

The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Chairman.

Approved: Tom Miller.
Mayor

Attest:

Wallis McKeear
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 10, 1938.

The City Council of the City of Austin, Texas, met in regular session at the regular meeting place at the City Hall in said City, on February 10, 1938, at 10:00 A.M. The meeting was called to order by Mayor Tom Miller, and on the roll call the following members of the City Council were found to be present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf. The following member was absent, Councilman C. M. Bartholomew.

The reading of the Minutes was dispensed with.

The following resolution was introduced:

WHEREAS, taxes have been assessed against C. D. Kinney for the years 1925, 1926, 1927, and 1936, on Lots 17 and 18, Block 1, Plat 108-D, Barton Springs Park, in the City of Austin, Travis County, Texas, said taxes aggregating the sum of \$16.66, interest for non-payment thereof at maturity, \$10.66, and penalty assessed in the sum of \$.84 against said property, making a total taxes, penalty and interest, \$28.16; and

WHEREAS, it is deemed wise and equitable by the City Council to remit the sum of \$7.32 of said interest, and said penalty in the sum of \$.84, amounting to \$8.16 total remission; therefore,

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

THAT the interest on the aforesaid taxes in the sum of \$7.32, and said penalty in the sum of \$.84, making a total of \$8.16, is hereby remitted, on condition that said taxes be paid promptly, and the City Assessor and Collector of taxes is hereby authorized and directed to charge said sum of \$8.16, penalty and interest remitted off his rolls and to issue to said C. D. Kinney a receipt in full on the payment of

the sum of \$20.00 which will be accepted in full satisfaction of the aforesaid taxes, penalty and interest.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mr. Henry Wendlandt, Agent for Leon Johnson, together with Mr. L. O. Wells, appeared before the Council relative to the pending application of his client for a Wine and Beer Permit at 1011 East 11th Street.

The following report of the Board of Adjustment on the matter was received and read:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

In compliance with your request for a report from the Board of Adjustment concerning the application of Mr. Henry Wendlandt, Agent, for a wine and beer permit at 1011 East 11th Street, we beg to submit the following statement:

On January 31, 1938, the Board of Adjustment held a hearing on the appeal of Mr. Leon Johnson, lessee, from the decision of the Building Inspector in denying a permit to sell beer and wine at the above address. At this hearing, Mr. Henry Wendlandt, agent for the building affected, and Mr. L. O. Wells, representing certain beer distributing interests, also appeared before the Board on behalf of the appellant, Leon Johnson, negro. The appellant affirmed that he desired to operate a restaurant on the premises and serve beer and wine in connection therewith.

The Board found that this property is located in a "C" Commercial District and under the terms of the Zoning Ordinance, the sale of wine and beer is excluded from this district. The City Council created a "C-2" Commercial District in which this "Use" is permitted.

After hearing all the interested parties, the Board of Adjustment denied the appeal and sustained the decision of the Building Inspector for the reason that the Board of Adjustment has no authority to grant such a permit under the terms of the Zoning Ordinance as such a grant would virtually be amending the ordinance, which is a legislative act that only the Council can exercise.

It would be perfectly legal for the premises to be used for a restaurant but the sale of wine and beer is entirely illegal unless this property were located in a "C-2" Commercial District.

Changing the zoning designation of this single piece of property to a "C-2" Commercial District to permit the sale of wine and beer would be contrary to the purpose and intent of the law and would constitute an unwarranted case of spot zoning. Recurring amendments to the Zoning Ordinance changing the "Use" designation of individual lots or parcels of property is destructive to the integrity and soundness of the Zoning Ordinance and would virtually result in rendering it chaotic and for all intents and purposes null and void.

We trust that this report of the action of the Board of Adjustment will satisfactorily answer the inquiry of the Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman .

February 9, 1938.

A legal opinion of the City Attorney and statements from the Secretary of the Board of Adjustment and the Police Department were also submitted, following which the matter was taken under advisement.

