

Gillis, Mayor Miller - Councilmen Bartholomew and Wolf voting aye, by Mayor Miller, proxy.

Upon motion duly made and seconded, the Council then recessed, subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Hallie McKellar  
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 2, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The Minutes of the regular meeting of March 19 were read and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The protest submitted by Mr. I. N. Taylor relative to the fill being made on and adjacent to his property on West 5th Street at Shoal Creek was referred to the City Manager and City Engineer for attention.

The petition asking for the repeal of the ordinance establishing hour parking on the south side of East 10th Street from Congress Avenue to Brazos Street was read and referred to the City Manager, City Attorney, and Traffic Department.

Mayor Miller moved that the City Manager be directed to write a letter to the State Director of Public Works Administration, Mr. Julian Montgomery, commending the services of Mr. Frank W. Chappel during the time he was employed as supervisor of the PWA in this City. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mayor Miller moved that the City Manager be instructed to cause to be destroyed, by burning in the City's Incinerator, in the presence of witnesses, the three hundred and fifty (350) City of Austin School Bonds, in the denomination of One Thousand Dollars (\$1000.00) each, authorized to be issued by the voters of this City on November 14, 1935, and later declared invalid by Thomson, Wood and Hoffman of New York in their opinion on the legality of said bonds. The motion was seconded by Councilman Gillis, and was carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford submitted the following:

"Austin, Texas  
April 1, 1936

Honorable Mayor and City Council  
Austin, Texas.  
Gentlemen:

I hereby hand you prints of proposed set-back, curb and steps alterations at San Jacinto Boulevard and East Sixteenth Street, for which I respectfully ask your consideration.

At present I am erecting a 46'x80' building on this corner, being the west side of San Jacinto and the north side of Sixteenth Street and I am requesting now permission for extending present curb steps along San Jacinto to a distance of 46' and extend walk out to meet steps.

I am requesting on Sixteenth Street permission for placing a set-back curb and parking place starting 25' west of San Jacinto Street and extending a distance of 54', then a 4' island and a 9' drive up to and across present walk, also extension of 6' walk out to curb.

Respectfully submitted,

(Signed) Mrs. Melanie Joergens

By Louise J. Reno "

(RESOLUTION)

WHEREAS, Mrs. Melanie Joergens, owner of Lot 1, Block 53, of Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the north side of East 16th Street and the west side of San Jacinto Street, and being situated at the northwest corner of the intersection of said streets, has requested the City Council of the City of Austin to grant permission to set the curb back on the north side of East 16th Street west of San Jacinto Street and to construct a commercial driveway across the north sidewalk area of said East 16th Street at a location west of San Jacinto Street, and to construct sidewalks and steps at this intersection, the steps, however, to be located on the west side of San Jacinto Street north from East 16th Street; and

WHEREAS, the said sidewalks and steps are not to be constructed in accordance with the standard curb grades and sidewalk grades of the City of Austin, which curb setback, commercial driveway, sidewalks and steps are shown upon the plan hereto attached marked 2-H-497; and

WHEREAS, the said Mrs. Melanie Joergens has released and acquitted the City of Austin from any and all damages that may result due to the construction of said special sidewalks and steps, which release is evidenced by an instrument of writing dated April 1, 1936, and being on file with the City Clerk of the City of Austin; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said curb setback, commercial driveway, sidewalk and steps; therefore

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

THAT Mrs. Melanie Joergens, owner of Lot 1, Block 53, of Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the north side of East 16th Street and the west side of San Jacinto Street, and being situated at the northwest corner of the intersection of said streets, is hereby granted permission to set the curb back from the established curb line on East 16th Street adjacent to the above described property and to construct a commercial driveway across the north sidewalk area of said East 16th Street, and to construct sidewalks and steps on the north side of East 16th Street and on the west side of San Jacinto Street as shown upon the plan hereto attached marked 2-H-497. Permission to construct the above described curb setback, commercial driveway, sidewalks and steps 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-H-497 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on East 16th Street shall be carried out in accordance with the accompanying plan marked 2-H-497 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, 2½ 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 ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-497.

