

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 10, 1947
11:00 A.M.

Council Chamber, City Hall

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

Roll call

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

Absent : None

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

The reading of the Minutes was dispensed with.

Pursuant to published notice thereof, the public hearing on the application of Pedro Macias to amend the Zoning Ordinance of the City of Austin in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, to-wit:

East ninety-two (92) feet of Lots 1 to 6, inclusive, Block "B", Capitol Heights Addition, and being located at and near the intersection of South 5th and West Elizabeth Streets, in the City of Austin, Travis County, Texas,

was opened.

Mrs. Pedro Macias appeared and plead for the change, declaring that it would enable them to build an addition to their house for use as a grocery store, by which she could assist in earning their living and at the same time take care of her two young sons.

Mr. Clements, 910 West Elizabeth^S Street, stated that he had no objection to the change, and that the other parties objecting at the hearing

before the Board of Adjustment had moved from that locality.

No other property owner or interested citizen appearing to be heard on the matter, Councilman Glass moved that the action of the Board of Adjustment be not sustained and the change be granted; and that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote:

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

Noes : None

Pursuant to published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance of the City of Austin on the following six (6) tracts of land:

- (1) 237.07 acres of land known as Highland Park West, which land was annexed to the City of Austin by ordinance passed October 24, 1946, and recorded in Book M, pages 281-284, inclusive, of the Ordinance Records of the City of Austin;
- (2) 27.35 acres of land, known as Vallejo, which land was annexed to the City of Austin by ordinance passed October 24, 1946, and recorded in Book M, pages 278-280, inclusive, of the Ordinance Records of the City of Austin;
- (3) 42.65 acres of land known as Willow Brook Addition, which land was annexed to the City of Austin by ordinance passed November 27, 1946, and recorded in Book M, pages 302-304, inclusive, of the Ordinance Records of the City of Austin;
- (4) 20.60 acres of land known as Giles Place, Section 1, which land was annexed to the City of Austin by ordinance passed December 23, 1946, and recorded in Book M, pages 321-323, inclusive, of the Ordinance Records of the City of Austin;
- (5) 31.78 acres of land known as Pannell Place, which land was annexed to the City of Austin by ordinance passed December 23, 1946, and recorded in Book M, pages 324-326, inclusive, of the Ordinance Records of the City of Austin;
- (6) 70.59 acres of land, known as McKinley Heights and Evergreen Cemetery, which land was annexed to the City of Austin by ordinance passed December 23, 1946, and recorded in Book M, pages 327-329, inclusive, of the Ordinance Records of the City of Austin,

which six (6) tracts of land were zoned and classified as "A" Residence District by an ordinance passed March 13, 1947, which annexation and zoning ordinances are hereby referred to for a full description of said land.

Amendments are proposed in the following particulars:

To amend the USE designation of the following described property so as to change the same to "C" Commercial District and First Height and Area District;

(1) A certain section of the 237.07 acre tract known as Highland Park West and above referred to, which section is bounded on the north by Hancock Drive, on the east by Fairview Drive, on the west by Parkcrest Drive, and on the south by certain tracts dedicated for parks and reserved for schools, as shown by a map or plat of Highland Park West of record in Plat Book 4, page 299, of the Plat Records of Travis County, Texas.

(2) Lots 1, 2, and 19 in Block A, Vallejo Addition, according to a map or plat of said addition of record in Plat Book 4, page 286, of the Plat Records of Travis County, Texas.

No property owner or other interested citizen appeared to protest the above change.

Thereupon Councilman Wolf moved that the changes be granted and the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion carried by the following vote:

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

Noes : None

The application of Ted Deison for change in zoning of property located in the 700 block of Fredericksburg Road, facing east, from "A" Residence District to "C" Commercial District, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

* The application of Sam L. Slaughter et al for change in zoning of property lying between Sabine Street and Oldham Street and between East 24th Street and East 25th Street, from "B" Residence District to "A" Residence District, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Noes : None

A. B. Hatley, owner of Bluffington Addition, presented to the City Council an agreement in writing signed by the property owners in said Addition, agreeing to the elimination of anti-Semetic restrictions in said Addition. He was thanked by the City Council for his efforts in the matter, and was advised to confer with the City Manager regarding a 6-inch water main for said Addition.

Roswell Miller again came before the Council relative to Wayside Drive, claiming that the City should give him back his deed to the sidewalk area if the street is to be only 25 feet wide, and that his taxes should be left at the 1944 figure because the street the City promised was not there. Following considerable discussion of the matter, the Council took no further action.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property abutting on the west side of Georgetown Road for approximately 500 feet and adjoining the Southern Pacific Railroad tracks, as a private gasoline plant, which property is owned by Capital Prefabricators, Inc., and hereby authorizes the said Capital Prefabricators, Inc., through Goldsmith and Bagby, Agents, to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Capital Prefabricators, Inc., have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
April 10, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Capital Prefabricators, Inc., through Goldsmith and Bagby, Agents, for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property abutting on the west side of Georgetown Road for approximately 500 feet and adjoining the Southern Pacific Railroad tracks, according to the plat herewith submitted, and locally known as 6926 Georgetown Road.

