

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 21, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, March 21, 1940, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The reading of the Minutes was dispensed with.

The written application of the Austin National Bank, Trustee for the Estate of J. M. Edwards, deceased, for a change in zoning, from "B" Residence District to "C" Commercial District, of the property at the southwest corner of 19th and Rio Grande Streets, more particularly described as the northeast corner of Outlet 19, Division "E", facing east on Rio Grande Street about 105½ feet and on West 19th Street about 125 feet, was received. The matter was referred to the Board of Adjustment for consideration and recommendation.

Messrs. Harry Bernhard and J. E. Pittsford appeared before the Council in the interest of labor, asking for shorter hours and elimination of Sunday work as a means of creating more jobs for the jobless, and also as a means of protection to residential areas from undue noise resulting from building construction. They were advised that the Sunday work could be stopped under the State law, but that the City had no power to regulate working hours.

The following ordinance was introduced by Mayor Miller:

AN ORDINANCE ORDERING AN ELECTION TO OBTAIN THE CONSENT OF THE QUALIFIED VOTERS OF THE CITY OF AUSTIN, TEXAS, TO THE ISSUANCE OF BONDS BY THE CITY COUNCIL: (1) IN THE SUM OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00), FOR THE PURPOSE OF CONSTRUCTING EXTENSIONS, ADDITIONS AND BETTERMENTS TO CITY HOSPITAL BUILDINGS AND ACCESSORY STRUCTURES, INCLUDING BETTERMENTS FOR THE ACCOMMODATION OF CHARITY PATIENTS, IN THE CITY OF AUSTIN, AND FOR THE PURCHASE OF EQUIPMENT THEREFOR; AND (2) IN THE SUM OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR THE PURPOSE OF CONSTRUCTING EXTENSIONS, ADDITIONS AND BETTERMENTS TO CITY HOSPITAL BUILDINGS AND ACCESSORY STRUCTURES, INCLUDING BETTERMENTS FOR THE ACCOMMODATION OF PAY PATIENTS, IN THE CITY OF AUSTIN, AND FOR THE PURCHASE OF EQUIPMENT THEREFOR, AND DECLARING AN EMERGENCY.

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

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 the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

In connection with the foregoing matter, Mrs. Effie Wilson Waldron and Mrs. Anna I. Sandbo were present, and pledged the active support of the club women of the City in the forthcoming bond election.

Mr. Harry Smith appeared before the Council and asked that steps be taken to eliminate the traffic hazard to bicyclists in Zilker Park from motor cars. The matter was taken under advisement.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE FIXING AND ESTABLISHING THE WARD BOUNDARIES OF THE CITY OF AUSTIN FOR VOTING PURPOSES ONLY,

AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL NOVEMBER 24, 1937, AND IS RECORDED IN BOOK "K", PAGES 323-328, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY REDEFINING THE LIMITS OF THE WEST FIRST WARD SO AS TO INCLUDE ADDITIONAL TERRITORY ANNEXED BY THE CITY OF AUSTIN ON APRIL 20, 1939, AND MAY 11, 1939, OUT OF THE HENRY P. HILL SURVEY, AND DECLARING AN EMERGENCY.

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

The ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

Mayor Miller laid before the Council, for its second reading, the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING THAT CERTAIN PORTION OF WEST FIFTEENTH STREET, OR NORTH AVENUE, IN THE CITY OF AUSTIN, LYING WEST OF WEST AVENUE AND EAST OF SECAL CREEK BOULEVARD, AND RELINQUISHING ANY AND ALL INTEREST, RIGHT, TITLE, OR CLAIM OF THE CITY OF AUSTIN IN AND TO SAID PORTION OF WEST FIFTEENTH STREET.

The ordinance was read the second time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

The following ordinance was reintroduced by Councilman Gillis, said ordinance having been revised and amended:

