

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## REGULAR MEETING

November 8, 1945

11:05 A. M.

Council Chamber, City Hall

The meeting was called to order, with Councilman Wolf presiding.

## Roll call

Present: Councilmen Alford, Gillis, Wolf

Absent: Mayor Miller and Councilman Bartholomew

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

MRS. CARL EDWARD BOCK, representing the Girl Scouts of Austin, appeared before the Council and requested the use by the Girl Scouts of space in the City Health Department office, if this could be arranged. The matter was referred to the City Manager and he was requested to make these arrangements for the Girl Scouts, if the space was available in the City Health Department.

MR. J. E. MCCLAIN representing the Austin Transit Company, appeared before the Council and presented a tentative bus route thru Govalle. The Council instructed the City Manager and City Engineer to confer with Mr. McClain regarding this route and make any necessary changes.

The application of ANDREW PATTON, Route A, Box 29, for a license to operate as a taxicab a 4-Door Chevrolet Sedan, 1942 model, Eng. BA77760, Lic. FR 5399, to replace Taxicab License No. 70, Herman Owens, cancelled, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be approved. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis and Wolf

Noes: None

Absent: Mayor Miller and Councilman Bartholomew

The application of EDGAR P. SMITH, 1806 Haskell street, for license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 model, Eng. BA 238620, Lic. FR 6136, to replace Taxicab License No. 16, Frank Morgan, cancelled, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be approved. The motion carried by the following vote:

Ayes: Councilmen Alford, Gillis and Wolf

Noes: None

Absent: Mayor Miller and Councilman Bartholomew

The application of JESSE ALLEN SMITH, 1217 Barton Springs Road, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 model, Eng. AA 5099, Lic. FR 3416, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be approved. The motion carried by

the following vote:

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

The application of ALBERT GARCIA GONZALES, 308 Comal street, for a permit to drive a taxicab, 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application of HENRY THOMAS INGRAM, 1614 West 6th 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application of MARION RICHARD INGRAM, 803 E. 14th street, 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application of J. W. LONG, 2507 East 1st 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application of WILLIAM PERRY MOORE, 2106 Haskell street, for a taxicab driver's permit was submitted. After a discussion of the record this applicant had made in the armed services during the two years he had served, the Council decided to give the applicant another trial for 90 days, with the Chief of Police's approval. The Chief of Police agreed that this was what should be done. A motion was made and seconded and prevailed by the following vote to grant the applicant a 90-day probationary permit:

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

The application of WALTER DUDLEY PARIS, 1001 East 2nd street, for a taxicab driver's permit was submitted, the same having been duly approved by the City Manager. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of ANDREW G. RELF, 802 Christopher street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Council-

man Gillis moved that the permit be granted. The motion carried by the following vote:

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

The application of MARCOS SALAZAR, 1003 East 2nd street, 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application of JOHN E. WHITE, 1210 West 5th 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 and Wolf  
 Noes: None  
 Absent: Mayor Miller and Councilman Bartholomew

The application JUDGE BEN POWELL, D. C. CURRY and M. K. HAGE, property owners on Lamar Boulevard, from the alley back of 6th street to 9th street, for a change of the zoning of this property from "B" Residence to "C" Commercial, was received; and the matter referred to the Board of Adjustment for consideration and recommendation.

The application of A. L. PETERSON, owner of the following property:

1. Lots 1, 2, 3, 4, 5 and 6, Block 2, part of Lee's Hill Addition to the City of Austin, F. T. Ramsey Subdivision of the Spear League on the north line of the City of Austin.
2. The south 112.13 feet facing Alice Avenue, with 109 feet depth on West 40th street, out of Lot A, Louise Peterson Estate.
3. Lots 1, 2 and 3, 90 feet deep of Block 5, M. A. Jarrell Subdivision,

for a change of the zoning of this property from "A" Residence to "C" Commercial was received; and the matter referred to the Board of Adjustment for consideration and recommendation.

The application of EDWARD CLARK, attorney for JACK H. KEY, owner of Lot 11, Block 1, Silliman's Subdivision of Outlot 5, Division 3, northwest corner of 11th and Lamar Boulevard, for a change of the zoning of this property from "C" Commercial to "C-1" Commercial was received; and the matter referred to the Board of Adjustment for consideration and recommendation.