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

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

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

of traffic on either the sidewalk, street, or alley.

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

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

Respectfully submitted,

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

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property located on the west side of Perdenales Street as a private gasoline plant, which property is owned by the General Plumbing Supply Company, and is a portion of Lot 1, Block 10, Division "A", of the City of Austin, Travis County, Texas, and hereby authorizes the said General Plumbing Supply Company, through their representative, Mr. K. Yeager, to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said General Plumbing Supply Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
April 10, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of General Plumbing Supply Company, through their representative, Mr. K. Yeager, for permission to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Perdenales Street, being a portion of Lot 1, Block 10, Division "A", of the City of Austin, Travis County, Texas, and locally known as 616 Perdenales Street.

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

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

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

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

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

Respectfully submitted,

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

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Councilman Taylor Glass and Councilman Homer Thornberry be, and they are hereby, appointed as a committee to canvass the returns of the election held in the City of Austin, Texas, on April 7, 1947, and they are hereby instructed to report to the City Council the result of such canvass.

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

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an election held in the City of Austin, Texas, on the 7th day of April, 1947, for the purpose of electing five Councilmen, the official returns from the election officials certify and show, and there- after a canvass of said returns by the Committee appointed by the City Council to canvass said returns also shows, that there were cast at said election a total of 9626 votes; and

WHEREAS, said returns, and the canvass thereof, also show that the following named persons severally received the total votes set opposite their names, respectively, to wit:

E. C. Bartholomew	received	5860 votes
Taylor Glass	received	7949 votes
Will T. Johnson	received	4856 votes
Leslie McKay	received	4633 votes
Tom Miller	received	5577 votes
George W. Sandlin	received	4107 votes
Homer Thornberry	received	7759 votes
Oswald G. Wolf	received	4405 votes

Total vote cast at election 9626 ; and

WHEREAS, it appears that E. C. Bartholomew, Taylor Glass, Will T. Johnson, Tom Miller, and Homer Thornberry have received the highest number of votes cast for Councilmen at said election; NOW, THEREFORE,

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

That, in accordance with said returns, as received and canvassed, the following named persons are hereby declared duly elected and authorized

to qualify for the positions of Councilmen for the City of Austin, for the term of two years beginning May 1, 1947: E. C. Bartholomew, Taylor Glass, Will T. Johnson, Tom Miller, and Homer Thornberry.

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be, and he is hereby, authorized and directed to enter into a contract, on behalf of the City of Austin, with J. S. Koenig and Clarence McCullough for the construction of water mains and sanitary sewer mains in Violet Crown No. 1 Subdivision and Violet Crown No. 2 Subdivision, all in accordance with the terms and provisions of that certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(COPY of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and J. S. Koenig and Clarence McCullough, both of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Cast iron water mains in:

Brentwood Street from Highway 81 to Arroyo Seca;
Ruth Avenue from Wild Street to Arroyo Seca;
Karen Avenue from Wild Street to Arroyo Seca;
Wild Street from Payne Avenue to Ruth Avenue;
Woodrow Avenue from Payne Avenue to Ruth Avenue; and

Grover Avenue from Payne Avenue to Ruth Avenue;

Payne Avenue from Wild Street to Grover Avenue;

Payne Avenue from Grover Avenue to Arroyo Seca (one half
of this installation will be charged to Violet Crown No. 2)

in Violet Crown No. 1 Subdivision and that part
of Violet Crown No. 2 located north of Payne Avenue.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

In Grover Avenue from Payne Avenue to the north line of
Subdivision;
Payne Avenue from Arroyo Seca to Wild Street;
Karen Avenue from Arroyo Seca to Wild Street;
Brentwood Street from Arroyo Seca to Wild Street
Ruth Avenue from Arroyo Seca to Wild Street;
located in Violet Crown No. 1 Subdivision and that
part of Violet Crown No. 2 Subdivision located north
of Payne Avenue.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Sixty-four Thousand Dollars (\$64,000.00) when completed, of which cost the sum of Thirty-two Thousand Dollars (\$32,000.00) is estimated to be the cost of the water lines and the sum of Thirty-two Thousand Dollars (\$32,000.00) is estimated to be the cost of the water lines and the sum of Thirty-two Thousand Dollars (\$32,000.00) is estimated to be the cost of the sewer lines; and the Customer, in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Sixty-four Thousand Dollars (\$64,000.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligations lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said J. S. Koenig and Clarence McCullough have executed this instrument in duplicate this the ____ day of _____, 19____.

