

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 29, 1938.

The City Council convened in regular session, at the regular meeting place, on Thursday, September 29, 1938, with Mayor Pro Tem Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Pro Tem Oswald G. Wolf; absent, Mayor Tom Miller.

The Minutes of the regular meetings of August 11, August 18, August 25, the special meeting of August 30, the regular meetings of September 1, September 8, September 15, and the regular and special meetings of September 22 were read, and upon motion of Councilman Alford, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none.

A petition by residents in the vicinity, presented by Mrs. A. E. Wisian, asking for the removal of the dairy at 37 Waller Street on account of its insanitary condition, was received. A written report on the matter by Dr. B. J. Lloyd, Director of the Austin-Travis County Health Unit, was submitted, and the matter was referred to the Health Department for further investigation.

Councilman Alford introduced the following resolution:

WHEREAS, D. C. Bradford, owner of a portion of Lot 7, Block 99, of the Original City of Austin, Travis County, Texas, which property abuts the west side of Colorado Street at a location north of Eighth Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Colorado Street at the above described location, as shown upon the plan hereto attached, marked 2-C-765, 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 D. C. Bradford, owner of a portion of Lot 7, Block 99 of the Original City of Austin, Travis County, Texas, which property abuts the west side of Colorado Street at a location north of Eighth Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Colorado 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-C-765, 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, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or 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:

A telephone pole line in NEAL STREET from Gunter Street to Tillery Street, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said Neal 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, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

Councilman Gillis 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 SABINE STREET northerly 105 feet from a point 36 feet north of the north line of East 21st Street, 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.

(2) A gas main in RAMSEY AVENUE southerly 105 feet from West 47th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue.

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

(3) A gas main in WEST LIVE OAK STREET ALLEY westerly 100 feet from a point 110 feet west of the west line of South First Street, the centerline of which gas main shall be 6 feet north of and parallel to the south line of said West Live Oak Street Alley.

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

(4) A gas main in WEST SEVENTH STREET ALLEY across Colorado Street, the centerline of which gas main shall be 6½ feet north of and parallel to the south line of said West Seventh Street Alley.

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

(5) A gas main in ESSEX AVENUE from West Ninth Street to West Tenth Street, the centerline of which gas main shall be 12 feet west of and parallel to the east line of said Essex Avenue.

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

(6) A gas main in ESSEX AVENUE from West Tenth Street to West Twelfth Street, the centerline of which gas main shall be 3 feet east of and parallel to the west line of said Essex Avenue.

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

(7) A gas main in WEST TWELFTH STREET from Essex Avenue westerly 55 feet, the centerline of which gas main shall be 6½ feet south of and parallel to the north line of said Essex Avenue.

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

(8) A gas main in NEWFIELD LANE southerly 1 block from a point 153 feet north of the north line of Palma Plaza, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Newfield Lane.

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, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, in Book 3, at page 121, of the Plat Records of Travis County, Texas, on file with the County Clerk of Travis County, Texas, there appears a map or plat of a subdivision of land known as Monte-Vista Addition; and

WHEREAS, upon said map or plat there appears a road or driveway, which road or driveway is designated upon said plat as Navajo Drive; and

WHEREAS, the said Navajo Drive begins at Windsor Road in line with the extension of Pecos Street and extends in a northerly direction generally perpendicular to the said Windsor Road for a distance of approximately three blocks to Comanche Trail, at which intersection said Comanche Trail is practically a continuation of said Navajo Drive, a portion of which Navajo Drive at this point branches off to the right, meandering in an easterly direction to Exposition Boulevard; and

WHEREAS, much confusion is caused among public records and among delivery services in general as a result of having the same name for streets making abrupt turns, thereby confusing the numbering of houses and residences facing said streets; and

WHEREAS, it is deemed advisable by the City Council of the City of Austin to take steps at this time to avoid further confusion by the irregularity of such a scheme of street names; therefore

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

THAT that section of Navajo Drive as shown upon the map or plat of Monte-Vista Addition appearing of record in Book 3, at page 121 of the Plat Records of Travis County, Texas, beginning at Windsor Road and extending in a generally northerly direction approximately perpendicular to said Windsor Road for a distance of approximately three blocks to its intersection with Comanche Trail be known and designated hereafter as PECOS STREET; and

THAT that street shown upon the aforesaid map or plat of Monte-Vista Addition

as Comanche Trail be known and designated hereafter as PECOS STREET.