A committee from the Northwestern Civic League, composed of H. F. Nitschke, Mrs. Wm. A. Harris, Joe Fritts, E. D. Barr, Calvin Preece, and others, came before the Council and asked for certain improvements in the northwestern part of the city; namely, more frequent collection of garbage, police protection, gravelling of streets, street lights on Alice Avenue from 38th to 48th Streets, the opening of West 43rd Street through to Alice Avenue and the development of the park; and the securing of right of ways for the opening of Shoal Creek Boulevard north. After discussion, the Committee were advised that their requests for garbage collection, police protection, gravelling and grading of streets, and street lights would be referred to the proper departments for immediate

attention, and the remaining requests would be taken under advisement.

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

To amend the USE designation of the following described property so as to change same from "B" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT: the south one-half of Block 181, Original City.

No one appeared to protest the proposed change.

The following report of the Board of Adjustment was then submitted:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on January 31, 1938, passed the following resolution, which is hereby 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 Board of Adjustment for its consideration a petition of the H. Becker Estate for a change in the "Use" District designation of the south one-half of Block 181, Original City, from Residence "B" to Commercial "C" District; and

WHEREAS, the Board of Adjustment at a meeting held on December 31, 1937, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the "Use" designation of the above described property be changed from "B" Residence District to "C" Commercial District and that this shall include the re-subdivided lot taken out of the rear of Lots 9 and 10 for the following reasons:

1. That the above request is for an extension of existing Commercial District as this property is practically now surrounded by commercial property, therefore would bring the use of this property into conformity with the adjacent property to the north and west thereof.

2. That all existing dwellings on this property have now been removed and the maintenance of the property for residential use is no longer equitable or necessary.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne , Chairman.

February 3, 1938. "

Councilman Wolf moved that the City Attorney be instructed to prepare an amendment to the Zoning Ordinance in accordance with the foregoing proposal. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The petition of Mr. R. Niles Graham for a re-zoning of Pease Estates Sections 2 and 3, and also his homestead, from Residence "A" to Residence "B" was received and referred to the Board of Adjustment for recommendation.

Councilman Alford moved that the taxicab driver's permit of Elmer Howard Rankin be revoked, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: James Robert Chaney, 3215 Ash Street; and James Herbert Harp, 5106 Red River Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf moved that Paul Reyes, 1603 East Sixth Street, be granted a license to operate as a taxicab a Fordor 1935 Ford, Factory No. 1279227, State Highway No. F69-684. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mr. E. H. Perry, Chairman of the Housing Authority of the City of Austin, appeared in person and submitted the following request in writing, which was received, read in full, and ordered filed:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

In view of the fact that the sites for the three racial housing projects selected by the Housing Authority of the City of Austin cover areas of varying "Use" District designations and height and area requirements, the Housing Authority of the City of Austin hereby respectfully requests the City Council to amend the Zoning Ordinance in the following particulars:

To change the "Use" District and Height and Area designations on all the property lying between Rosewood Avenue, Chicon Street, Hamilton Avenue, Bryan Street, and North-western Avenue, from "A" Residence, "C" Commercial and First Height and Area District as shown on the present Zoning Maps of the City of Austin to a Residence "B" District and Second Height and Area District;

To change the "Use" District and Height and Area designations of all that area bounded on the north by East 4th Street, as extended to Canadian Street and Santa Rita Street, and on the east by Perdenales Street, and on the south by a line parallel to and 150 feet north of East 1st Street and on the west by Navasota Street, from Heavy Industrial District, Light Industrial District, Residence "A" District, and Third Height and Area District and First Height and Area District as now shown on the Zoning Maps of the City of Austin to Residence "B" District and Second Height and Area District.

The above amendments are requested in order to bring the zoning of the areas occupied by the housing projects into conformity with the character of these projects to insure favorable consideration of these areas by the United States Housing Authority.

