

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 M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 8, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 8, 1941, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of May 1, 1941, 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.

A committee from the Travis County Humane Society, with Mrs. Noyes D. Smith and Mrs. R.M. Hamby as spokesmen, submitted a proposal for the building of a Youth Center under the sponsorship of said organization, said proposal being, substantially, that the Society furnish the house and lot, located at the corner of 2 $\frac{1}{2}$  and Canadian Streets, donated by E. H. Perry; and that the City bear the cost of repairs to the building, consisting of an addition of one room for a game room and various equipment, totaling \$1387.

After some discussion, the committee were advised that the house and lot would first have to be deeded to the City before the City could spend money legally on the project, and that if this is done, the City would probably furnish the amount asked for; and the committee were further advised to work out the details of the matter with the City Manager and the City Attorney.

A committee from the Junior Chamber of Commerce, with Taylor Glass, President, as spokesman, submitted to the Council the following proposal in writing:

" Realizing a need of a baseball park in our good City that can be used by amateurs, semi-pro, and professional teams, a group of Austin men have met and formulated a plan to get a park constructed in Austin. This group is now in the process of forming an organization to be known as the Jaycee Sports Association. It is to be a non-profit Association, sponsored by the Austin Junior Chamber of Commerce. The purpose is two-fold:

First: To get a baseball park in Austin, and

Second: To promote baseball, both amateur and professional, feeling that our

City will benefit from same.

With this purpose in mind, we offer to you, Gentlemen of the Council, the following proposition: If the City will build a baseball park costing \$32,000, the Jaycee Sports Association will raise \$16,000 to apply on the indebtedness. In addition to raising the \$16,000, the Jaycee Sports Association will enter into a long-time lease arrangement with the City, with an annual payment large enough to pay off the balance of the indebtedness which the City will incur. We are confident the City can arrange an amortized loan at a fair rate of interest to be liquidated yearly from the rental of the park to the Association. When the loan has been paid, the City will have a baseball park that hasn't cost the taxpayers of Austin one red penny. "

After considerable discussion, it was then moved by Mayor Miller that the City Manager and the City Attorney be authorized to draw up an agreement between the City of Austin and the Junior Chamber of Commerce to the effect that the Junior Chamber of Commerce agrees to raise the sum of \$16,000, said amount to be paid into the City Treasury, without any restrictions, and to furnish a holding company to lease the baseball park from the City of Austin for a period of years, at a yearly rental sufficient to amortize the indebtedness; and the City of Austin then agrees to build said baseball park, at a cost not to exceed \$32,000. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Mr. Horace Walker submitted a request that the City contribute the sum of \$106.33, being the amount unscrubbed by the property owners, for the topping of Alta Vista Street south of Riverside Drive. The matter was referred to the City Manager for attention.

The following resolution was introduced by Councilman Gillis:

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 consideration of the payment of all taxes involved in suit No. 45824, styled City of Austin vs. Margaret L. Webb, in the District Court of Travis County, Texas, owing to the City of Austin, upon the property hereinafter described, and the payment of all court costs in said suit, to execute a quitclaim deed, quitclaiming to Murray Graham, of Travis County, Texas, all right, title, and interest of the City of Austin in Lots 6 and 7, in Block 17, Hyde Park Addition No. 1, in the City of Austin, Travis County, Texas, including all such right, title and interest which the City of Austin acquired in said property by reason of the aforesaid suit, the judgment of foreclosure therein, and the sale of such property to the City of Austin thereunder.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, 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 City Manager be, and he is hereby, authorized and directed on behalf of the City of Austin to enter into a contract with M. H. Crockett for the disposition of surface waters at the intersection of Riverside Drive and Barton Springs Road and for the paving of a segment of said Riverside Drive abutting upon property owned by said M. H. Crockett between South Congress Avenue and Barton Springs Road, substantially according to the terms and provisions of a proposed contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Contract  
Attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This CONTRACT and AGREEMENT is made and entered into by and between the City of Austin, a municipal corporation, situated in Travis County, Texas, hereinafter referred to as the City, and M. H. Crockett, of Austin, Travis County, Texas, for and in consideration of the mutual agreements, conditions and terms hereinafter contained, WITNESSETH:

The City agrees to pave or hard-surface that portion of Riverside Drive lying between

South Congress Avenue and Barton Springs Road, in the City of Austin, Travis County, Texas, and adjoining property owned by the said M. H. Crockett, and agrees further to install surface water intakes at such points along the said portion of Riverside Drive as are deemed necessary by the City, to drain surface waters from the said street in a southerly direction toward or into such natural drains as lie on or across the property owned by M. H. Crockett and abutting said Riverside Drive from South Congress Avenue to Barton Springs Road.

The City further agrees to assume that portion of the expense of such paving or hard surfacing as would be chargeable or assessable against said M. H. Crockett, or his property.