The application of EDWARD CLARK, attorney for BEN H. POWELL, W. E. LONG, Trustee, IRELAND GRAVES, MARY I. DAUGHERTY, W. H. YOUNG, W. L. STARK AND JACK H. KEY, owners of property on Lamar Boulevard, for a change of the zoning of the property on both sides of Lamar Boulevard, from 9th to 12th street, from "C" Commercial to "C-1" Commercial was received; and the matter referred to the Board of Adjustment for consideration and recommendation.

Councilman Gillis presented the following and application of DR. E. C. BAUM

to erect a clinic on his property located at 906 Nueces street, together with resolution pertaining to such request:

"Austin, Texas  
November 2, 1945

To the City Council  
Austin, Texas

I have purchased property and vacant lot on 906 Nueces and plan to erect building and use both as a clinic.

This clinic will be used in general practice of medicine, and no mental patients will be housed or treated in such clinic.

/s/ E. C. BAUM."

(RESOLUTION)

WHEREAS, E. C. BAUM, M. D., has applied in writing for permission to erect a doctor's office and clinic for human beings only on the east fifty feet of Lot 5, Block 106 of the Original City of Austin, Travis County, Texas, and use the building now located on the above described property for the same purpose, the same being on the southwest corner of the intersection of Nueces Street and West 10th Street locally known as 906 Nueces Street, and since a number of doctor's offices and clinics are already established in this same neighborhood; therefore,

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

THAT permission for the erection and maintenance of a doctor's office and clinic for human beings only be granted to E. C. Baum, M.D. with the following conditions:

1. THAT this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic
2. THAT all setback regulations required in this zone be complied with in the erection of such building.

Councilman Gillis moved that the above resolution be adopted, and the same prevailed by the following vote:

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, TAYLOR CONSTRUCTION COMPANY is the Contractor for the erection of a building located at 205 West 9th Street and desires a portion of the side-

walk and street space abutting Lots 9, 10 and A in Block 99 of the Original City of Austin, Travis County, Texas, during the erection 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 TAYLOR CONSTRUCTION COMPANY, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of Lot 9; thence in a northerly direction and at right angles to the centerline of West 9th street to a point approximately 14 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of West 9th street approximately 92 feet to a point; thence in a southerly direction and at right angles to the centerline of West 9th street to the northwest corner of Lot 10.

Beginning at the northeast corner of Lot A; thence in an easterly direction and at right angles to the centerline of Colorado Street to a point approximately 14' east of the west curb line; thence in a southerly direction and parallel with the centerline of Colorado Street approximately 50 feet to a point; thence in a westerly direction and at right angles to the centerline of Colorado Street to the southeast corner of the above described lot.

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

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted on West 9th street, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstruction of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent

sagging under load.

(3) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(4) 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.

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

(6) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(8) 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.

(9) 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.

(10) 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 November 1, 1946.

(11) 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.

(12) 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.

(13) 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.

(14) 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 or 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: Councilmen Alford, Gillis and Wolf  
Noes: None  
Absent: Mayor Miller and Councilman Bartholomew

Councilman Bartholomew entered the Council Meeting.

Councilman Wolf offered the following application of L. A. PRESTON for permission to construction a filling station on the southeast intersection of East 5th street and Pleasant Valley Road, together with the recommendation of the City Engineer and City Building Inspector and a resolution pertaining to such application:

"Austin, Texas  
November 6, 1945

To the Honorable Mr. Mayor and  
City Council

Dear Sir:

Please consider my application for a filling station in connection with a garage and grocery on East 5th and Pleasant Valley Road. I will comply in full with any requirements.

Yours truly,

/s/ L. A. Preston,  
2408 Santa Rita st."

Austin, Texas  
November 8, 1945

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of MR. L. A. PRESTON, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southeast intersection of East 5th Street and Pleasant Valley Road, which property fronts 46 feet on East 5th street and 56 feet on Pleasant Valley Road and is known as the north 56 feet of Lot 12, Block 24, of the Subdivision of Outlots 13 and 29, Division O of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

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

A storm sewer exists in the west side of Pleasant Valley Road south from East 5th street.

