

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 12, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, September 12, 1940, at 11:00 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 meeting of September 5, 1940, were read, and upon motion of Councilman Alford, seconded by Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Mr. A. S. Hall, Chairman of the Engineering Committee of the Chamber of Commerce, came before the Council and expressed the thanks of said organization for the recent action of the City Council authorizing the installation of street markers.

A committee from the Junior Chamber of Commerce presented to the City Council a resolution asking that said organization be authorized to organize a Citizens Fire Prevention Council for the purpose of an educational campaign for the prevention of fires. The Committee were assured that the City would cooperate in the matter.

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 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 Roland R. Freund, requesting a change in the Use designation of the following property:

Property at the southeast corner of the intersection of 34th Street and Shoal Creek Boulevard, fronting 143.42 feet on 34th Street and 162.32 feet on Shoal Creek Boulevard

from "A" Residential District and First Height and Area District to "C" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment carefully considered this application at several meetings and viewed the site to determine the condition surrounding the property, the trend of development in this neighborhood, and otherwise considered the matter in the light of the Master Plan for the City of Austin and 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 be for the benefit of an individual only and would constitute a spot zone.

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

That there is now a community center at the intersection of Jefferson Street and 34th Street and another one approximately two blocks to the east thereof on 34th Street between San Gabriel and Pratt Streets.

That this property is located at the intersection of West 34th Street and the extension of Shoal Creek Boulevard and there is now a new bridge across Shoal Creek at this intersection and there is a considerable grade on West 34th Street eastward, all of which conditions would tend to create traffic hazards and congestions at this point should a filling station be built at this property.

That since this property is located on the Shoal Creek Boulevard and the property to the west of the Boulevard is now owned by the City of Austin and since in a recent election the citizens of Austin expressed themselves as being opposed to commercial developments along Shoal Creek Boulevard between 12th Street and 29th Street.

That there is no material difference between one section of the Boulevard and another section and it being the will of the people that one section be restricted against commercial

developments, it is logical to apply the same restrictions to other sections of the Boulevard since all the property fronting on the Boulevard is of like character, being now zoned for residential purposes.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kushne. "

The following report of the Board of Adjustment was received:

" September 11, 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 September 10, 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 Robert Waterston requesting a change in the Use designation of the following described property from "B" Residence District to "C" Commercial District:

Property fronting 237'5" on West Lynn Street, between
Waterston Street and West 14th Street, for a depth
of 150 feet;

and

WHEREAS, the Board of Adjustment held a hearing on this petition on September 10, 1940, at which hearing no one was present to represent the petitioner; and

WHEREAS, at this public hearing, W. E. Seaholm, owner of property to the north of the petitioner's property, was present opposing the proposed change; and

WHEREAS, the Board of Adjustment carefully considered this requested 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; 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 a study of this neighborhood does not indicate that there is any public need for additional commercial property at this location since there is a 6-block frontage on West Lynn Street at the present time, a large majority of which is undeveloped as commercial property and available for further commercial expansion.
2. That the present classification as "B" Residence District is not confiscatory in relation to this property, nor detracts from its value for development for the uses permitted in such a district since the property is not surrounded by business buildings but with considerable residential development, and that a more desirable development of this property is for "B" Residence purposes such as apartments.
3. That the adjacent property owners in the existing "B" Residence District have certain rights and interests in the classification of their properties and in the enjoyment of the same unless a general and more extended change in conditions occurs and the exhaustion of the present commercial district tends to a natural expansion of this district.
4. That there is now a congestion of traffic at this location on account of the narrow street and the flow of traffic to and from the Mathews School south of this location, and the creation of additional commercial district would tend to increase the traffic hazard.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

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

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

The property at the southeast corner of the intersection of 34th Street and Shoal Creek Boulevard, fronting 143.42 feet on 34th Street and 162.82 feet on Shoal Creek Boulevard.

To amend the USE designation of the following described property so as to change same from "B" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District;

The east 150 feet of the Waterston property between Waterston Street and West 14th Street, and abutting 237'5" on West Lynn Street.

Mrs. Roland Freund, representing Roland Freund, proponent of the change in zoning at the southeast corner of 34th Street and Shoal Creek Boulevard, appeared and plead for the change.

A written communication from George A. Freund, owner of adjoining property on both sides, approving the change, was received.