AN ORDINANCE PROVIDING FOR THE REGULATION OF TOURIST COURTS AND CAMPS, AUTOMOBILE TOURIST COURTS AND CAMPS, CAMP COTTAGES, HOUSE CARS, CAMP CARS AND TRAILERS, IN THE CITY OF AUSTIN, OR WITHIN THE POLICE JURISDICTION OF SAID CITY, AND REQUIRING EVERY PERSON ESTABLISHING, MAINTAINING OR OPERATING ANY SUCH BUSINESS TO OBTAIN A PERMIT THEREFOR; DEFINING CERTAIN WORDS AND PHRASES FOR THE PURPOSE OF THIS ORDINANCE; PRESCRIBING RULES FOR THE OPERATION AND MANAGEMENT OF SUCH BUSINESS ENTERPRISES, INCLUDING RULES OF SANITATION AND CONSTRUCTION; PRESCRIBING A FEE OF FIVE DOLLARS FOR EACH APPLICATION FOR THE ESTABLISHMENT OF ANY NEW TOURIST OR AUTOMOBILE COURT OR CAMP; PRESCRIBING CERTAIN PLANS AND SPECIFICATIONS FOR SUCH STRUCTURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVING CLAUSE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

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

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 the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

The Mayor announced that the ordinance had been finally passed.

Messrs. Crockett, Collins, Linscomb, and other tourist court operators, were present and expressed themselves as being agreeable to the foregoing ordinance, and thanked the City Council for having given them an opportunity to consult with the City Attorney in the preparation of same.

The following resolution was introduced by Councilman Gillis:

WHEREAS, the Westenfield Development Company, acting by and through E. P. Thomas, owner of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, of Tarry Town No. 1, a subdivision within the City of Austin, which property abuts the north side of Windsor Road and extends from Exposition Boulevard to Spring Lane, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the east sidewalk area of Exposition Boulevard and across the north sidewalk area of Windsor Road and across the west sidewalk area of Spring Lane at the above described location, as shown upon the plan hereto attached, marked 2-A-161, which plan is hereby made a part of this resolution; 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 Westenfield Development Company, acting by and through E. P. Thomas, owner of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, of Tarry Town No. 1, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of Windsor Road and extends from Exposition Boulevard to Spring Lane, is hereby permitted to construct a commercial driveway across the east sidewalk area of Exposition Boulevard and across the north sidewalk area of Windsor Road and across the west sidewalk area of Spring Lane 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-A-161, 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Alford:

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 CLEARVIEW DRIVE from a point 51 feet east of Pecos Street westerly 331 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Clearview Drive.

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

(2) A gas main in PRESTON AVENUE from a point 539 feet west of Harris Boulevard westerly

192 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Preston Avenue.

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

(3) A gas main in GLENVIEW AVENUE from a point 126 feet north of West 33rd Street southerly 81 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Glenview Avenue.

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

(4) A gas main in RAMSEY AVENUE from a point 190 feet south of West 42nd Street southerly 90 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Ramsey Avenue.

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

(5) A gas main in BOULDIEN AVENUE from a point 157 feet north of West Monroe Street northerly 79 feet, the centerline of which gas main shall be 15 feet east of and parallel to the west property line of said Bouldien Avenue.

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

(6) A gas main in STAMFORD LANE from a point 435 feet north of Woodmont Avenue southerly 187 feet, the centerline of which gas main shall be  $17\frac{1}{2}$  feet west of and parallel to the east property line of said Stamford Lane.

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

(7) A gas main in BENNETT AVENUE from East 44th Street to Ellingson Lane, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Bennett Avenue.

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

(8) A gas main in ELLINGSON LANE from Bennett Avenue easterly 355 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Ellingson Lane.

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.

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

The following resolution was introduced by Councilman Bartholomew:

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

THAT the City Council of the City of Austin hereby approves the construction and maintenance of a private boat shed and locker room on a portion of the docks now erected and projecting out into the Lake Austin on the property owned by the Austin Yacht Club and described as Lots 33 and 34, of the Lake Shore Addition within the City of Austin, Travis County, Texas, and hereby authorizes the said Austin Yacht Club to construct, maintain and operate this private boat shed and locker room on a portion of the docks now erected and projecting out into the Lake, subject to same's being constructed in compliance with all the ordinances relating thereto and further subject to the

foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private boat shed and locker room after full compliance with all the provisions of this resolution. 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, fire and health regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Austin Yacht Club has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations of )  
(Building Inspector )  
(Attached )

"Austin, Texas  
March 21, 1940

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of the Austin Yacht Club, the owner of a piece of property abutting on Lake Austin, being Lots 33 and 34 of the Lake Shore Addition, as recorded in the Travis County Deed Records, for permission to construct and maintain a private boat shed and locker room on a portion of the docks now erected and projecting out into Lake Austin.

