

contract be awarded to the low bidder, Rex Kitchens.

Yours very truly,

(Sgd) J. E. Motheral
City Engineer.

Recommended:
(Sgd) Guiton Morgan.

Councilman Gillis moved that the contract for the construction of the Rosewood Avenue bridge be awarded to Rex Kitchens, low bidder, in the amount of \$1387.44. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Francis McKellar
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 13, 1938.

The City Council convened in regular session, at the regular meeting place, on Thursday, October 13, 1938, 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; absent, none.

The reading of the Minutes was dispensed with.

The hearing on the rezoning of the property one-half block south of Dam Boulevard between Atlanta and Arlington Streets, which was continued from the regular meeting of September 29, was opened. The property owners asking for the change were present. Mr. William A. Trenckmann, Attorney for said petitioners, stated that his clients were willing to withdraw their request for a change in the zoning of the property east of Johnson Creek from "D" Industrial District to "C" Commercial District as it was thought that the operation of sand and gravel plants could be regulated under the present zoning so as to eliminate objectionable noises. He further stated that the boundaries for the "A" Residence District set forth in the field notes submitted were satisfactory to all the property owners concerned.

The following report of the Board of Adjustment was received:

"Austin, Texas
October 3, 1938

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

In response to the reference by the City Council to the Board of Adjustment for the reconsideration of the request of the property owners represented by Mr. William Trenckmann that the area below the bluff between Johnson Creek and Atlanta Street be zoned as "A" Residence all the way to the River, I beg on behalf of the Board to submit the following clarification.

The property referred to belongs to Mr. H. B. Odell, who owns that portion below the main bluff all the way to the River. After discussing the matter with Mr. Odell at the hearing and subsequently, it is the opinion of the Board that it could not consistently rezone that portion of this property extending from the lower bench to the River, as this land is identical in character to the land east of Johnson Creek and is not suitable for resident usage, being subject to overflow and relatively inaccessible and suitable only for the mining of sand and gravel. It would be inconsistent to zone one portion of identical land in one classification and an adjacent strip in a different classification. Courts have held that land of like character and suitable for the same use should be zoned alike.

The Board begs to point out that since the land in question is owned by Mr. Odell that this single ownership carries with it complete control of the property. As long as the same remains in the ownership of Mr. Odell the use and development of the land is under his absolute control. On the other hand, should Mr. Odell dispose of any portion of this land he may continue to restrict the same for any use by inserting a covenant in the deed restricting the use of the property to the particular purpose he desires or to exclude all the uses he deems undesirable.

The Board feels that this is a more definite and desirable solution of this question and would not involve the City Council nor the Board of Adjustment in any inconsistencies nor in the violation of the fundamental principles of zoning.

The Board hopes that the owners of the property involved in this appeal will accept this solution of this question.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne "

Councilman Gillis then introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREAFTER 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 laid over.

The City Attorney was instructed to confer with Mr. William Trenckmann for a study of the Zoning Ordinance with a view to regulating the operation of sand and rock crusher plants in "D" Industrial Zone so as to minimize the noise from same.

Councilman Alford 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 THERESA AVENUE from West 6th Street north 75 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Theresa Avenue.

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

(2) A gas main in WEST 6TH STREET from Theresa Avenue easterly approximately 75 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 6th Street.

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

(3) A gas main in SHELLEY AVENUE ALLEY from West 10th Street northerly 31 feet, the centerline of which gas main shall be 1 foot east of and parallel to the west line of said Shelley Avenue Alley.

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

(4) A gas main in EAST AVENUE southerly 80 feet from a point 27 feet south of the south line of East 6th Street, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said East Avenue.

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

(5) A gas main in BURNET ROAD from West 47th Street northerly to Oran Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Burnet Road.

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

(6) A gas main in WOODROW AVENUE from Oran Street northerly 575 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Woodrow Avenue.

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

(7) A gas main in WEST 47TH STREET from Burnet Road westerly 82 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West 47th Street.

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

(8) A gas main in ORAN STREET across Woodrow Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Oran Street.

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

(9) A gas main in SOUTH STREET across Woodrow Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said South Street.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is 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, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

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

WHEREAS, in the proposed work on Docket-Texas-1852-F, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket-Texas-1852-F; therefore,

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

THAT the City Manager be, and he is hereby, authorized and directed to submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas-1852-F with notice that such scale of wages must be complied with.