No one appeared to protest the proposed change, and the hearing was continued to the next meeting.

Mr. J. B. Riley, representing Robert Waterston, proponent of the change in zoning of the Waterston property abutting West Lynn Street between Waterston Street and West 14th Street, appeared and plead for the change on the grounds that the adjoining property and the property across the street are zoned as commercial property; and that, due to this fact, and the fact that there is a colored subdivision to the southwest, it is impossible, under a Residential "B" classification, for his client to sell his property, which must be sold to pay back taxes and satisfy a paving lien.

Mrs. B. F. Williams, 1628 Palma Plaza, appeared and protested the proposed change in zoning of the Waterston property, on the ground that when she bought her property it was in a restricted district and she does not want to see it changed to business.

No one else appeared to protest the proposed change, and the hearing was continued to next meeting.

Mr. B. D. Gilliland submitted a request for a loading zone at his place of business, 126 West Fifth Street. The matter was referred to the City Manager and the Police Department for attention.

A committee, composed of W. C. Wray, C. B. Hood, A. W. Turner, and Mrs. Ben Lansy, submitted a petition signed by a large number of property owners in Rosedale, asking for a storm sewer in the area of 46th and 47th Streets from Burnet Road to Shoal Creek.

The committee were advised that plans were under way for a swimming pool for this section, costing approximately \$6000; but that their request for a storm sewer would be granted if it is possible to make an appropriation for same in next year's budget.

Councilman Alford moved that the following application for a license to operate a private boat on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Page, John Watt, Jr. -Camp Mabry	Home-made, Canoe, 5 years old, "Topsy" 2-passenger

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

Councilman Alford moved that the following applications for licenses to operate commercial boats below the Dam be granted, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Arnold, Jim - Route 2, Box 256, Austin-	Home-made, Row Boat, 1939 Model, Flat-bottom, 3-passenger
Arnold, Jim - Route 2, Box 256, Austin-	Home-made, Row Boat, 1939 Model, Flat-bottom, 3-passenger

The motion was seconded by Councilman Gillis, and the same 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 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 HARTFORD ROAD from a point 83 feet north of Windsor Road northerly 1486 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 Hartford Road.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (2) A gas main in HARTFORD ROAD from Ethridge Avenue south 275 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the west property line of Park.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (3) A gas main in JEFFERSON STREET from Ethridge Avenue to Gaston 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 Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (4) A gas main in JEFFERSON STREET from Gaston Avenue to Westover Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (5) A gas main in JEFFERSON STREET from Westover Road to Northwood Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (6) A gas main in JEFFERSON STREET from Northwood Road to Mohle Drive, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (7) A gas main in JEFFERSON STREET from Mohle Drive to West 29th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (8) A gas main in JEFFERSON STREET from West 29th Street to West 30th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (9) A gas main in JEFFERSON STREET from West 30th Street to West 32nd Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (10) A gas main in JEFFERSON STREET from West 32nd Street to West 33rd Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (11) A gas main in JEFFERSON STREET from West 33rd Street to West 34th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jefferson Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (12) A gas main in BOWMAN AVENUE across Exposition Boulevard 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 Bowman Avenue.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (13) A gas main in EXPOSITION BOULEVARD 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 Exposition Boulevard.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (14) A gas main in AVENUE H from a point 165 feet south of East 54th Street northeasterly across street to point, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Avenue H.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (15) A gas main in EAST 35TH STREET from Speedway to Helms Street, the centerline of

which gas main shall be 18 feet south of, and parallel to, the north property line of said East 35th Street.

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

- (16) A gas main in HELMS STREET across East 35th Street intersection, the center-line of which gas main shall be 7 $\frac{1}{2}$ feet west of, and parallel to, the east property line of said Helms Street.

