

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 18, 1946

10:55 A.M.

Council Chamber, City Hall

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

## Roll call

Present : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf - 4

Absent : Councilman Alford - 1

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

The reading of the Minutes was dispensed with.

Stuart Long, representing the three members that have been appointed on the Fair Rent Control Committee, came before the Council and stated that they were ready to function pending the appointment of the additional members. The Mayor advised him that, while the City had no legal authority to regulate rents, the Board had been appointed as requested and would receive the moral support of the City Council in its work, and instructed the committee to go ahead with the business of hearing complaints.

Rex Kitchens, Chairman of the Mayor's Emergency Housing Committee, submitted a resolution asking for an appropriation of \$600 per month until the end of the year to defray expenses of an executive secretary, stenographer, etc., in local office. The Council took the matter under advisement.

Marion Fowler presented five petitions by citizens and interested people asking that the waters of Lake Austin be lowered, preferably during the month of August, for a period of 10 to 15 days for the purpose of deterring the moss growth in the Lake, and that during this time the shallow banks and obstructions be deepened and removed. The matter was referred to the City Manager to take up with the Water and Light Department, the Health Department, and the Lower Colorado River Authority, and if recommended by them, the request will be granted.

The public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the zoning of the property known as 1901 acres of land north and east of the City of Austin which was taken into the city limits on October 18, 1945, from "A" Residence District to "C" Commercial, "C-1" Commercial

"C-2" Commercial, and "D" Industrial Districts, which was continued from time to time, was opened.

Everett L. Looney, Attorney for Edward Joseph, submitted an application for a change in zoning, from "A" Residence District to "C-1" Commercial District, of the property located in the Murray Place Addition east of the Georgetown Road between Franklin Boulevard and Nelray Boulevard. Councilman Thornberry moved that the application be referred to the Board of Adjustment for consideration and recommendation, with the understanding that if, in the meantime, it is found that the deed restrictions on the property prohibit the use of same for the purpose intended, applicant will be permitted to withdraw his application. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf - 4  
Noes : None  
Absent: Councilman Alford - 1

Arthur P. Bagby, Attorney for J. K. Eichelberger, submitted a request to have the property of his client located at the southeast corner of the intersection of the Georgetown Road and the H&TC Railroad (Llano Branch), fronting 421 feet on Georgetown Road and about 285 feet along the south line of said Railroad, zoned as "D" Industrial District. Councilman Wolf moved that a public hearing on this application be set for the next regular meeting, and that the matter be advertised as has been the practice. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf - 4  
Noes: None  
Absent: Councilman Alford - 1

Jerome Sneed, Jr., Attorney for Ramsey Smith, owner of Alta Plaza Courts, submitted a written request to have his client's property zoned "C-1" Commercial District easterly a distance of at least 285 feet, or to the point where a prolongation of Shirley Street from the north would intersect his property line. After some discussion, it was moved by Councilman Bartholomew that the property known as Alta Plaza Courts, owned by Ramsey Smith, be zoned "C" Commercial District easterly to Shirley Street for a tourist court. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf - 4  
Noes : None  
Absent: Councilman Alford - 1

Judge W. T. Williams, Attorney for the Chalk Hill Theater Company, Ltd., submitted a written request that the City Council before adopting the report of the Zoning Commission provide that the 14.3 acres of his client's property, which was not in the city limits prior to the annexation of October 18, 1945, and on which the theater is to be built, be zoned as "C" Commercial District, stating that he was not asking for a change in zoning of that portion that was already in the city limits at the time of said annexation.

Everett L. Looney, Attorney for Edward Joseph, objected to this proposed change to permit a drive-in theater on the grounds that his client's property,

which is approximately 150 feet from the proposed theater, is restricted to residential use by deed, and if these restrictions cannot be legally lifted, the noise from the theater would be objectionable to future residents; that there is no immediate hurry on the part of the Chalk Hill Theater Company for this change as they cannot secure a permit from the Civilian Production Administration to build on account of housing shortage; that a bad traffic hazard will result from the ingress and egress of a large number of automobiles patronizing the theater at night as same come in contact with highway traffic, and asked that if the City has not already done so, to cause a traffic study to be made by the Traffic Department to determine what effect the use of this property as a drive-in theater will have on highway traffic.