We recommend that the Austin Yacht Club be granted permission to construct and maintain said private boat shed and locker room on a portion of said docks now erected, subject to the following conditions:

1. That nothing but creosoted piles and heavy iron bolts be used in the construction of this boat shed and locker room.
2. That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.
3. That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

(Signed) J. C. Eckert  
Building Inspector. "

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, Rex D. Kitchens is the Contractor for the remodeling of a building located at 805 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot A, Block 97, of the Original City of Austin, Travis County, Texas, during the remodeling 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 Rex D. Kitchens, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue to a point 5 feet east of the east curb line; thence in a northerly direction approximately 25 feet to a point; and parallel with the centerline of Congress Avenue; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the northwest corner of the above described property.

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

(1) That the Contractor shall erect in the sidewalk working space first above described a solid board fence constructed of not less than 1 inch material and to extend from the sidewalk level to the

under side of the present awning. Said awning is to be covered with planks of not less than 2-inch material in order to prevent any objects falling through the roof of said awning.

That the contractor shall erect on the street working space further described above a guard rail within the boundary line along the north, east, south, and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

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

(6) That provisions 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.

(7) 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.

(8) 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 June 1, 1940.

(9) 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.

(10) 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.

(11) 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 remodeling purposes, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), 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.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, the City of Austin has investigated the proposed plan of the Surplus Commodities Corporation of the stamp plan for the distribution of surplus commodities and other foods through the issuance of food order stamps; and

WHEREAS, the City Council considers said plan sound and beneficial; 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 execute said contract for and on behalf of the City of Austin.

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

The following resolution was introduced by Councilman Gillis:

**WHEREAS**, the Post Office Department, through Ray E. Lee, Postmaster, has discussed with the City of Austin certain problems incident to the construction of the new Post Office; and

**WHEREAS**, the tentative request of the Post Office Department, as set out in the attached letter from said Ray E. Lee, provides for the use of six (6) feet of alley space, and which is generally satisfactory; now, therefore,

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

**THAT**, subject to the acceptance by the City Council of the final plans, the general plan is tentatively approved.

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

The following resolution was introduced by Councilman Gillis:

**WHEREAS**, it has been made to appear to the City Council of the City of Austin that the Housing Authority of the City of Austin has acquired, by purchase and condemnation proceedings, title to all of Blocks Nos. 3 and 4, in Outlet No. 5, in Division "O", of the City of Austin, Travis County, Texas, for use as part of its White Housing Project, and is now taking active steps to build on said property; and

**WHEREAS**, the alley running through said blocks from east to west is a hinderance to the said project, and the Housing Authority of the City of Austin has appeared through its representatives and requested the City Council of the City of Austin to close said alley; therefore,

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

**THAT** the alley running east and west through Blocks Nos. 3 and 4, of Outlet No. 5, in Division "O", of the City of Austin, in Travis County, Texas, be, and the same is hereby, closed and discontinued as an alley of the City of Austin.

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

It was moved by Councilman Alford that a taxicab driver's permit be granted to Harry William Ball, 305 Crockett Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Adjustment was received:

Austin, Texas  
March 12, 1940

The Honorable 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 held on March 12, 1940, which is hereby respectfully 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 Zoning Board of Adjustment for its consideration a petition of Mr. M. T. Cross requesting a change in the Use designation of the following properties:

All of Lots Nos. 1, 2, 3, 4, and 5, out of the Henry Colly Home tract out of the George W. Spear League, City of Austin, Texas, having a frontage of 256 feet on West Seventh Street and having a depth of 125 feet, located near the intersection of West Seventh Street and Lake Austin Boulevard;

from "A" Residential District and First Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on March 12, 1940, at which hearing no protests against this change were registered by property owners adjacent to and near the property in question; and

WHEREAS, the Board of Adjustment carefully considered all of the arguments for, viewed the property, and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; and

WHEREAS, the Board of Adjustment deemed that this location would make a desirable community center inasmuch as it is separated from the Lake Austin Boulevard by a narrow triangular area belonging to the University of Texas, which would act as a buffer between the traffic of the Boulevard and the community center; and further, inasmuch as no other community center is available between the Austin Dam and this location, since all of this property belongs to the University of Texas, with the exception of a small area belonging to Mr. M. H. Goldsmith; and further, inasmuch as the area to the north and east of this location is being rapidly built up with residences and the nearest community centers now located are on West Lynn Street and 12th Street, and Sixth Street and Blanco Street, a considerable distance from this area; and

WHEREAS, the Board of Adjustment deems that there is a potential need for a community center in this locality to serve the convenience of this rapidly growing area and that this particular property is strategically located for this purpose; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne  
Chairman.