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

Councilman Gillis introduced the following resolution:

WHEREAS, O. Ashley is the contractor for the erection of a building located at 310 East Third Street and desires a portion of the sidewalk and street space abutting Lots A and B, Block 32, of the Original City of Austin, Travis County, Texas, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT Space for the uses hereinabove enumerated be granted to said O. Ashley, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Trinity Street to a point 10 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Trinity Street 128 feet to a point; thence at an angle of approximately 45 degrees in a southwesterly direction to a point 10 feet south of the north curb line of East Third Street and parallel with the east property line; thence in a westerly direction and parallel with the centerline of East Third Street 46 feet to a point; thence in a northerly direction to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said O. Ashley, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provision shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions red lights during all periods of darkness and provide lighting

system for all tunnels.

(9) That the contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than January 1, 1939.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand (\$2000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Councilman Gillis introduced the following resolution:

WHEREAS, THE F. W. Woolworth Company is the contractor for the alteration of an awning located at the northwest corner of Eighth Street and Congress Avenue and desires a portion of the street and sidewalk space abutting Lot 1, Block 98 of the Original City of Austin, Travis County, Texas, during the alteration of the awning, such space to be used in the work and for the storage of materials therefor; therefore ,

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

1. THAT the above privileges and allotment of space are granted to the said F. W. Woolworth Company, hereinafter termed "Contractor," upon the following terms and conditions:

(1) That the Contractor will erect a suitable barricade from place to place around these premises as his work progresses and will make suitable provisions to safeguard and protect pedestrians from injury during his operation on this work. This barricade shall be removed every evening after work ceases and the sidewalk and street are to be kept clean at all times.

(2) That the Contractor shall remove all barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk and street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk and street barricades, materials,

equipment, and other obstructions shall be removed not later than October 7, 1938.

(3) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barricades or safeguards if the conditions demand it.

(4) That the use and enjoyment of the space herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(5) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the alteration work for said awning, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(6) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a barricade and other safeguards during the occupancy of the space.

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

Councilman Alford introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, Louis Bathe, owner of Lot 4, Block 14, of Pemberton Heights, Section 2, a subdivision within the City of Austin, Texas, which property abuts the east side of Harris Boulevard at a location north of Gaston Avenue and being locally known as 2615 Harris Boulevard, has made application to the City Council of the City of Austin for permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT Louis Bathe, owner of Lot 4, Block 14, of Pemberton Heights, Section 2, a subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Harris Boulevard at a location north of Gaston Avenue and being locally known as 2615 Harris Boulevard, is hereby granted permission to construct a flagstone walk from the curb line to the property line at the above described location and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering

Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

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

Councilman Gillis introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, Sam Saxon, owner of Lot 37 of Brykerwood, a subdivision within the City of Austin, Travis County, Texas, which Lot 37 abuts the north side of West 29th Street at a location west of Harris Boulevard and being locally known as 1504 West 29th Street, has made application to the City Council of the City of Austin for permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT Sam Saxon, owner of Lot 37 of Brykerwood, a subdivision within the City of Austin, Travis County, Texas, which Lot 37 abuts the north side of West 29th Street at a location west of Harris Boulevard and being locally known as 1504 West 29th Street, is hereby granted permission to construct a flagstone walk from the curb line to the property line at the above described location and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

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

Councilman Alford introduced the following resolution:

WHEREAS, C. A. Peters, owner of Lot 5, Block 63, of the Original City of Austin, Travis County, Texas, which property abuts the west side of East Avenue at a location north of East Sixth Street, and being locally known as 616 East Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of East Avenue at the above described location as shown upon the plan hereto attached, marked 2-C-764, 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 C. A. Peters, owner of Lot 5, Block 63, of the Original City of Austin,

Travis County, Texas, which property abuts the west side of East Avenue at a location north of East Sixth Street, and being locally known as 616 East Avenue, is hereby permitted to construct a commercial driveway across the west sidewalk area of East Avenue 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-C-764, 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, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

Mayor Pro Tem Wolf submitted the following 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 the intersection of West Fifth Street and Nueces Street, which property is owned by B. H. Bloor and is designated as portions of Lots 4 and 3, in Block 50, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said B. H. Bloor 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 B. H. Bloor has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Report attached to, and made a part of,
foregoing resolution)

"Austin, Texas
September 24, 1938

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of B. H. Bloor for permission to construct, maintain and operate a drive-in gasoline filling station to be situated at the northwest corner of the intersection of West Fifth Street and Nueces Street within the corporate limits of the City of Austin, Travis County, Texas, which property is known as portions of Lots 4 and 3, in Block 50, of the Original City of Austin, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C-2" Commercial Use District as shown upon the zoning maps of the City of Austin.

