

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 4, 1937.

The meeting was called to order at 11:20 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C.M. Bartholomew, Simon Gillis, and Mayor Tom Miller, 4; absent, Councilman Oswald G. Wolf, 1.

The reading of the Minutes was dispensed with.

Dr. H. A. Scott, W. E. Metzenthin, and F. A. Gerling, owners of property adjacent to Shoal Creek Boulevard Lots, appeared before the Council and protested the change in the zoning classification of Lots 1, 2, 3, and 4, Shoal Creek Boulevard Lots Addition, from Residence "A" District to Residence "B" District, declaring that the erection of a fraternity house on said property, as contemplated, would depreciate the value of surrounding property for residential purposes, and would open the way for a commercial classification of the property in this area in the future.

The following resolution was submitted by Councilman Gillis:

WHEREAS, in the Subdivision of the Addition known as Travis Heights, in the City of Austin, a map of which Addition is recorded in the Plat Records of Travis County, Texas, in Plat Book No. 3, at page 15, said map being dated September 29, 1913, having in its dedication the following reference to certain parts of said property:

"The map further shows certain parts of said property not subdivided into Lots, said parts being indicated by the name Travis Park, Edge Cliff, Park Place, and The Ramble, said parts being used by the purchasers of the lots as parks until dedicated by the owners or assigns to other purposes."

and

WHEREAS, a resubdivision of Block No. 53, in Travis Heights Addition was made subject to all reservations and restrictions set out in the dedication of the original plat on the 22nd day of May, A. D. 1930, and recorded in the Deed Records of the County Clerk of Travis County, Texas, in Book 450, pages 579-580, by which said resubdivision Lot 17 was added to said Block 53, of Travis Heights Addition; and

WHEREAS, by deed dated the 22nd day of May, 1930, the owners of said Travis Heights Addition conveyed title to said Lot 17, Block 53 of the Travis Heights Addition to the City of Austin, to Ella Belle Hammer; and

WHEREAS, thereafter and subsequent to the above mentioned dedications and transfer, the owners of Travis Heights Addition deeded the streets in said Addition to the City of Austin; and

WHEREAS, the City of Austin has never assumed control of or used that part of Block 53 in the Travis Heights Addition known as Lot 17 of said Block 53; and

WHEREAS, said Lot 17 adjoining Edge Cliff and Travis Park on the north and east and adjoining Lots 11, 12, and 13, in Block 53 of Travis Heights Addition, has never been improved or opened for public traffic, and it is considered that said described property is not necessary for public use or convenience, and to open and improve same would be unnecessary and expensive to the City; therefore,

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

THAT Lot 17 of Block 53 in the Travis Heights Addition, as the same appears on the maps placed of record in the City of Austin, be and the same is hereby perpetually closed and vacated, and that the control of the City of Austin over same is hereby relinquished and forever abandoned to Lots 11, 12, and 13, of Block 53, of Travis Heights Addition to the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford,

Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN, FOR THE TERM OF TWO YEARS, BEGINNING MAY 1, 1937, DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS, AND PROVIDING THE PROCLAMATION OF SAID ELECTION

The ordinance was read the first time and upon motion of Councilman Gillis, seconded by Councilman Alford, the rules were suspended and the ordinance passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

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

The ordinance was read the third time and Councilman Alford moved, seconded by Councilman Gillis, that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Mayor Miller introduced 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, seconded by Councilman Alford, the rules were suspended and the ordinance passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rules were further suspended and the ordinance passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis offered the following resolution, which was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4;

nays, none; Councilman Wolf absent, 1:

WHEREAS, bids were received, opened and public read aloud at 10:00 A. M., February 26, 1937, on PWA Docket Texas-1300R-49, all in accordance with PWA contract documents, plans, specifications, and advertisements, by the officials of the Austin Independent School District and the architects and representatives of the Public Works Administration; and

WHEREAS, the result of the architects' study was submitted to the School Board, and was accepted by the Board at a meeting thereon on March 3, 1937; and

WHEREAS, the Austin Independent School District, through its duly constituted officers, has accepted the recommendations of the architects, a copy of which is attached, and has submitted a resolution awarding said contracts to the lowest and best bidders in accordance with the resolution attached herewith; and

WHEREAS, the City Council, acting for and in behalf of the Austin Independent School District, approves the award of the contracts so indicated, subject to the approval of the State Director of the Public Works Administration; now, therefore,

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

THAT the City Manager be authorized and is hereby directed to sign the resolution of the School Board, approving said resolution on the part of the City of Austin .