Respectfully submitted,

HOUSING AUTHORITY OF
THE CITY OF AUSTIN

By E. H. Perry
Chairman.

February 7, 1938.

Councilman Wolf then moved that the City Council hereby agrees to make changes in the Zoning Ordinance to protect the character of property that the Housing Authority of the City of Austin proposes to purchase for the low-income housing project, and instructs the City Manager to write a letter to said Authority notifying it of the Council's action. The motion was seconded by Mayor Miller. The question being put upon the adoption of the motion, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared such motion duly carried.

Councilman Wolf then introduced the following resolution, which was read in full, and considered:

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

THAT the bonds of the Housing Authority of the City of Austin which the City, by a resolution adopted at the meeting of the City Council on the 27th day of January, 1938, agreed to purchase shall bear an interest rate of at least 3% per annum; mature serially within 10 years from issue; be secured by a first lien on the revenues of the project for the construction of which they are issued on a parity with any other bonds issued by the Housing Authority; be payable, as to principal, prior to any other bonds of the issue; not exceed 10% of the total cost of the project; and be subject to the approval of the City Attorney as to the legality of the issue and the security for payment.

After discussion of the resolution, Councilman Wolf moved that said resolution be

finally adopted as introduced and read. The motion was seconded by Mayor Miller. The question being put upon the final adoption of the resolution, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The Mayor declared such motion carried and the resolution finally adopted.

Councilman Wolf then introduced the following resolution, which was read in full, and considered:

WHEREAS, the City Council, at a meeting held the 27th day of January, 1938, did resolve to cooperate with and assist the Housing Authority of the City of Austin in every way and specifically as therein provided; and

WHEREAS, the Housing Authority has requested the City to furnish the Housing Authority the usual municipal services and facilities of the City in the operation of a housing project consisting of an approximate total of 68 dwelling units to be constructed on a site of land bounded on the north by 4th Street, on the east by Chicon Street, on the south by 3rd Street, and on the west by Chalmers Street (being the city block included within the said streets); and

WHEREAS, the Housing Authority desires to enter into a contract with the City for the furnishing of such services and facilities by the City and has submitted an offer for the payment to the City of the sum of Two Hundred and Forty-six and 94/100 Dollars (\$246.94) per annum in consideration therefor; therefore,

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

SECTION 1. THAT the City of Austin enter into a contract with the Housing Authority whereby the City, in consideration of the payment of the sum of \$246.94 per annum, during the term of this Agreement, shall render and furnish to the Housing Authority, during the life of the project above described, all services and facilities usually furnished property owners in the City of Austin, including, but without limitation, the following services and facilities:

- (1) Fire and police protection
- (2) Collection of garbage and trash
- (3) Street lighting
- (4) Street maintenance, cleaning and repairs
- (5) Use of sewers
- (6) Adequate school facilities for children of tenants of the Housing Authority
- (7) Use by tenants of recreation areas, libraries, parks and other public conveniences maintained by the City.

In the event title to the said property is not acquired by the Housing Authority prior to January 1, 1939, the first payment shall be due on the 1st day of January following the year in which the title was acquired.

SECTION 2. The consideration paid by the Housing Authority shall be considered by the City as a payment in lieu of taxes, notwithstanding that the property of the Housing Authority is exempt from all taxation. The payment provided in Section 1 is intended to represent the City taxes assessed for the year 1937 upon the land (and buildings thereon) upon which the project is to be constructed.

SECTION 3. The Mayor is hereby directed to prepare a contract with the Housing Authority as provided in Sections 1 and 2 above, and upon approval of such contract by the City Attorney as to form, is hereby authorized to execute such contract on behalf of

the City of Austin.

After discussion of the resolution, Councilman Wolf moved that said resolution be finally adopted as introduced and read. The motion was seconded by Mayor Miller. The question being put upon the final adoption of the resolution, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The Mayor declared such motion carried and the resolution finally adopted.