A written protest from J. R. Hilderbrand, owner of property at Nelray Boulevard and Guadalupe Street, protesting the change, was submitted. Rickey Key, who was present, stated that Mrs. J. R. Hilderbrand had no objection to the change, but that he did not know about Mr. Hilderbrand's protest.

No other protestants on the matter appeared to be heard.

It was suggested that special regulations should be made for drive-in theaters as is done for filling stations, and the City Attorney was instructed to prepare an ordinance accordingly.

The City Manager and the Traffic Department were instructed to take the matter of ingress and egress to the theater up with the Chalk Hill Theater Company and the State Highway Department before this hearing on said 1901 acres is closed two weeks hence.

It was then moved by Councilman Wolf that it be the sense of the Council that the public hearing on said 1901 acres be closed on August 1, and that for the convenience of the public the hearing be continued to a night session of that date, at 8:00 P. M. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf;  
Noes : None  
Absent: Councilman Alford

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the zoning, from "A" Residence District to "C" Commercial District, of the property located on the north side of Barton Springs Road and formerly owned by Robert Toomey and Susie C. Linscomb, the Toomey tract containing approximately 5.85 acres and the Linscomb tract, .414 of an acre, Sam J. Hage, M. K. Hage, Jr., and C. A. Schueler, applicants, was opened.

R. P. Toomey appeared and stated that he had no objection to the zoning change, but did complain about a drainage condition on Lanier Street caused by a fill having been made on Jessie Street which backed the water up. The complaint was referred to the City Engineer to look into.

No other persons appearing to be heard, Councilman Thornberry moved that the above zoning change be granted, and the City Attorney be instructed to prepare an amendment to the Zoning Ordinance accordingly. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf;  
Noes: None  
Absent: Councilman Alford

Louis Sutherland submitted a request for an extension of the city limits north of Koenig Lane to take in approximately thirty (30) acres on which GI houses are being built. The matter was referred to the City Manager, the Water & Light Department, and the Street Department for recommendation at the next regular meeting.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND  
VACATING A PORTION OF A PUBLIC STREET  
OR ROAD WHICH TRAVERSES BLOCK TWO (2),  
HENRY FAULK SUBDIVISION IN THE CITY OF  
AUSTIN, TEXAS, AS SHOWN BY THE PLAT OF  
SAID SUBDIVISION.

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

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf;  
Noes: None  
Absent: Councilman Alford

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

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

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

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

The Mayor thereupon declared that the ordinance had been finally passed.

Councilman Wolf offered the following resolution:

(RESOLUTION)

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

That the Austin Transit, Inc., be and it is hereby authorized to reroute its Lafayette and East Avenue-Oakwood lines in accordance with the attached Route Alteration Plan.

That the City Clerk be and she is hereby authorized to file the attached Route Alteration Plan with this Resolution without the necessity of recording same at length in the Minutes of the City Council.

Upon motion of Councilman Wolf, the above resolution was adopted by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

The written request of Nash Phillips for permission to erect a sign on the curb was received; and the matter was referred to the City Engineer for attention.

The written application of Tejas Club, by Allen Poindexter, Chairman of the Building Committee, for a change in zoning of the area between Rio Grande and Salado Streets from "A" Residence District to "B" Residence District, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Bartholomew offered the following resolution:

(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 erection of a boat dock on the property owned by Marion Fowler and described in the Travis County Deed Records as the north 60 feet of Lot 21 in Lakeshore Addition, and hereby authorizes the said Marion Fowler to construct, maintain, and operate this boat dock subject to same's being constructed 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 erection of this boat dock after full compliance with all the provisions of this resolution and the recommendations of the Building Inspector dated July 18, 1946, and attached hereto. 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, fire and health regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Marion Fowler has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

" July 18, 1946

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have reviewed the plans and have considered the application of Marion Fowler, owner of a piece of property abutting Lake Austin and listed in the Travis County Deed Records as the north 60 feet of Lot 21 in Lakeshore Addition, for permission to construct and maintain a boat dock projecting out into Lake Austin approximately 50 feet. This property is located on the west side of Lake Austin and south of the present Yacht Club docks.

