

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

October 11, 1945  
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

## Roll call

Present: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Absent: Councilman Bartholomew

Present also: Guiton Morgan, City Manager, J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

MR. LOUIS BONUGLI and REVEREND W. B. CHANDLER appeared before the Council and asked what progress had been made with the paving of San Marcos Street, south from 1st Street to Taylor Street. The City Engineer assured them that this work would be undertaken as quickly as possible but there were several other paving projects ahead of this one and because of the difficulty in getting laborers and materials that he could not promise them exactly when the work would be done. The Mayor assured them that this work would be taken care of as quickly as possible but because of the inability of the City to get common laborers the work was being slowed up.

The application of WALTER BARNARD, 518 West Mary street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of J. B. BRISCOE, 1304 S. 3rd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of MARION DENVER DWYER, 506 Pecan Grove, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of HOMER LAWSON GREEN, 1955 Sabine Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of FRED J. HANNA, 1907½ Wichita, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of HENRY WALTER HOBBS, 4209 Guadalupe Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of PINK BENNETT LOCKWOOD, 1007 San Jacinto, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of JAMES THOMAS SHIPP, 1703 Newning, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of JAMES MARTINEZ VELASQUEZ, 704 E. 11th street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of RAY WARE WALLIS, 1002 West Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

Mayor Miller stated that Councilman Oswald G. Wolf has returned from the service after having served approximately three years in the Navy with

the rank of Lieutenant, part of which time was spent in the South Pacific. The Mayor and other members of the Council welcomed Councilman Wolf back to civilian life, and the Mayor stated that this was the first time in three years that there had been a meeting attended by the entire Council membership.

The application of LOUIS FULTON SCONCI, Route 1, Del Valle, for a license to operate as a taxicab a Cheverolet Sedan, 4-door, 1942 Model, Serial No. 5GB11-6333, State License No. FR6136, to replace License No. 23 cancelled, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of JOHN GONZALES, 2222 E. 7th Street, for a wine and beer license for his cafe at the above addressed, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of PIK-NIK CAFE, 3019 Guadalupe, by A. R. Oakley, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

Pursuant to published notice thereof, this being the day and hour for the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation and the Height and Area designation of the following described property so as to change same to "D" Industrial District and Third Height and Area District, to-wit:

All the property not now zoned "D" Industrial and "E" Heavy Industrial lying in the area bounded on the north by East Fifth Street; on the east by City Limits; on the south by East First Street; and on the west by Pleasant Valley Road.

There was only one person to appear to protest, Mr. E. Quisenberry who owns  $7\frac{1}{2}$  acres of land in this section, but only a part of it was included in the proposed change of zoning. He felt that the change would lower the value of his property because of the type of houses that would be built adjacent to an industrial area.

After due consideration by the Council, it was the consensus of opinion that until there was a greater demand for the location of industrial plants in this section the change requested by the Zoning Board of Adjustment be not granted and instead the change be made in the property located in the 3400 block of East 1st Street and owned by Mr. A. R. Thomas, and in the 3300 block of East 1st Street and owned by Mr. Finkelstein from "C" Commercial to "D" Industrial and "E" Heavy Industrial. The City Attorney was instructed

to prepare an ordinance covering such change and present same at the next Council meeting. The Mayor entertained a motion that the zoning change be restricted to the property in the 3300 block and 3400 Block on East First Street owned by Messers Thomas and Finkelstein. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
 Noes: None  
 Absent: Councilman Bartholomew

Pursuant to published notice thereof, this being the day and hour for the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:

Lots 1 and 2, Block 126, Original City, in the City of Austin, Texas, and known as 1007 Guadalupe Street.

There being no one present to object to this change, the Mayor entertained a motion that such change be made and that the City Attorney be instructed to prepare an ordinance covering such change and present same at the next Council meeting. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
 Noes: None  
 Absent: Councilman Bartholomew

The following report by the City Engineer on the tabulation of bids for the construction of a bridge across Barton Creek at the entrance to Zilker Park was submitted by the City Manager:

"Memorandum to Guiton Morgan, City Manager: October 9, 1945

Bids were received this morning for the construction of a bridge across Barton Creek at the entrance to Zilker Park. The bids were as follows:

W. S. Conner - - - - -	\$70,850.00
(210 calendar days)	
Richard Schmidt - - - - -	71,195.00
(200 calendar days)	
R. H. Folmar - - - - -	71,976.60
(150 calendar days)	

It is recommended that the job be awarded to the low bidder, W. S. Conner.

/s/ J. E. Motheral,  
 City Engineer."

