

Upon motion, duly seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Harriet McKeen  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 12, 1937.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mr. W. F. Smith appeared before the Council relative to an adjustment of the delinquent taxes on Lot 1, Block 3, Penn Park. The matter was taken under advisement with the City Manager and Tax Department.

Mr. O. H. Cole, representing the Lightsey Cab Company, appeared before the Council and asked that said firm be granted an additional taxicab permit to replace the one cancelled several weeks ago. Mayor Miller moved that the permit be granted. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The petition of Albert Ferguson, 105 Neches Street, et al, protesting against the reopening of the beer joint and dance hall at 504 East First Street, known as the "Night Spot", was received and the matter was referred to the City Manager and Police Department for investigation.

The petition of Henry Brooks and wife asking that their property in Isherwood Heights, recently annexed to the City, be zoned as "C-2" Commercial District, was received and referred to the Zoning Board of Adjustment for consideration.

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 HAMILTON AVENUE easterly 262 feet from a point 108 feet east of the east line of Lincoln Street, the centerline of which gas main shall be 7 feet north of and parallel to the south line of said Hamilton Avenue.

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

(2) A gas main in HOLLY STREET easterly 155 feet from a point 82 feet west of the west line of Comal Street, the centerline of which gas main shall be 16 feet south of and parallel to the north line of said Holly Street.

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

(3) A gas main in EAST 43RD STREET easterly 223 feet from a point 297 feet west of the west line of Caswell Avenue, the centerline of which gas main shall be 24 feet south of and parallel to the north line of said East 43rd Street.

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

(4) A gas main in SABINE STREET from East 21st Street southerly 175 feet, the centerline of which gas main shall be 32 feet east of and parallel to the west line of said Sabine Street.

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

(5) A gas main in MAUFRAIS STREET from West 10th Street northerly to a point 193 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Maufrais Street.

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

(6) A gas main in NATHAN STREET from West 10th Street northerly to a point 159 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Nathan Street.

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

(7) A gas main in EASON STREET northerly from a point 200 feet north of the north line of West 10th Street to a point 5 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Eason Street.

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

(8) A gas main in LELAND STREET from Brackenridge Street west 60 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north line of said Leland Street.

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

(9) A gas main in CHICON STREET from East 16th Street northerly 109 feet, the centerline of which gas main shall be 19 feet east of and parallel to the centerline of said Chicon Street.

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

(10) A gas main in SAN PEDRO STREET northerly 103 feet from a point 330 feet north of the north line of West 26th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east line of said San Pedro Street.

Said gas main described above shall have a covering 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 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, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford 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 pole line in WEST 24TH STREET from Woodlawn Boulevard to Elton Lane, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said West 24th Street.

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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis 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 rule was suspended and the ordinance passed to its second reading 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 upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew,

Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and upon motion of Councilman Alford, seconded by Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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: Orville Clyde Bennett, 2100 Garden Street; and Orbie Samuel Parsons, 90 Red River Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT AND WIDENING OF A PORTION OF WEST EIGHTH STREET ON THE NORTH SIDE AND SOUTH SIDE FROM THE EAST CURB LINE OF COLORADO STREET TO THE WEST CURB LINE OF CONGRESS AVENUE, AND THE IMPROVEMENT AND WIDENING OF WEST EIGHTH STREET ON THE SOUTH SIDE FROM THE EAST CURB LINE OF LAVACA STREET TO THE WEST CURB LINE OF COLORADO STREET, IN THE CITY OF AUSTIN, TEXAS, CAUSING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS AND WIDENING TO BE PREPARED AND FILED, AND CAUSING AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS AND WIDENING TO BE PREPARED AND FILED, AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR SUCH IMPROVEMENTS.

The ordinance was read the first time and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was suspended and the ordinance passed to its second reading 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 upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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, and Councilman Wolf, 5; nays, none.

