

The bids on Heating, Plumbing, and Electrical work were also discussed, and the following bidders entered into the discussion: Chas. E. Curtis, A. W. Schmidt, W. K. Jennings, Jr., and John L. Martin.

Following the discussion, the meeting was recessed, at 6:00 P. M., subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Halle McKeenan  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 30, 1940.

The Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Wednesday, October 30, 1940, at 10:50 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.

By unanimous consent, the meeting was held on Wednesday preceding the regular meeting day on Thursday.

The Minutes of the regular meeting of October 24, 1940, and the special meeting of October 25, 1940, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. J. E. McClain of the Austin Transit Company reported to the Council that a compromise had been effected with the patrons of the "North Loop" bus line whereby a new schedule for said line had been adopted, as set forth in copy of same submitted to City Manager.

Mr. J. W. McDugald again appeared in the interest of his clients' claim to ownership of a part of Enfield Road, and the matter was referred again to the City Attorney.

Mr. Chas. E. Curtis appeared before the Council in behalf of his bid for plumbing on Brackenridge Hospital improvements. E. B. Miller of Spiller-Miller, representing the Master Plumbers, protested the awarding of contract to the said Chas. E. Curtis on the ground that the said Chas. E. Curtis does not hold a Master Plumber's License.

A resolution of the Travis County Medical Society approving the acts and attitude of the City Council in regard to Brackenridge Hospital, and pledging the support of said Society in the development

of a Class A hospital, was received.

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

To amend the USE designation of the following described property so as to change same from "C" Commercial District and First Height and Area District to "C-2" Commercial District and First Height and Area District:

The 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. 37, Division "E", Unplatted.

Mr. Arthur P. Bagby, Attorney for Mrs. Nell Taylor Gaines, proponent, plead for the change on the ground that the lessees contemplated the establishment of a Mexican Restaurant on this property and that the sale of beer was essential to the conduct of such business; and that said restaurant would be conducted in such manner as not to be objectionable to the neighborhood.

Miss Estelle Lewright, property owner, protested the change on the ground that it would be detrimental to the rental value of her property.

Mrs. Herman L. Achilles, abutting property owner, by her son, declared in favor of the proposed change.

No other property owners or interested persons requesting to be heard, the hearing was continued to the regular meeting of Thursday, November 7, 1940.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PROHIBITING THE SHOOTING OF FIREARMS OF ANY DESCRIPTION WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, EXCEPT AS PERMITTED BY STATE OR FEDERAL LAW, AND EXCEPTING THE DISCHARGING OF FIREARMS IN A SHOOTING GALLERY OR GUNSMITH'S ESTABLISHMENT OPERATED IN ACCORDANCE WITH CITY ORDINANCES; PROHIBITING THE SHOOTING OF ANY FIREARM OR WEAPON ON, ALONG, ACROSS, OVER, OR INTO LAKE AUSTIN, OR THE COLORADO RIVER, IN THE CORPORATE LIMITS OF THE CITY; AND PROHIBITING THE WILFUL SHOOTING, KILLING OR HUNTING OF WILD GAME IN THE CITY LIMITS; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SAME SUBJECTS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, BUT ONLY INsofar AS THE CONFLICT EXISTS; PROVIDING A PENALTY FOR THE VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY AND SAVING CLAUSE; 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.

The following resolution was introduced by Councilman Alford:

WHEREAS, heretofore on the 7th day of June, 1918, by instrument of record in Volume 305, page 79, of the Deed Records of Travis County, Texas, James J. Haynes granted to the City of Austin a sanitary sewer easement, in, upon and across certain land in the City of Austin, Travis County, Texas; and

WHEREAS, the City of Austin does not now need the easement across the land hereinafter described, which is a part of the property described in the said easement; now, therefore,

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

THAT the Acting City Manager be, and he is hereby, authorized and directed in the name of the

City of Austin, Texas, to release and quitclaim unto the owners of the hereinafter described tract of land, their heirs and assigns, all the right, title, interest, claim and demand in and to the certain sanitary sewer easement across .57 of one acre of land, about .44 of one acre being a portion of that 2.24 acre tract of land which was conveyed to Anita Quinlan, by J. C. Bryant, in accordance with a deed which is recorded in Travis County Deed Records in Book No. 386, page 614, and about .13 of one acre of land being a portion of that 4.75 acre tract of land that is a part of Lot No. 3 of the Jones & Sedwick Subdivision of the Geo. W. Spear League in Travis County, as shown by a plat which is recorded in Travis County Deed Records in Book "2", page 601, which was allotted to Mrs. Anita Quinlan in Probate of a Will of N. V. Dittlinger as recorded in Book 321, pages 635-637, and being more fully described in a deed which is recorded in Travis County Deed Records in Book 374, page 283, all of said land being a portion of the Geo. W. Spear League in Travis County, Texas, as surveyed for Mrs. Anita Quinlan by Metcalfe Engineering Company, Pope Building, Austin, Texas:

BEGINNING at an iron stake on the curving east line of Split Rock Avenue, said beginning corner being N. 13°33' E. 94.1 feet distant from the south line of that 2.24 acre tract which was conveyed to Anita Quinlan by J. C. Bryant in accordance with a deed which is recorded in Travis County Deed Records in Book 386, pages 614, and said beginning corner being also N. 13°33' E. 94.1 feet distant from the northwest corner of Lot 1, Block 1, of the "Edgemont Addition" to the City of Austin, Texas, as shown by a plat which is recorded in Travis County Deed Records in Flat Book 3, page 131;

Thence with the east line of Split Rock Avenue, N. 21°35' E. 17.44 feet to an iron stake;

Thence N. 22°50' E. with the east line of Split Rock Avenue and crossing the south line of Block No. 3 of the Jones and Sedwick Subdivision 71.64 feet to an iron stake;

Thence with the east line of Split Rock Avenue N. 31°59' E. 1.84 feet to an iron stake;

Thence 20.38 feet distant from, north of, and parallel to the south line of Block No. 3, of the Jones and Sedwick Subdivision of the Geo. W. Spear League, S. 59°24' E. 280.92 feet to an iron stake on the top of Shoal Creek Bluff and on the west line of that 1.36 acre tract of land which was conveyed to the City of Austin, Texas, for park purposes by Mrs. Anita C. Quinlan, in accordance with a deed which is recorded in Travis County Deed Records in Book 460, page 1;

Thence with the west line of said 1.36 acre tract of land S. 22°59' W. 53.00 feet to an iron stake;

Thence with the west line of said 1.36 acre tract of land S. 49°43' W. 39.73 feet to an iron stake;

Thence N. 59°24' W. 262.42 feet to the place of beginning, containing .57 of one acre of land.

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:

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 SANTA ROSA STREET from Prowse Lane west 56 feet, the centerline of which gas main shall be 6½ feet south of and parallel to the north property line of said Santa Rosa Street.

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

- (2) A gas main in PROWSE LANE from Santa Rosa Street southerly 44 feet, the centerline of which gas main shall be 3 feet west of, and parallel to, the east property line of said Prowse Lane.

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

- (3) A gas main in GILBERT STREET from Moffett Drive to Exposition Boulevard, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said Gilbert Street.

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

- (4) A gas main in WEST JOHANNA STREET from a point 177 feet west of South Second Street easterly 268 feet, the centerline of which gas main shall be 15 feet south of, and parallel to, the north property line of said West Johanna Street.

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

- (5) A gas main in NORTHUMBERLAND ROAD from a point 191 feet east of Hartford Road easterly 100 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 Northumberland Road.

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

- (6) A gas main in CHERRY STREET from a point 44 feet east of Hopi Trail westerly 370 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 Cherry Street.

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

- (7) A gas main in HAWTHORNE STREET from East Avenue to Longfellow Street, the centerline of which gas main shall be 13 feet south of, and parallel to, the north property line of said Hawthorne Street.

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

- (8) A gas main in NORWALK LANE from West Seventh Street northerly 43 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 Norwalk Lane.

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

- (9) A gas main in WEST SEVENTH STREET from Norwalk Lane easterly 158 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 West Seventh Street.

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

- (10) A gas main in KENWOOD AVENUE from Burleson Road northerly 44 feet, the centerline of which gas main shall be 20 feet west of, and parallel to, the east property line of said Kenwood Avenue.

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

- (11) A gas main in GLENDALE PLACE from Burleson Road northerly 157 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 Glendale Place.

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

- (12) A gas main in BURLERSON ROAD from Kenwood Avenue easterly 581 feet, the centerline of which gas main shall be 14 feet south of, and parallel to, the north property line of said Burleson Road.

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

- (13) A gas main in EAST 31ST STREET from a point 376 feet west of Red River Street easterly 63 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 East 31st Street.

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

- (14) A gas main in GARDEN STREET from a point 288 feet east of Chalmers Avenue easterly 208 feet, the centerline of which gas main shall be 18 feet north of, and parallel to, the south property line of said Garden Street.

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

- (15) A gas main in ANGELINA STREET from a point 91 feet north of East 12th Street northerly 54 feet, the centerline of which gas main shall be 16 feet east of, and parallel to, the west property line of said Angelina Street.

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

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

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

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

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.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie M. Keenan  
City Clerk

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, November 1, 1940.

The City Council convened in special session in the Council Room at the Municipal Building on Friday, November 1, 1940, at 3:30 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

There were present, also, the following members of the Associated Hospital Architects: Messrs. H. F. Kuehne, Edwin C. Kreisle, Max Brooks, Louis Page, and C. H. Page; and a large number of contractors.

The Mayor stated that the meeting was called for the purpose of awarding contracts on Brackenridge Hospital and Nurses Home improvements, in accordance with bids heretofore received and analyzed.

The Mayor further stated that the bids had run higher than anticipated due to the rising cost of materials as a result of the war situation, but that no additional increase in the tax rate would be necessary to take care of the increased cost.

The following written recommendations of the Associated Architects were submitted by C. H. Page:

"Austin, Texas  
November 1, 1940

The Honorable Mayor  
and City Council

Gentlemen:

We recommend that the general contract be awarded to Rex D. Kitchens Construction Company