Councilman Gillis moved that W. S. Conner be awarded the contract to construct the bridge across Barton Creek at the entrance to Zilker Park the amount of his being \$70,850.00, working time 210 calendar days, and that the City Manager be instructed to enter into a contract with said W. S. Conner. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
 Noes: None  
 Absent: Councilman Bartholomew

The application of Emmett Jackson, 2307 E. 14th street, for a permit to operate a taxicab terminal to be known as the "Cadillac Cab Company", located at 1818 E. 12th street, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of MRS. GOODALL H. WOOTEN for a change in the zoning of Outlot 46, Division "D" from "A" Residence to "B" Residence classification was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The Mayor presented the following application of HARVEY YOUNG for permission to construct a service station at the northwest intersection of 10th and Lamar Boulevard:

"October 10, 1945

Honorable City Manager  
Mayor and Council  
Austin, Texas

Gentlemen:

I contemplate the erection of a service station at the northwest intersection of West 10th. and Lamar Boulevard and am submitting four blue prints of the Architect's layout of drives, curbs, walks, and setbacks.

I respectfully request approval for the construction of this building according to plans and specifications and City Engineer's notations on same.

Yours very truly,

/s/ Harvey Young, Owner."

The following is the report of J. E. Motheral, City Engineer and J. C. Eckert, City Building Inspector:

"Austin, Texas  
October 11, 1945

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Harvey Young, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial drive-ways in conjunction therewith, upon property located on the northwest intersection of West 10th street and Lamar Boulevard, which property fronts 70 feet on Lamar Boulevard and 78 feet on West 10th street, and is known as a portion of Lots 10 and 11, Block 2 of the

Silliman Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Harvey Young, 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.

(a) A storm sewer inlet exists on the north side of East 10th Street at the west property line of Lamar Boulevard and a storm sewer main exists at or near the curb line of West 10th Street adjacent to the property upon which this filling station is to be located.

We recommend that Harvey Young be granted permission to construct, maintain and operate said drive-in gasoline 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 City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department 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 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.

(3) 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 to the nearest storm sewer. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, 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 City Engineer's file number 2-G-270.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached market 2-G-270 and shall be of the pre-moulded type.

(6) That the City of Austin in granting the use of that portion of Lamar Boulevard as dedicated to the Public by the City of Austin on May 4, 1944 and recorded in Book 742, at pages 298 to 301 of the Deed Records of Travis County, Texas, does so upon the condition that the property owner will remove any improvement from said property at the request of the City of Austin.

(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,

J. E. Motheral,  
City Engineer  
J. C. Eckert,  
Building Inspector."

Councilman Gillis 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 northwest intersection of West 10th Street and Lamar Boulevard, which property fronts 70 feet on Lamar Boulevard and 78 feet on West 10th Street, and is known as a portion of Lots 10 and 11, Block 2 of the Silliman Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said HARVEY YOUNG 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 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 HARVEY YOUNG has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of THE B. F. GOODRICH COMPANY to construct driveways at their new location, 10th and Congress, was presented by the Mayor and is as follows:

"Austin, Texas  
October 1, 1945

Mr. J. E. Motheral  
City Engineer  
City of Austin

Dear Sir:

Permission is herewith requested to construct driveways at our new location at 10th Street and Congress Avenue in accordance with the attached plan.

This work will be done in accordance with city specifications, and will be done by a bonded contractor.

Very truly yours,

/s/ THE B. F. GOODRICH COMPANY  
By Ted Curry,  
Manager. "

"Austin, Texas  
October 11, 1945

Mr. J. E. Motheral  
City Engineer  
City of Austin  
Austin, Texas

Dear Sir:

This may be your assurance that we, The B. F. Goodrich Company, will, at our new location at 10th and Congress Avenue, erect ample signs warning pedestrians of incoming and outgoing cars. Also, any other safety measures as deemed necessary by the City Council.

Very truly yours,

THE B. F. GOODRICH CO.  
By Ted Curry,  
Manager. "

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the B. F. Goodrich Company, acting by and through Ted Curry, Manager, lessee of Lot 6, Block 111, of the Original City of Austin, Travis County, Texas, which property abuts the east side of Congress Avenue, and the south side of East 10th



Street, and being situation at the southeast corner of the intersection of said streets, has made application to the City Council of the City of Austin for permission to construct three (3) commercial driveways across the south sidewalk area of East 10th Street, as shown upon the plan hereto attached marked 2-C-994, which plan is hereby made a part of said request; and

WHEREAS, the B. F. Goodrich Company, acting by and through Ted Curry, Manager, have agreed to erect signs, warning pedestrians of automobile traffic across the sidewalk area; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore,

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

THAT the B. F. Goodrich Company, acting by and through Ted Curry, Manager, lessee of Lot 6, Block 111, of the Original City of Austin, Travis County, Texas, which property abuts the east side of Congress Avenue, and the south side of East 10th Street and being situated at the southeast corner of the intersection of said streets, is hereby permitted to construct three (3) commercial driveways across the south sidewalk area of East 10th Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-994, which plan is hereby attached and 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.

