

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 24, 1947  
10:30 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

A large delegation of business men appeared before the Council relative to the proposed ordinance providing for the rendition of property for taxation and the filing with the Tax Assessor of inventories of physical personal property. Protests against the ordinance were heard substantially as follows:

GEO. S. NALLE, Jr., objected very strongly to that phase of the ordinance giving the Tax Assessor the right to inspect the machinery and equipment of his plastic plant, declaring that it would involve the giving away of trade secrets;

FRANK HOLLOWAY objected particularly to that provision of the ordinance requiring the rendition of inventories and equipment for prior years;

FRED W. CATTERALL requested that action on the ordinance be postponed in order to afford the various manufacturers and other members of the Industrial Committee of the Chamber of Commerce, as well as other citizens an opportunity to study the ordinance.

Thereupon Councilman Thornberry moved that the City Council set a special meeting to consider the passage of the ordinance for next Thursday, July 31, at 8:00 P. M. The motion was seconded by Councilman Johnson, and the same carried by the following vote;

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

In accordance with the request of E. J. Hood, through his attorneys, Smith & Pollard, the public hearing scheduled for this day on the application of the said E. J. Hood to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District, to-wit:

Lot 6 and the north 10 feet of Lot 7, Block 48,  
Outlot 24, Christian and Fellman Addition, being  
located at the southwest corner of East 24th and  
Swisher Streets and known as 805 and 807 East  
24th Street,

was cancelled.

The Executive Committee of the Govalle Parent-Teacher Association, with Mrs. Henry Schnautz as spokesman, submitted a request in writing, asking that the City Council take immediate steps to remedy an insanitary sewage condition at the Govalle School caused by the overflow of the septic tank every year when the fall term of school opens. The Committee were advised that approximately \$100,000.00 would be included in next year's budget for sanitary sewer system for Govalle, but that the only relief the City could give this year would be to treat the septic tank from time to time, and advised that they take the matter up with the School Board, also.

Miss Louise Crawford, 5501 Jim Hogg Street, came before the Council and asked that the City remedy the bad drainage condition on Houston Street resulting from overflow of the creek in order that the Rosedale bus extension line may continue to operate. The matter was referred to the Engineering Department to see what can be done about it.

John E. Dobbins, colored, submitted a petition, signed by a large number of colored citizens, asking for continuation of the bus line over Cedar Avenue to 14th Street, thence to Chestnut Street, and thence to 12th Street. The matter was referred to the Austin Transit, Inc. for attention.

The application of G. W. Cage for a change in zoning, from "B" Residence District to "C" Commercial District, of the remaining portion of his lot in the 900 block on the east side of South Congress Avenue not now zoned as "C" Commercial, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

The application of Edward Joseph, by Chas. F. Herring, Attorney, for a change in zoning, from "A" Residence District to "C" Commercial District, of the remaining 132 feet in the rear of his property fronting sixty-five

feet on Guadalupe Street now zoned as residential; or, in the alternative, that a portion of same be changed to "C" Commercial District and the remaining portion to "B-1" Residence District, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of Chas. J. Armstrong and O. Cage for a change in zoning, from "A" Residence District to "C" Commercial District, of property located at the southeast and northeast corners of the intersection of Lamar Boulevard and West 34th Street, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of Jasper Glover for a change in zoning, from "A" Residence District to "C" Commercial District, of property located at 1101 Prospect Avenue, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of F. W. Sternberg for a change in zoning, from "B" Residence District to "C" Commercial District, of property fronting sixty feet on Duval Street and extending back a depth of approximately 100 feet, being the south 60 feet of Lot 10, the south 60 feet of a triangular tract east of and adjoining Lot 10, Block 1, Grooms Addition, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of Bascom Giles for a change in zoning, from "A" Residence District to "C" Commercial District, of tract No. 1, being  $1\frac{1}{2}$  acres at the intersection of Airport Boulevard and Manor Road; and from "A" Residence District to "D" Industrial District, of tract No. 2, being about seven acres of land lying along the railroad from 19th Street to Manor Road, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON 120' x 363' OUT OF OUTLOT 39, DIVISION "A", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(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 McCANDLESS STREET, from a point 545 feet north of North Loop Boulevard northerly 256 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said McCandless Street.

