

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 28, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, March 28, 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 Minutes of the regular meeting of March 7, 1940, the special meeting of March 8, 1940, the regular meeting of March 14, 1940, the special meeting of March 16, 1940, and the regular meeting of March 21, 1940, were read, and upon motion of Councilman Alford, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A group of citizens living in the vicinity of Bull Creek Road, totalling sixteen in number, with Mr. C. H. Jung, Jr., as spokesman, appeared before the Council and petitioned for an extension of the City's water mains to the Bull Creek Road area. The group were advised that the extension would be made just as soon as possible to do so, and the matter was referred to the City Manager and the Superintendent of the Water Division for a survey of the territory, in company with Mr. Jung, to determine the number of prospective customers and the approximate cost of same, and report to the Council.

Mr. Emmett Shelton appeared before the Council and asked that the City proceed with its electric line extension to the property owned by Mr. Strother and him contiguous to Lake Austin and Bee Creek, in accordance with agreement heretofore made. The matter was referred to the City Manager and the Superintendent of the Electric Division for consideration.

A petition of property owners, presented by Mrs. C. J. Sharborough and Mrs. D. A. Lambert, protesting the zoning as commercial of a part of the property formed by the abandonment of Cole Street north from East 23rd Street, as requested by Dr. Z. T. Scott, was received. The matter was referred to the Board of Adjustment for consideration.

The following report of the Board of Adjustment was received:

Austin, Texas
March 20, 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 26, 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 the Austin National Bank, Trustee for the Estate of J. M. Edwards, deceased, requesting a change in the Use designation of the following property:

The NE corner of Outlet 19, Division "E", facing east on Rio Grande Street about 105½' and on West 19th Street about 128', together with all improvements thereon, and being the same property conveyed by Mrs. S. S. Shackelford to J. M. Edwards on August 23, 1915, as the same appears on record in Travis County Deed Records, Vol. 305, page 452

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

WHEREAS, on March 26, 1940, at a special call meeting of the Board of Adjustment pleadings by the applicants for this change were heard; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for this change, has viewed the property, and has considered this change in the light of existing conditions in this neighborhood, the present zoning of the surrounding property, the trend of development with respect to commercial expansion, the present and future traffic conditions at this location, and otherwise in the light of fundamental zoning principles; and

WHEREAS, the Board of Adjustment deemed that no public necessity of convenience has been shown to justify this change; 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 for the following reasons:

1. That the application is for a single lot and will therefore constitute a spot zone for the benefit of a single owner, and is not related to the general welfare, nor is in response to a general public demand.
2. That the zoning maps of the City of Austin have shown this property to be in a "B" residential district and that the owner, the purchaser, and the public has had notice of this fact and that any realty transactions could not have been consummated on a plea of ignorance of this fact.
3. That the mere fact that the property east of Rio Grande Street on 19th Street is now zoned as a "C" Commercial District does not of itself justify the extension of the Commercial District because zoning districts must have boundaries and under the terms of the Ordinance, streets and alleys are definite boundary designations.
4. That because any certain corner in the City of Austin may be desirable for a Filling Station site does not lay a predicate for the establishment of a policy of spot zoning throughout the City in conflict with a sound comprehensive zoning plan.
5. That the establishment of a commercial zone on this lot would admit all the uses permissible under the Ordinance in a "C" Commercial District to be applied to this lot, there being no guarantee of permanent additional restriction of the use of this lot as a filling station.
6. That the surrounding property owners in the existing "B" Residential District have certain rights and interests in the classification of their properties and in the enjoyment of the same until such time as a general and more extended change in conditions occurs and the exhaustion of present commercial districts tends to a natural expansion of these districts.
7. That the existence of heavy traffic on Rio Grande Street and 19th Street does not of itself justify a change in the zoning classification of this property for filling station purposes as many other corners are available in commercial districts.
8. That the present classification as "B" Residential District is not confiscatory in relation to this property, nor detracts from its value for development for the uses permitted in such a district; and that any building other than a commercial building may be erected upon this lot with such set-back as to insure safeguards against traffic hazards at this corner as would a filling station or other commercial structure.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman.

A public hearing on the proposed change in zoning of the property described in the foregoing report of the Board of Adjustment was called for April 18, 1940, at 11:00 A. M.

The written application of H. E. Martin for a change in zoning, from "A" Residence District to "C" Commercial District, of the property located at the northeast corner of West Live Oak and South First Streets, was received. The matter was referred to the Board of Adjustment for consideration and recommendation.

It was moved by Councilman Alford that a taxicab license 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 Proclamation of the Mayor, proclaiming the week of April 14th-20th, inclusive, as "TRAFFIC SAFETY WEEK IN AUSTIN," was approved.

The following resolution was introduced by Councilman Gillis:

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

THAT the sum of \$13,755.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of preparing gravel base and constructing asphalt surfacing on Enfield Road from Hopi Trail to Lake Boulevard, and on Lake Boulevard from Hearn Street to Enfield Road.