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

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 3, at page 121 of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Monte-Vista; and

WHEREAS, upon said map or plat there appears various streets and alleys; and

WHEREAS, Block A of said Monte-Vista is traversed by an alley 20 feet in width and the owners of nine of the twelve lots in Block A abutting said alley have petitioned the City Council of the City of Austin to discontinue said alley; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT said alley, 20 feet in width, traversing Block A of said Monte-Vista Addition be closed and vacated except the City of Austin hereby retains utility easement rights in, upon, and across said alley.

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

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

Councilman Alford 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 names, 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 WEST 34TH STREET from Beverly Road to Oakmont Boulevard, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said WEST 34TH STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(2) A gas main in WEST 33RD STREET from Oakmont Boulevard westerly 10 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said WEST 33RD STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(3) A gas main in WEST 32ND STREET from Oakmont Boulevard westerly 10 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said WEST 32ND STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(4) A gas main in WEST 30TH STREET from a point 20 feet west of Beverly Road westerly to Oakmont Boulevard, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said WEST 30TH STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(5) A gas main in OAKMONT BOULEVARD from a point 5 feet south of West 30th Street northerly to West 34th Street, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said OAKMONT BOULEVARD.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(6) A gas main in EAST 10TH STREET from a point 130 feet west of Chalmers Avenue easterly 96 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 10TH STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(7) A gas main in AVENUE F from a point 191 feet north of East 44th Street northerly 68 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said AVENUE F.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(8) A gas main in PENNSYLVANIA AVENUE from a point 81 feet east of Salina Street easterly 57 feet, the centerline of which gas main shall be 18 feet south of and parallel to the north property line of said PENNSYLVANIA AVENUE.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

(9) A gas main in WEST 40TH STREET from a point 6 feet west of Alice Avenue westerly 60 feet, the centerline of which gas main shall be 12 feet south of and parallel to the north property line of said WEST 40TH STREET.

Said gas main described above shall have a cover of not less than 2-1/2 feet.

Waller Street

(10) A gas main in JUNIPER STREET/ westerly 224 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said JUNIPER STREET.

Said gas main described above shall have a cover not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be

required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The Mayor stated that he was calling a meeting for 3 o'clock, Monday October 15, for the purpose of again discussing the milk situation in Austin. He requested the Council to be present, if possible, and stated that the following would be invited to send representatives to the meeting: The Public Health Committee from the Chamber of Commerce, the President of the Travis County Medical Society, Dr. Coleman, Director of Public Health of the City, the milk dealers of Austin, the Wholesale Milk Dealers Association, and the dairymen of the Travis County milkshed.

The Mayor read the following report on the Application of the City of Austin to divert additional water from the Colorado River:

"October 8, 1945

IN RE: APPLICATION OF THE CITY OF AUSTIN, TEXAS, NO. 1477.

The Board on this day, a quorum being present, at its office in Austin, Texas, in pursuance of a notice of hearing heretofore published, issued, and certified, and a continuance heretofore entered, held a public hearing, as prescribed by law on Application No. 1477 of the City of Austin, Texas, the postoffice address of which is Austin, Texas, for a permit to divert and appropriate certain public waters of the State from the Colorado River in Travis County, Texas, for domestic, municipal, and industrial purposes.

There appeared in support of the application, Judge W. T. Williams, City Attorney; Albert Davis, Superintendent of Water Works; and Ben Warden, City of Austin. There also appeared L. W. Smith, P. L. Sharkey, and J. S. Reger, all of the Bureau of Reclamation.

There appeared in protest against said application, H. G. Wendland, representing the Upper Colorado River Authority, who presented a written protest of said Authority.