CITY OF AUSTIN

By _____
City Manager_____
J. S. Koenig

Attest:

City Clerk_____
Clarence McCullough

Approved:

Director Public Utilities_____
Director Public Works_____
City Attorney

ENTERED UPON AUTHORITY OF PARAGRAPH V:

Actual cost of Construction \$ _____

Date of completion of work _____

CITY OF AUSTIN

By _____

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

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

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized and directed to execute a release of a judgment, dated June 1, 1926, taken in Cause No. 41,445, styled City of Austin v. N.A. Dawson, Jr

et al, insofar as said judgment pertains to Lot 11, Block 11, South Heights, in the City of Austin, Texas, all taxes and costs owing to the City as pertains to said Lot 11, Block 11, South Heights, as contained in said judgment, having been paid.

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be, and he is hereby, authorized and directed to enter into a contract on behalf of the City of Austin with Page, Southerland and Page for the construction of water mains and sanitary sewer mains in Vallejo Subdivision, all in accordance with the terms and provisions of that certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation, situated in Travis County, Texas, and Page, Southerland and Page, a partnership composed of Louis C. Page, Louis F. Southerland and George Page, all of Travis County, Texas, hereinafter sometimes called Owner; W I T N E S S E T H:

I.

As part of the development of Vallejo Subdivision, a thirty (30) acre tract of land in the City of Austin, Travis County, Texas, Owner desires to provide the following utilities:

(a) Water mains and other water pipes to be located in streets and easements to serve all of such subdivision;

(b) Sanitary sewer mains and other sewer pipes to be located in streets and easements to serve all of such subdivision.

II.

It is estimated that all of the work described in Paragraph I will cost the sum of Twenty-five Thousand Five Hundred Dollars (\$25,500.00) when completed, of which cost the sum of Twelve Thousand Dollars (\$12,000.00) is estimated to be the cost of water lines and the sum of Thirteen Thousand Five

Hundred Dollars (\$13,500.00) is estimated to be the cost of the sanitary sewer lines.

III.

At the present time the Owner desires to develop only a part of Vallejo Subdivision, the part now to be developed being the part thereof to be served by the water and sewer lines and mains described and located as follows:

(a) Six inch (6") cast iron water mains and other pipes in the following streets and locations:

Palo Duro Road from Arroyo Seca to Camino Real,
Algono Road from Arroyo Seca to Camino Real,
Remeria Drive from Arroyo Seca to Camino Real.

Eight inch (8") cast iron water mains and other pipes in the following streets and locations:

Arroyo Seca from Koenig Lane to Rameria Drive

(b) Sanitary Sewer mains and other sanitary sewer pipes in the following streets and locations:

Koenig Lane easement from Arroyo Seca to Camino Real,
Palo Duro Road easement from Arroyo Seca to Camino Real,
Algono Road easement from Arroyo Seca to Camino Real,
Romeria Drive easement from Arroyo Seca to Camino Real.

It is agreed that the estimated cost of this part of the development will be the sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00), of which cost the sum of Seven Thousand Three Hundred Dollars (\$7,300.00) is estimated to be the cost of the water mains and lines and the sum of Eight Thousand Two Hundred Dollars (\$8,200.00) is estimated to be the cost of the sanitary sewer mains and lines.

IV.

As consideration for the obligations of the City of Austin herein undertaken, which are assumed for the benefit of the Owner in order to furnish water service and sewer service to him, Owner agrees to deposit the sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00), being the estimated cost of the water and sewer lines now to be constructed, with the City of Austin prior to the commencement of the work herein provided to be done by it.

V.

(a) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the water mains and other pipes described in Paragraph III of this contract.

(b) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the sanitary sewer mains and other sewer pipes described in Paragraph III of this contract.

VI.

Within a reasonable time after the deposit of the sum or sums of money as provided in Paragraph IV hereof, the City of Austin agrees to commence construction of the work described in Paragraph V and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

VII.

The deposit provided for in Paragraph IV hereof is an estimate only of the cost of the work to be done by the City as described in Paragraph V; and it is agreed that if the actual cost of such work is less than the amount deposited by the Owner the City of Austin, after the work is completed and subject to the provisions of Paragraphs XII and XIV hereof, will refund to the Owner the difference between the actual cost and the estimated cost of such work. But if the actual cost of such work shall exceed the amount of said deposit, Owner agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

VIII.

Immediately after completion of the work described in Paragraph V, the City of Austin will furnish to the Owner a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers and agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

IX.