It was moved by Councilman Wolf that a public hearing on the proposed change in zoning as recommended in the foregoing report of the Board of Adjustment be called for Thursday, April 11, 1940, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Adjustment was received:

"Austin, Texas  
March 12, 1940.

The Honorable 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 held on March 12, 1940, which is hereby respectfully 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 Zoning Board of Adjustment for its consideration a petition of S. E. Gideon requesting a change in the Use designation of the following property:

South 110' x 171' of Lot "C", North 1/2 Outlet 64, Division "D", of the  
City of Austin

from "A" Residential District and First Height and Area District to "B" Residential District and First Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on March 12, 1940, at which a number of adjacent surrounding property owners protested against this change; and

WHEREAS, on February 26, 1939, the Board of Adjustment held a hearing on this same change, which was vigorously protested at that time and the Board did not recommend the change to the City Council; and

WHEREAS, the same conditions prevail in this neighborhood at this time and no change in the character of the property has taken place; and

WHEREAS, this petition is for a single lot and this change would be an act of spot zoning, which is contrary to the basic principles of zoning; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for and against this change and has viewed the property and has otherwise considered this question in the light of the existing conditions in this neighborhood, the general character surrounding same; and

WHEREAS, the applicant is not joined by any other property owners in the block in which this property is located and there is no concerted demand for a change of a larger area than the single



lot proposed which would enable the Board to recommend a reasonable area to be changed; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne  
Chairman.

It was moved by Councilman Wolf that a public hearing on the proposed change in zoning of the property of S. E. Gideon, as described in the foregoing report of the Board of Adjustment, be called for Thursday, April 11, 1940, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the following applications for licenses to operate private boats on Lake Austin be approved, in accordance with the recommendations of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Achilles, William O. - 306 East 34th Street	Star Boat, Steel, Outboard, 5-passenger
Blackmore, Roland - 2107 Robin Hood Trail	Century, 1940 Model, Outboard, 6-passenger
Bethke, E. O., Jr. - 2107 Nueces Street	Home-made Canoe, 2-passenger
Boatman, Clyde - Route 2, Box 280	Custom, 1940 Model, Outboard, 6-passenger
Brown, Joe M. - 502 East 42nd Street	Hydroplane, Remodeled, Inboard, 6-passenger
Burkett, Zack T. - 2107 Scenic Drive	Custom-built, Sail Canoe, Outboard, 4-passenger
Burnett, Mark - 3710 Jefferson Street	Lyman Cruiser, 1940 Model, Outboard, 6-passenger
Clark, Chas. A. - 2527 Harris Boulevard	Meade Kayak, 1939 Model, Outboard, named "Kathryn S." - 3-passenger
Cortez, Henry Cornelius, Jr. - 509 West 26th Street	Sail Boat, Outboard Motor, named "Kinguss", 6-passenger
Covert, D. M. - 321 West Sixth Street	Mullins, Inboard, 1939 Model, named, "Sonny Boy", 6-passenger
Covert, F. M., Jr. - 321 West Sixth Street	Mullins, Inboard, Sea Eagle, 1940 Model, 6-passenger
Cunco, John Victor - 3901 Red River Street	Boyd Martin, Outboard, 2-passenger
Derby, Julius Frank - 1912 Robbins Place	Dory, Inboard, 1938 Model, 4-passenger
Duke, James Tillman - 1517 Forest Trail	Dixie, Outboard Motor, 8-passenger
Eads, Doyle - 2002 East Avenue	Home-made, Flat Bottom, 1935 Model, 3-passenger
Gartman, Lee - Route 6, Box 222	Jacobey, Outboard, 1936 Model, 2-passenger
Green, Harper - 4206 Avenue C	Dory, 1939 Model, Sail Boat, named "Nana" 4-passenger
Gould, Albert D. - 1002 West 22nd Street	Ferdinand, Fishing Boat, 6-passenger
Hall, H. W. - 919 East 53rd Street	Thompson, 1939 Model, Outboard, 5-passenger
Harris, Tim - 409 West 37th Street	Woodcraft, Outboard, 1938 Model, 5-passenger
Holt, R. A. - Woodward Mfg. Co.	Home-made, V-bottom, Motor Boat, 6-passenger
Kennedy, Van M. - 604 West 16th Street	Old Town Canoe, "Octa" Model, 4-passenger
Kennymore, Walter - 607 West 14th Street	Home-made, Row Boat, Flat Bottom, 3-passenger
Knight, Richard W. - 2619 Wichita Street	Thompson, Outboard, 1937 Model, 5-passenger
Lovgino, J. R. - Georgetown, Texas	Home-made, named "Anita Jo", 6-passenger
Lundell, Laddie Louis - 4603 Depew Street	Home-made, Outboard, 4-passenger
Mikolaj, Benjamin L. - Taylor, Texas	Home-made, Outboard, Flat-bottom, 6-passenger
Milton, Geo., Jr. - 603 Riverside Drive	Skiff, named "Skat", 5-passenger
Morris, Dale - P. O. Box 705, Austin, Texas	Home-made, Outboard, Sea Sled, 2-passenger
Muslow, James - 3205 Harris Park	Century, DeLux, 1939 Model, Gray Marine Motor, Phantom Four, 6-passenger
Neyland, W. O. - 1008 East 44th Street	Wagemaker, Outboard, 1939 Model, 4-passenger