After fully considering all the facts adduced on the hearing, together with the law applicable thereto, the Board made and ordered entered the following order and decision, to-wit:

That the application of the said City of Austin for a permit to divert and appropriate certain public waters from the Colorado River in Travis County, Texas, be granted, in the amount not to exceed 456,000 acre-feet of water per annum for domestic, municipal and industrial purposes in the following quantities respectively: 40,000 acre-feet per annum for domestic and municipal purposes and 416,000 acre-feet per annum for industrial purposes. Provided, however, should the grantee's need of water for domestic and municipal purposes ever exceed 40,000 acre-feet of water per annum it may use a portion of the 416,000 acre-feet per annum herein authorized to be appropriated for industrial purposes to meet such need within the limitation of the 456,000 acre-feet per annum herein authorized to be appropriated for all the purposes herein named; it being expressly provided that the grantee's appropriation of water hereunder shall never exceed 456,000 acre-feet of water per annum for all such purposes, the rate of diversion not to exceed 650 cubic feet per second of time, or its equivalent, or so much thereof as may be necessary, when beneficially used, for the purposes herein stated, to be diverted by means of a pumping plant.

It is ordered that permit be issued under the restrictions of the terms of the order of the Board, subject to the rights of all prior appropriators of water from said source, with the express proviso that the grantee shall comply with all the rules and regulations of the Board, and it appearing to the Board that the work of construction having been completed, no time is herein fixed for either the beginning or completion of same.

Given under our hands and the seal of the Board of Water Engineers for the State of Texas, this the 8th day of October, A. D. 1945.

(SEAL)

ATTEST:

/s/ A. W. McDonald  
Secretary.

/ s / C. S. Clark  
John W. Fritchett  
E. V. Spence  
BOARD OF WATER ENGINEERS

Councilman Wolf moved that the Report of the Board of Water Engineers as read be spread upon the Minutes of the meeting of the Council of this date, which motion prevailed by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

Councilman Alford moved that the Taxicab Driver's permit of Carl Bounds be cancelled, such cancellation having been recommended by the Chief of Police and the City Manager, which motion prevailed by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The application of RALPH E. KING, 1211 Holly street, for a license to operate as a taxicab a Cheverolet Sedan, 1940 Model, Motor No. 3164252, State License No. FR 7008, to replace License No. 24, Wilton Sconci, cancelled, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller  
Noes: None  
Absent: Councilman Bartholomew

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1928 through 1942, were rendered in the name of EMMETT F. SMITH on personal property in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$42.55, and for non-payment of same at maturity, penalty in the sum of \$2.13 has been assessed, and interest in the amount of \$29.82 has accrued, making the total amount of taxes, penalty and interest due \$74.50; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$2.13 and a portion of the interest in the sum of \$28.81; therefore,

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

THAT the aforesaid penalty in the sum of \$2.13 and a portion of the interest in the sum of \$28.81 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$2.13 and said interest in the sum of \$28.81 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and a portion of the interest as aforesaid.

Upon motion, the resolution was adopted by the following vote:

Ayes: Councilman Alford, Gillis, Wolf and Mayor Miller

Noes: None

Absent: Councilman Bartholomew

The following resolution was submitted:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>NAME</u>	<u>YEARS</u>	<u>AMOUNT COLLECTED</u>
Olice Arnold	1936, 1937, 1940, 1941 & 1944	\$ 6.68
Paul J. Bolles	1942 thru 1944	25.55
S. M. Caudle, Jr.	1939 thru 1944	19.50
Mrs. O. P. Bradshaw	1934	8.04
Austin Plating Co.	1927 & 1928	24.50
Ruth Fruth	1942 thru 1944	10.68
Augusta Haschke	1940 thru 1944	33.96
A. L. Hayes	1942 thru 1944	6.54
Eldon Hamilton	1941, 1943, 1944	6.89
Earl Griffin	1936 thru 1942	24.81
Jack Ezelle	1939 thru 1941	18.46
L. Hamilton	1936 thru 1942	32.69
Ruth Albrecht	1940 thru 1943	33.72
R. G. Clark	1940 thru 1942	1.15
S. G. Akridge	1941	2.52
W. E. Hanks	1941 thru 1943	7.22
Hubert F. Harper	1941 thru 1943	4.57