Councilman Wolf then introduced the following resolution, which was read in full, and considered:

WHEREAS, the City Council, at a meeting held the 27th day of January, 1938, did resolve to cooperate with and assist the Housing Authority of the City of Austin in every way and specifically as therein provided; and

WHEREAS, the Housing Authority has requested the City to furnish the Housing Authority the usual municipal services and facilities of the City in the operation of a housing project consisting of an approximate total of 60 dwelling units for a Negro low-cost housing project covering an area of approximately 7 acres abutting Rosewood Avenue and Chicon Street; and

WHEREAS, the Housing Authority desires to enter into a contract with the City for the furnishing of such services and facilities by the City and has submitted an offer for the payment to the City of the sum of One Hundred Forty-eight Dollars and Thirty-nine Cents (\$148.39) per annum in consideration therefor; therefore

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

SECTION 1. THAT the City of Austin enter into a contract with the Housing Authority whereby the City, in consideration of the payment of the sum of \$148.39 per annum, during the term of this Agreement, shall render and furnish to the Housing Authority, during the life of the project above described, all services and facilities usually furnished property owners in the City of Austin, including, but without limitation, the following services and facilities:

- (1) Fire and police protection
- (2) Collection of garbage and trash
- (3) Street lighting
- (4) Street maintenance, cleaning and repairs
- (5) Use of sewers
- (6) Adequate school facilities for children of tenants of the Housing Authority
- (7) Use by tenants of recreation areas, libraries, parks and other public conveniences maintained by the City.

In the event title to the said property is not acquired by the Housing Authority prior to January 1, 1939, the first payment shall be due on the 1st day of January following the year in which the title was acquired.

SECTION 2. The consideration paid by the Housing Authority shall be considered by the City as a payment in lieu of taxes, notwithstanding that the property of the Housing Authority is exempt from all taxation. The payment provided in Section 1 is intended to represent the City taxes assessed for the year 1937 upon the land (and buildings thereon) upon which the project is to be constructed.

SECTION 3. The Mayor is hereby directed to prepare a contract with the Housing Authority

as provided in Sections 1 and 2 above, and upon approval of such contract by the City Attorney as to form, is hereby authorized to execute such contract on behalf of the City of Austin.

After discussion of the resolution, Councilman Wolf moved that said resolution be finally adopted as introduced and read. The motion was seconded by Mayor Miller. The question being put upon the final adoption of the resolution, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The Mayor declared such motion carried and the resolution finally adopted.

Councilman Wolf then introduced the following resolution:

WHEREAS, the City Council, at a meeting held the 27th day of January, 1938, did resolve to cooperate with and assist the Housing Authority of the City of Austin in every way and specifically as therein provided; and

WHEREAS, the Housing Authority has requested the City to furnish the Housing Authority the usual municipal services and facilities of the City in the operation of a housing project consisting of an approximate total of 55 dwelling units for a Mexican low-cost housing project adjacent to Perdenales Street and Santa Rita Street; and

WHEREAS, the Housing Authority desires to enter into a contract with the City for the furnishing of such services and facilities by the City and has submitted an offer for the payment to the City of the sum of Eighty-two Dollars and Six Cents (\$82.06) per annum in consideration therefor; therefore

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

SECTION 1. THAT the City of Austin enter into a contract with the Housing Authority whereby the City, in consideration of the payment of the sum of \$82.06 per annum, during the term of this Agreement, shall render and furnish to the Housing Authority, during the life of the project above described, all services and facilities usually furnished property owners in the City of Austin, including, but without limitation, the following services and facilities:

- (1) Fire and police protection
- (2) Collection of garbage and trash
- (3) Street lighting
- (4) Street maintenance, cleaning and repairs
- (5) Use of sewers
- (6) Adequate school facilities for children of tenants of the Housing Authority
- (7) Use by tenants of recreation areas, libraries, parks and other public conveniences maintained by the City.

