

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 10, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building on Thursday, October 10, 1940, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of October 3, 1940, and the special meeting of October 7, 1940, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following report of the Board of Adjustment was received:

" Austin, Texas
October 1, 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 October 1, 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 Mrs. Nell Taylor Gaines requesting a change in the USE designation of the following property:

Northeast corner of the intersection of Guadalupe Street and Sixteenth Street, Austin, Texas, the same being also described as a portion of the Southwest Quarter of Outlot No. Thirty-seven (37), Austin, Texas,

from "C" Commercial District and First Height and Area District to "C-2" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on October 1, 1940, at which hearing Mrs. Nell Taylor Gaines and her representative, R. M. Key, together with Mr. Fred Leser, prospective lessee for the premises, appeared and pled for this change and filed a petition dated September 5, 1940, a copy of which is attached hereto, containing the names of nine (9) property owners owning property adjacent to and in the neighborhood of this property waiving any objections to the sale of beer and wine on this property; and

WHEREAS, there also appeared at this hearing, Dr. Clay Nickols, Sr., owner of the block immediately west of the above property, and Mr. P. R. James, immediately north and adjacent to this property, who protested this change; and

WHEREAS, a written protest was filed by Miss Estelle Lewright, her property being at the north end of the block in which this property is situated; and

WHEREAS, on August 2, 1940, a petition was filed with the City Clerk containing the names of nine (9) residents adjacent to and immediately in the vicinity of this property, protesting this change, a copy of which is attached hereto; several of these names also being on the appellant's petition; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for and against this change and in the light of fundamental zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change is not recommended to the City Council for the following reasons:

That this application is for a single piece of property and a single ownership, which would constitute a spot zone.

That it has not been shown that there is any public demand, necessity, or convenience for a Commercial "C-2" spot zone at this corner.

That the preponderance of the desires of adjacent and neighboring property owners is against any change in the zoning of this property.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne
Chairman.

Councilman Alford moved that a public hearing on the proposed change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, October 31, 1940, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY KNOWN AS THE CHURN SUBDIVISION OUT OF THE J. C. TANNEHILL LEAGUE, SUCH ANNEXED TERRITORY BEING 5.53 ACRES OF LAND IN GOVALL, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

The ordinance was then laid over for its second reading, and publication thereof ordered, in accordance with the provisions of the City Charter.

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 52, OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY.

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, and Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor announced that the ordinance had been finally passed.

A communication from the Austin Transit Company, asking for a discontinuance of the North Loop Bus route, was received. The matter was referred to the Acting City Manager, with instructions to request said Company to keep such line in operation until the 19th instant, in order to determine what objections, if any, the patrons have to its discontinuance, and whether or not sufficient patronage can be secured to justify its operation.

A communication from Dr. Geo. W. Cox, State Health Officer, advising that the City's water supply has been given an excellent rating by the State Health Department, and that a permanent marker to this effect will be placed on all highways leading into the City, provided the City execute a certain agreement included, was received. The matter was referred to the Acting City Manager, with instructions to execute such agreement and return to the State Health Department.

The following resolution was introduced by Councilman Alford:

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

THAT the sum of \$1500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of extending storm sewer in Foquito Street on the east side of the Negro Housing Project.

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

The following resolution was introduced by Councilman Gillis:

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

THAT the sum of \$20,000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of street marking project.

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

Councilman Alford moved that the application of Frank Soanci, 210 Elkhart Street, for a taxicab license be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford moved that the application of F. R. Arnham, 1721 West Sixth Street, for a taxicab license be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford moved that the following applications for licenses to operate private boats on Lake Austin be granted, subject to the approval of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Bohn, Walter - 906 West 17th Street	Old Town, Canoe, 1940 Model, "Hilly Billy Lodge", 2-passenger
Galarza, Henry - 712 West Monroe Street	Home-made, Sail, 1940 Model, "Henry", 6-passenger

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

The following resolution was introduced by Councilman Alford:

