

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 20, 1947

11:00 A. M.

Council Chamber, City Hall

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.

Pursuant to published notice thereof, the public hearing on the application of C. Ben Hibbets and Richard Avent to amend the Zoning Ordinance of the City of Austin in the following particular :

To amend the USE designation of the following described property so as to change the same from the limited "B" Residence District and Second Height and Area District, as designated by Ordinance passed March 14, 1946, and recorded in Book "M", at page 149-150, of the Ordinance Records of the City of Austin, Travis County, Texas, to "B-1." Residence District and Second Height and Area District, to-wit:

Lots 5 to 12, inclusive, in Outlot 53, Division "D", City of Austin, Travis County, Texas, being located in the 700 and 900 Blocks of West 25th Street and the 2500 Blocks of San Gabriel and Pearl Streets,

was duly opened.

The proponents of the change, C. Ben Hibbets and Richard Avent, plead for the change on the grounds that there is a great need for bachelor apartments near the University of Texas; that they were informed by the Building Inspection Division when they bought the property that it could be used for this purpose; that the lot is too narrow for any kind of apartment except bachelor apartment; and that there will be no parking or garbage problems

in connection therewith.

LOIS WARE, 2512 San Gabriel Street, opposed the change on the grounds that the present Special "B" Zoning was established as a compromise with the property owners in that area, but later withdrew her objection .

No other property owners or interested citizens appearing to be heard on the matter, Councilman Glass moved that the hearing be closed and the change in zoning to "B-1" Residence District be granted, and the City Attorney be instructed to prepare the necessary amendment to the Zoning Ordinance. The motion carried 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 application of Cecil C. Street et al to amend the Zoning Ordinance of the City of Austin in the following particular :

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

Lots 12 to 22, inclusive, in Block 1, R. Niles Graham Subdivision, City of Austin, Travis County, Texas, being property located on the north side of West 5th Street in the 1600 Block,

was duly opened.

Cecil C. Street, proponent, plead for the change on the grounds that the property across the street is zoned as Industrial ; that the property in question could never be an exclusive residence district; that he intends to build small business houses , in the way of stores, etc., in the block. which would not affect the residents; and that a majority of the property owners are in favor of the change.

No one appeared to protest the proposed change, except Mr. Moore, who stated that he owns property on Campbell Street and that the property owners in the other block do object.

Upon motion of Mayor Miller, the Council postponed action on the matter to the next regular meeting in order to make a personal inspection of the property before making their decision, as the Board of Adjustment recommended that the change be not granted.

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance and the Zoning Maps 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 First Height and Area District to Second Height and Area District, to-wit:

Lots 8 and 9, in Block 2, east half of Block 1, east half of Block 10, and all of Block 9, Fruth Addition, City of Austin, Travis County, Texas; and

Lot D, Block 18, Division "E", and the west half of Block 19, in the City of Austin, Travis County, Texas,

was duly opened.

No one appeared to protest the proposed change.

Thereupon Councilman Glass moved that the above change in zoning be granted and the City Attorney be instructed to prepare the necessary amendment to the Zoning Ordinance. The motion carried by the following vote:

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

Noes : None

H. L. Lemburg, James Bergen, Jr., and Mrs. R. H. Chapman came before the Council and registered a protest against the location of the Kerbey Booster Station next to their property on Kerbey Lane. Protestants also submitted a petition signed by residents in the vicinity protesting the station and asking for its removal to a site farther from the homes of citizens. After hearing the protests, Council declined to order the station moved, but instructed the City Manager to have a 9-foot fence erected around the property, tall trees planted to obscure the view, and the grounds beautified.

Mrs. Maude Pridgen Butler came before the Council and asked that the City order the removal of bodies buried many years ago on Lot 283, Section 1, Oakwood Cemetery, now owned by the Pridgen family. The matter was referred to the City Attorney for attention.

The following report of the Board of Adjustment on the application of Dr. J. L. Love and Joe Crow for a change in zoning of property located between West 25 $\frac{1}{2}$ Street and West 26th Street, Leon Street and Boulevard View, was received and ordered filed:

"Austin, Texas
February 19, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 18, 1947:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Dr. J. L. Love and Mr. Joe Crow requesting a change in the USE designation of the following property:

Lots 11, 12, 13, 14, 15, 16, and 17, Block 6, Outlot 54, Division "D", being the property located between West 25 $\frac{1}{2}$ Street and West 26th Street, Leon Street and Boulevard View,

from "A" Residence District to "B" Residence District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 11, 1947, at which Dr. Love and Mr. Crow appeared and explained the development which was proposed on this property; and

WHEREAS, the Board deferred action on this application to permit the members of the Board to personally inspect the above described property and the neighborhood in order to familiarize themselves with all the conditions and circumstances concerning the character of the property and surrounding territory; and