In the event title to the said property is not acquired by the Housing Authority prior to January 1, 1939, the first payment shall be due on the 1st day of January following the year in which the title was acquired.

SECTION 2. The consideration paid by the Housing Authority shall be considered by the City as a payment in lieu of taxes, notwithstanding that the property of the Housing Authority is exempt from all taxation. The payment provided in Section 1 is intended to represent the City taxes assessed for the year 1937 upon the land (and buildings thereon) upon which the project is to be constructed.

SECTION 3. The Mayor is hereby directed to prepare a contract with the Housing Authority as provided in Sections 1 and 2 above, and upon approval of such contract by the

City Attorney as to form, is hereby authorized to execute such contract on behalf of the City of Austin.

After discussion of the resolution, Councilman Wolf moved that said resolution be finally adopted as introduced and read. The motion was seconded by Mayor Miller. The question being put upon the final adoption of the resolution, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The Mayor declared such motion carried and the resolution finally adopted.

Councilman Wolf introduced the following resolution, which was read in full, and considered:

WHEREAS, the Housing Authority of the City of Austin (herein called the "Authority") proposes to develop and administer a low-rent housing project (herein called the "Project") within the territorial limits of the City of Austin (herein called the "City"), including approximately 183 dwellings; and

WHEREAS, in connection with the development of the Project, the Authority desires to eliminate unsafe or insanitary dwellings situated within the territorial limits of the City substantially equal in number to the number of newly constructed dwellings to be provided by the Project; and

WHEREAS, the Authority has requested the City to cooperate with it and assist it in the elimination of such unsafe and insanitary dwellings; and

WHEREAS, there exist in the City unsafe or insanitary dwellings to a greater number than the number of new dwellings to be included in the Project and it is necessary and desirable that the City should eliminate such unsafe or insanitary dwellings to protect the health, safety and morals of the inhabitants of this City; and

WHEREAS, it is necessary that the present low-income occupants of unsafe or insanitary dwellings be provided with new dwellings at rentals they can afford to pay; and

WHEREAS, the City will directly benefit from the construction of new dwellings for families of low income and from the elimination of unsafe or insanitary dwellings within the City; now, therefore,

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

Section 1. That the City hereby determines that, for the purpose of aiding said Authority in its efforts to eliminate unsafe and insanitary dwellings in the City, the City shall cooperate with the Authority by eliminating some of the unsafe or insanitary dwellings within the territorial limits of the City, equal to or greater than the number of newly-constructed dwellings to be provided by the Project.

Section 2. That the City shall enter into a contract with the Authority substantially in the following form:

AGREEMENT BETWEEN THE CITY OF AUSTIN
AND THE HOUSING AUTHORITY OF THE CITY
OF AUSTIN

1. In consideration of the mutual promises of the City of Austin, Texas, (herein called the "City") and the Housing Authority of the City of Austin (herein called the "Authority") hereinafter set forth, the City and Authority agree as follows:

2. The City agrees to eliminate unsafe or insanitary dwellings of a number equal to or greater than the number of new dwellings to be provided in a low-rent housing project (herein called the "Project") to be developed by the Authority, less the number of unsafe or insanitary dwellings eliminated from the site of the Project by the Authority during the development of the Project.

3. The City agrees to eliminate such unsafe or insanitary dwellings within the territorial limits of the City.

4. The City agrees to eliminate such unsafe or insanitary dwellings in one or the other of the following ways, or partly in one of these ways and partly in another:

(a) By demolishing dwellings which are on land acquired by the City by purchase or otherwise, including demolition of such dwellings on land purchased for any public uses; or

(b) By causing the compulsory demolition, effective closing, repair or improvement of such unsafe and insanitary dwellings; or

(c) By inducing private owners voluntarily to eliminate such dwellings.