WHEREAS, the Covert Automobile Company, acting by and through Page & Southerland, Architects, owner of portions of Lots 5 and 6, Block 46, of the Original City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of West Fifth Street and San Antonio Street, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the south sidewalk area of West Fifth Street and across the west sidewalk area of San Antonio Street at the above described location; and

WHEREAS, a plan has been prepared showing the location of said driveways, which plan is hereto attached, marked 2-A-178, which plan is hereby made a part of said request; and

WHEREAS, said plan 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 the Covert Automobile Company, acting by and through Page & Southerland, Architects, owner of portions of Lots 5 and 6, Block 46, of the Original City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of West Fifth Street and San Antonio Street, is hereby permitted to construct commercial driveways across the south sidewalk area of West Fifth Street and across the west sidewalk area of San Antonio Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-A-178, 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 Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis:

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 LONGVIEW STREET from a point 246 feet south of West 24th Street northerly 126 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said Longview Street.

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

- (2) A gas main in LONGVIEW STREET from a point 5 feet south of West 24th Street southerly 115 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet east of and parallel to the west property line of said Longview Street.

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

- (3) A gas main in WEST 24TH STREET across Longview Street intersection, the centerline of which gas main shall be 5 feet south of and parallel to the south property line of said West 24th Street.

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

- (4) A gas regulator pit in LONGVIEW STREET at a location south of West 24th Street, the size of said pit to be $7' \times 9'$, the axis of the 9-foot length to be 5 feet east of and parallel to the west line of Longview Street, and the axis of the 7-foot length to be 120 feet south of, and parallel to, the south line of West 24th Street.

- (5) A gas main in JANICE DRIVE from Keating Lane to Copo Avenue, 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.

- (6) A gas main in COPO AVENUE from Spring Lane to Janice Drive, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Copo Avenue.

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

- (7) A gas main in EAST ANNIE STREET from Drake Avenue easterly 134 feet, the centerline of which gas main shall be 21 feet south of, and parallel to, the north property line of said East Annie 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 out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

The following resolution was introduced by Mayor Miller:

WHEREAS, July 13, 1939, the City Council of the City of Austin adopted a resolution designating a boulevard through the west portion of the City of Austin as hereinafter described; and

WHEREAS, at that time the name of this boulevard was not adopted; and

WHEREAS, many records in the meantime have accumulated concerning various work on this project, and said records should be filed in a logical manner under the final name for said boulevard; and

WHEREAS, general confusion is avoided in public records and addresses and in delivery services in general by adopting one name for a thoroughfare at the time said thoroughfare is designated; and

WHEREAS, it is deemed advisable by the City Council at this time to adopt a name for the hereinafter described boulevard, and the name LAMAR BOULEVARD has been suggested as an appropriate name and 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 the name LAMAR BOULEVARD be, and the same is hereby, adopted for the boulevard traversing the central west portion of the City of Austin, the alignment of which is described as follows:

BEGINNING at the intersection of the Fredericksburg Road and Barton Springs Road, thence in a general northerly direction, in an approximately straight line across the Colorado River, to the intersection of West Third and Fannin Streets;

Thence north along Fannin Street to the intersection of West Sixth Street and Ruiz Street;

Thence north on Ruiz Street to the intersection of West 12th Street and Parkway;

Thence north on Parkway and the prolongation of Parkway to an angular crossing of Shoal Creek to intersect Shoal Creek Boulevard at a point approximately opposite the northwest corner of House Park Football Field;

Thence following the general location of the present Shoal Creek Boulevard to West 28 $\frac{1}{2}$ Street;

Thence in a general northerly direction following a route approximately one-half block west of Shoal Crest Avenue and San Gabriel Street, crossing West 29th Street and intersecting San Gabriel Street again in the vicinity of West 31st Street;

Thence following San Gabriel Street and Morningside Avenue to West 45th Street;

Thence following a reverse curve across the State property in a general northeasterly direction to intersect the Georgetown Road approximately one block south of Capitol Court.

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

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

APPROVED: Tom Miller.
Mayor

Attest:

Hallie McKeelan
City Clerk