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

- (2) A gas main in ALAMEDA DRIVE, from a point 85 feet south of Milam Place southerly 64 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west property line of said Alameda Drive.

Said gas main described above shall have a cover 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 Department of Public Works 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.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a

filling station site the property located on the east side of Fredericksburg Road south of Evergreen Avenue, which property fronts approximately 140 feet on Fredericksburg Road and being a portion of Lots 13 and 14 of Evergreen Heights, a subdivision of a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, and hereby authorizes the said A. H. Lock, Jr., to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said A. H. Lock, Jr. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas  
July 24, 1947

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of A.H.Lock, Jr. for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located on the east side of Fredericksburg Road south of Evergreen Avenue, which property fronts approximately 140 feet on Fredericksburg Road, and being a portion of Lots 13 and 14 of Evergreen Heights, a subdivision of a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by A. H. Lock, Jr., and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that A. H. Lock, Jr. be granted permission to construct, maintain and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-372.

(6) That expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-372 and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral  
Director of Public Works

" J. C. Eckert  
Building Inspector."

Which motion carrying with it the adoption of the resolution carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property located on the north side of East 16th Street as a private gasoline plant, which property is owned by Dezendorf Marble Company, and is a part of the Florence L. Dezendorf 4.29 acre tract in Outlot 31, Division B, of the City of Austin, Travis County, Texas, and hereby authorizes the said Dezendorf Marble Company, by and through its agent, S. C. Bilbrough, to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Dezendorf Marble Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(RECOMMENDATIONS Attached)

"Austin, Texas  
July 24, 1947

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Dezendorf Marble Company, by and through its agent, S. C. Bilbrough, for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 16th Street, which property is a part of the Florence L. Dezendorf 4.29 acre tract in Outlot 31, Division B, of the City of Austin, Travis County, Texas, and locally known as the 2800 block of East 16th Street.

This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the ordinance governing the storage and handling of gasoline.



(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

(3) That "No Smoking" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert  
Building Inspector "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The City Manager submitted the following tabulation of bids received for the purchase of houses to be removed from the right-of-way of the East 7th Street Extension and Lamar Boulevard:

July 23, 1947

"Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received and opened at 11:00 A. M., July 23, 1947, for the purchase of houses from the City of Austin that are to be removed from the right-of-way of the East 7th Street Extension and Lamar Boulevard. Seventeen bids were received and tabulated as follows:

ITEM 1

Frame house on property out of W. E. Wilson tract in Outlot 17, Division "A", being located at 643 Gunter Street:

High bidder - Paul Freeman -	Removal time ,*10 days - \$1,910.00
Harry Daugherty -	\$1,600.75
J. O. Garrett	1,111.11
Ted Wendlandt	777.11
Frien E. Gatliff	700.00
H. E. Glenn	550.98
James W. Whitaker, Jr.	478.00
J. R. Shannon, Jr.	451.00
Emil Roos	450.00
J. S. Scarbrough	450.00
John Joseph	301.49

ITEM 2.

Frame house on 0.45 acres in J. C. Tannehill League, located at 625 Springdale Road;

High bidder - B. E. Milburn -	Removal time 3-5 days -	\$2,359.00
S. W. McGinnis		\$2,150.00
John Joseph		275.13

ITEM 3.