Storm sewer inlets exist on the north curb line of West Fifth Street and on the west curb line of Nueces Street at the above described location.

We recommend that B. H. Bloor 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 accord 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 plane 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-G-221.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-221 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

J. C. Eckert
Building Inspector. "

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

The following report of the Board of Adjustment was received:

"September 26, 1938

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on September 20, 1938:

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 Zoning Board of Adjustment for its consideration the attached petition of residents of the City of Austin, requesting the change in Use designation of the area lying approximately within the following boundaries, to wit:

Eastern boundary: Arlington Street and continuing in same direction to the Colorado River;

Southern boundary: Colorado River;

Western boundary : Atlanta Street and continuing in same direction to the Colorado River;

Northern boundary: Marked by an alley lying one-half block south of Dam Boulevard and extending from Arlington Street to Atlanta Street;

from "D" Industrial District to "A" Residence District and "C" Commercial District, as follows:

That all of the area on top of the bluff and within said boundaries, and all of the area within said boundaries lying west of Johnson Creek, whether below or on top of the bluff, be re-zoned as "A" Residence District, and that the remainder of the area lying east of Johnson Creek and below the bluff within the said boundaries be re-zoned as a "C" Commercial District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on September 20, 1938, at which hearing protests were heard from the owners and lessees of the property, both oral and in writing, as per the attached written protest; and

WHEREAS, the Board has viewed the premises and carefully considered the conditions surrounding the property, the area involved, the trends of development, and the effect of the proposed changes on the rights of the residents of the neighborhood, as

well as the owners of the property involved, and otherwise considered the petition in the light of sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council that the portion of the area within the boundaries described lying on top of the bluff and on the lower bench of the River embankment shown as red on the attached portion of the map of the City of Austin, be changed from "D" Industrial District to "A" Residence District and First Height and Area District, and that the remainder of the area within the said boundaries remain as "D" Industrial District, for the following reasons:

(1) That portion of the area recommended to be changed to "A" Residence District is now well developed as a residence district known as "Sunset Heights" and that it is better suited for continued development as a residence district than for any other purpose.

(2) That the remaining portion of the area fronting on the Colorado River below the bluff is not suited for residential uses nor susceptible for development as a commercial district, as defined by the Zoning Ordinance, owing to the fact that this land is subject to overflow and is relatively inaccessible, and that the only value attached to this land lies in the mining of sand and gravel.

(3) That to change the industrial classification of the land below the bluff to any other higher classification would preclude its proper use by the owner thereof and would virtually result in the confiscation of the same.

(4) That the rights of the owners of this land should be recognized and protected, as well as those of the residents on top of the bluff consonant with the character, nature and usability of the land.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman. "

The public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

To amend the USE District designation and the Height and Area designation of the following described property so as to change same from "D" Industrial District to "A" Residence District, and from Third Height and Area District to First Height and Area District: all property in the area bounded on the east by Arlington Street, and west of Johnson Creek from the bluff to the Colorado River; on the west by Atlanta Street; on the north by the alley lying one-half block south of Dam Boulevard; and on the south by the Colorado River.

To amend the USE District designation and the Height and Area designation of the following described property so as to change same from "D" Industrial District to "C" Commercial District and from Third Height and Area District to Second Height and Area District: all property lying east of Johnson Creek and south of the bluff to the Colorado River and east to Arlington Street.

William A. Trenckmann, Attorney for petitioners, submitted a protest against the zoning of the area contiguous to the Colorado River as "D" Industrial District, and plead for the extension of the "A" Residence District all the way to the River between Johnson Creek and Atlanta Street.

Jay Brown, Attorney for R. G. Mueller and J. D. Monk, property owners, protested the zoning of the property contiguous to the Colorado River between Johnson Creek and Atlanta Street as "A" Residence District on the ground that same would constitute spot zoning and that the property was only fit for industrial use .