It is agreed that, subject to the provisions of Paragraphs XII and XIV hereof, the Owner shall be reimbursed for the money deposited as provided in Paragraph IV hereof in the following manner: Within sixty (60) days after the first of January following completion of the work described in Paragraph V, the City shall pay to the Owner a sum equal to twice the gross amount of income realized by the City from the service and sale of water to customers having a direct connection with the water mains constructed as provided in Paragraph V for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Owner a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines or mains to its customers having a direct connection with said water mains, until the total amount of the cost of the work provided in Paragraph V shall have been repaid; but in no event shall the City make such payment for a period of time longer than ten (10) years from the date of completion of said work as such date is noted on this contract under the provisions of Paragraph VIII.

X.

It is agreed that the title to all improvements to be constructed as provided herein shall be and remain in the City of Austin and the City may

make such repairs, changes, and connections therewith as may be proper or necessary to the orderly conduct of its water system.

XI.

It is agreed that this contract is made with reference to the existing Charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract and the Owner agrees to comply with all such provisions of such laws, ordinances, and Charter.

XII.

It is agreed that the City of Austin may, at its option, retain all or any part of the deposits made by the Owner in compliance with Paragraphs IV and VII of this Contract and refuse to make the payments and refunds provided for in Paragraphs VII and IX of this Contract in the event the Owner shall fail or refuse to comply substantially with any obligations lawfully imposed upon the Owner under any provision of the State laws or the ordinances of the City of Austin regulating the platting, planning and development of subdivisions within the City of Austin.

XIII.

Owner agrees that within two (2) years from the date hereof he will complete or will arrange with the City of Austin for completion of all of the improvements described in Paragraph I of this contract, in such units as may be approved by the City of Austin. Any arrangements made with the City of Austin shall be similar to the provisions of this contract for partial development, and shall be in accordance with the deposit and refund policy of the City of Austin and based on estimated cost at the time such arrangements are made. The time within which Owner must complete or arrange for completion of all the improvements described in Paragraph I hereof may be extended from time to time by written agreement of the parties hereto or their successors, but neither party hereto shall be required to agree to such extensions of time.

XIV.

Until completion of all of the improvements described in Paragraph I hereof, or until arrangements for such completion have been made in accordance with Paragraph XIII hereof, the payments and refunds provided for in Paragraphs VII and IX of this contract shall be withheld by the City of Austin, but when such improvements have been completed or such arrangements for completion have been made all such payments and refunds which have then become subject to payment under the provisions of Paragraphs VII and IX hereof shall be promptly paid to Owner. Default by Owner in compliance with the provisions of Paragraphs XIII hereof shall entitle the City of Austin, at its option, to retain forever all or any part of the deposits made by Owner in compliance with the provisions of Paragraphs IV and VII hereof.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Page, Southerland and Page have executed this instrument in duplicate, this the ____ day of April, 1947.

Attest:

CITY OF AUSTIN

City Clerk

By _____ City Manager

Page, Sutherland and Page

Approved:

By _____

Director of UtilitiesDirector of Public WorksCity Attorney

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

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Superior Dairies, acting by and through Giesecke, Kuehne and Brooks, Architects, owner of Block 11 of the Original City of Austin, Travis County, Texas, and being locally known as 604 East First Street, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the west sidewalk area of Sabine Street and a commercial driveway across the north sidewalk area of East First Street at the above described location; and

WHEREAS, Sabine Street is a "dead end" street; and

WHEREAS, Traffic congestion would be greatly relieved by permitting one of said driveways on Sabine Street to be constructed wider than those permitted by City Ordinance; and

WHEREAS, A plan has been prepared showing the proposed layout of said driveways, which plan is hereto attached marked 2-H-859 and made a part hereof; and

WHEREAS, The City Council has favorably considered the granting of said request; Therefore,

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

THAT the Superior Dairies, acting by and through Giesecke, Kuehne and Brooks, Architects, owner of Block 11 of the Original City of Austin, Travis County, Texas, is hereby permitted to construct commercial driveways across the west sidewalk area of Sabine Street and a commercial driveway across the north sidewalk area of East First Street at the above location, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-H-859, which plan is hereby 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 Director of Public Works of the City of Austin and in accordance with lines and grades furnished by the Department of Public Works of the City of Austin.

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the University Co-Operative Society, acting by and through Giesecke, Kuehne and Brooks, Architects, owner of the north $5\frac{1}{2}$ feet of Lot 34 and the south 38 feet of Lot 35, Outlot 35, Division "D", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and being locally known as 2246 Guadalupe Street, has made application to the City Council of the City of Austin for permission to construct reinforced concrete columns to support the second floor of the present building, said columns to project seven (7) inches beyond the present alley line; and

WHEREAS, the projection of said columns would not interfere with traffic in said alley; and

WHEREAS, it is not the intention of the City of Austin to relinquish her claim to that portion of the alley on which said columns are to be constructed; and

WHEREAS, said request 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 the University Co-Operative Society, acting by and through Giesecke, Kuehne and Brooks, Architects, be permitted to construct reinforced concrete columns to support the second floor of the present building, said columns to project not more than seven (7) inches beyond the present alley line.