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

- (17) A gas main in GRIFFITH STREET across East 35th Street intersection, the center-line of which gas main shall be 13 feet west of, and parallel to, the east property line of said Griffith 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 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 Gillis:

WHEREAS, the Austin Allright Parking Company, acting by and through Spencer J. Scott, lessee from E. J. Lund of portions of Lots 11 and 12, Block 82, of the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of the intersection of West Eighth Street and Lavaca Street within the City of Austin, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of West Eighth Street and across the east sidewalk area of Lavaca 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-C-889, and made a part hereof; and

WHEREAS, said request 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 Austin Allright Parking Company, acting by and through Spencer J. Scott, lessee from E. J. Lund of portions of Lots 11 and 12, Block 82, of the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of the intersection of West Eighth Street and Lavaca Street within the City of Austin, is hereby permitted to construct a commercial driveway across the south sidewalk area of West Eighth Street and across the east sidewalk area of Lavaca 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-C-889, 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 Gillis, the 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 the application of Wallace A. Tidwell, 1405 Guadalupe Street, for a permit to drive a taxicab be granted, as recommended by the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford moved that the application of John Espy Hacker, 106 East Second Street, for a permit to drive a taxicab be granted, as recommended by the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford moved that the application of Walter Owens for a license to operate a taxicab be granted, as recommended by 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 Gillis:

WHEREAS, heretofore by dedication of a plat as recorded in Book 4, page 12, of the Plat Records of Travis County, Texas, an easement for all public utilities of three feet on either side of the dividing lines and on all the back lines of all lots in Bryker Woods "B" Addition to the City of Austin, Travis County, Texas, was granted to the City of Austin; and

WHEREAS, by deed dated September 9, 1939, recorded in Book 623, pages 465-467 of the Deed Records of Travis County, Texas, portions of Lots 10 and 11, in Block 3, of said Bryker Woods "B" were conveyed to W. E. Marshall and wife, Lois Cox Marshall, by W. M. Graham; and

WHEREAS, it has become apparent that the City of Austin does not now need or desire the easement hereinabove referred to along the common line between Lots 10 and 11, but does need and desire a similar easement along the boundary lines of said portions of Lots 10 and 11 as conveyed to the said W. E. Marshall and wife, Lois Cox Marshall; 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, Texas, to release and quitclaim the following easement:

The south 62.22 feet of the north 65.22 feet of the west 3 feet of Lot 10 and the south 62.22 feet of the north 65.22 feet of the east 3 feet of Lot 11 of Bryker Woods Addition "B", a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, according to a map or plat of said Bryker Woods Addition "B" of record in Book 4, at page 12, of the Plat Records of Travis County, Texas.

And simultaneously to accept for the City of Austin in lieu of the above easement an easement to be described as follows:

A strip of land 3 feet wide by 62 feet in length and being a portion of Lot 10 in Bryker Woods Addition "B", a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, according to a map or plat of said Bryker Woods Addition "B" of record in Book 4, at page 12, of the Plat Records of Travis County, Texas, which strip of land herein referred to is the south 62 feet of the east 3 feet of that certain tract or parcel of land conveyed to the said W. E. Marshall and wife, Lois Cox Marshall, by W. M. Graham, by deed of date September 9, 1939, of record in Book 623, at pages 465-467, of the Deed Records of Travis County, Texas, the east side of said strip of land being 46.16 feet east of, and parallel to, the west line of said Lot 10 and shall begin at a point 3 feet south of the north line of said Lot 10 and extend in a southerly direction for a distance of 62 feet.

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

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN PORTIONS OF WEST 33RD STREET IN THE CITY OF AUSTIN, TEXAS, LYING EAST OF THE EAST LINE OF CHURCHILL DRIVE AS SHOWN UPON THE MAP OR FLAT OF WESTWOOD RIDGE ADDITION OF RECORD IN BOOK 4, AT PAGE 127, OF THE FLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND RELINQUISHING ANY AND ALL INTEREST, RIGHT, TITLE OR CLAIM OF THE CITY OF AUSTIN IN AND TO SAID PORTIONS OF WEST 33RD STREET.

The ordinance was read the first time and laid over.

Upon motion, seconded and carried, the meeting was recessed at 12:05 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Hallie McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 19, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, September 19, 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 September 12, 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.

Jesse J. Bartlett, Attorney for the Owl and Congress Taxicab Companies, came before the Council and asked that the quota for taxicabs be raised to eighty-five on account of the increase in business since the opening of the University of Texas.

Councilman Wolf moved that the request be granted, and that the quota for taxicabs be raised from seventy-five to eighty-five. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor publicly expressed the thanks and gratitude of the City Council to the representatives of the Insurance Companies present for their efforts in submitting bids on the Pension and Retirement System for City Employees, but stated that the City, however, had concluded to handle the matter itself.