(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.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone conduit in WEST EIGHTH STREET ALLEY from Lavaca Street east one-half block, the centerline of which telephone conduit shall be 2 feet north of and parallel to the south line of said West 8th Street Alley.

(2) A telephone conduit in ENFIELD ROAD from the east side of Saybrook Lane easterly to the east line of the Missouri Pacific Railroad right-of-way, the centerline of which telephone conduit shall be 12 feet south of and parallel to the north line of said Enfield Road.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

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 MAYBELLE AVENUE, beginning at a point 15 feet west of the east line of Maybelle Avenue and 117 feet south of the south line of West 44th Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of Maybelle Avenue, for a distance of 98 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in WESTOVER ROAD, beginning at a point 20 feet south of the north line of Westover Road and 14 feet west of the east line of Oakhurst Avenue

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 20 feet south of and parallel to the north line of said Westover Road, for a distance of 261 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in HOLLY STREET, beginning at a point 26 feet south of the north line of Holly Street and 81 feet west of the west line of Chicon Street.

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 26 feet south of and parallel to the north line of said Holly Street, for a distance of 344 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in NEWTON STREET, beginning at a point 20 feet east of the west line of Newton Street and 39 feet south of the south line of that part of Monroe Street that is east of Newton Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 20 feet east of and parallel to the west line of said Newton Street, for a distance of 186 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in COPELAND STREET from South 1st Street to South 2nd Street, the centerline of which gas main shall be 6½ feet south of and parallel to the north line of said Copeland Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in SOUTH SECOND STREET from Copeland Street north 483 feet, the centerline of which gas main shall be 6½ feet west of and parallel to the east line of said South 2nd Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(7) A gas main across BARTON SPRINGS ROAD at Jessie Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Jessie Street.

Said gas main described above shall have a cover of not less than 2½ 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.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE PASSED APRIL 5, 1934, ENTITLED: "AN ORDINANCE DECLARING WHEN TAXES DUE THE CITY OF AUSTIN SHALL BECOME DELINQUENT; PROVIDING THAT SAME SHALL THEREAFTER BEAR INTEREST, ASSESSING A PENALTY FOR DEFAULT THEREAFTER, AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilmen Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

(The vote of Councilman Bartholomew on the passage of the foregoing ordinance was taken over the telephone )

A petition by the boys and girls of the Deep Eddy neighborhood, asking that season tickets to the Deep Eddy Bathing Pool be sold at a reasonable price, was received and referred to the City Manager to have the request granted if it is deemed advisable to do so.

The protest of Mrs. Nellie D. McCaleb against the assessed valuation of lots in the Dancy Addition was referred to Councilman Gillis for investigation.

The following report of the Board of Adjustment was received:

"Austin, Texas  
March 24, 1936

Honorable City Council  
Austin, Texas

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on March 10, 1936, in regard to the changing of the Use designation of property located on Angelina Street from East 12th Street to Cotton Street, from "A" Residence District to "C" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) V. H. Pannell  
Acting Chairman.

(RESOLUTION ATTACHED)

WHEREAS, the City Council has requested the Board of Adjustment to make a recommendation regarding an amendment to the Zoning Ordinance providing for the change of the Use designation of property facing Angelina Street, from East 12th Street on the north, to Cotton Street on the south, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting on March 10, 1936, considered said change; and

WHEREAS, the Board carefully considered the proposed change from a broad zoning point of view and for the best interests of the City and surrounding property, and found objection thereto; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above request for a change in the Zoning Ordinance and Use District map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

1. That this property is more suited for residential development than commercial, a portion of this block being now occupied by the Negro Community Center and a number of fair residences.
2. That the business district on East 12th Street is largely undeveloped and is ample to care for the needs of this section for a great many years.
3. That the property would not be enhanced by the change but in all probability would decrease in value.
4. That the property where the change is requested has not changed in occupancy or character since the original zoning map was completed.
5. That recently a new business block was opened on Navasota Street which is only a

short distance from this section and is still open for development.