It is further understood that any utilities that have to be moved or are damaged during the course of construction of the second story addition shall be paid for by the applicant above named.

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

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be, and he is hereby, authorized and directed to enter into an easement contract in behalf of the City of Austin with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, by which the City of Austin will acquire an easement for drainage purposes upon certain lands owned by Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, described as follows:

Beginning at a point in the International-Great Northern Railroad's easterly property line, said point being opposite I.C.C. Engineer's Chaining Station 9337/56 in the centerline of Railroad's main line track, approximately 1019.52 feet north of Mile Post 177, north of Austin, Travis County, Texas;

Thence westerly, at right angles to Railroad's easterly property line, a distance of 25 feet to a point;

Thence northerly, 25 feet from and parallel to Railroad's easterly property line a distance of 481.5 feet to a point;

Thence northeasterly, a distance of 53.6 feet to a point in Railroad's easterly property line;

Thence southerly, along Railroad's easterly property line, a distance of 528.9 feet to the point of beginning, containing 12,630 square feet, more or less,

and in accordance with the attached map or plat which is made a part of this Resolution for all purposes; and

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

That the City Manager be, and he is hereby, authorized and directed in behalf of the City of Austin to agree that the City of Austin will: (a) excavate and grade the new drainage channel and fill that portion of the old drainage channel now on the railroad right-of-way; (b) perpetually maintain the new drainage channel located within the right-of-way; and (c) construct rip-rap along the west wall of the new drainage channel at the angle point on the north and located at station 5/31.5; and

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

That the resolution heretofore adopted by the City Council March 13, 1947, on this subject be, and the same is hereby, revoked.

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

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

Noes : None

The application of ALBERT HOWARD ALLISON, 811 Shady Lane, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of PAUL D. HEYMAN, 910 East 38 $\frac{1}{2}$ Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of WILLIAM E. GORE, 706 Lamar Boulevard, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of EUGENE LEE KNADLER, Cliff Courts #7, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of FRANK M. PINEDO, 205 East 16th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of WILLIAM CORWIN, 804 South 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of JAMES RUSSELL BENSON, 1411 Bouldin Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of JOHN GOLDEN FARMER, 1503 Newning Avenue, for a license to operate as a taxicab a 1942 Chevrolet, 4-door Sedan, Motor No. BA76274, State License No. JB8033, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of J. B. LANKFORD, 805 Spence Street, for a license to operate as a taxicab a 1946 Hudson, Super Sedan, Motor No. 3170504, State License No. JB-7155, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of JAMES THOMAS ESTEPP, Austin State School, for a license to operate as a taxicab a 1942 Chevrolet, 4-door Sedan, Motor No. BA286867, State License No. JC-2534, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of EL MATAMOROS, by Monroe M. Lopez, 504 East Avenue, 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 Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, during the next two years the City of Austin plans the paving of certain streets as major traffic arteries for the city; and

WHEREAS, certain property of the State of Texas faces on certain parts of these projects; and

WHEREAS, it is the opinion of the City Council that it is proper that the State of Texas, as an abutting property owner, pay a pro rata part of the cost of such construction; therefore,

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

That the City Manager be, and is hereby, directed to furnish to the Chairman of the Board of Control and to the Travis County Representatives in the Legislature itemized estimates of such costs with the request that the Legislature in making appropriations for State expenditures for the next bi-ennium to include the necessary appropriation for the pro rata cost of said construction.

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

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

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 28th day of September, 1946, Tarrytown Methodist Church acquired the southeast 55'x130' of Lot 6, in Block 9, Westfield A, in the City of Austin, to be used exclusively as a dwelling place for the minister of the church; Now, Therefore,

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

THAT the City Tax Assessor and Collector be, and he is hereby, authorized and directed to adjust the records of his office to provide for exemption of such property from and after the date above stated.

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

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

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on April 2, 1946, Travis County Association for the Blind acquired Lots 1 and 2 in Block 2, Fredericksburg Road Acres, for use exclusively for charitable and benevolent purposes; Now, Therefore,

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

THAT the City Tax Assessor and Collector be, and he is hereby, authorized and directed to adjust the records of his office to provide for exemption of such property from and after the date above stated.