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

"Austin, Texas  
August 10, 1937

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on August 10, 1937, passed the following resolution, which is hereby submitted for your consideration:

**R E S O L U T I O N .**

WHEREAS, the Board of Adjustment of the City of Austin, at a meeting held on August 10, 1937, has carefully considered the changing of the "Use" designation of the property fronting on West Lynn Street between West 9½ Street and West 10th Street, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Zoning Maps of the City of Austin show that all frontage on the west side of West Lynn Street between West 10th Street and Watterson Street and all the frontage on the east side between West 10th Street and West 12th Street to be zoned as "C" Commercial District; and

WHEREAS, to the south of this property is located Mathews Grammar School and to the east of this property West 10th Street offsets to the south, placing a part of the commercial district on the east side of West 10th Street in front of the above property; and

WHEREAS, there is now a large brick two story residence on the south portion of

the above property at the intersection of West Lynn and West 9 $\frac{1}{2}$  Streets which has been vacant for a considerable time and due to the proximity of the school and other public property, seems undesirable as a residence and cannot be rented as such, and

WHEREAS, the owner of this property proposes and agrees that any commercial building erected on the southeast corner of the above property adjacent to the school will be set back from both street lines, providing drive-in space for patrons of the business and thus create better traffic conditions and reduce traffic hazards for the school children; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT

THAT in view of the above conditions and circumstances, it is hereby recommended to the City Council that the above property be zoned as "C" Commercial District, and that this district extend to the west to line up with the present commercial zone to the north thereof as now shown on the City Zoning Maps.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kushne  
Chairman. "

Councilman Wolf moved that a public hearing on the proposal to change the zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, September 2, 1937, at 11:00 o'clock A. M., and that notice of said hearing be published as required by the Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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

"Austin, Texas  
August 11, 1937

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on August 10, 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 on August 5, 1937, extended the city limits of the City of Austin to include various sections or areas of land surrounding the present city limit line and more particularly described by metes and bounds in the ordinance incorporating said land; and

WHEREAS, the present zoning maps of the City of Austin do not extend beyond the old city limit line, thus leaving the newly included property without any zoning classifications or restrictions; and

WHEREAS, in the absence of any zoning of said areas, the Building Inspector has no authority to withhold permits for any type or use of buildings in these areas and the City Council likewise has no control over the uniform orderly development of said land; and

WHEREAS, this situation will cause confusion and the possible development of properties not in harmony with the adjacent property now within the city limits, causing the depression of values and the incipient blighting of areas; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council that an interim ordinance be immediately passed by the City Council, zoning all said property as "A" Residence District, making due provision for possible non-conforming uses in these areas which under the terms of the ordinance would be permitted to continue the same as is now permitted in the present city limits, the existence of said non-conforming uses depending on the final zoning classifications of the areas in which these uses now exist; that this action be taken by the City Council in order to provide for the careful study of these areas by a Zoning Commission or by the Board of Adjustment in order to determine the proper classification of these properties so as to insure a harmonious and equitable extension of the present zoning maps to include these areas, which studies are to be submitted to the City Council in the form of recommendations for the zoning of various sections of the newly incorporated areas involved; and

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the City Council have prepared the necessary surveys, maps, and plats of the newly incorporated areas to permit the accurate description and delineation of the Use Districts and the Height and Area Districts to be established by the City Council after public hearings as provided by the Zoning Ordinance and the City

Zoning Law of the State of Texas.

(Sgd) H. F. KUEHNE, CHAIRMAN."

The following firms submitted amended bids on the installation of parking meters, which were opened and read:

Dual Parking Meter Company  
 Car Park Corporation  
 By Fox-Schmidt  
 Mark Time Corporation  
 Miller Parking Meter Company  
 Park-O-Graf Corporation  
 Parkrite Corporation  
 Star Parking Meter Company  
 Harris & Harris

After considerable discussion, the foregoing bids were taken under advisement.

Upon motion, duly seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller  
 Mayor

Attest:

William J. Steen  
 City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 19, 1937.

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 reading of the Minutes was dispensed with.

Judge Bryan Blalock, Attorney for Henry Brooks and wife, appeared before the Council relative to the application of said clients for the zoning of their property in Isherwood Heights recently annexed to the city as "C-2" Commercial District.

The following report of the Board of Adjustment was then read:

"August 17, 1937.

Honorable Mayor and City Council  
 Austin, Texas

Gentlemen:

The Board of Adjustment wishes to acknowledge receipt of your referral of the petition of Henry Brooks and wife, Jessie Brooks, for the zoning of their property in Isherwood Heights recently taken into the city limits as a "C-2" Commercial District which will permit the sale of wine, beer, and liquors. The Board wishes to recommend to the Council that action on this petition be deferred in line with the resolution submitted on August 11, 1937, regarding the zoning of all property taken into the city limits.

As stated in the resolution, more time should be allowed for the proper study