6. That no valid argument was advanced for the requested change and no proof shown for the necessity.

7. That the original Zoning Commission was very generous in allotting business areas in this section and to change the map at every request would endanger the original City Plan and assist in the breakdown of the Zoning Ordinance.

BOARD OF ADJUSTMENT

BY V. H. Pannell,  
Acting Chairman. "

The following report of the Board of Adjustment was received:

"Austin, Texas  
March 24, 1936

Honorable City Council  
Austin, Texas

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on March 10, 1936, in regard to the changing of the Use designation of property located at 504 West 41st Street, from "A" Residence District to "C" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) V. H. Pannell,  
Acting Chairman.

(RESOLUTION ATTACHED)

WHEREAS, the City Council has requested the Board of Adjustment to make a recommendation regarding an amendment to the Zoning Ordinance providing for the change of the Use designation of property located at 504 West 41st Street from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting on March 10, 1936, considered said change; and

WHEREAS, the Board carefully considered the proposed change from a broad zoning point of view and for the best interests of the City and surrounding property and found objection thereto; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above request for a change in the Zoning Ordinance and Use District map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

1. That there is no real demand for an extension of the commercial zone in this area in the direction requested, and that to grant the request would be in the nature of spot zoning, which if practiced would ultimately result in the breaking down of the Zoning Ordinance.

2. That the request is prompted by the fact that a City ordinance forbids the sale of certain drinks in residence sections.

3. That the change would benefit only the owner of this particular property so that he could circumvent the existing law.

4. That the extension of business in this direction would not only affect this property but would affect the property on the adjoining cross street, which is entirely residential.

5. That there is a large amount of business property in this neighborhood still available, and that the original City Plan will be altered and injured by the continual changing of the map and the best interests of the people as a whole and the City in general will be jeopardized by submitting to requested changes when no real problem of actual or theoretical confiscation of property exists, and the change is beneficial only to one party to the detriment of all surrounding property owners.

BOARD OF ADJUSTMENT

By V. H. Pannell,  
Acting Chairman. "

Councilman Gillis moved that, upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted Taxicab Driver's Permits:

Edwin George Boardman, 302 Willow Street; Ernest J. Bradley, 2120 East 2nd Street; John Castillo, Jr., 1401 East 3rd Street; Leslie Homer Glenn, 1207 San Jacinto Street; Willie Alvin Mahanel, 1119 West 5th Street; Curtis Gelson Montgomery, 205 East Avenue; and Earl Nichols, 50 Waller Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mr. G. A. Kamrath submitted a request for the beautification of Zilker Park and the River front before the arrival of Centennial visitors.

Upon motion duly made and seconded, the Council then recessed, subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie McTear  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 9, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. 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.

The reading of the Minutes was dispensed with.

Mr. Horace Bernhart, representing a committee appointed by the Retail Merchants Association to investigate the merits of parking meters, presented two petitions by merchants asking that the installation of such parking meters be postponed until further investigation. A delegation of merchants also was present and asked that action on the matter be deferred. After considerable discussion, the matter was postponed, pending an inspection of parking meters in Dallas by a committee from the City Council, the Safety Council, the merchants, and the Police Department.

Mr. Joe Tucker presented a written agreement by the business firms on the streets affected, agreeing to the blocking of San Jacinto and Trinity Streets by the Missouri, Kansas, and Texas Railway Company on May 5, from 2:00 A. M. until midnight, for the purpose of parking the Rexall Stream-lined Convention Special Train. The request for the blocking of said streets was granted and the City Manager, Police and Fire Departments were instructed to have the matter attended to.

Mr. Sterling Fulmore presented a request to have the property abutting the extension of South Congress Avenue through the La Prelle Place rezoned as Commercial "C". The matter