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

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

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be, and he is hereby, authorized and directed to enter into an agreement with the owner of Delwood No. 2, a subdivision in the City of Austin, under which agreement,

(1) The City of Austin will pay fifty (50) percent of the cost of constructing a storm sewer from Airport Boulevard to an old gravel pit owned

owned by Bascom Giles, the total cost of which will be approximately Five Thousand Twenty-two Dollars and Eighty-two Cents (\$5,022.82), the City's part to be Two Thousand Five Hundred Eleven Dollars and Forty-one Cents (\$2,411.41); and

(2) Bascom Giles will deed to the City of Austin a certain tract of land, being approximately 1.35 acres along the high ground adjacent to the gravel pit referred to ; and

(3) The gravel pit referred to will be used as a storage basin for surface drainage flowing southerly from the Municipal Airport and vicinity into the gravel pit from which said waters will be slowly released through the storm sewer to be constructed under this agreement and to the storm sewer system of the City of Austin; and

(4) Bascom Giles will agree to maintain the gravel pit so that it will not become a public nuisance; and

(5) The City of Austin recognizes that by virtue of construction of new runways on the Municipal Airport and the storm sewer on the Airport, the natural flow of drainage from this area to the Delwood property may have been affected.

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

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager is hereby authorized and directed to inform JOE EDGAR and J. A. SHELLEY that it is the purpose of the City Council to annex to the City of Austin on or about September 1, 1947, the area included in two subdivisions known as "La Perla" and "Oakridge Heights", which subdivisions are now outside of the corporate limits of the City of Austin and being partially described in the maps attached hereto; and that contracts for utilities may be entered into at that time in accordance with the terms and provisions of standard contracts heretofore fixed by the City Council as being the policy of the City Council with reference to subdivisions within the City of Austin.

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

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

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Messrs. Jack Gray and Ed Price have submitted a request in writing for the use of Lake Austin Metropolitan Park for the operation of a day camp for approximately thirty boys; and

WHEREAS, the operation of this camp will bring the use of the park facilities to a group of Austin citizens in a manner for which the park was originally intended; Now, Therefore,

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

THAT Messrs. Jack Gray and Ed Price are granted permission to operate a day camp at the Lake Austin Metropolitan Park for the summer of 1947; and

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

THAT the City Manager be, and he is hereby, authorized to draw up a contract with the operators which will specify a rental fee of three percent of the gross receipts to cover cost of maintenance.

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

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

Noes : None

The request of Ed St. John for permission to use the Shoal Creek area from 24th Street south into Pease Park for a Boy Scout Camp-O-Ree on April 25 and 26, the purpose of the Camp-O-Ree being to publicize the Boy Scout program, was received. Councilman Glass moved that the request be granted. The motion carried by the following vote:

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

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$49,000.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying George G. Ehrenborg Company for reappraisal work in accordance with the contract authorizing this work between George G. Ehrenborg Company and the City of Austin March 14, 1947.

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

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

Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE VACATING AN ALLEY THROUGH BLOCK 61 OF THE ORIGINAL CITY OF AUSTIN IN THE CITY OF AUSTIN, PRESERVING UTILITY EASEMENT RIGHTS THEREIN, AND DEDICATING IN LIEU THEREOF A NEW ALLEY TWENTY (20) FEET WIDE THROUGH BLOCK 61 LOCATED 100.20 FEET SOUTH OF THE SOUTH LINE OF EAST SIXTH STREET AND PARALLEL THERETO; AND DECLARING AN EMERGENCY.

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

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

Noes : None

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

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

Noes : None

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

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

Noes : None

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

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY," PASSED BY THE CITY COUNCIL MARCH 14, 1946, AND RECORDED IN BOOK M, PAGES 142-148, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING AND RE-ENACTING SUBSECTION (18) OF SECTION 1 REGULATING THE INSTALLATION OF LAND DRAINAGE FACILITIES IN SUBDIVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The

motion carried by the following vote:

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

Noes : None

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

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

Noes : None

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

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

Noes : None

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Manager, for and in behalf of the City of Austin, authorized by the City Council to act for said City, heretofore conveyed Lot Eight of the Shoal Creek Boulevard Lots Addition in the City of Austin, Travis County, Texas, as shown by a plat recorded in Book 3, page 218, of the Plat Records of Travis County, Texas, to Mrs. Zelia Kramer by warranty deed dated March 16, 1939, which deed is recorded in Book 610, page 525, of the Deed Records of Travis County, Texas; and

WHEREAS, such authorization to the City Manager to convey said property to the said Mrs. Zelia Kramer, as aforesaid, was inadvertently omitted from the permanent records and proceedings of the City Council; Therefore,

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

That the act of the City Manager in executing for and in behalf of the City of Austin a general warranty deed to Mrs. Zelia Kramer be and the same is hereby in all things ratified and confirmed, and the City Council hereby ratifies, adopts and confirms the action of the City Manager in executing, acknowledging and delivering the aforesaid general warranty deed from the City of Austin to Mrs. Zelia Kramer.