Box house on Lot 30, Paul Simms Addition, located at 2503 Carranza Street;

High bidder - Ted Wendlandt -	Removal time *10 days	\$ 367.76
J. R. Shannon, Jr.		\$ 315.00
J.O. Prowse		277.50

ITEM 4

Box house on Lot 31, Paul Simms Addition, located at 2505 Carranza Street;

High bidder - Ted Wendlandt -	Removal time *10 days	\$ 419.75
J. R. Shannon, Jr		\$ 325.00
J. O. Prowse		247.75

ITEM 5

Frame house on Lot 9, Block 5, Penn Park, located at 1000 West 35th Street;

High bidder - Ted Wendlandt -	Removal time *30 days	\$1,511.95
J. O. Prowse		\$1,250.75
Vance Fox		1,132.49
Bob Smith		1,006.65
Nellie Mae Wilson		300.00
		<hr/>
		\$6,568.46

\*These two people were contacted by Mr. Harry Smith after the bids had been opened and they stated that they could move the houses in the time indicated above.

It is recommended that the award be made to the high bidder in each case.

(Sgd) J. E. Motheral "

Councilman Bartholomew moved that the City Manager be authorized to sell said houses to the highest bidder, to-wit:

ITEM 1 - Frame House at 643 Gunter Street- Paul Freeman - \$1,910.00

ITEM 2 - Frame House at 625 Springdale Road-B.E.Milburn - 2,359.00

1480  
ITEM 3. - Box House at 2503 Carranza Street-Ted Wendlandt - \$ 367.76

ITEM 4. - Box House at 2505 Carranza Street-Ted Wendlandt - 419.75

ITEM 5. - Frame House at 1000 West 35th Street-Ted Wendlandt-1,511.95

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT for the year 1947 the ratio of assessed valuations to full or true valuation, as the same may be determined by appraisal of all taxable properties in the City of Austin, be and the same is hereby fixed at 66 2/3 % of such full or true valuation, and that the City Manager, the City Tax Assessor and Collector, and the City Attorney be and they are hereby directed to act in accordance with this declaration of policy as to such valuations.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$7,000.00 be and the same is hereby appropriated out of the Bond Fund, not otherwise appropriated, for the purpose of additions to the Administration Building, Baggage Room, and sidewalk at Robert Mueller Municipal Airport.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of development of 300 foot area west of present Zilker Springs Bathhouse And Picnic Area.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, upon the request of citizens of Austin living in the southwest area of the City of Austin, the City Council deems it advisable to establish a playground and park in the southwest portion of the City; and to serve that area; and

WHEREAS, in the 1947 budget adopted by the City Council in December, 1946, there was appropriated and set aside a fund for the purpose of purchasing land for a park and playground in the southwest portion of the City;  
NOW, THEREFORE,

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

That the City Manager be and he is hereby authorized and directed to purchase from the legal owners, at the most advantageous price, the following lands for a park and playground in the southwest portion of the City of Austin:

TRACT NO. 1:

Eight (8) acres of land, more or less, bounded on the east by Bluebonnet Lane, on the north by a tract recently acquired by the Austin Public Schools for a school site;

TRACT NO. 2:

Eight (8) acres of land, more or less, being portions of Blocks Nos. 11 and 14, and all of Block 13, of Live Oak Grove Addition to the City of Austin; said acreage lying west of Wilson Street and East of South First Street.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Councilman Bartholomew offered the following resolution, and moved its adoption:

## (RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed for and in behalf of the City of Austin to enter into a lease contract with J. L. Moulden of the City of Austin, Travis County, Texas, for the lease of approximately 7.49 acres of land for use as a public stockyard, for a term of five (5) years, such lease contract to be substantially in accordance with the terms and provisions of a proposed lease, a copy of which is attached hereto and made a part of this Resolution for all purposes.

THE STATE OF TEXAS    ()

COUNTY OF TRAVIS    ()

This lease contract made and executed in duplicate by and between the City of Austin, Lessor, a municipal corporation situated in Travis County, Texas, and J. L. Moulden, Lessee, of the City of Austin, Travis County, Texas, WITNESSETH:

I.

