

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 11, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, July 11, 1940, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, and Mayor Miller; absent, Councilmen Bartholomew and Wolf.

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

The public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the zoning of Lots 31, 32, and 33, N. A. Ladd Addition, said property facing the Lower Georgetown Road and Capitol Court, from "C" Commercial District to "C-2" Commercial District, which was continued from the last regular meeting, was reopened.

William Bohn and Chas. B. McCullough, by proxy, William Bohn, protested the change on the ground that it would permit the sale of liquor, which was objectionable so near their residences.

Bryan Blalock, Attorney for Proponent, plead for the change on the grounds that the property was to be used for a cafe and could not be thus utilized unless the sale of beer were permitted; and that it was not the purpose of his client to permit a nuisance there.

Eugene Thompson, the proponent, and William E. Simpson, property owner, plead for the change on the ground that it was necessary for a commercialization of the property, and that no nuisance would be allowed.

No other property owners or interested persons requesting to be heard, action on the matter was deferred.

The following report of the Board of Adjustment was received:

Austin, Texas  
June 25, 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 June 25, 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 Sam G. McDonald, by his attorney, T. A. Tyler, requesting a change in the Height and Area designation of the following property:

Lots 15 and 16, in Block 45, Division "D", of the City of Austin,  
from First Height and Area District to Second Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on June 25, 1940, carefully considered this petition; and

WHEREAS, this petition is for a change in the Height and Area designation of this property only, and there will be no change in the Use designation thereof; and

WHEREAS, this property is now classified as a "B" Residence District, which, under the terms of the Zoning Ordinance, permits among other uses the creation of apartment houses, apartment hotels, fraternity and sorority houses, boarding houses, and rooming houses; and

WHEREAS, this property is now classified as a First Height and Area District, which restricts the lot area per family to 2000 square feet; and

WHEREAS, this petition is for a change from First Height and Area District, in which district the lot area per family is a minimum of 1000 square feet; and

WHEREAS, there is a correlation between the Use District designation and the Height and Area designation such that in general a "B" Residential District coincides with the Second Height and Area District in order that the maximum benefit of the Use designation requirements may be realized in the development of the property; and

WHEREAS, the Board deemed that inasmuch as the appellants' property now lies in a "R" Residential District its full development as a "B" Residential District is postponed owing to the fact that it lies in a First Height and Area District; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change of the Height and Area designation of the above described property is recommended to the City Council in order that the owner of the property may enjoy full use of his property under its Use classification.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne  
Chairman. "

In accordance with published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

To amend the Height and Area District of the following described property:

Lots 15 and 16, in Block 45, Division "D",  
of the City of Austin, said lots fronting  
200 feet on West 24th Street and running  
back northerly to a depth of 100 feet,

so as to change same from First Height and Area District to Second Height  
and Area District.

No one appearing to protest the proposed change, the City Attorney was instructed to prepare the necessary ordinance.

The following report of the Board of Adjustment was received:

"Austin, Texas  
July 9, 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 July 9, 1940, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the land west of Pleasant Valley Road, south of East First Street has been abandoned as a stock yard; and

WHEREAS, this land extending from the present commercial district on East First Street down to the Colorado River, west along the Colorado River to Pedernales Street is now shown on the Zoning Map of the City of Austin as an unrestricted district and that portion along Pleasant Valley Road to be a Third Height and Area District and the remainder a First Height and Area District; and

WHEREAS, the Zoning Map shows that all of the property surrounding this land with the exception of that fronting on East First Street and the City property to the west thereof is now located in an "A" Residential District and First Height and Area District; and

WHEREAS, the Board of Adjustment has been informed that an attempt is being made to re-establish a stock yard on this property, which would create the same objectionable, unsanitary, and depressing conditions on the surrounding residential property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council that all that property now shown on the Use District Map as "E" Heavy Industrial District, and that portion shown on the Height and Area Map now as a Third Height and Area District be changed to an "A" Residential District and First Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne  
Chairman. "

A public hearing on the change in zoning as recommended in the foregoing report of the Board of Adjustment was called for Thursday, August 1, 1940, at 11:00 A. M.

The following report of the Board of Adjustment was received:

"Austin, Texas  
July 9, 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 July 9, 1940, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City of Austin recently acquired certain property north of the Municipal Airport, which is now zoned as Residential "A" District, First Height and Area District; and

WHEREAS, this property is to be used for aviation purposes, including the erection of a building and other improvements for a ground school, thus commercializing the use of this property; and

WHEREAS, under the present zoning classification, the Building Inspector can not legally issue a building permit for any commercial use of this property; and

WHEREAS, the present Municipal Airport is owned by the City of Austin and is free from any zoning restrictions; therefore

**BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:**

THAT it is recommended to the City Council that the present zoning classification of all that property east of Lots 15 and 35, of Ridgeway Gardens between the Airport Road and the north city limits and extending to the east city limits have the present zoning restrictions with respect to Use and Height and Area removed so that this property will be in the same category as the Municipal Airport itself in order that it may be developed and used for aviation purposes, both publicly and privately.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kushne  
Chairman. "

A public hearing on the change in zoning as recommended in the foregoing report of the Board of Adjustment was called for August 1, 1940, at 11:00 A. M.