The said M. H. Crockett agrees that such surface waters may be directed toward, onto, or across his said property by the City in whatever amounts may be deemed necessary by the City to drain surface waters from the surrounding area.

The said M. H. Crockett further agrees to hold the City harmless from any claims or causes of action which may accrue in favor of any person by virtue of such person owning any interest in the said Crockett property while this contract remains in effect.

This contract and agreement shall be for a period of five years from the date of execution hereof.

IN TESTIMONY WHEREOF, the City of Austin has caused these presents to be signed by Guiton Morgan, its City Manager, thereunto duly authorized by the City Council, and its seal affixed hereunto, attested by the City Clerk, and the said M. H. Crockett hereunto subscribes his name, this the \_\_\_\_\_ day of May, 1941.

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

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 Councilman Alford:

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

THAT the sum of \$500 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of sending one member of the Police Department to the Police School of the Federal Bureau of Investigation for three months.

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 Bartholomew:

WHEREAS, Checker Front Stores, Inc., acting by and through Ed Westling, General Manager, lessee from Karl Wiederman of Lot 4, Block 19, of Swisher Addition, which property abuts the west side of South Congress Avenue at a location north of West Monroe Street within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of South Congress Avenue adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-0-919, and made a part hereof; and

WHEREAS, said request and plan have 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 Checker Front Stores, Inc., acting by and through Ed Westling, General Manager, lessee

from Karl Wiederman of Lot 4, Block 19, of Swisher Addition, which property abuts the west side of South Congress Avenue at a location north of West Monroe Street within the City of Austin, Travis County, Texas, is hereby permitted to construct a commercial driveway across the west sidewalk area of South Congress Avenue, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints, as shown upon the plan marked 2-C-919, 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 Bartholomew, 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 Alford:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks, and ramps of other materials; and

WHEREAS, James S. Swearingen, owner of Lot 3 of Hillview Oaks, a subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Meadowbrook Drive at a location south of Gilbert Street and being locally known as 2101 Meadowbrook Drive, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the property line to the curb line adjacent to the above described property; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT James S. Swearingen, owner of Lot 3, of Hillview Oaks, a subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Meadowbrook Drive at a location south of Gilbert Street and being locally known as 2101 Meadowbrook Drive, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location, and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer 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 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:

A gas main in SOUTH 1ST STREET from West Johanna Street to Barton Springs Road, the centerline of which gas main shall be 7½ feet west of, and parallel to the east property line

of said South 1st Street.

Said gas main described above shall have a covering of not less than 2½ 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The written application of T. J. Caldwell for a change in zoning, from "C" Commercial District to "D" Industrial District, of Lots Nos. 1, 2, 3, and 4, and the north half of Lots 13 and 14, in Block 2, Subdivision of Outlot No. 11, Division "Z", known as the Caldwell Homestead at the corner of West Sixth and Crockett Streets, and fronting 208 feet on West Sixth Street and 208.7 feet on Crockett, or Baylor, Street, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation; and a public hearing set for May 29th next.

It was moved by Councilman Alford that the application of Ludwick Joe Pavlas, Route 1, Smithville, Texas, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Bartholomew that the following applications for license to operate private boats 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>
Hengy, Geo. C. - 2902 Enfield Road	Dixie, 1940 Model, Johnson, Outboard, 8-passenger
Lyles, Bob J. - 1000 Rio Grande Street	Pan Yam, Outboard, 1941 Model, Johnson, 4-passenger
Lynn, H. M. - 3216 Harris Park Avenue	Home-made, 1938 Model, Johnson, 5-passenger
Lynn, H. M. - 3216 Harris Park Avenue	Old-time Canoe, 1938 Model, Hold-lite, 3-passenger
Richardson, Keet - 700 Henderson Street	Home-made, Outboard, 1938 Model, Cypress, 5-passenger
Robertson, H.L. - 502 Academy Drive	Home-made, Flat-bottom, New, 4-passenger
Roper, C. H. - 103½ East 6th Street	Home-made, Outboard, Sea King, 5-passenger
Sunday, J. A. - 4100 Ramsey Avenue	Home-made, Semi-round, New, 6-passenger
Sunday, Robert - 4100 Ramsey Avenue	Home-made, Flat-bottom, 3-passenger
Tips Engine Works- 300 Crockett Street	Cabin Cruiser, 1941 Model, Inboard, Kermath, 14-passenger
Zepplin, Harry - 1111 N. Main Street, Taylor, Texas	Home-built, Outboard, 1939 Model, Evenrude, 4-passenger

The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller;

nays, none; Councilman Wolf absent.

