

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 9, 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; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

C. F. Herring, Attorney for Delta Kappa Epsilon Fraternity, appeared before the Council and re-submitted an application of his clients for rezoning of the property at the northeast corner of Pearl and West 25th Streets to permit the erection of a fraternity house. He also submitted a petition signed by adjoining property owners agreeing to the change, but withdrew same to secure additional signatures; and he further stated that, in addition to the signers on the petition, he had the oral assurance from the following property owners that they had no objections to the proposed change, to-wit: Mrs. Paul H. Goldmann; Mr. and Mrs. Jack Gray; J. C. Baldwin; and Mrs. McMillan, by Mr. Walter Bremond.

Whereupon Councilman Wolf moved that the application be received and referred to the Board of Adjustment for re-consideration and recommendation. The motion carried by the following vote:

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

Noes : None

Ayres K. Ross, Attorney for CURTIS LEE KARL, appeared before the Council and asked that his client's application for a taxicab driver's permit, which was denied, be reviewed by the City Council, declaring that the circumstances involved in the case would justify favorable action by the City Council.

After consideration of the matter, it was moved by Councilman Glass, seconded by Councilman Wolf, that the said Curtiss Lee Karl be granted a ninety (90) days probationary permit to drive a taxicab; and that he report to the Chief of Police in the meantime and if at the end of said probationary period, his record is clear, the permit would be made regular. The motion carried by the following vote:

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

Noes : None

W. H. McClanahan came before the Council and submitted a petition signed by the residents and property owners on South Congress Avenue from the 2200 block south to city limits, asking that the name of Post Road be changed to South Congress Avenue; and that the postal authorities be notified accordingly.

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

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as Post Road, which street is shown upon the map or plat of the City of Austin, Travis County, Texas; and

WHEREAS, the Post Road south of South Congress Avenue is a continuation of the aforementioned street; and

WHEREAS, the abutting property owners on the Post Road have petitioned the City Council of the City of Austin to change the name of Post Road, from its intersection with South Congress Avenue southerly, to South Congress Avenue; and

WHEREAS, the City Council of the City of Austin has considered said petition; therefore,

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

THAT Post Road as referred to above be known and designated as SOUTH CONGRESS AVENUE.

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

E. J. Colvin, representative of a Ft. Wayne, Indiana, manufacturer, came before the Council and complained that he was unjustly fined \$50.00 in the Corporation Court of the City of Austin on an alleged charge of conducting the sale of a food grinder from a temporary location in his hotel room without having obtained a license therefor, as required under a city ordinance. After some discussion, it was moved by Councilman Thornberry that the matter be referred to the City Attorney to confer with the Judge of the Corporation Court, and bring in his recommendations to the City Council. The motion carried by the following vote:

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

Noes : None

Whereupon, the City Attorney was instructed to prepare an ordinance repealing the ordinance referred to above, for passage at the next regular meeting.

J. R. Kerwin, veteran, came before the Council and asked that the City expedite completion of the Butler tract housing project by requiring the contractors to speed up the work, declaring that he and family were to be evicted soon from their present dwelling and had no place to go, pending completion of these houses. He was advised that the City had no jurisdiction in the matter as the project was under Government control; and he was referred to the Government Engineer in charge of the work.

Kenneth R. Lamkin, Colored, Attorney for E. H. Givens, et al, came before the Council and asked that final action be taken on his clients' application for a change in zoning of the south one-half of Block 1, Outlot 34, Division "B", located in the 1800 block of East 12th Street, from "C-1" Commercial District to "C-2" Commercial District now pending before the Council.

In connection with the above matter, the report of the City Attorney showing a total of 24 non-conforming Uses for wine, beer, and liquor in the City was submitted by the City Manager and discussed at length. Following which, it was moved by Mayor Miller that said application for change in zoning of the above described property, located in the 1800 block of East 12th Street, from "C-1" Commercial District to "C-2" Commercial District, be granted, and the City Attorney be instructed to prepare the amendment to the Zoning Ordinance making the change effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf  
Noes : Councilman Thornberry

Whereupon, the City Manager and the City Attorney and the Chief of Police were instructed to maintain rigid inspection of The End, and that sufficient men be provided for this purpose.