In consideration of the covenants herein contained on the part of the Lessee to be kept and performed, Lessor does hereby demise unto Lessee for the purpose of Lessee's performing his obligations hereunder, and for no other purpose, certain land, together with all improvements thereon as of the effective date of this lease, together with all improvements thereafter placed on said premises by the Lessor, said land being described as follows:

7.49 acres of land, the same being a portion of a 9.23 acre tract or parcel of land out of Outlot 13, Division A, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas and which 7.49 acres of land is a portion of that certain 9.23 acre tract or parcel of land conveyed to the City of Austin by deed recorded in Volume 448, pages 285-286, of the Deed Records of Travis County, Texas, and which 7.49 acres of land is more particularly described by metes and bounds as follows:

Beginning at an iron pipe set in the west line of said Outlot 13, same being the northwest corner of a tract of land conveyed to Marion Buckhannon by Louise Cypher and husband by deed recorded in Volume 295, at page 319, of the Deed Records of Travis County, Texas, and from which iron pipe another iron pipe at the southwest corner of said Buckhannon tract bears S. 22° 34' W. 138.4 feet, said iron pipe being also the southwest corner of said Outlot 13 and also the intersection of the north line of East 5th Street and the east line of Pleasant Valley Road;

Thence N. 22° 34' E. 78.84 feet to a point;

Thence N. 73° 14' E. 359.62 feet to a point;

Thence N. 22° 41' E. 234.07 feet to a point;  
Thence N. 67° 19' W. 521.79 feet to a point in south  
right of way of H. & T. C. Railroad;  
Thence along south right of way of said railroad N.  
73° 26' E. 7.9 feet to an iron pipe set in the north line of  
said Outlot 13, Division A;  
Thence along the north line of said Outlot 13, S. 67°  
19' E. 405.62 feet to the northeast corner of same;  
Thence along the east line of said Outlot 13, S. 21°  
54' W. 681.75 feet to the southeast corner of same;  
Thence along the south line of said Outlot 13, same  
being the north line of East 5th Street, N. 67° 34' W. 545.24  
feet to the southeast corner of the said Buckhannon tract of  
land;  
Thence along the most easterly west line of the City  
of Austin tract of land, same being the east line of the said  
Buckhannon tract of land, N. 22° 34' E. 138.4 feet to an  
iron pipe;  
Thence along the north line of the said Buckhannon tract  
of land, N. 67° 34' W. 100.0 feet to the point of beginning;  
LESS a passageway not to exceed thirty (30) feet in  
width at the northern extremity of the leased premises provided  
by the Lessor for the purpose of passing privately owned  
livestock from other premises lying east of the leased premises  
to the Municipal Abattoir owned by the City of Austin.

## II.

TO HAVE AND TO HOLD the said land and improvements hereby demised unto  
Lessee for a term of five (5) years from the 1st day of August, 1947.

## III.

Lessee agrees to operate a stockyard and a stockyard market-place on  
said premises, and in so doing agrees to conform to such ordinances as the  
City of Austin has enacted or may enact affecting or regulating stockyards  
and market-places in said City, or within five thousand (5000) feet of its  
corporate boundaries. Lessee agrees to pay all operating costs of said stock-  
yard and market-place, including the furnishing of all labor, services, and  
materials, or any other item of expense necessary for the proper operation  
of said stockyards which is not expressly herein assumed by the Lessor. The  
Lessee agrees to offer and render to the public such stockyard services as  
are customary for such business, in connection with the receiving, buying,  
or selling of livestock on a commission basis or otherwise, marketing,  
feeding, watering, holding, delivering, shipping, handling, dipping, spraying,  
and vaccinating livestock, and providing reasonably adequate office space  
and facilities for commission agents, market agencies, and dealers within  
the premises herein described.

## IV.

Lessee agrees that Lessor may at reasonable times enter into and upon  
the premises herein described to examine the condition thereof.