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

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

Noes : None

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

<u>Name of Owner</u>	<u>Description of Boat</u>
Skaggs, W. E. - 5601 Mountview	Sportman, Inboard, 1947 Model, "Faustine", Briggs, 5-passenger
Smith, E. A., and 2806 Wooldridge Drive	Sportmaster, Outboard, 1947 Model,
Walker, W. W. - 2804 Wooldridge Drive	Evenrude, 4-passenger

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

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

Noes : None

The request of the Baptist League that the City build a softball diamond at a city park and grant said organization exclusive use of same for four nights each week, said League agreeing to pay small percentage of cost, was received. The matter was referred to the City Manager, with instructions to confer with the Recreation Department and if such improvements are needed, to build same, but to take no contributions from any organization or person, and to give no exclusive use to any.

The following report of the Board of Adjustment on the application of Leopold Cohn for change in zoning of the property known as 1304, 1306, and 1308 West 5th Street, was received and filed:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

I. Referred to the Board by the City Council on : March 27, 1947

II. Property affected:

Lots 32, 33 and 34, Block 1, Duval Addition, being located on the north side of West 5th Street between Pressler Street and Walsh Street, and known as 1304, 1306, and 1308 West 5th Street.

III. To be changed

From : "B" Residence District

To : "D" Industrial District

IV. Considered by the Board on : April 8, 1947

V. Parties appearing:

For : Leopold Cohn

Against: Adolf Schutze, Thos. C. Jensen, Roy Lane for his mother, Mrs. D. A. Lane, Mrs. Helena Hardcastle for herself and father, Mr. Von Rosenberg, and S. R. LaGrone

VI. Action of the Board : Change not recommended

For the following reasons:

1. The applicant is requesting the change for the purpose of selling the property for industrial uses since he has had several inquiries regarding the possibility of erecting warehouses thereon.
2. The property proposed to be changed is now occupied by three residences and is located in the center of a block which is developed for residential purposes and across West 5th Street from an industrial area which extends south to the railroad, and south of a commercial area which is still undeveloped for that purpose.
3. This change is not in response to any public demand or necessity for additional industrial property since there is now considerable undeveloped property in the "D" Industrial District across the street, and as shown by the objections voiced by property owners in this block who are desirous of maintaining the residential character of the property.
4. Under the theory of zoning, the City has been divided into various Use district by the City Council as being best suited for such uses and zoning, to be of any value, must maintain such districts for such purposes and uses until they have been practically fully developed and expansions should occur only through the exhaustion of such uses, the pressure of increase in population, and resultant demand for additional uses for such purposes, and the normal expansion and growth of a City.
5. It has been the policy of the City to encourage the development of industry in the eastern sections of the City along the existing railroad systems and to discourage the extension of such development in the western section, since the general trend of development in the western part of the City is residential and commercial; and further, in consideration of the proposed unification of the railroad systems in the eastern section of the City, and a recent request for an industrial area a few blocks west of the applicant's property was not recommended by the Board.

(Sgd) H. F. Kuehne
Chairman. "

In accordance with the request of the applicant, Leopold Cohn, no public hearing by the City Council was called.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the following named persons owed delinquent taxes to the City of Austin ; and

WHEREAS, the City Tax Assessor and Collector has collected the amounts shown herein for the years indicated;