Name and Address of ApplicantDescription of Boat

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Nitschke, Jack - c/o Capital National Bank	Thompson, Runabout, 1938 Model, 5-passenger
Noack, A. B. - 1314 Bonham Terrace	Old Town Canoe, Sponson, 1935 Model, 4-passenger
Owsley, Clinton and Marion Fowler	Home-built, named "Chica", 10-passenger
Ferry, Jas. B., Sr. - 604 Blanco Street	Elto, 1938 Model, Outboard, 4-passenger
Ferry, James B., Jr. - 606 Blanco Street	Elto, 1938 Model, Outboard, 4-passenger
Reynolds, M. R. - 706 West Elizabeth Street	Named "Wun Lung", 2-passenger
Roosevelt, Douglas Vernon - 908 Willos Street	Home-made, Row, Sail, & Outboard Motor, named, "Carolyn", 5-passenger
Shafer, F. C. - 1217 West 5th Street	Home-made, Sail, Cat Boat, 1939 Model, named, "Hildur II.", 2-passenger
Shafer, F. C. - 1217 West 5th Street	Home-made, Sail, 1940 Model, named "Hildur III.", 4-passenger
Shafer, F. C. - 1217 West 5th Street	Home-made, Sail, Dinghy, named, "Hildur", 2-passenger
Sea Scouts of America American Legion Home	Sloop-type, Sail Boat, Home-made, named, "S.S.S. Sea Gull", 8-passenger
Seibt, Ralph H. - 514 Deep Eddy Avenue	Canoe, Old Town, 4-passenger
Shelton, Harold 303 West Live Oak Street	Home-made, Outboard, Runabout, 1939 Model, 8-passenger
Stearns, Don - 1610 Juliet Street	Skiff, 4-passenger
Thomason, Lovard D. - 611 Upton Street	Dixie, Outboard, 1938 Model, -
Thompson, Clark W., IV, 207-A East 15th Street	Century, Inboard, 1939 Model, named, "Virginia", 8-passenger
Walsh, Ed, Jr. - Round Rock, Texas	Wilson, Outboard, 1937 Model, named, "Flash", 6-passenger
Walsh, Ed, Jr. - Round Rock, Texas	Brooks, Outboard, 1939 Model, named, "Laddie", 1-passenger
Walsh, Ed, Jr. - Round Rock, Texas	Sea Sled, Outboard, 1932 Model, 3-passenger
Weber, R. T. - - -	Dixie, Outboard, 4-passenger
Wesley, Marvin W. - 3304 Harris Park	Wolverine, Outboard, 1938 Model, 5-passenger
Wilson, Thomas, III, 706 West 22 1/2 Street	Home-made, Outboard, 1938 Model, 6-passenger

The foregoing motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that the application of Ralph Theodor Parker, 2534 Salado Street, for a commercial motor boat operator's license be granted, in accordance with the recommendation of the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that the application of Bailey Moore, 2200 San Gabriel Street, for a license to operate a Model T Ford, with pontoons on each side, on Lake Austin, be approved, subject to examination and approval of same by the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Mayor Miller that all City activities, except those absolutely necessary, cease at twelve o'clock noon, March 22, in observance of Good Friday. The motion prevailed 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 12:30 P. M., subject to call of the Mayor.

Approved Tom Miller  
Mayor

Attest:

Nellie McKeen City Clerk