Arthur Johnson came before the Council and asked for stricter regulations for taxicabs and for a tax on same to defray expense of inspection, use of streets, etc. Councilman Wolf moved that a public hearing on the matter be called for Thursday, January 16, at 4:00 P. M. The motion carried by the following vote:

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

Ayres K. Ross, Attorney for WALLACE EDWIN BEARD, submitted a request for reinstatement of his client's taxicab driver's permit heretofore cancelled at client's request when he was granted a taxicab license. It was moved by Councilman Wolf that the said Wallace Edwin Beard be granted a ninety (90) days probationary taxicab driver's permit, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

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

C. F. Herring, Attorney for Louis D. Kubecka, applicant, submitted a request in writing for a public hearing on applicant's petition for a change in zoning of Blocks 46 and 47, Christian & Fellman Subdivision in Division "C", said property fronting on East Avenue between 23 $\frac{1}{2}$ , 24th, and Swisher Streets, from "A" and "B" Residence Districts and First Height and Area District to "C" Commercial District and Second Height and Area District.

Whereupon, Councilman Wolf moved that a public hearing on the above application for change in zoning be called for Thursday, January 30, 1947, at 11:00 A. M., and that notice of said hearing be published as required under the terms of the Zoning Ordinance. The motion carried by the following vote:

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

Noes : None

A lengthy petition by property owners in the vicinity of the property described in the foregoing application, protesting the proposed change in zoning, addressed to the City Council and the Zoning Board, was received and filed.

The written application of Ida Frances McGill, by Looney & Herring, Attorneys, for a change in zoning of Lot 14 and the south one-half of Lot 15, Block 3, Carrington Subdivision of Outlots 26, 27, and 28, Division "D", known as 1909 Cliff Street, from "A" Residence District to "B-1" Residence District, or, in the alternative, for the right of applicant to a non-conforming Use of said property for a rooming house, was received. It was moved by Councilman Wolf 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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by ordinance passed March 14, 1946, and recorded in Book "M", pages 149-150, inclusive, of the Ordinance Records of the City of Austin, the Use designation under the Zoning Ordinances of the City of Austin of the following described property was changed from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District:

Lots 23 and 24, and Lots 5, 6, 7, 8, 9,  
10, 11, and 12, all in Outlot 53, Division D,  
in the City of Austin, Travis County, Texas;

and

WHEREAS, in so classifying the property described above certain uses normally permitted in "B" Residence District were prohibited by the ordinance referred to placing said property within a classification less restrictive than "A" Residence District and more restrictive than "B" Residence District; and

WHEREAS, by ordinance passed December 5, 1946, and recorded in Book "M", pages 305-308, inclusive, of the Ordinance Records of the City of Austin, a general residence district known as "B-1" Residence District was created and the Uses provided for said district were less restrictive than regulations for "A" Residence District and more restrictive than "B" Residence District; and

WHEREAS, the City Council deems it advisable to place residence properties having special classifications within proper general residence districts provided in the Zoning Ordinance; Now, Therefore,

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

That in accordance with the provisions of Section 31 of the general Zoning Ordinance of the City of Austin, the Zoning Board of Adjustment be requested to consider and report upon the proposed Use designation of the following described property as "B-1" Residence District;

Lots 5, 6, 7, 8, 9, 10, 11, and 12, all in  
Outlot 53, Division D, in the City of Austin,  
Travis County, Texas.

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 introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE REGULATING THE HANDLING AND DISPOSAL OF GARBAGE AND WASTE IN THE CITY OF AUSTIN, PASSED BY THE CITY COUNCIL AUGUST 18, 1927, AND RECORDED IN BOOK G, PAGE 375-377, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AND EMERGENCY.

The ordinance was read the first time and Councilman Thornberry 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 then read the second time and Councilman Thornberry moved a further suspension of the rule and the placing of the ordinance on 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 then read the third time and Councilman Thornberry 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 declared that the ordinance had been finally passed.

Councilman Wolf 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, be and he is hereby authorized to execute on behalf of the City a deed to Westenfield Development Company conveying twenty-three one-thousandths (23/1000ths) of one acre of land, all in accordance with the deed, a copy of which is attached and made a part hereof, and to accept the deed from Westenfield Development Company to the City of Austin conveying two hundred seventy-six one-thousandths (276/1000ths) of one acre of land as consideration for the conveyance by the City.