NAME	YEARS	AMOUNT COLLECTED
Alfred Klaus	1940 & 1941	\$ 6.16
Robert S. Klaus	1941 & 1942	4.71
Charles G. Bissell	1938 thru 1942	34.52
J. A. Biggers	1937 thru 1942	28.43
Georgia M. Bell	1941 & 1942	1.00
Allen C. Clark	1938 thru 1943	42.11
Richard Bolden	1933 thru 1944	13.69
Horace Carrington	1939, 1941, 1944	6.06
P. P. Chapman	1932 thru 1937, 1941, 1942, 1944	19.76
Alfred Haberlin	1942 thru 1944	4.23
E. H. Hall	1938 thru 1944	50.40
W. T. Hammond	1943 & 1944	13.67
Virginia Harris	1937 thru 1941 & 1943, 1944	40.33
Francis & H. F. Hawkins	1943 & 1944	15.44
Bohn Hilliard	1942 thru 1944	29.83
D. S. Bassist	1929, 1931, 1933, 1934	18.15
Irma D. Fowler	1937 thru 1939	19.60
A. A. Bartley	1938 thru 1941	15.19
Jesse C. Akin	1939 thru 1944	32.69
E. S. Brown	1942 & 1944	2.40
G. W. Cox, Jr.	1944	3.22
J. M. Engquist	1944	7.04
Jack Lown	1943	18.03
E.M. Raven	1943	.24
Louis Groos	1938 thru 1944	55.97
Valdez Brothers	1940, 1941, 1943, 1944 1942	172.00
Denzil Dickerson	1931, 1934, 1938 thru 1942	49.88
Mozy Valdez	1926, 1927, 1928, 1930 thru 1934	
	1937 thru 1943	47.19
A. C. Cherry	1927 thru 1942	53.03
H. Grupe	1937 & 1939 thru 1944	22.01
Mrs. R. P. Harris	1944	2.03
J. H. Grindstaff	1937 & 1938	11.30
Collegiate Beauty Shop	1931 & 1932	16.07
M. A. Dale	1931, 1935, 1938, 1939, 1942	33.07
William Bretthauer	1938 thru 1943	2.72
Snak Shak Cafe	1936 thru 1942	81.60
J. Blair Cherry	1938 thru 1940	23.91
E. W. Elliott	1938 thru 1941	21.68
Buck Fitzgerald	1940 thru 1943	3.42
John H. Hanson	1940, 1941, 1943	2.72
W. W. Dornberger	1941 thru 1944	28.13
Charles G. Gorin	1936, 1939 thru 1944	22.78
E. R. Griffin	1938 thru 1944	59.46
James D. Griffin	1938, 1940 thru 1944	16.32
Leonard Hamilton	1943 & 1944	4.30
Charles L. Johnson	1944	5.03
Mary E. Nance	1944	5.64
Sunset Motor Lines	1944	13.33
Herbert E. Grumbles	1939	6.16
Elbert A. Boynton	1941, 1942, 1944	3.89
E. T. Burger	1944	3.10
John P. Dyess	1944	2.99
O. H. Cline	1937 & 1940 thru 1944	2.46
G. A. Hagood	1941 thru 1944	7.21
E. D. Hamilton	1942 thru 1944	5.09
Myrtle Harsch	1940, 1941, 1944	7.80
Willard Hays	1941, 1943, 1944	1.33

<u>NAME</u>	<u>YEARS</u>	<u>AMOUNT COLLECTED</u>
W. M. Wright	1944	\$ 4.77
Henderson Clemons	1939	4.47
A. F. Harsch	1939	4.32
Donald Bohls	1932 thru 1942	22.02
A. P. Braden	1937, 1939, 1942	10.77
Q. A. Hammett	1938 thru 1940, 1942, 1943	5.11
John L. Allen	1938, 1940, 1943, 1944	22.57
Leonard Baker	1935	18.92
Capital Hotel	1944	42.99
F. K. Clark	1941 thru 1944	37.78
Dr. Joe C.A. Eckhardt	1936 & 1937	29.36
W. R. Christal	1938 thru 1940 & 1943	12.70
Mathew Edwards	1930 & 1938 thru 1944	122.68
J. E. Gann	1942 thru 1944	18.79
Gammel's, Inc.	1939	222.90
Vivian M. Green	1942 thru 1944	13.21
Eula Gill	1933, 1934, 1935, 1941	14.48
Viva Hamilton	1940 thru 1944	1.63
A. O. Kleen	1929 thru 1937	50.47
J. E. Littlepage	1929 thru 1941 and 1944	80.14
and		

WHEREAS, all of said payments have been made on an equitable basis of adjustment of such taxes by authority of the City Council of the City of Austin; Now, Therefore,

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

THAT the Tax Assessor and Collector of the City of Austin, he, and he is hereby ordered and directed to cancel all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Upon motion, the resolution was adopted by the following vote:

Ayes: Councilmen Alford, Gillis, Wolf, Mayor Miller

Noes: None

Absent: Councilman Bartholomew

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

ATTEST:

APPROVED:

*Tom Miller*  
Mayor

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