with law notice of intention to submit such proposition at such election was given by publication in The Austin American, The Austin Statesman, and The Austin Dispatch, newspapers of general circulation published in said City of Austin, which notice was published in said newspapers consecutively for ten days, to wit: November 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, 1937, the first of said publications being 20 days before the passage of said ordinance; and

WHEREAS, under and by virtue of the terms of the certain ordinance passed by the City Council, and approved by the Mayor of said City, on the 24th day of November, 1937, a special election was held in said City according to law, on the 4th day of January, 1938, for the purpose of the adoption or rejection by the qualified voters of said City of said proposed amendment to the existing Charter of the City of Austin,