5. In computing the number of unsafe or insanitary dwellings eliminated under the terms of this Agreement, there shall be included all unsafe or insanitary dwellings eliminated under this Agreement from the date hereof; provided, however, that all unsafe or insanitary dwellings eliminated by the City prior to the date of this Agreement will be counted as elimination under this Agreement if the Authority is satisfied that such elimination was undertaken in anticipation of the execution of this Agreement.

6. In computing the number of unsafe or insanitary dwellings eliminated under the terms of this Agreement, the remedying of violations of local building codes or ordinances by compulsory action of the City, insofar as it results in the elimination of unsafe or insanitary dwellings, shall be considered as elimination. The voluntary remedying of such violations shall not be considered as elimination.

7. For the purpose of this Agreement a dwelling shall be considered unsafe or insanitary whenever by reason of dilapidation, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, it is detrimental to safety, health or morals.

8. The Authority agrees:

(a) To advise the officers in charge of appropriate departments of the City of the existence of any unsafe or insanitary dwellings in the City, which the Authority finds as a result of its surveys or studies;

(b) To make reports to the City, from time to time, regarding such matters;

(c) To cooperate with the City in securing the elimination of unsafe or insanitary dwellings required hereunder.

9. The City agrees to cause its officers in charge of appropriate departments to make reports through the City Manager to the Authority from time to time regarding:

(a) The action taken by the City in the elimination or repair of unsafe or insanitary dwellings hereunder;

(b) The dates of such action;

(c) The location of such dwellings; and

(d) The condition of such dwellings which made them unsafe or insanitary.

10. The Authority agrees that it will use its best efforts to develop the Project as rapidly as possible and to operate and maintain such Project for families of low income. The Authority agrees to keep the City fully informed as to the status of the Project.

11. The Authority and the City agree that the elimination undertaken and required hereunder shall be considered as a part of the Project.

12. The City agrees to complete the elimination required hereunder within two years from the date of physical completion of the Project.

IN WITNESS WHEREOF, the City of Austin, Texas, and the Housing Authority of the City of Austin have respectively caused this Agreement to be duly executed in triplicate as of the _____ day of _____, 19_____.

CITY OF AUSTIN

By _____
Mayor

HOUSING AUTHORITY OF THE
CITY OF AUSTIN

By _____
Chairman

(Seal)

Attest:

(Seal)

Attest:

Secretary

Section 3. That the Mayor and the Clerk of the City of Austin are hereby authorized to execute in triplicate a contract substantially in the form set forth in Section 2 hereof on behalf of the City.

After discussion of the resolution, Councilman Wolf moved that said resolution be finally adopted as introduced and read. The motion was seconded by Mayor Miller. The question being put upon the final adoption of the resolution, the roll was called with the following result: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The Mayor declared such motion carried and the resolution finally adopted.

Councilman Alford introduced the following resolution:

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, J. L. Joseph, owner of Lot 22, Block 6, of Edgemont Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of Northwood Road at a location west of Forest Avenue, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; 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 J. L. Joseph, owner of Lot 22, Block 6, of Edgemont Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of Northwood Road at a location west of Forest Avenue, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford introduced the following resolution:

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 MORNINGSIDE AVENUE from West 38th Street northerly 206 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west line of said Morningside Avenue.

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

(2) A gas main in HARMON AVENUE from East 46th Street north 163 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Harmon Avenue.

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

(3) A gas main in SOUTH 5TH STREET northerly 64 feet from a point 15 feet north of the north line of Christopher Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said South 5th Street.

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

(4) A gas main in AVENUE D northerly 80 feet from a point 176 feet south of the south line of West 46th Street, the centerline of which gas main shall be 12 feet east of and parallel to the west line of said Avenue D.

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

(5) A gas main in AVENUE H southerly 112 feet from a point 38 feet north of the north line of East 51st Street, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Avenue H.

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

(6) A gas main in EAST 51ST STREET across the Avenue H intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 51st Street.

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

(7) A gas main in JUNIPER STREET easterly 48 feet from a point 50' east of the east line of Waller Street, the centerline of which gas main shall be 10 feet south of and parallel to the north line of said Juniper Street.