(Copy of Deed attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

That the City of Austin, a municipal corporation situated in Travis County, State of Texas, for and in consideration of the sum of Seven Hundred Fifty Dollars (\$750.00) cash to it in hand paid by the Westenfield Development Company, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, has this day GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto the said Westenfield Development Company, a corporation duly incorporated and established under the laws of the State of Texas, situated in Travis County, Texas, the following described property, to-wit:

23/1000ths of one acre of land, the same being a portion of that certain tract or parcel of land marked "RESERVED" as shown upon the map or plat of Enfield "A", a subdivision by R. Niles Graham, et al of a part of Outlots 6, 7, and 8, in Division "Z" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which map or plat of said Enfield "A" appears of record in Book 3, at Page 44 of the Plat Records of Travis County, Texas, and which 23/1000ths of one acre of land is a portion of that certain 191/1000ths of one acre of land conveyed to the City of Austin by Edgar Ellen Wilson by deed dated April 10, 1940, as recorded in Volume 645, at Page 562, of the Deed Records of Travis County, Texas, said 23/1000ths of one acre of land being more particularly described by metes and bounds as follows:

Beginning at an iron stake in the east line of Lamar Boulevard, said point of beginning in the south line of the previously mentioned 191/1000ths of one acre of land conveyed to the

City of Austin by Edgar Ellen Wilson, and said point of beginning also being the northwest corner of Westenfield Development Company tract of land;

Thence with the east line of Lamar Boulevard N.  $21^{\circ}14'$  E. 40.22 feet to an iron stake;

Thence N.  $68^{\circ}46'$  E. 48.70 feet to an iron stake in the south line of the said City of Austin  $191/1000$ ths of one acre of land, same being the north line of the Westenfield Development Company tract of land;

Thence with the south line of said City of Austin  $191/1000$ ths of one acre of land, same being the north line of the Westenfield Development Company tract of land, S.  $71^{\circ}40'$  W. 63.14 feet to the place of beginning.

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging unto the Westenfield Development Company, its successors and assigns forever, and the City of Austin does hereby bind itself, its successors and assigns to warrant and forever defend all and singular the said premises unto the Westenfield Development Company, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN TESTIMONY WHEREOF witness the hand of the City of Austin by Guiton Morgan, its City Manager, and the seal of the City of Austin is hereunto duly affixed and attested by the City Clerk, this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_.

CITY OF AUSTIN

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

Attest:

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

(Notary Public Acknowledgment)

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 PERPETUALLY CLOSING AND VACATING  
A PORTION OF SHOALWOOD AVENUE, AS SHOWN IN  
PLAT BOOK 4, PAGE 50 OF THE PLAT RECORDS OF  
TRAVIS COUNTY, TEXAS; AND DECLARING AN EMER-  
GENCY.

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 then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be placed on 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 then 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 declared that the ordinance had been finally passed.

Councilman Thornberry 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 of 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 PERRY LANE, from a point 145 feet east of centerline of I&GN R.R. westerly to a point 40 feet west of Valley Oak Drive (West Drive), the centerline of which gas main shall be 5.5 feet south of, and parallel to, the north property line of said Perry Lane.

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

- (2) A gas main in HORSESHOE BEND (EAST) from Perry Lane southerly 580 feet, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Horseshoe Bend (EAST).

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

- (3) A gas main in HORSESHOE BEND, west and north to Perry Lane, the centerline of which gas main shall be 5.5 feet north of,



and parallel to, the south property line of said Horseshoe Bend.

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

- (4) A gas main in HIGHLAND TERRACE, from Perry Lane to Highland Terrace West, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Highland Terrace.

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

- (5) A gas main in HIGHLAND TERRACE WEST, from Highland Terrace to a point 50 feet west of Valley Oak Drive, the centerline of which gas main shall be 5.5 feet south of, and parallel to, the north property line of said Highland Terrace West.

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

- (6) A gas main in VALLEY OAK DRIVE (EAST DRIVE), from Perry Lane to Highland Terrace West, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Valley Oak Drive (EAST DRIVE).