We recommend that L. A. Preston 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 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 of 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-271.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-271 and shall be of the pre-moulded type.

(6) 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,

/s / J. E. Motheral,  
City Engineer  
J. C. Eckert,  
City Building Inspector.

(RESOLUTION)

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



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THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast intersection of East 5th Street and Pleasant Valley Road, which property fronts 46 feet on East 5th Street, and 56 feet on Pleasant Valley Road, and is known as the North 56 feet of Lot 12, Block 24 of the Subdivision of Outlots 13 and 29, Division 0 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said L. A. PRESTON 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 L. A. Preston, 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, Bartholomew, Gillis and Wolf  
Noes: None  
Absent: Mayor Miller

The following resolution, with application attached, was offered:

(RESOLUTION)

WHEREAS, A. K. BLACK is the owner of Lot 18, Block 3, of the Gammel Taylor Subdivision in the City of Austin, Travis County, Texas, which property abuts the east side of East Avenue and the south side of Kalmer Street and being situated at the southeast corner of the intersection of said streets; and

WHEREAS, A. K. BLACK, owner of the above described property has made application to the City Council of the City of Austin for permission to build a commercial driveway across the east sidewalk area of East Avenue, and to set the curb back from the established curb line on the south side of Kalmer Street and to build commercial driveways across the south sidewalk area of Kalmer Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveways, which plan is hereby attached, marked 2-H-807, and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT A. K. BLACK, owner of Lot 18, Block 3 of the Gammel Taylor Subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of East Avenue and the south side of Kalmer Street and being situated at the southeast corner of the intersection of said streets, is hereby granted permission to build a commercial driveway across the east sidewalk area of East Avenue and to set back the curb from the established curb line

on the south side of Kalmer Street and to build commercial driveways across the south sidewalk area of Kalmer Street.

Permission to construct the above described curb setback and commercial driveways is granted subject to the same being constructed in accordance with the plans approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-807 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on Kalmer Street shall be carried out in accordance with the accompanying plan marked 2-H-807 and that all such widened areas, driveways, or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2-1/2 parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than 3/4 inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-807.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

Councilman Alford moved that the foregoing resolution be adopted, and the following vote prevailed:

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

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 EAST 14th STREET from a point 87 feet west of Coletto Street westerly 144 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said EAST 14th STREET.

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

(2) A gas main BENNETT AVENUE from a point 83 feet south of East 55th Street north to East 55th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said BENNETT AVENUE.

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

(3) A gas main in EAST 55th STREET from Bennett Avenue easterly 314 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north property line of said EAST 55th STREET.

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

(4) A gas main in WEST MONROE STREET from a point 100 feet east of Eva Street easterly 82 feet, the centerline of which gas main shall be 13½ feet north of and parallel to the south property line of said WEST MONROE STREET.

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

(5) A gas main in COTTON STREET from a point 100 feet west of Comal Street westerly 64 feet, the centerline of which gas main shall be 17 feet north of and parallel to the south property line of said COTTON STREET.

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

(6) A gas main in EAST 46th STREET from a point 187 feet west of Red River Street westerly 90 feet, the centerline of which gas main shall be 6½ feet south of and parallel to the north property line of said EAST 46th STREET. Said gas main described above shall have a cover of not less than 2-1/2 feet.

(7) A gas main in WEST 33rd STREET from a point 5 feet west of Jefferson Street westerly 56 feet, the centerline of which gas main shall be 7½ 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.

(8) A gas main in EAST 22nd STREET from a point 265 feet west of Alexander Avenue easterly 56 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said EAST 22nd STREET.

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

THAT 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 payment 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, Bartholomew, Gillis and Wolf  
Noes: None  
Absent: Mayor Miller

The minutes of the Council Meeting held October 18, 1945, were read, and Councilman Alford moved the adoption of the minutes as read, which motion prevailed by the following vote:

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1941, 1942, 1943 and 1944, were assessed in the names of Mary Sue and Virginia Rose Kerkow, on cen. 65' of Lot 5, Block 3, Westfield "A", in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$186.65, and for non-payment of same at maturity, penalty in the sum of \$9.33 has been assessed, and interest in the amount of \$23.65 has accrued, making the total amount of taxes, penalty and interest due \$219.63; and

WHEREAS, the City Council of the City of Austin deems it just and

equitable to remit said penalty in the sum of \$9.33; therefore,

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

THAT the aforesaid penalty in the sum of \$9.33 is 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 \$9.33 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and all of the interest as aforesaid.