It was moved by Councilman Bartholomew that the following application for license to operate a commercial boat 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>
Dillingham, C. - 2401 Lake Boulevard	Wood, Open, 1940 Model, Hornet, Chevrolet 6-passenger

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

It was moved by Councilman Alford that the applications of Charles Wheeler Sturdivant, 1007 West 5th Street, and of Cecil Dillingham, 2401 Lake Boulevard, for commercial pilot's licenses be granted, subject to the approval of same by the Lake Austin Navigation Board. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

It was moved by Councilman Alford that Frank Bartley be reappointed as Deputy Clerk of the Corporation Court. The motion prevailed 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  
March 27, 1941

The Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a copy of a resolution which was passed by the Board of Adjustment at a meeting held on March 27, 1941, 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 J. C. King, James E. Dye, and Calcasieu Lumber Company requesting a change in the Use designation of the following property:

Both sides of Alice Avenue in the 4300 block, as shown on the attached plat,  
from "A" Residence 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 a meeting held on March 27, 1941; and

WHEREAS, at this hearing three written petitions, the same being attached hereto, were filed with the Board protesting the granting of this change and a number of other property owners adjacent and near this property appeared and protested this change; and

WHEREAS, it was brought out in the hearing that the reason for requesting this change was for the purpose to effect sales of the property involved, the appellant contending that the property could not be sold except as commercial property; and

WHEREAS, the Board viewed the property and carefully considered the conditions surrounding the property and found that there are twelve (12) lots now zoned for commercial uses which are undeveloped and not so used and that there are now two grocery stores and other businesses at this location which adequately serve the needs of the surrounding community and that this application is not based on any public need or necessity for additional commercial property, but principally to promote the sale of the property; therefore,

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

THAT the change of the above described property be not recommended to the City Council and that the property remain in an "A" Residence District for the following principal reasons:

1. That a strong protest was registered by a number of adjacent property owners.
2. That there are now adequate commercial districts already provided for this neighborhood which have not yet been fully developed and offer considerable expansion to commercial uses which would be sufficient to provide for the needs of this area for considerable time.
3. That there is no need at the present time for enlarging these commercial areas.
4. That this petition is presented for the purpose of promoting the sale of the property by the present owners not for development by them in response to a general demand for additional commercial activities.

Respectfully submitted

BOARD OF ADJUSTMENT, By /s/ H. F. Kuehne, Chairman. "

It was the sense of the meeting that the foregoing matter be tabled without action, unless the property owners request a public hearing.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF ONE HUNDRED AND EIGHTY-FIVE AND 89/100 (185.89) ACRES OF LAND, BEING A PORTION OF THE THOMAS HAWKINS SURVEY AND THE J. C. HARRILSON SURVEY WITHIN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The Ordinance was read the second time and Councilman Gillis moved that 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 then laid over for its third reading.

The Mayor submitted to the Council a proclamation designating Sunday, May 13, 1941, as "I AM AN AMERICAN" DAY, which was approved by the Council.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie M. Keller  
City Clerk

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, May 9, 1941.

The City Council convened in recessed session in the Council Chamber at the Municipal Building on Friday, May 9, 1941, at 3:30 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

The Mayor stated that the meeting was called for the purpose of considering the temporary variations granted by the Board of Adjustment under the Zoning Ordinance for the sale of wine and beer in certain localities.

The temporary variation granted by said Board to S. P. Tadlock, owner, and Marvin Young and Louie Cawfield, lessees, of the premises at 2304<sup>South</sup>/Congress Avenue, for the retail sale of beer in connection with a restaurant at said address was then considered.

Mrs. May LaPrelle Price appeared and protested the variation on the grounds that the proposed business would be detrimental to the residential value of her property, and to that of her neighbors, who had signed a petition protesting the matter; and, further, that to allow a business of this

character would be in violation of promises heretofore given to property owners in LaPrelle Place.

It was the sense of the meeting that the City Council was under moral obligations to the property owners in question to keep any objectionable business out of LaPrelle Place; and, therefore, that the temporary variation for the sale of beer at the above location be cancelled.

The temporary variations granted by said Board for the sale of wine and beer at Lake View Inn, 3801 Lake Austin Boulevard; the Bright Spot, 3707 Lake Austin Boulevard; and Bowen's Drive-In Cafe, 2910 Guadalupe Street, were next considered.

It was the sense of the meeting that such temporary variations be allowed to stand, pending final disposition of the proposed amendment to the Zoning Ordinance creating a "C-1" Commercial District.

Upon motion, seconded and carried, the meeting was then recessed at 4:00 P. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 15, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 15, 1941, at 10:30 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 May 8, 1941, 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.

A large delegation of property owners residing in Tarrytown No. 4 and Sherwood Forest, with Mrs. M. W. Rogers, Jr., as spokesman, presented a petition asking for the immediate extension of the sanitary sewer lines to this section of the city in order to avert a health menace.

After considerable discussion, the matter was referred to the City Manager, the City Engineer, and the Superintendent of the Sewer Division for a study of the sewer budget to determine when this work could normally be done, and subsequently to meet with a smaller committee appointed by petitioners for a conference on the matter.

Mr. M. H. Crockett appeared and offered the suggestion that a petition be presented asking the Council not to lower light rates any more in order that more money be made available for needed