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

- (7) A gas main in VALLEY OAK DRIVE, from Perry Lane to Highland Terrace West, the centerline of which gas main shall be 5.5 feet east of, and parallel to, the west property line of said Valley Oak Drive.

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

- (8) A gas main in VALLEY OAK DRIVE, from Highland Terrace West to north property line of Highland Park West Subdivision, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Valley Oak Drive.

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

- (9) A gas main in SUNNY LANE, from Valley Oak Drive to Fairview Drive, the centerline of which gas main shall be 5.5 feet south of, and parallel to, the north property line of said Sunny Lane.

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

- (10) A gas main in FAIRVIEW DRIVE, from a point 40 feet south of Sunny Lane to a point 30 feet west of Parkcrest Drive, the

centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Fairview Drive.

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

- (11) A gas main in HANCOCK DRIVE, from a point 230 feet east of Valley Oak Drive to a point 32 feet west of Fairview Drive, the centerline of which gas main shall be 5.5 feet south of, and parallel to, the north property line of said Hancock Drive.

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

- (12) A gas main in EVERGREEN COURT, from Hancock Drive northerly 190 feet, the centerline of which gas main shall be 5.5 feet west of, and parallel to, the east property line of said Evergreen Court.

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

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

And that when pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

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

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

Ayes : Councilmen Bartholomew, Glass, 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 Council of the City of Austin hereby approves the property situated on the north side of Barton Springs Road, which property is owned by the Austin Marine Service, and is designated as the west 75 feet of the Robert T. Toomey tract, Austin, Travis County, Texas, and hereby authorizes the said Austin Marine Service to operate a private gasoline plant consisting of a 550-gallon 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 Austin Marine Service has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas  
January 9, 1947

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Austin Marine Service for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and a pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of Barton Springs Road, which property is designated as the west 75 feet of the Robert T. Toomey tract, Travis County, Texas, and locally known as 1530 Barton Springs Road.

The property is located in a "C" Commercial District and I recommend that this permit be granted, subject to the following conditions:

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

(2) That all pumps shall be 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. "

Approved:

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

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 the City Manager be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin a contract with the United States Government granting a license to install certain facilities for the Civil Aeronautics Association on three parcels of ground at the Municipal Airport, all in accordance with the terms and provisions of a contract, a copy of which is attached hereto and made a part hereof for all purposes.

(Copy of Contract)

"DEPARTMENT OF COMMERCE  
Civil Aeronautics Administration  
Washington 25

Approach Light Lane Site  
and  
Instrument Landing System Site  
Location, Austin, Texas, Municipal  
Airport

#### LICENSE

1. For and in consideration of One Dollar (\$1.00) per annum and in view of the benefit to the Austin, Texas, Municipal Airport and to the general public utilizing same, the undersigned, hereinafter referred to as the licensor, hereby grants to the United States of America the license, right and privilege to install, operate and maintain an approach light lane; and an instrument landing system consisting of localizer unit, glide path unit and boundary marker unit and necessary control facilities, upon the following described lands in the County of Travis, in the State of Texas, more particularly described as follows:

LOCALIZER SITE

A tract of land 550 feet by 275 feet described as follows: From the NW end of the NW-SE runway at above mentioned airport go N 45°13' W 675 feet with the centerline of said runway produced to the POINT OF BEGINNING; Thence go N 44°47' East 225 feet; thence go N 45°13' West 275 feet; thence go S 44°47' West 550 feet; thence go S 45°13' East 275 feet; thence go N 44°47' East 325 feet, returning to the POINT OF BEGINNING, containing 3.5 acres more or less.

GLIDE PATH UNIT

A tract of land 50 feet square, with its center located 400 feet NE from the centerline of the NW-SE runway and 750 feet NW of the SE end.

ENGINE GENERATOR SITE

A tract of land 35 feet square adjacent to and just south of the existing control tower.

APPROACH LIGHT LANE AND BOUNDARY MARKER

A tract of land 1,550 feet long and 50 feet wide with its centerline parallel to and 85 feet SW of the centerline of the NW-SE runway produced. Said tract to start at the SE end of runway and run SE 1,550 feet and also a tract 140 feet square with its center 250 feet SE from the SE end of the NW-SE runway and 180 feet SW from the centerline of said runway produced. All bearings are true.