## V.

Lessee shall pay monthly in advance, as rent to Lessor, the sum of Three Hundred and Fifty Dollars (\$350.00) in cash during the period of this lease; and, in addition, as a bonus and as further consideration, Lessee shall pay to the City of Austin, upon execution of this contract, the sum of Two Thousand Dollars (\$2,000.00)

## VI.

If at any time during the period of this lease, it is agreed by Lessee and Lessor that additional pens or other structures are needed on said premises to handle increased or increasing stockyard business, the Lessor will construct, at its expense, the additional pens or structures so needed.

## VII.

It is understood that the Lessor shall be responsible for any insurance which it desires to carry on the leased premises. The Lessor also agrees to make repairs not to exceed Five Hundred Dollars (\$500.00) during any calendar year when such repairs are required because of rot, disintegration, or any normal deterioration or wear; but repairs required or needed in excess of this amount during any calendar year or repairs caused by wilful or negligent acts of the Lessee shall be made by the Lessee at his own expense.

## VIII.

Lessor agrees that it will at all times during this Lease, at its own expense, maintain and keep the main walls, main timbers, and roofs of the improvements in good and substantial repair, order, and condition, as part of its obligation to repair referred to in the preceding paragraph; provided, however, that no liability to Lessee, or any other person, either in contract or tort, shall result from failure to repair, except where the Lessor has had a reasonable time to repair after notice given in writing by the Lessee.

## IX.

In the event the premises of any part thereof shall be destroyed or damaged during said term by fire or inevitable accident so that the same shall be thereby rendered unfit for use, then, in such case, the rent hereinbefore provided for, or a just and proportionate part thereof, according to the nature and extent of the injury sustained, shall be suspended or abated until the said premises shall have been put in proper condition by the Lessor for use by the Lessee, or this contract shall thereby be terminated and ended at the election of the Lessor. However, the Lessee and not the Lessor shall make such repairs of damage as may have been caused in whole or in part by his own wilful or negligent act.

## X.

Lessor agrees not to enter into any stockyard business during the term of this lease, the operation of which would be in competition with the stockyard business to be conducted by Lessee under the provisions of this lease contract.

## XI.

If at any time the Lessee shall fail or neglect to perform and observe any or either of the obligations and covenants contained in this instrument, which on his part are to be performed, or shall fail to comply with any ordinance of the City of Austin affecting or regulating stockyards and market-places, or shall be declared bankrupt according to law, or if any assignment shall be attempted to be made of said property for the benefit of creditors, then in either of said cases the Lessor lawfully may immediately, or at any time thereafter, and while such neglect or default continues, give written notice to the Lessee to vacate the premises, and the Lessor shall have the right at the end of thirty (30) days after the Lessee receives said notice to enter into and upon said premises, or any part thereof, and repossess the same, and expel the Lessee and remove his effects, without being taken or deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for possession, or for arrears of rent, and upon such entry, the rights of the Lessee in this lease shall cease.

## XII.

Lessee further agrees that he will not assign this lease without the written consent of Lessor, nor occupy or use the said premises, or permit the same to be occupied or used in any manner deemed by the Lessor to be unduly hazardous on account of fire, or otherwise.

## XIII.

Lessee shall neither make nor allow to be made any unlawful use of the premises, nor shall Lessee make any alterations or additions to the premises without the written consent of Lessor; and in the absence of any agreement at that time to the contrary, any improvements or additions made by the Lessee, or any other person, shall become the property of the Lessor, subject to such uses to which the Lessee may be entitled during the term of this lease.

## XIV.

Lessee hereby gives to Lessor a lien upon all of his property which may at any time during the term of this lease be placed in or upon said premises to secure the prompt payment of the rent herein stipulated to be paid for the use of said premises, all exemptions of such property, or any of it, being hereby waived by Lessee.

## XV.

Lessee further agrees that any and all rates, fees, and charges made by him for any stockyard service shall be just, reasonable, and non-discriminatory, and shall not be in excess of the rates now authorized and in effect at the stockyard leased under this contract. Lessee further agrees that all regulations and practices in respect to furnishing stockyard services shall be just, fair, reasonable, and non-discriminatory.