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, in Book 3, at page 210, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Enfield "G"; and

WHEREAS, in Book 3, at page 250, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Pease Estates, Section 3; and

WHEREAS, upon each of said maps or plats there appears a street or road known as Polo Road; and

WHEREAS, R. Niles Graham, et al., being the owners of all the property facing on said Polo Road, have petitioned the City Council of the City of Austin to change the name of said Polo Road to that of Northumberland Road; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT that certain street or road known as Polo Road, as shown upon the maps or plats referred to above, be known and designated hereafter as **NORTHUMBERLAND ROAD.**

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 Bartholomew:

WHEREAS, W. C. Moore, owner of a tract or parcel of land out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the north side of Barton Springs Road at a location west of South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of Barton Springs Road adjacent to the above described property, as shown upon the plan hereto attached marked 2-C-555, 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 W. C. Moore, owner of a tract or parcel of land out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the north side of Barton Springs Road at a location west of South Congress Avenue, is hereby permitted to construct a commercial driveway across the north sidewalk area of Barton Springs Road, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-555, 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.

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 Wolf:

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

(1) 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) BEGINNING at the east curb line of Congress Avenue and a projected line of the south property line of the above mentioned property; thence in a westerly direction and at right angles with the centerline of Congress Avenue 14 feet to a point; thence in a northerly direction and parallel to the centerline of Congress Avenue 25 feet to a point; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the east curb line; thence along the east curb line to place of beginning.

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 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, J. R. Blackmore & Sons are the Contractors for the erection of a building located at 411 West 27th Street and desire a portion of the street space abutting Lot N, Outlot 62, Division "D" of the City of Austin, Travis County, Texas, during the erection 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 J. R. Blackmore & Sons, the boundary of which is described as follows:

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 Nueces Street to a point 10 feet west of the east curb line; thence in a northerly direction and parallel with the centerline of Nueces Street 137 feet to a point; thence in a northeasterly direction and at an angle of approximately 45 degrees to a point 10 feet north of the south curb line of West 28th Street where it meets the projected west line of the above described property; thence in an easterly direction and parallel with the centerline of West 28th Street 215 feet to a point; thence in a southerly direction and at right angles with the centerline of West 27th Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. R. Blackmore & Sons, 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 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.

(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 September 1, 1940.

(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 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 written application of the Walsh heirs and Louis McGinnis and wife, through their attorney, Folk Shelton, for a change in zoning of Lots 1 to 6, inclusive, Block 14, Division "B", Walsh Place, to "C-Commercial", was received. The matter was referred to the Board of Adjustment for consideration.

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 FREDERICKSBURG ROAD from LaCasa Drive to Blue Bonnet Lane, the centerline of which gas main shall be 5 feet east of and parallel to the west property line of said Fredericksburg Road.

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

- (2) A gas main in FREDERICKSBURG ROAD from Blue Bonnet Lane to Kinney Road, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said Fredericksburg Road.

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

- (3) A gas main in LA CASA DRIVE from Fredericksburg Road westerly 1½ blocks, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said La Casa Drive.

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

- (4) A gas main in MONTCLAIRE STREET from Ann Arbor Street to Fredericksburg Road, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said Montclair Street.

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

- (5) A gas main in MONTCLAIRE STREET from Ann Arbor Street westerly 250 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 Montclair Street.

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

- (6) A gas main in ANN ARBOR STREET across Montclair Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said Ann Arbor Street.

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

- (7) A gas main in TOWNES LANE across Dormarion Lane intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Townes Lane.

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

- (8) A gas main in DORMARION LANE across Townes Lane intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Dormarion Lane.

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

- (9) A gas main in AZTEC DRIVE across Bowman Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Aztec Drive.

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

- (10) A gas main in JANICE DRIVE across Copo Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Janice Drive.

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

- (11) A gas main in DUVAL STREET from point 64 feet south of East 47th Street southerly 60 feet, the centerline of which gas main shall be 19 feet east of and parallel to the west property line of said Duval Street.

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

- (12) A gas main in JOSEPHINE STREET from point 260 feet north of Barton Springs Road northerly 100 feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of and parallel to the east property line of said Josephine Street.

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

- (13) A gas main in EAST 30TH STREET from point 82 feet east of Dancy Street easterly 60 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south property line of said East 30th Street.

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

- (14) A gas main in HARMON AVENUE from point 142 feet north of north property line of East 46th Street northerly 93 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 Harmon Avenue.

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 offered by Mayor Miller:

O. W. Moore, who served as Alderman from the Seventh Ward from April, 1903, to April, 1909, passed away on the 25th day of February, 1940. His was a long and useful life, and the City of Austin has suffered the loss of an able and conscientious citizen whose influence will be missed in the civic affairs of the City; therefore,

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

THAT the City Council desires to thus express its appreciation and high esteem for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council and a copy of same, signed by the members of the Council, furnished to the surviving members of his family.