I recommend that Marion Fowler be granted permission to construct and maintain said boat dock, subject to the following conditions:

(1) That nothing but creosoted or cedar piles and heavy iron bolts be used in the construction of this pier, dock or wharf.

(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

(3) That no structure shall extend into Lake Austin more than fifty (50) feet beyond normal high water or more than one-third the distance from shore to shore at point where structure is located and not nearer than ten (10) feet to the side property or lease line.

(4) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

(Sgd) J. C. Eckert  
Building Inspector. "

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote:

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

The City Manager submitted the following tabulation of bids by the Director of Public Works received for the construction of a sanitary sewer from 51st Street to St. Johns Avenue along Waller Creek, Airport Boulevard, and Highway No. 81, recommending that the bid of Cullum & Hodgson, in the amount of \$35,783.30, be accepted as the lowest bid:

" July 16, 1946

Memorandum to : Guiton Morgan, City Manager  
Memorandum from : J. E. Motheral, Director of Public Works.

Bids were received and opened this morning for the construction of a sanitary sewer from 51st Street to St. Johns Avenue along Waller Creek, Airport Boulevard, and Highway No. 81. The bids were as follows:

|                         |             |
|-------------------------|-------------|
| Cullum & Hodgson        | \$35,783.30 |
| Holland Page            | 39,676.70   |
| E. L. Dalton & Co., Ltd | 44,600.60   |
| T. H. Lee               | 44,682.40   |
| Karl Wagner             | 46,513.20   |

Our estimate of the cost of this construction is \$37,000.00. Under the terms of our contract with Holland Page he is to pay \$7,000.00 of this cost, which is refundable to him under the usual sewer construction terms.

I recommend that the contract be awarded to Cullum & Hodgson, the low bidder."

Councilman Wolf then moved that the bid of CULLUM & HODGSON, low bidder, be accepted; and that the City Manager be instructed to enter into contract with said firm accordingly. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

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

(RESOLUTION)

WHEREAS, A. S. Troutman, Sr., is the Contractor for the painting of a building located at 114-16-18 East 9th Street, and desires a portion of the street working space abutting the east 100 feet of Lot 12, Block 111, of the Original City of Austin, Travis County, Texas, during the painting of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said A. S. Troutman, Sr., the boundary of which is described as follows:

STREET WORKING SPACE

Beginning at the extended east line of the above described property and the north curb line of East 9th Street; thence in a southerly direction and at right angles to the centerline of East 9th Street approximately 12 feet to a point; thence in a westerly direction and parallel with the centerline of East 9th Street approximately 100 feet to a point; thence in a northerly direction and at right angles to the centerline of East 9th Street to the north curb line of East 9th Street.

2. THAT the above privileges and allotment of space are granted to the said A. S. Troutman, Sr., hereinafter termed "Contractor," upon the following express terms and conditions:

- (1) That the Contractor shall construct a guard rail within the boundary line along the east, south, and west lines of the above described space, such guard rail to be at least four feet high and substantially braced and anchored.

- (2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

- (3) That "No Parking" signs shall be placed on the street side of the barricades.

- (4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

- (5) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due

to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than August 15, 1946.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf  
Noes: None  
Absent: Councilman Alford.

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

(RESOLUTION)

WHEREAS, Frank Barron, Inc., is the Contractor for the alteration of a building located at 501 East 6th Street, and desires a portion of the street working space abutting part of Lot 8, Block 60, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,



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

1. THAT space for the uses hereinabove enumerated be granted to said Frank Barron, Inc., the boundary of which is described as follows:

STREET WORKING SPACE

Two parking meters immediately in front of the above described premises.