Jesse J. Bartlett, Attorney for the 20-Cent Taxicab owners, appeared before the Council and protested against the Negro taxicab owners' operating without license or bond. The matter was referred to the City Attorney to notify such taxicabs that they were operating illegally.

Ben Funnell, representing the Building Contractors, appeared before the Council and protested against the provisions of Section 17 of the Plumbing Ordinance. The matter was referred to the Building Inspector for consideration and recommendation.

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 SALINA STREET from Pennsylvania Avenue northerly 126 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Salina Street.

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

- (2) A gas main in EVANS AVENUE from East 46th Street northerly 187 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east property line of said Evans Avenue.

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

- (3) A gas main in SPEEDWAY, from East 43rd Street southerly 136 feet, the centerline of which gas main shall be 30 feet east of and parallel to the west property line of said Speedway.

Said gas main described above shall have a covering of not less than 24 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced by Councilman Alford:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

- (1) A telephone pole line in EAST 38TH STREET from Duval Street to Waller Creek, the centerline of which pole line shall be 1 foot south of and parallel to the north property line of said East 38th Street.
- (2) A telephone pole line in EAST 38TH STREET from Waller Creek to Red River Street, the centerline of which pole line shall be 8 feet south of and parallel to the north property line of said East 38th Street.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Councilman Gillis introduced the following resolution:

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

THAT the City Council of the City of Austin hereby approves the erection of a loading platform in the sidewalk area on the San Antonio Street side of the property situated at the southeast corner of the intersection of West Second Street and San Antonio Street, which property is owned by Calcasieu Lumber Company and is designated as Lots 7 and 8, Block 2, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Calcasieu Lumber Company to construct and maintain said loading platform, subject to the same 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 a building permit for the erection of this loading platform after full compliance with all the provisions of this resolution, and 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, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Calcasieu Lumber Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations  
attached )

"Austin, Texas  
July 10, 1940

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Calcasieu Lumber Company for permission to construct and maintain a warehouse with loading platform in the sidewalk area along San Antonio Street in front of the new planing mill situated at the southeast corner of the intersection of West Second Street and San Antonio Street within the corporate limits of the City of Austin, Travis County, Texas, which property is known as Lots 7 and 8 in Block 2, of the Original City of Austin, and we hereby advise that the following conditions exist:

The property upon which this planing mill is to be located is designated as "C-2" Commercial Use district as shown upon the zoning maps of the City of Austin.

This neighborhood is essentially a warehouse district, in which a number of warehouses now exist with loading platforms extending out over the sidewalk area.

We recommend that Calcasieu Lumber Company be granted permission to construct and maintain said loading platform on the sidewalk area on the San Antonio Street side of the above described property subject to the following conditions:

That the proposed loading platform be constructed according to the plans on file in the Building Inspector's office and that all grades and lines for the curb in front of this property be constructed along the lines given and with the approval of the Engineering Department of the City of Austin.

Respectfully submitted,

/s/ J. E. Motheral  
City Engineer

/s/ J. C. Eckert  
Building Inspector. "

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

Councilman Alford moved that a taxicab license be granted to W. E. Jamison, 823 West 11th Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced by Councilman Alford:

WHEREAS, the City of Austin has paid bonds amounting to \$348,500.00, together with matured interest coupons on its bonded debt in the aggregate amount of \$280,270.00, as follows:

Year	Description	Bonds		Interest Coupons	Total
		Numbers	Amount		
1910	School			\$ 1,500.00	\$ 1,500.00
1912	Sanitary Sewer	211-220	\$ 10,000.00	2,000.00	12,000.00
1912	Street Improvement	211-220	10,000.00	2,275.00	12,275.00
1915	School	181-190	10,000.00	3,500.00	13,500.00
1915	Sanitary Sewer	47- 48	2,000.00	175.00	2,175.00
1915	Street, Bridge & Sewer	321-335	15,000.00	5,150.00	20,150.00
1916	Refunding	790 & 859-897	40,000.00	14,843.75	54,843.75
1917	Ridgetop School District			250.00	250.00
1918	School	31- 32	2,000.00	950.00	2,950.00
1918	Sewage Disposal Plant	101-105	2,500.00	2,500.00	5,000.00
1921	Hospital	14	1,000.00	1,020.00	2,020.00
1923	Goville School District			150.00	150.00
1924	Garbage Incinerator	19- 20	2,000.00	1,575.00	3,575.00
1924	School	82- 89	8,000.00	20,875.00	28,875.00
1924	Water Filtration Plant	89- 97	9,000.00	10,450.00	19,450.00
1926	School	36- 39	4,000.00	5,462.50	9,462.50
1928	Hospital - January 1	22- 23	2,000.00	3,336.25	5,336.25

