

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 20, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, January 20, 1940, at 10:40 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 June 13, 1940, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

C. C. Johnson, et al., submitted a request for the paving of a portion of Avenue B. The matter was referred to the City Engineer, with instructions to proceed with the work in the usual manner.

The following resolution was introduced by Councilman Gillis:

WHEREAS, the City of Austin is the holder of the hereinafter described land and desires to construct and perpetually maintain a sanitary sewer in, upon and across said land; and

WHEREAS, for the purpose of making the location of said sanitary sewer definite and certain and for the further purpose of giving any future purchaser of said land from said City of Austin, or its successors or assigns, in the event the City of Austin should part with title to same, notice of the location of the hereinafter described sanitary sewer, and to make the easement granting same a covenant running with the land;

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

THAT a sanitary sewer be constructed in, upon and across a tract of land, being the west five (W.5) feet of Lot 2, Block B, of Driving Park Addition No. 2, in Outlet No. 62, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Driving Park Addition No. 2 of record in Book 2 at page 240 of the Plat Records of Travis County, Texas, which Lot 2 and other property was conveyed to the City of Austin by W. A. Alff by deed of date May 28, 1923, of record in Volume 350, at page 266, of the Deed Records of Travis County, Texas.

BE IT FURTHER RESOLVED:

THAT the City of Austin reserves the right and same shall be a covenant running with the land should it be hereafter conveyed or sold by said City of Austin, or its successors or assigns, to hold said sanitary sewer perpetually, together with the rights and privileges at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said sanitary sewer and for making connection therewith, all upon the condition that said City of Austin, in the event it has parted title to said land, will at all times, after doing any work in connection with the construction or repair of said sanitary sewer, restore said premises to the condition in which same were found before said work was undertaken, and that in the use of said rights and privileges herein granted, the City of Austin will not create a nuisance or do any act that will be detrimental to said premises.

BE IT FURTHER RESOLVED:

THAT the City Clerk of the City of Austin is hereby authorized and directed to have a certified copy of this resolution duly recorded in the office of the County Clerk of Travis County, Texas.

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

The written application of Sam G. McDonald, by his attorney, T. A. Tyler, for a change in zoning of Lots 15 and 16, Block 45, Division "D", of the City of Austin, from First Height and Area District

to Second Height and Area District, was received.

Councilman Gillis moved that the matter be referred to the Board of Adjustment for consideration and recommendation, and that a public hearing on same be called for Thursday, July 11, 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 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 FLORES STREET from a point 103 feet west of San Marcos Street westerly 58 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said Flores Street.

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

- (2) A gas main in BOWMAN AVENUE from a point 204 feet west of Hopi Trail westerly 576 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 Bowman 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 replacements 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, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, R. G. Mueller is the owner of Lots 1, 2, 3, and 4, Block 7, of Oakmont Addition to the City of Austin, Travis County, Texas, which property is situated at the northwest corner of Jefferson Street and State Street; and

WHEREAS, the said R. G. Mueller has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the north side of State Street and to build commercial driveways in conjunction therewith and to build commercial driveways across the west sidewalk area of Jefferson Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveways, which plan is hereto attached marked 2-H-696 and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT R. G. Mueller, owner of Lots 1, 2, 3, and 4, Block 7, of Oakmont Addition to the City of Austin, Travis County, Texas, which property is situated at the northwest corner of Jefferson Street and State Street, is hereby granted permission to set the curb back from the established curb line on the north side of State Street and to build commercial driveways across the north sidewalk area of said State Street in conjunction therewith and to build commercial driveways across the west sidewalk area of Jefferson Street adjacent to the above described property.

Permission to construct the above described curb setback and commercial driveways is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-696 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on State Street shall be carried out in accordance with the accompanying plan marked 2-H-696 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2 $\frac{1}{2}$ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than $\frac{3}{4}$ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-696.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

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

A written communication from Mrs. E. T. Miller, withdrawing her petition for a change in zoning of her property at 2620 Salado Street, was received.

The public hearing on the change in zoning, from "A" Residence District to "C" Commercial District, of the property of H. E. Martin at the northeast corner of the intersection of South First and Live Oak Streets, in South Austin, known as Lot 1, Block 3, Davis & Dawson Addition, which was continued from the last regular meeting, was continued to the next regular meeting.

Councilman Bartholomew 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>
Achilles, William O. - 306 East 34th Street	Dixie, Outboard, Skipper, 1940 Model, Evinrude, 6-passenger
Brown, Joe M. - 502 East 42nd Street	Star, Outboard, Tom Boy, 1940 Model, six-passenger
Dixon, Van - 310 West 11th Street	Home-made, Bow and Outboard, Fish Boat, 1940 Model, 6-passenger
Goeth, Ralph C.- 609 Guadalupe Street	Tips Engine Works, Inboard, Cruiser, 1940 Model, 8-passenger
Lock, Lathé - 1708 Riverview	Home-made, Outboard, 1938 Model, "Bep and Depsey", 4-passenger
Moore, Dr. F.N.- 1106 Woodland	Dixie, Outboard, 1939 Model, "Aunt Jennie", 4-passenger
Stewart, David - 1706 West 6th Street	Home-made, Sail, Snipe, 1940 Model, 2-passenger
Stewart, Weldon- 1706 West 6th Street	Home-made, Outboard, Fishing, 1940 Model, 4-passenger
Stringer, T. S.- 802 Christopher Street	Outboard, two-years old, 4-passenger
Spore, Harry B.- Box 373, Route 2	Home-made, Outboard, Flat-bottom, 1938 Model, 5-passenger
Sturdivant, Richard- 1007 West 5th Street	Home-made, Sail and Row, Skiff, 1940 Model, "Skate", 4-passenger

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.

Councilman Bartholomew moved that the following application for license to operate a private boat below the Austin Dam be granted, subject to the approval of the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Yancey, M. L. - 4607 Avenue B, Hyde Park	Flat-bottom Fishing Boat, eight months old, 3-passenger

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 following ordinance was introduced by Councilman Gillis:

AN ORDINANCE RELEASING THE PAVING ASSESSMENT AND LIEN FOR STREET AND ALLEY IMPROVEMENTS AGAINST LOTS 1 AND 2, BLOCK 149, OF THE ORIGINAL CITY OF AUSTIN, TEXAS.

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

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

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.

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:

Walter M. Green
City Clerk