(Attached to foregoing resolution,
and made a part thereof)

"Docket-Texas-1852-F
Incinerator
Austin, Texas

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Concrete Finisher	\$1.00	\$8.00 "

"Austin, Texas
October 13, 1938

ENG:elf:mw
Docket-Texas-1852-F
Incinerator
Austin, Texas

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

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

Yours very truly,

(Sgd) Lloyd W. Taylor
Engineer-Inspector for
City of Austin "

The written request of W. E. Long, et al., for the withdrawal of their application for a change in zoning, from "A" Residence District to "B" Residence District, of three acres in Longview Terrace, was received, and the matter was referred to

the Board of Adjustment for attention.

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, Harry Bresler, acting by and through David C. Baer, Architect, owner of Lot 5 of Pemberton Heights No. 4, which property abuts the south side of Claire Avenue at a location east of Wooldridge Drive and being locally known as 1203 Claire Avenue, has requested the City Council of the City of Austin to grant 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 Harry Bresler, acting by and through David C. Baer, Architect, owner of Lot 5 of Pemberton Heights No. 4, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of Claire Avenue at a location east of Wooldridge Drive and being locally known as 1203 Claire Avenue, is hereby granted permission to construct a flagstone walk from the property line to the curb 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, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, Harold A. Brown, acting by and through George W. Kneip, owner of Lots 9 and 10, Block 25 of Rosedale G, a subdivision within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of West 47th Street at Burnet Road, has made application to the City Council of the City of Austin for permission to construct one commercial driveway across the south sidewalk area of West 47th Street and to construct two commercial driveways across the west sidewalk area of Burnet Road at the above described location, as shown upon the plan hereto attached marked 2-H-614, 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 Harold A. Brown, acting by and through George W. Kneip, owner of Lots 9 and 10, Block 25 of Rosedale G, a subdivision within the City of Austin, Travis County,

Texas, which property is situated at the southwest corner of the intersection of West 47th Street and Burnet Road, is hereby permitted to construct one commercial driveway across the south sidewalk area of West 47th Street and to construct two commercial driveways across the west sidewalk area of Burnet Road 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-H-614, 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, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, William Trenckmann, owner of Lot 1, Block 42, of Christian & Fellman Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of East 23rd Street at a location east of Sabine Street and being locally known as 704 East 23rd Street, has made application to the City Council of the City of Austin for permission to construct a stone curb adjacent to the above described property; and

WHEREAS, the ordinance which regulates the construction of curbs upon or within streets in the City of Austin requires that anyone desiring to construct any curb other than a concrete curb shall get special permission to do so from the City Council of the City of Austin; and

WHEREAS, the City Council has investigated and approved the construction of a stone curb at the aforesaid location; therefore

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

THAT William Trenckmann, owner of Lot 1, Block 42, of Christian & Fellman Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of East 23rd Street at a location east of Sabine Street and being locally known as 704 East 23rd Street, is hereby granted permission to construct a stone curb adjacent to that portion of his property which faces East 23rd Street; provided, however, that said stone curb shall be constructed upon a concrete base and shall have an exposure of 8 inches above the gutter and shall be 10 inches wide at the top in accordance with the standard design for rock curbs as adopted by the City of Austin and as detailed upon the plan hereto attached marked 2-C-501, which plan is hereby made a part of this resolution; and further provided that all work shall be done by a bonded curb and sidewalk contractor and that said curb shall be constructed under the supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by him.

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

The application of J. E. Haire for licenses to operate two additional taxicabs was received. Councilman Alford moved that the licenses be granted, conditioned upon the said J. E. Haire's paying all delinquent taxes owing by him. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, City of Austin taxes were assessed against J. H. Harold, on Lot 1, Block 4, Outlot 6, Division "O", Chas. Wolf Subdivision, Plat 23, in the City of Austin, Travis County, Texas, for the years 1922 through 1926 and 1928 through 1937, inclusive, in the sum of \$208.53, and for non-payment of said taxes a penalty of \$10.42 was assessed and the accrued interest on said taxes amounted to \$99.12, making the total amount due, taxes, penalty and accrued interest, \$318.07; and

WHEREAS, suit was brought by the City of Austin against said J. H. Harold for the collection of said taxes, said suit being No. 35032, in the 53rd District Court of Travis County, Texas, and the costs accrued thereon amount to \$25.85, making the aggregate amount, taxes, penalty, accrued interest and court costs, \$343.92; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.42, and one-half of said interest in the sum of \$49.56, making the total amount remitted \$59.98, leaving the balance due on taxes, one-half the interest and costs, \$283.84; therefore,

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

THAT the aforesaid penalty in the sum of \$10.42 and one-half of said interest in the sum of \$49.56, is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty of \$10.42 and one-half the interest in the sum of \$49.56 off his rolls and to execute to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hollis McKeen
City Clerk