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

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

Mayor Miller entered the Council meeting.

The following resolution was offered:

(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>
Paige Benbow	1943	\$ 6.03
Lawrence Carlson	1937, 1938, 1939	9.21
A. F. Harsch	1940	3.25
E. E. Hawkins	1943 & 1944	10.81
J. Y. Holt	1937 & 1938	1.60
Max P. Homeyer	1943	10.00
G. W. Hoover	1936 & 1941 thru 1944	10.14
B. W. Hopson, Jr.	1939 thru 1943	19.85
Edward C. Hughes	1942, 1943, 1944	31.08
Dewey Furryear	1942 thru 1944	12.99
Harry Severn	1941	12.68
W. W. Wright	1944	.83
Roy R. Hendrickson	1939, 1940, 1944	15.78
Richey H. Holman	1941 thru 1944	13.23
M. L. Hutchings	1942 & 1943	11.49
Rosalie Godfrey	1944	7.18
A. B. Hubbard	1943 thru 1944	17.28
James Irby	1940 thru 1944	14.48
Frances R. Dorsey	1931 thru 1933, 1939, 1940	32.51
Abe Frank Cigar Co.	1940	27.87
Lonnie Hutchins	1940, 1941, 1943	1.78
Donald C. Grimes	1934, 1938 thru 1943	37.05
Stanley Hornsby	1937 thru 1939	24.20
C. E. Huddleston	1937 & 1938	10.10
R. E. Harsch, Jr.	1938 thru 1941	11.31
M. J. Goertz	1939, 1941, 1942	1.81
Lillian Clouse	1942 & 1943	20.43
J. B. Higginbotham	1943 & 1944	11.29
Gilley M. Houston	1943 & 1944	12.25
Mrs. Kay Houston	1942 thru 1944	22.01

W. F. Huff	1942, 1943, 1944	\$ 7.66
Emmett Jackson	1936 & 1938	4.95
Chester Deen	1941 thru 1944	25.32
Earlie Dixon	1935 thru 1944	3.69
A. E. Crooks	1934 & 1935	1.80
George Drousche	1939, 1940, 1941	8.14
J. W. Dorsett	1939 thru 1944	7.84
J. H. Ireland	1942, 1943, 1944	22.49
L. W. Jackson	1940 thru 1944	34.60
John Allen Jamison	1942, 1943, 1944	23.59
Howard Houston Cleaners	1940, 1941, 1942	38.11
Ruth Houston	1938 thru 1941	6.60
Mrs. Jane Jackson	1936 thru 1943	69.49
A. Jacobson	1938 thru 1943	6.40
Robert Hohertz	1931 thru 1934	5.46
Otto Hobbs	1938, 1941, 1942	6.41
W. W. Ince	1943	4.82
Worth S. Ray	1944	2.03
Giles Spillar	1937, 1938, 1942 thru 1944	34.77
C. L. Davis	1939 thru 1944	19.61
H. M. Dyer	1943 & 1944	13.69
W. G. Franklin	1930 thru 1944	57.01
Paul Garcia	1944	.25
Edna Kyle Hill	1941 thru 1944	.63
J. M. Huff	1939 thru 1944	23.36
J. G. Hunter	1943 & 1944	15.00
F. P. Jennings	1929, 1928, 1931, 1932, 1935, 1936, 1942, 1943, 1944	21.01
Wolf Jessen	1941 thru 1944	18.99
Starke Truett	1944	.25
Mrs. Laura V. Herwig	1933, 1934, 1939, 1940	9.78
Rogers Oil Company	1942	28.51
David Spicer	1943	8.45

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; 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 directed to record full payment on 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, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf

Noes: None

Absent: None

There being no further business, the meeting was recessed at 11:35 A.M., upon motion duly seconded and carried.

APPROVED:

*Tom Miller*  
Mayor

ATTEST:

Deputy City Clerk