The Civil Aeronautics Administration is granted the right to construct access drives from the nearest airport pavement to the Localizer and Glide Path Unit. Driveways will be excavated and backfilled with gravel or shall even with existing ground with no ditches.

2. Together with the right of ingress and egress over the said lands and adjoining lands of the licensor, necessary or convenient for the installation, operation and maintenance of the approach light lane; and an instrument landing system consisting of localizer unit, glide path unit and boundary marker unit; and necessary control facilities; and a right-of-way for a power line and control line, overhead and underground, or other facilities, over and across the said lands and adjoining lands of the licensor, said right of ingress and egress and said right-of-way, unless hereinbefore described by metes and bounds, to be by the most convenient routes; and the right to utilize any existing power lines, control lines, conduits, or other facilities of the licensor which are adaptable to use in connection with the purpose of this license.

3. The right of ingress and egress and the right-of-way herein granted shall inure to the benefits of the licensee and its duly authorized agents, representatives, contractors and employees.

4. The licensor agrees to furnish without cost to the licensee electric energy required for operation of the facilities to be installed by the licensee on the property licensed hereby.

5. The licensor further agrees not to erect or to allow to be erected on the property licensed hereby or on adjacent property of the licensor, any

structure or obstruction of whatsoever kind or nature as will interfere with the proper operation of the facilities to be installed by the Government under the terms of this license unless consent thereto shall first be secured from the licensee in writing.

6. This license shall become effective February 1, 1947, and shall remain in force until June 30, 1947, and may, at the option of the Government, be renewed from year to year, at a rental of One Dollar (\$1.00) per annum and otherwise upon the terms and conditions specified, provided notice be given in writing to the licensor at least thirty days before this license or any renewal thereof would otherwise expire; Provided Further, That no renewal thereof shall extend the period of occupancy of the premises beyond the 30th day of June, 1967.

7. This license may be cancelled by either party upon six months notice in writing, or at any date which may be mutually agreed upon.

8. All structures, improvements, or other property placed upon the said premises by the United States shall remain its property and may be removed by it upon the expiration or termination of this license or within 90 days thereafter.

9. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this license or to any benefit to arise therefrom. Nothing, however, herein contained shall be constructed to extend to any incorporated company if the license be for the general benefit of such corporation or company.

10. NON-DISCRIMINATION: The licensor shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The licensor shall include a similar provision in any sub-contract he may enter into in connection with the performance of this license (Executive Order 9346 dated May 27, 1943).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1947.

\_\_\_\_\_  
Licensor

Address: \_\_\_\_\_

ACCEPTED:

UNITED STATES OF AMERICA

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

The City Manager reported that upon investigation, it was found that the claim of Fannie Gay, colored, that the City had encroached twelve feet on her property on Robinson Avenue when the electric plant substation was

built was incorrect, and that the said Fannie Gay has all of the property called for in her deed. He was instructed to advise the said Fannie Gay of these facts by letter.

The City Manager submitted a memorandum from the City Attorney recommending that the City file an injunction in the District Court asking equitable relief and an injunction against the use of "Grade A" label by C. R. Leach, dairyman, charges against whom are now pending in the Corporation Court for mislabeling of milk. The City Manager was directed to have the City Attorney proceed with his recommendations.

The City Manager submitted bids received for the concession privileges at Zilker Springs and Deep Eddy for the year 1947, as follows:

Victor H. Randolph	---	Percentage of Gross Income -	17.51%
		Guarantee - - - - -	\$4,400.00
Burke Matthews	-----	Percentage on all gross receipts grossed over	
		\$26,464.00 -----	17%
		Guarantee -----	\$4,500.00

and recommended that the bid of the said Burke Matthews be accepted as the best bid.

Whereupon, Councilman Wolf moved that the recommendations of the City Manager be accepted, and the contract be awarded to Burke Matthews in accordance with his bid. The motion carried by the following vote:

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

Noes : None

Present but not voting: Councilman Glass

In the matter of easements for the Govalle drainage area, the Tarrytown No. 4 drainage area, and sanitary sewer contracts A, B, and C, the City Attorney was directed to proceed with condemnation proceedings against property owners who have refused to grant such easements.