2. THAT the above privileges and allotment of space are granted to the said Frank Barron, Inc., hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, north, and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That "No Parking" signs shall be placed on the street side of the barricades.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than August 15, 1946.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9) That any public utility or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person

or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Councilman Thornberry offered the following resolution; and moved its adoption:

(RESOLUTION)

WHEREAS, T. A. Webb is the Contractor for the alteration of a building located at 907 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lot B, Block 111, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinafter enumerated be granted to said T. A. Webb, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue approximately 4 feet to a point; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two (2) parking meter spaces immediately in front of the entrance in

the barricade, for the delivery or removal of materials during construction work.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness, and provide lighting system for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose material and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event, all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than September 1, 1946.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

Councilman Wolf 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 AVENUE H from a point 137 feet south of East 54th Street northerly 95 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Avenue H.

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

- (2) A gas main in WEST 39TH STREET from Oakmont Boulevard easterly 188 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said West 39th Street.

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

- (3) A gas main in EDGEWOOD AVENUE from French Place easterly 282 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Edgewood Avenue.

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

- (4) A gas main in BURNET ROAD from a point 12 feet north of Northland Drive north to Koenig Lane, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Burnet Road.

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

- (5) A gas main in KOENIG LANE from Burnet Road easterly 1787 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Koenig Lane.

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, prevailed by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

The application of Louis A. Joseph, 2213 East 1st Street, by Jesse J. Bartlett, Attorney, for a change in zoning, from "C" to "C-2" Commercial, of Lot 1, Block A, Outlot 39, Division "O", Driving Park Addition, locally known as 2215 East 1st Street, received; Councilman Wolf moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

A tentative draft of an Amendment to the Zoning Ordinance, regulating fraternities, hospitals, and educational institutions, prepared by the City Attorney, was submitted by the City Manager; and the matter was referred back to him to discuss with the various departments of the City affected.

The City Attorney was instructed to prepare a resolution commemorating the death of Captain Roy Smith, Superintendent of the Traffic Division, for passage at the next regular meeting; a copy of said resolution to be sent to the wife of the deceased.

The application of VERNON BRUCE COLLINS, 3701 Govalle Avenue, for a taxicab driver's permit, duly approved, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

The application of OTIS TAYLOR HILDERBRAND, 2907 Rio Grande Street, for a taxicab driver's permit, duly approved, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

The application of ROBERT GLENN LARVIN, 2105 Holly Street, for a taxicab driver's permit, duly approved, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of DAVE GEORGE LUCE, 2002 Whitis Avenue, for a taxicab driver's permit, duly approved, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

The application of ALTON LOUIS SCHMIDT, 307 West 8th Street, for a taxicab driver's permit, duly approved, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of ROBERT JAMES SOUTHERLAND, Box 142-A, Prather Hall, University of Texas, for a taxicab driver's permit, duly approved, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

The application of JACK LESTER STEPHENS, Cliff Courts #17, for a taxicab driver's permit, duly approved, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of ROBERT WILLIAMS, Colored, 907 Harvard Street, for a taxicab driver's permit, duly approved, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of the MAYFLOWER, 614 East 6th Street, by Manuel Perez, owner, for a Retailer's Wine and Beer License, duly approved, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

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

Marvin S. Canter, 2105 Montclair Street;

Fred C. Barkley, 2203 Scenic Drive;

A. L. McRoberts, 2535 Judson Road

Councilman Bartholomew moved that the applications be approved. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford

There being no further business, upon motion of Councilman Wolf, the meeting was recessed at 12:35 P. M., subject to call of the Mayor, by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Alford.

APPROVED.

*Tom Miller*

MAYOR

ATTEST:

*Helen K. Busch*  
ACTING CITY CLERK