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

(8) A gas main in COLUMBUS STREET from South 3rd Street westerly 48 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Columbus Street.

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

(9) A gas main in SOUTH 3RD STREET from Columbus Street northerly 53 feet, the centerline of which gas main shall be 17½ feet west of and parallel to the east line of said South 3rd Street.

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

(10) A gas main in TERRACE DRIVE from East Side Drive westerly 69 feet, the centerline of which gas main shall be 19 feet south of and parallel to the

north line of said Terrace Drive.

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

(11) A gas main in EAST SIDE DRIVE from Terrace Drive south 60 feet, the centerline of which gas main shall be 17½ feet east of and parallel to the west line of said East Side Drive.

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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf introduced the following resolution:

WHEREAS, in Book 3, at page 26 of the Plat Records of Travis County, Texas, there appears a map of a subdivision of land known as Walsh Place on Lake Austin; and

WHEREAS, said subdivision of land is designated by blocks numbered 1 to 11, both inclusive; and

WHEREAS, an alley 20 feet in width traverses Blocks 1, 2, and 3, as shown upon said map or plat of Walsh Place on Lake Austin, which alley referred to is the alley extending in an east-west direction and being 128 feet north of and parallel to Magnolia Street, said Magnolia Street being known today as Enfield Road and said alley being known today as Enfield Road Alley; and

WHEREAS, it is deemed advisable by the City Council of the City of Austin to vacate said alley; therefore

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

THAT that certain alley 20 feet in width traversing Blocks 1, 2, and 3, of Walsh Place on Lake Austin, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said subdivision appearing of record in Book 3, at page 26, of the Plat Records of Travis County, Texas, is hereby closed and vacated for all purposes except that of the construction, maintenance and operation of gas lines, water lines, power and electric lines, sanitary sewer lines, storm sewer lines, and telephone and telegraph lines, and the right is hereby reserved by the City of Austin to enter said alley at any and all times for the purposes of constructing, maintaining or operating the above utilities.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, in Book 3, at page 94, of the Plat Records of Travis County, Texas, there appears a map of a subdivision of land known as Walsh Place; and

WHEREAS, said subdivision of land is designated by Blocks 12, 13, 14, and 15; and

WHEREAS, an alley 20 feet in width transversing said Block 12 is shown upon said map or plat of said Walsh Place, which alley referred to is the alley extending in an east-west direction and being 128 feet north of and parallel to a street shown upon said map as Magnolia Street, and which street is known today as Enfield Road and which alley is known today as Enfield Road alley and begins at the west side of Scenic Avenue and extends in a westerly direction for a distance of 384 feet; and

WHEREAS, it is deemed advisable by the City Council of the City of Austin to vacate said alley; therefore

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

THAT that certain alley 20 feet in width extending in an east-west direction across Block 12 of Walsh Place, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said Walsh Place appearing of record in Book 3, at page 94, of the Plat Records of Travis County, Texas, which alley is 128 feet north of and parallel to a street known as Magnolia Street, as shown upon said map or plat of said Walsh Place but which street is known today as Enfield Road and which alley begins at the west side of Scenic Avenue and extends in a westerly direction for a distance of 384 feet, is hereby closed and vacated for all purposes except that of the construction, maintenance and operation of gas lines, water lines, power and electric lines, sanitary sewer lines, storm sewer lines and telephone and telegraph lines, and the right is hereby reserved by the City of Austin to enter said alley at any and all times for the purposes of constructing, maintaining and operating the above utilities.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

A petition by residents and property owners on East Eleventh Street between Chicon and Prospect Streets, asking for a street light at Eleventh and Prospect Streets and at Eleventh and Lincoln Streets, was received and referred to the Superintendent of Electric Division for attention.

Upon motion, seconded and carried, the meeting was recessed at 12:45 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor.

Attest:

Hallie M. Kellan
City Clerk