(Resolution of School Board attached)

WHEREAS, the Board of Trustees of the Austin Independent School District, in special meeting assembled on March 3, 1937, has received a recommendation from their Architect in the matter of bids received upon certain Furniture and Equipment at 10 A. M., February 26, 1937, at which time said bids were opened, read publicly aloud, and tabulated by and in the presence of E. A. Murchison, President of the Board of Trustees; A. N. McCallum, Superintendent of Schools; T. N. Porter, Assistant to the Superintendent of Schools; R. J. Harrison, representing the Public Works Administration; and A. W. Harris, representing the firm of Giesecke & Harris; and

WHEREAS, The recommendation of the said Architect being to the effect that awards be made in every case upon the low base bids received, as follows:

GROUP A - SCIENCE EQUIPMENT

Kewaunee Manufacturing Company, of Kewaunee, Wisconsin\$6,749.03;

GROUP B - GYMNASIUM EQUIPMENT

Bickley School & Church Furniture Company, of Houston, Texas 2,223.63;

GROUP C - METAL LOCKER EQUIPMENT

Bickley School & Church Furniture Company, of Houston, Texas..... 3,478.40;

GROUP D - CAFETERIA KITCHEN EQUIPMENT

- a. H. H. Voss Company, of Austin, Texas 4,998.00;
(Items 1 to 8, inclusive, for Austin High School and
Items 1 to 13, inclusive, for John T. Allan High School)
- b. Southwestern Specialty Company, of San Antonio, Texas..... 137.03;
(Item 14 for John T. Allan High School)
- c. J. R. Reed Music Company, of Austin, Texas 1,797.14;
(Item 9 for Austin High School, and Item 15 for
John T. Allan High School)

GROUP E - ACCOUNTING EQUIPMENT

Underwood-Elliott-Fisher Company, Houston-Texas branch 797.25;

GROUP F - MILLWORK EQUIPMENT

Brydson Lumber Company, of Austin, Texas 627.00;

and

WHEREAS, in the matter of the low base bid received from Brydson Lumber Company, of Austin, Texas, upon Group F, Millwork Equipment, this bid is found to contain certain informalities as set forth in the letter of said Architect, and with the feeling that the Owner will be benefitted by such action and has the right and power to take such action.

THEREFORE, BE IT RESOLVED That the Board of Trustees of the Austin Independent

School District waives the informalities existing in the matter of the low bid of the Brydson Lumber Company upon Group F, Millwork Equipment, feeling that it is fully protected in the matter of this informality, and that no payment is made to this contractor until completion and acceptance of his work, and further that the Board of Trustees accepts the recommendation of the Architect in the matter of the above listed award of contracts and approves the said award; and

BE IT FURTHER RESOLVED THAT this Resolution be offered to the City Council of Austin, Texas, acting for and in behalf of the Austin Independent School District, with the request that this action be approved by that body.

I hereby certify that the above Resolution was introduced and unanimously adopted by the Board of Trustees of the Austin Independent School District at a special meeting March 3, 1937, at which the following members were present:

E. A. Murchison, President - J. Harris Gardner
R. G. Mueller - Carl T. Widen

(Signed) Cousins Gregg
Acting Secretary. "

(Recommendations of Architect attached)

"February 27, 1937.

Docket: Tex. 1300-R-49
Austin - Schools

Honorable E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Dear Mr. Murchison:

We, your Architects, having carefully examined the bids received upon various items of Furniture and Equipment for the Austin Independent School District, as received at 10 A.M., February 26, 1937, all in accordance with the requirements as set forth by the Federal Administration of Public Works, do recommend to you acceptance of the following as being the lowest and best bids received.

GROUP A - SCIENCE EQUIPMENT:

To the Kewaunee Manufacturing Company, of Kewaunee, Wisconsin, upon their low base bid of \$6,749.03 (Six Thousand Seven Hundred Forty-Nine Dollars and Three Cents).

GROUP B - GYMNASIUM EQUIPMENT:

To the Bickley School and Church Furniture Company, of Houston, Texas, upon their low base bid of \$2,223.63 (Two Thousand Two Hundred Twenty-Three Dollars and Sixty-Three Cents).

GROUP C - METAL LOCKER EQUIPMENT:

To the Bickley School and Church Furniture Company, of Houston, Texas, upon their low base bid of \$3,478.40 (Three Thousand Four Hundred Seventy-Eight Dollars and Forty Cents).

GROUP D - CAFETERIA KITCHEN EQUIPMENT:

a. To the H. M. Voss Company, of Austin, Texas, upon Items 1, 2, 3, 4, 5, 6, 7, and 8 for the Austin High School; and upon Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, for the John T. Allan High School; all for the total sum of \$4,998.00 (Four Thousand Nine Hundred Ninety-Eight Dollars), this total sum of \$4,998.00 being low base bid.

b. To the Southwestern Specialty Company, of San Antonio, Texas, upon Item 14 for the John T. Allan High School, upon their low base bid of \$137.03 (One Hundred Thirty-Seven Dollars and Three Cents).

c. To the J. R. Reed Music Company, of Austin, Texas, upon Item 9 for the Austin High School, and Item 15 for the John T. Allan High School, upon their low base bid in the total sum of \$1,797.14 (One Thousand Seven Hundred Ninety-Seven Dollars and Fourteen Cents).

GROUP E - ACCOUNTING EQUIPMENT:

To the Underwood-Elliott-Fisher Company, Houston, Texas branch, upon their low base bid in the total sum of \$797.25 (Seven Hundred Ninety-Seven Dollars and Twenty-Five Cents).