## XVI.

Lessee agrees to comply with any and all federal laws, rules, and regulations to which the stockyard operation hereunder may become subject.



## XVII.

It is further agreed and stipulated that Lessor shall have the right of easement over and across the premises herein leased, for the purpose of construction and maintenance of storm sewers and sanitary sewers, and other public utility lines, and such right is reserved in Lessor; but such right shall be exercised by Lessor in such manner so as not to damage unreasonably any of the improvements on said premises, nor impair or interrupt the Lessee's use of the premises for an unreasonable time.

## XVIII.

IN WITNESS WHEREOF, the City of Austin has caused these presents to be executed in duplicate by Guiton Morgan, its City Manager, thereunto authorized by the City Council of the City of Austin, and its seal hereto affixed, attested by its City Clerk, and J. L. Moulden has executed these presents in duplicate, this \_\_\_\_\_ day of \_\_\_\_\_, 1947.

CITY OF AUSTIN - Lessor

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

ATTEST:

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

\_\_\_\_\_  
J. L. Moulden - Lessee

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The Application of EDDIE D. WADE, Colored, 2101 Washington Avenue, for a license to operate as a taxicab a 1937 Dodge, 4-door Sedan, Engine No. D5-149651, State License No. JC-6363, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The Motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of LOVINGOOD CONNOR, Colored, 2213 East 7th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of DAN COBURN HILL, JR., 710 West 22nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of WILLIAM GILBERT PARR, Colored, 1906-B East 16th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of JESSE LEE RHYMES, Star Route B- 109-A, Austin, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of GEORGE MELVIN SAULS, Colored, 1702 Ulit Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of LEWIS PAUL SMITH, Colored, 1157 Angelina Street, for a taxicab driver's permit, duly approved, by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of EDDIE D. WADE, Colored, 2101 Washington Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of WILLIE WALTON, Colored, 1605 Leona Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

The application of JIM'S PACKAGE STORE, 112 Congress Avenue, by James J. Moritz, for a Local Distributor's Beer License, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of MARIE'S TEAROOM, 1629 Rosewood Avenue, by Maurice Joyner, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Buck, Bill - 5115 Avenue F	Grumman, Canoe, Outboard, 1947 Model, "The Six Bucks", 5-passenger
Forney, Joyce - 305 Chalmers Avenue	Penn Yann, Canoe, 1943 Model, 4-passenger
Gafford, B.N. - West Lake Drive	Home-made, Flat Bottom, Inboard, 4-passenger
Leonard, Homer - 3222 Gilbert Street	Rubber, 1943 Model, 6-passenger
Leonard, Homer - 3222 Gilbert Street	Dixie, Mahogany, 1941 Model, 8-passenger
Peterson, Joseph K.-709 Park Place	Outboard, 10-passenger
Smith, Ernest, Jr.-112 East 18th Street	Shop-built, Sailing Dink, 2-passenger

Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

A memorandum from the Chief of Police to the City Manager, recommending that the request of Detective T. O. Lang for leave of absence from the Police Department for one year be granted, and the approval of same by the City Manager, was submitted. Councilman Thornberry moved that the City Manager be instructed to grant said T. O. Lang leave of absence as requested. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Mayor Miller announced that nominations to fill the vacancy on the Board of Equalization caused by the death of S. P. Tadlock were now in order.

Thereupon Councilman Johnson nominated L. THEO BELLMONT as a member of the Board of Equalization to fill the unexpired term of S. P. Tadlock, deceased. The nomination was confirmed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The appeal of WILLIAM PERRY MOORE, 343 $\frac{1}{2}$  South Congress Avenue, on his application for taxicab driver's permit, which had been recommended for denial, was heard. After considering the facts in the case, Mayor Miller moved that the said William Perry Moore be granted a probationary permit for ninety days to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller.  
MAYOR

Attest:

Helene M. Keen

City Clerk