W. R. Ross	1941, 1942, 1944	\$ 8.09
R. L. Ratcliff	1943 and 1944	7.20
Walter Schroeder	1943, 1944	4.42
Odis Walker	1943	1.61
Eddie Schneider	1944 and 1945	5.76
L. J. Priest	1932	1.52
James Snowden	1938, 1941 and 1942	5.60
Oliver B. Street	1938 thru 1943	20.03
Henry Rothell	1942, 1944 and 1945	21.45
A. M. Seiders	1943 and 1944	9.06
Sven Skoglund	1938 thru 1945	16.47
John L. Scott	1942 and 1944	22.26
G. O. Rogers	1935, 1938 thru 1945	40.89
Julian W. Robertson	1936 thru 1943	46.72
W. S. Swenson	1940 thru 1945	34.13
S. B. Secord, Jr	1945	4.94
Viola Steiner	1935 thru 1939	23.54
John Rowland	1942 thru 1945	8.83
Morgan V. Smith	1934 thru 1945	78.49
C. M. Alford	1927 thru 1937	24.58
Henry Black	1935, 1940 and 1943	5.65
T. F. Scallorn	1938, 1939, 1941	12.04
L. D. Steffens	1943, 1944, 1945	24.48
Felix Rodriguez	1937 thru 1945	52.97
William B. Saunders	1941 and 1942	14.92
J. Roy Taylor	1944 and 1945	2.94
Robert Schrader	1944	2.35
Billy Thomas	1934, 1935, 1936, 1939, 1941	4.12
Gardner Tatsch	1942 and 1943	3.75
C. C. Sullivan	1934, 1935, 1936	16.39
Jacinto Sanchez	1938 and 1942	3.43
Joseph E. McGill	1942 thru 1945	38.44
Vernie Sparks	1938 and 1939	2.59
Frank J. Von Zuben, Jr	1941 thru 1945	47.53
Wayne Tegge	1939 thru 1945	16.26
Virdell Lee	1940 thru 1942	9.02
Cecil J. Shafer	1938, 1941, 1944, 1945	6.24
Oliver L. Pratt	1940, 1941, 1944	23.41
P. W. Seiders	1942 thru 1945	29.74
E. P. Savage	1941 thru 1945	34.89
Ed Syers	1940 and 1941	10.53
A. W. Moreland	1941, 1942, 1943	12.05
Thomas A. Rousse	1930 thru 1933, 1935, 1936,	
	1938 thru 1941	42.23
Joe Crow	1941 thru 1945	39.43
Matt Thomas	1938, 1939, 1940	8.97
Robert E. Thiele	1937	4.18
W.M. Taylor, Jr	1943 and 1944	6.39
Benjamin F. Swank, Jr	1943	4.71
A.W. Tew III	1936, 1939, 1942, 1943, 1944	23.83
M.M. Watson	1944 and 1945	5.53
H.C. Nelle	1929 thru 1937, 1939, 1941	709.51
John M. Fiero	1945	23.27
Steussy, M.D.	1931 thru 1934, 1936, 1937,	
	1941	60.51

Carlton Second	1937, 1938, 1940, 1941, 1945, 1944	\$ 23.99
Eric G. Nelson	1941	12.03
Robert Penick	1940, 1941, 1942	14.35
Mrs. V.S. Swanzey	1941 thru 1945	27.20
J.T. Patterson, Jr	1944	50.29
M.W. Stiefer	1943	4.48
Monroe Taylor, Jr	1943, 1944, 1945	<u>2.45</u>
	Total -	\$1,822.68

WHEREAS, on the above accounts penalties and interest in the sum of \$386.23 was collected; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

That the Tax Assessor and Collector be and is hereby authorized and directed to clear the above accounts as paid for all years indicated.

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

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

Noes : None

The following report of the Board of Adjustment on the application of Bradfield and Brush for change in zoning of triangular strip of land, $3\frac{1}{2}$ acres, bounded on the north by West 19th Street, on the south by Shoal Creek Boulevard, and on the east by a subdivision known as "Vance Park" west of San Gabriel Street, was received :

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

I. Referred to the Board by the City Council on : March 6, 1947

II. Property affected : About $3\frac{1}{2}$ acres of land, triangular in shape, bounded on the north by West 19th Street, on the south by Shoal Creek Boulevard, and on the east by a subdivision known as "Vance Park" west of San Gabriel Street

III. To be changed

From : "A" Residence District and First Height and Area District

To : "B" Residence District and Second Height and Area District

IV. Considered by the Board on : April 1, 1947

V. Parties appearing:

For : W. L. Bradfield and G. H. Brush

Against:None

VI. Action of the Board: Requested change recommended

For the following reasons:

1. This property, due to its location, is better suited to "B" Residence purposes than "A" Residence uses.
2. Development for apartments with off-street parking, due to the fact that there is a portion of the old Lamar Boulevard lying between this property and the new Boulevard which would serve as a service road to this property, would obviate traffic hazards which would result if the developments fronted directly on the Boulevard.
3. Existing residential developments in the neighborhood are located upon a high bluff behind this property and would not be obstructed with respect to light, air, exposure, and view as the outlook from the present residences would be above the roofs of the buildings on this property/
4. The proposed extension of West 19th Street would provide a direct outlet for occupants of this area to the University and the Capitol area, relieving traffic on 24th and 12th Streets.
5. This change would provide the most appropriate use of this land under existing conditions.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be, and he is hereby, authorized and directed to inform Adolph Kohn that it is the purpose of this Council to annex to the City of Austin on or about September 1, 1947, the area of Shoalmont Addition, now outside the corporate limits of the City of Austin, being the general area between Hancock Drive on the south, Northland Drive on the north, Shoal Creek on the west, and Burnet Road on the east, in accordance with a request in writing made to the City Council, dated March 1, 1947, by Charles O. Betts, agent for Adolph Kohn, and petition of approximately forty (40) residents of the area proposed to be annexed, and that contracts for streets and utilities may be entered into in accordance with terms and provisions controlled by policy heretofore fixed by City Council with reference to new subdivisions within the City of Austin.

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

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

Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

Tom Miller

MAYOR

Attest:

Helen McAllen

CITY CLERK