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:

The late J. M. Shumate departed this life on the _____ . During his lifetime as a valued citizen of this community, he faithfully served the City of Austin as Alderman from the Sixth Ward from April, 1901, until his resignation in October, 1906. In his death, the City of Austin lost a faithful and valued servant; therefore,

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

THAT the City Council desires to thus express its appreciation and high esteem for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council and a copy of same, signed by the members of the Council, furnished to the surviving members of his family.

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 offered by Mayor Miller:

WHEREAS, H. L. Haynes passed away on the 7th day of March, 1940; and

WHEREAS, he served as Alderman from April, 1903, to April, 1909, acting as President of the Council during this entire period; and again served continuously as Councilman from October, 1911, until July, 1926; and

WHEREAS, the death of H. L. Haynes has deprived the City of Austin of a faithful, conscientious and civic-minded citizen; therefore,

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

THAT the City Council desires to thus express its appreciation and high esteem for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council and a copy of same, signed by the members of the Council, furnished to the surviving members of his family.

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 Texas Power and Light Company, a corporation domiciled in Dallas County, Texas, heretofore, to wit, on the 31st day of August, 1939, assigned by written conveyance, which said instrument is recorded in Book 623, page 177, of the Deed Records of Travis County, Texas, all of its accounts receivable for merchandise furnished with respect to customers served from certain properties conveyed in said instrument to the Lower Colorado River Authority, a public corporation and state agency, created by and operating under, and pursuant to provisions of Chapter VII of the General Laws enacted by the 43rd Legislature of the State of Texas, 4th Called Session, as amended; and

WHEREAS, the Lower Colorado River Authority, a public corporation and state agency, as aforesaid, on the 10th day of October, 1939, by written conveyance, which is recorded in Book 633, pages 18 to 21, inclusive, of the Deed Records of Travis County, Texas, conveyed all of the accounts receivable theretofore assigned to it by the Texas Power and Light Company aforesaid, insofar as such accounts represented accounts for merchandise furnished with respect to these customers served from the properties conveyed in the same instrument heretofore mentioned immediately above, to the City of Austin, a municipal corporation situated in Travis County, Texas; and

WHEREAS, certain parties have now paid off in full the contract price of certain electrical equipment and appliances, which said accounts were assigned to the City of Austin, as set out hereinabove; and said parties are desirous of having certain chattel mortgages now on file in the office of the County Clerk of Travis County, Texas, released at this time; now, 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 in the name of the City of Austin, to execute any and all releases of chattel mortgages, with reference to the above described accounts receivable, if and when the same have been paid in full.

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.

It was moved by Councilman Wolf that the following applications 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>
Ashby, Gene - c/o Game Fish & Oyster Commission	Lyman, Outboard, 1939 Model-6-passenger
Auler, Hugo A. 306 West 11th Street	Gar Wood, Outboard, 1938 Model-6 passenger
Avery, E. L., Jr.- Llano, Texas	Herring, Outboard, 1938 Model- 5-passenger
Brinsdon, Billy 2509 Jarratt Avenue	Home-made, Sail, Named "Osprey"- 6-passenger
Boats & Motors, Inc.- 406 Congress Avenue	Sorg, Outboard, 1940 Model, 6-passenger
Davis, Theo.- 2210 Windsor Road	Robinson, Cabin Cruiser, 12-passenger
Folmar, R. H.- 1401 Gaston Avenue	Dixie, Outboard, 1939 Model, 4-passenger
Lewis, Robert E.- 1012 West 24th Street	Home-built, Outboard, Runabout, 6-passenger
Miley, John L. - 602 West 6th Street	Wolverine, Outboard, 1939 Model, 6-passenger
Nagle, Herbert, Jr. 3716 Gilbert Street	Canoe, named "Daisy Mae", 3-passenger
Severs, N. H.- 4512 Avenue G	Kenyan, Outboard, 1935 Model, 5-passenger
Sponberg, James O 3502 Speedway	Grandall Flyer, Runabout, 5-passenger
Stromberg, Roland- 2001 Alameda Drive	Welsh, Outboard, 1938 Model, 5-passenger
Shults, H.O. 1204 Garner Avenue	Century, Inboard, 1939 Model, 6-passenger
Tirado, J.C. 1307 West Lynn Street	Dalentin, Inboard, 1933 Model, named, "Terry Mac" 6-passenger
Wallace, C.E. 906 West 22nd Street	Kenyan, Outboard, 1935 Model, 5-passenger
Wyrick, Albert W. 610 Cliff Drive	Built, Kayak Canoe, 2-passenger

Upon roll call, the motion was adopted 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 Otto Crider, Box 603, Austin, Texas, for a commercial boat operator's license be approved, 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.

Upon motion, seconded and carried, the meeting was recessed at 11:35 A. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Wallace McKeen
City Clerk