The Director of Public Works was instructed to proceed with securing easements for Seventh Street extension, and other jobs.

The City Manager submitted a letter from Jessen, Jessen, Millhouse & Greeven, Architects for the Govalle School project, addressed to Austin School Board, recommending that the sewage disposal problem for this project be solved by connection to the sanitary sewer main, either by a gravity line or a lift station at the school site with a discharge line to the nearest sewer main, rather than by a septic tank. City Manager also submitted a memorandum from C. G. Levander, Assistant City Engineer, showing the total estimated cost of a temporary connection to the city sewer to be \$20,000.00 - \$10,000.00 of said amount being for a pump station, and \$10,000.00 for sewer pipe.

It was the sense of the Council that the City would furnish the pipe, at an estimated cost of \$10,000.00, conditioned upon the School Board's furnishing the pump station, at an estimated cost of \$10,000.00.

The application of THOMAS J. ALLEN, Route 2, Box 451, for a license to operate as a taxicab a 4-door Ford Sedan, 1940 Model, Engine No. 5740750, State License No. FV-4955, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of MILTON E. WOLANDER, 27 Salina Street, for a license to operate as a taxicab a 4-door Chevrolet, 1942 Model, Motor No. BA-77760, State License No. FV-1562, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of LOUIS SCONCI, 217 West 8th Street, for a license to operate as a taxicab a 4-door Mercury, Motor No. 153435, 1940 Model, State license No. BE-7048, 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 WILLARD L. PANNELL, 217 West 8th Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1937 Model, Engine No. P4-393948, State License No. FY-310, 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

The application of JAMES ALFRED BOYD, 2706 East 7th 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 Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry and Wolf

Noes : None

The application of J. B. LANKFORD, 2003 Longfellow 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 Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry and Wolf

Noes : None

The application of BURTON ANDREW ANDERSON, 4212 Rosedale Avenue, 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 Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry and Wolf  
Noes : None

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

<u>Name of Owner</u>	<u>Description of Boat</u>
Langford, C. P., Jr. - 1808 Newning Ave	Outboard, 1943 Model, Even-rude, 3-passenger

Councilman Bartholomew 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 following memorandum to the City Council was submitted by the City Manager:

" January 8, 1947

Memorandum to : City Council

Mr. Fred Nagle, representing the Austin School Board, called me on the morning of January 2nd, with reference to the contemplated improvements at the Govalle School, and the fact that sewer lines are not now available in this area. The School Board has operated a public school there for a number of years using a septic tank sewage disposal method. Their architects and engineers did not feel that improvements should be made for a larger school if it continued necessary to depend on the septic tank disposal system which has been used in the past.

On Friday, January 3rd, I received a letter which had been addressed to the School Board on December 23rd, from the architects with regard to the sewage situation and suggesting that the matter be taken up with the City. This letter was received on the same day the newspapers quoted the School Board as having postponed the Govalle project because sewage was not available.

At the time of the bond issue, the School Board was fully aware of the lack of sewage in the Govalle area, and, since that time, the City has not been advised of their plans, nor was the City given any opportunity to attempt to arrive at a possible solution prior to the public announcement of the reason for postponing this job. It now appears that there are other reasons why the School Board may not decide to construct this job in 1947.

We do have a possible solution, as follows:

The City can construct approximate 5000' of 6-inch cast iron main to serve as a pressure line from the school to the main outfall sewer line north of the Colorado River. This line will cost approximately \$10,000 and will serve only the school. To use this line, it will be necessary for the School Board to spend approximately \$10,000 for pumps to pump the sewage from the school into

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this line, and the cast iron line is needed because the line will be under pressure. At such time as a complete sanitary sewer system can be built in the Govalle area, the City could salvage the cast iron pipe and the School Board could salvage the pumps and pumping equipment.

This appears to be the best solution available at this time, provided both the Council and the School Board concur in the respective expenditures.

I recommend the expenditure of \$10,000 by the City if the lack of a connection for the school is the only reason the School Board is not constructing this job at this time.

Guiton Morgan  
City Manager "

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

Approved: Tom Miller.  
MAYOR

Attest:

Helene M. Allen

CITY CLERK