Councilman Gillis moved that the hearing on the foregoing matter be continued until the next regular meeting and the matter be referred to the Board of Adjustment for reconsideration relative to the zoning of the area between Johnson Creek and Atlanta Street and below the bluff to the River as "A" Residence District. The motion was seconded by Councilman Bartholomew and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

The following report of the Board of Adjustment was received:

"Austin, Texas
September 28, 1938

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on September 20, 1938:

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 consideration a petition of Mr. J. V. Cuneo requesting the changes in the Use designation of Lots 1 and 2, Block 15, Highlands Addition, City of Austin, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting on September 20, 1938, carefully considered the zoning designation of this property and has viewed the premises and carefully considered the conditions surrounding the property and the trend of development in this neighborhood, and otherwise considered the matter in the light of sound zoning principles; and

WHEREAS, the above petition is for the change of two 25' lots in single ownership, which in area and size are equivalent to a normal city lot and would therefore be a spot zone, involving the northwest corner of the intersection of Duval Street and East 51st Street; and

WHEREAS, on July 26, 1938, a petition was filed with the City Council and considered by the Board of Adjustment requesting a similar change in the use designation of the southeast corner of this intersection; and

WHEREAS, the Board is informed that the owner of Lots 15 and 16, in Block 4, being the southwest corner of the said intersection, also desires a like change in the use designation of his property; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the above two lots from "A" Residence District to "C" Commercial District is not recommended to the City Council unless the other corners of the intersection of Duval Street with East 51st Street be likewise changed, comprising the following property: Lots 15 and 16 of Block 4, Lots 15 and 16 of Block 5, Lots 1 and 2 of Block 15, and Lot No. 1 of Block 16.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman.

Upon motion, the foregoing matter was referred to the Board of Adjustment for a more definite recommendation relative to a change from "A" Residence District to "C" Commercial District of the four corners at the intersection of Duval and East 51st Streets.

It was moved by Councilman Alford that the provision of the Taxicab Ordinance requiring that applications remain on file five days prior to being acted upon be waived, and the application of H. W. Pittman to operate as a taxicab a 1936 Model, Plymouth Sedan, Motor No. P2-21779, State Highway License No. F19-970, be granted. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

It was moved by Councilman Gillis that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Traffic Division: William B. Kelly and W. R. Durrenberger. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

A petition by property owners on the west side of Lavaca Street between Eighth and Ninth Streets, asking for one-hour to two-hour parking in front of their premises, was received. The matter was referred to the Traffic Division for recommendations pertaining to both the east and west sides of said block.

Councilman Alford introduced the following resolution:

WHEREAS, City of Austin taxes were assessed in the name of Independent Order of Odd Fellows for the years 1936 and 1937, on the east 100 feet by 92 feet of Lots 5 and 6, Outlot 44, Division "E", in the City of Austin, Travis County, Texas,

in the sum of \$375.76, and for non-payment of said taxes at maturity, penalty in the sum of \$18.78 has been assessed, and interest in the sum of \$22.51, making the total amount of taxes, penalty, and interest, \$417.05; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$18.75; therefore

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

THAT the aforesaid penalty in the sum of \$18.78 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty of \$18.78 off his rolls, and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and interest, as aforesaid.

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

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

"Austin, Texas
September 28, 1938

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

We, the Board of Equalization for the year 1938, herewith submit our report of the work accomplished this year.

Notices were sent out by the Tax Department to all owners of property included in the new extension, and, as a consequence, there were a great many more people who appeared before the Board of Equalization than is normally the case. We would like to state in this connection, however, that the vast majority of these accepted the valuations that had been placed on their property.

The Board convened August 8, 1938, and adjourned September 24, 1938. We have checked all of the assessments on the records of the Tax Department. There were submitted to us 5575 items representing changes in valuations due to new buildings or alterations and changes in personal property and property included in the extension of the city limits. There were 1308 protests, and all inspections requested were made. Of these cases an agreement was reached in approximately 758 of them. A few changes in valuations were made, but not many. In all probability, there will be a few appeals to the City Council by property owners who were not satisfied with the Board's action, but we anticipate only a few such appeals.

As has been the policy heretofore, the Board will convene about December 1, 1938, for the purpose of making inspections of, and placing valuations on, all new construction. Due to continued building activity, there will be a considerable amount of this type of work for the Board to do.

In closing, we wish to extend our thanks to the Tax Department for its cooperation at all times when we requested their assistance. Furthermore, we wish to express our appreciation of the confidence placed in us by your honorable body in appointing us to serve in our capacity.

Respectfully submitted,

BOARD OF EQUALIZATION

By (Sgd) K. R. Meyer
Chairman

John B. Pearson

S. P. Tadlock "

Upon motion, seconded and carried, the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

Approved Raymond S. Hall
Mayor Pro Tem.

Attest:

Halie McKeen
City Clerk