GROUP F - MILLWORK EQUIPMENT:

To the Brydson Lumber Company, of Austin, Texas, upon their low base bid in the total sum of \$627.00 (Six Hundred Twenty-Seven Dollars).

In this connection, it is invited to your attention that the two bids received upon this Millwork Equipment failed to comply with the requirements of bidding in that neither bidder accompanied his bid with the proper

certified check in the sum of 5% of the greatest amount thereof, as required by the call for bids, nor was the bid filed upon the designated form in either case. It will be necessary that you take appropriate action with regard to the informality of these bids.

The sum total of these low bids is \$20,807.48 (Twenty Thousand Eight Hundred Seven Dollars and Forty-Eight Cents), and funds are available within the Docket budget for payments of the costs incurred.

Very sincerely yours,

GIESECKE & HARRIS, ARCHITECTS

By (Signed) A. W. Harris. "

Councilman Bartholomew was excused from the meeting.

WHEREAS, the Calcasieu Lumber Company, owner of Lots 1 and 2, Block 22, of the Original City of Austin, Travis County, Texas, which property abuts the east side of San Antonio Street and the north side of West 2nd Street and being located at the northeast corner of the intersection of said streets, has made application to the City Council of the City of Austin for permission to construct two commercial driveways across the north sidewalk area of West 2nd Street and to construct two commercial driveways across the east sidewalk area of San Antonio Street at the above described location, as shown upon the plan hereto attached marked 2-G-186, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT the Calcasieu Lumber Company, owner of Lots 1 and 2, Block 22 of the Original City of Austin, Travis County, Texas, which property abuts the east side of San Antonio Street and the north side of West 2nd Street and being located at the northeast corner of the intersection of said streets, is hereby permitted to construct two commercial driveways across the north sidewalk area of West 2nd Street and to construct two commercial driveways across the east sidewalk area of San Antonio Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-G-186, which plan is hereby 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.

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

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 GLENVIEW AVENUE southerly from a point 111 feet north of the north line of West 29th Street to a point 15 feet south of the south line of West 29th Street, the centerline of which gas main shall be 7½ feet west of and

parallel to the east line of said Glenview Avenue.

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

(2) A gas main in EAST THIRTIETH STREET from East Avenue west 146 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 30th Street.

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

(3) A gas main in ROSEWOOD AVENUE from Chicon Street easterly 90 feet, the centerline of which gas main shall be 17 feet south of and parallel to the centerline of said Rosewood Avenue.

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

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Frank Duran, 1613 East 5th Street; Daniel Homer Litton, 1115 East 3rd Street; Leonard Yocum, 405 East 11th Street; John Albert Duncan, 1409 Bouldin Avenue; Paul J. Turner, 1004 West 5th Street; Robert B. Wilkes, 3921 Alice Avenue; Horace C. Tinsley, General Delivery; Billie Urdy (Negro), 2204 Hidalgo Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Alford moved that the taxicab driver's permit issued to D. H. Hogan be revoked, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The following report of the Zoning Board of Adjustment was received and filed:

"March 4, 1937

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on February 25, 1937, passed the following resolution, which is hereby 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 Board of Adjustment for its consideration, a petition of Mrs. W. E. Williamson through her attorney, Henry Houston Jones, for a change in the "Use" District designation of her property located at 1502 East Avenue, Austin, Texas, the same being Lot No. 7, Block 68, Division "E", of the City of Austin, Travis County, Texas, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on February 25, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principals; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the Board sees no objection to the change in the "Use" District of the above described property provided this change be extended to include the remainder of the lots facing on East Avenue for the following reasons:

1. That in the opinion of the Board, the lot in question has been rendered less desirable for residential purposes than for commercial purposes on account of the fact that the City Council of the City of Austin soon after the passage of the Zoning Ordinance established a spot "C" Commercial Use on the corner lot adjacent to the lot in question which is now occupied by a filling station with a wash rack and grease rack contiguous to the applicant's property.
2. That the property north of the lot in question is not of a high class residential development.
3. That in line with the established policy of the Board and the Council not to create spot zones, it is deemed that should a change be made, this change shall include the remainder of the lots in the block facing on East Avenue in order to provide uniformity of use and equal opportunities to property owners, and to maintain stable values of this property.
4. That such a change would not adversely affect any other surrounding property of the neighborhood in view of the fact that to the south is located the City Hospital and that the extreme width and parking of East Avenue protects the property on the opposite side of East Avenue and that since the present spot commercial zone exists, being used as a filling station, it would be a more equitable application of the principals of the Zoning Ordinance to extend this zone to include the remaining lots on this block fronting on East Avenue.
5. That in the opinion of the Board, a change of the Use of the appellant's lot would benefit rather than damage the present spot zone.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne,
Chairman. "

Councilman Alford moved that a public hearing on the proposed change in zoning of all lots in Block 68, Division "E", fronting on East Avenue between 15th and 16th Streets, as recommended in the foregoing report of the Board of Adjustment, be held on the 25th instant, at 11:00 A. M., and that notice of said hearing be published in accordance with the terms of the Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Upon motion, duly seconded and carried, the meeting was recessed at 12:25 P.M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie G. Miller
City Clerk