Year	Description	Numbers	Bonds		Interest Coupons	Total
			Amount			
1928	School	57- 64	\$ 8,000.00		\$ 10,767.50	\$ 18,767.50
1928	Street Improvement	36- 39	4,000.00		6,182.50	10,182.50
1928	Airport	16- 17	2,000.00		2,650.00	4,650.00
1928	Fire Stations	16- 17	2,000.00		2,650.00	4,650.00
1928	Parks & Playgrounds	16- 17	2,000.00		2,690.00	4,690.00
1928	Hospital November 1	11	1,000.00		1,765.00	2,765.00
1928	Sanitary Sewer	11	1,000.00		637.50	1,637.50
1929	Street Improvement May 1	91-102	12,000.00		20,638.75	32,638.75
1929	Sanitary Sewer May 1	44- 49	6,000.00		9,785.00	15,785.00
1929	Parks & Playgrounds May 1	34- 38	5,000.00		7,980.00	12,980.00
1929	Fire Stations May 1	5	1,000.00		997.50	1,997.50
1929	Street Improvement December 16	87- 99	13,000.00		23,987.50	36,987.50
1929	Sanitary Sewer December 16	27- 30	4,000.00		6,958.75	10,958.75
1929	Parks & Playgrounds December 16	23- 25	3,000.00		6,032.50	9,032.50
1929	Abattoir December 16	12- 13	2,000.00		2,992.50	4,992.50
1931	Street Improvement	91-105	15,000.00		28,547.50	43,547.50
1931	Sanitary Sewer	15- 16	2,000.00		4,037.50	6,037.50
1931	Parks & Playgrounds	26- 29	4,000.00		8,170.00	12,170.00
1932	Public Library	17- 19	3,000.00		6,625.00	9,625.00
1932	Fire Stations	7	1,000.00		2,175.00	3,175.00
1935	Public Market	8- 10	3,000.00		2,660.00	5,660.00
1936	School	27- 40	14,000.00		9,510.00	23,510.00
1936	Parks & Playgrounds	7- 9	3,000.00		1,620.00	4,620.00
1937	Fire Stations	6- 10	5,000.00		2,612.50	7,612.50
1938	School Refunding	1- 5	5,000.00		1,950.00	6,950.00
1938	School	1- 15	15,000.00		9,375.00	24,375.00
1939	School 2 1/4%					
			<u>\$253,500.00</u>		<u>\$260,010.00</u>	<u>\$513,510.00</u>
4% Revenue Bonds			345-389	\$ 45,000.00	\$ 11,140.00	\$ 56,140.00
3% Revenue Bonds			101-150	50,000.00	9,120.00	59,120.00
				<u>\$ 95,000.00</u>	<u>\$ 20,260.00</u>	<u>\$115,260.00</u>
				<u>\$348,500.00</u>	<u>\$280,270.00</u>	<u>\$628,770.00</u>

WHEREAS, such payments of bonds and interest coupons have been duly recorded on its bond registers and other books of account, and verified by the examination and audit of certified public accountants; 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 destroy or cause to be destroyed, by cremation in the City Incinerator, before witnesses, all such bonds and interest coupons having been fully recorded and verified as above stated.

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

Councilman Gillis moved that the following applications for licenses to operate private boats on Lake Austin be approved, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Boy Scouts of America, Troop No. 7	Home-made, New, "Miss Jaycee", 6-passenger
Cox, Gilbert M. - 1005 West 6th Street	Neptune, Outboard, 1938 Model, 4-passenger
Crowder, E. B. 510 Scarbrough Bldg.	Outboard, 1940 Model, 4-passenger
Henry, R. J. 705-B Sparken Avenue	Dixie, Outboard, 1938 Model, Evenrude, 4-passenger
Merrill, R.E. 4308 Avenue D	Welch, Inboard, 1940 Model, "Joanne", 6-passenger
Severn, H.F. No. 7 Niles Road	Chris-Craft, Inboard, 1938 Model, Cabin, 11-passenger
Sunday, J.A. 4308 Avenue G	Home-made, Flat-bottom, V-front, Neptune, 3-passenger
Wiedemann, Arnold Flatonia, Texas	Home-made, Inboard, 1939 Model, 5-passenger
Williams, J.E. Star Route B, Box 116, Austin, Texas	Home-made, Flat-bottom V-front, "Dean", 4-passenger

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

Councilman Gillis moved that the following applications for licenses to operate commercial boats on Lake Austin be approved, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1939 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model, 4-passenger

Burns, Jim - Deep Eddy Store

Fishing Boat, 1940 Model 4-passenger

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

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Tom Miller.  
Mayor.

Attest:

Wallie McFellan  
City Clerk

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 18, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, July 18, 1940, at 10:35 A. M., with Mayor Pro Tem Wolf presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem Wolf; absent, Mayor Miller.

The Minutes of the regular meeting of July 11, 1940, were read and upon motion of Councilman Bartholomew were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN PORTIONS OF A ROAD KNOWN AS NOLEN STREET, WHICH PORTIONS ARE IN THE CITY OF AUSTIN, TEXAS, LYING BETWEEN MANOR ROAD AND CAMERON ROAD.

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