WHEREAS, at a meeting on February 18, 1947, the Board again carefully considered this application in the light of the investigation of the area; and

WHEREAS, this application is for a small block containing five 42-foot lots and portions of two other lots, being 131 feet in depth, which if changed would leave another block to the south between 25 $\frac{1}{2}$ Street and 25th Street, Leon and San Gabriel Streets, in an "A" Residence District between the present "B" Residence District along and north of West 24th Street and also a block to the east thereof between Boulevard View and San Gabriel Street in "A" Residence District; and

WHEREAS, on January 16, 1946, the Board of Adjustment recommended to the City Council to change the zoning classification of all the property between 25th Street and the south line of West 25 $\frac{1}{2}$ Street, or Graham Place, from San Gabriel Street to Rio Grande Street, to a "B" Residence District, a portion of this property being under consideration by the Council at this time after a request for a "B-1" Residence District adjacent to San Gabriel Street; and

WHEREAS, the City Council has recently extended the "B" Residence District from West 24th Street to West 25th Street between Leon Street and San Gabriel Street; and

WHEREAS, at the meeting on February 11, 1947, a large number of home owners in this neighborhood appeared protesting the proposed change on the grounds that they had purchased the property and erected their homes with the understanding that this property is in an "A" Residence District, and that the development of the above described property as an apartment house district would lower the value of their property for homes, would create traffic problems, and would in general disturb the peace and quiet now enjoyed by them; and

WHEREAS, the Board deemed that the logical zoning scheme for this area would be the extension of the proposed "B-1" Residence District to the west to include the block between West 25th Street and West 25 $\frac{1}{2}$ Street for the present, which would make available a large area for apartments and rooming and boarding houses to accommodate the University of Texas and the general public for multi-family housing, and further deemed that the property to the north of this line should remain "A" Residence for the present since there are now a number of residences owner-occupied on both sides of West 26th

Street and additional residential developments contemplated, and that until the large area in the existing "B" and "B-1" Districts is well developed no further extension northward is indicated since the nature of the property north of 26th Street and west of Leon Street is most desirable for "A" Residence development as it borders on the Shoal Creek Valley and that to change the above described property would result in an island of "B" Residence property which would permit fraternities and sororities and all of the present uses permitted in a "B" Residence District entirely ignoring the transitional zone which has been established between the present "B" zone on 24th Street and the residential zones to the north, thus not presenting a consistent and logical or reasonable zoning plan; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kushne
Chairman. "

Councilman Wolf moved that a public hearing on the application of the said Dr. J. L. Love and Joe Crow for change in zoning of the property located between West 25 $\frac{1}{2}$ Street and West 26th Street, Leon Street and Boulevard View, from "A" Residence District to "B" Residence District, be called for Thursday, March 13, 1947, at 11:00 A. M., and that notice of said hearing be published accordingly. The motion 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 A. F. Smith, et al, for change in zoning of property located on both sides of North Loop Boulevard and extending west from Avenue F, was received and ordered filed:

" Austin, Texas
February 19, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 18, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of A.F. Smith,

Gordon A. Bragg, C. L. Fowler, R. C. Gravis, and E. C. Dosier requesting a change in the Use designation of the following property:

Lots 5, 6, 7, 8, 9, and 10, Block 2, and Lots 1, 2, and 3, Block 3, Smith and Abrahamson Subdivision, being located on both sides of North Loop Boulevard and extending west from Avenue F,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 18, 1947, at which A. F. Smith, R. C. Gravis, G.A. Bragg, C. L. Fowler, and J. E. Peck appeared to plead for the change on the grounds that a community center is needed in this neighborhood and that they proposed to erect a grocery store and probably a drug store to serve the needs of the residents; and

WHEREAS, E. C. Dosier, owner of a portion of the property requested to be changed, appeared and added his name to the petition asking for the change; and

WHEREAS, the Reverend J. E. Moore, owner of property at 5209 Avenue G, appeared for himself and others in the neighborhood, and filed a petition signed by a number of property owners, which petition is attached to this resolution, opposing this change on the grounds that a community center would depreciate the value of the surrounding residence property and would create nuisances and traffic hazards; and

WHEREAS, an examination of the area discloses the fact that this property in the proposed community center lies in a large residential area known as The Highlands, and that the nearest commercial developments are located on the Georgetown Highway to the west, at the intersection of Bruning Avenue and Airport Boulevard to the east, and at the intersection of 45th Street and Duval Street to the south, providing shopping services to this neighborhood, which developments are a considerable distance --exceeding one-half mile -- from this proposed community center; and

WHEREAS, the property to be changed is located at North Loop Boulevard and 53rd Street, which are off-set and joined by a curved connection 60 feet wide, upon both sides of which the community center would front, with the exception of one lot fronting on Avenue F; and

WHEREAS, the Board deemed that since considerable territory has been incorporated within the City to the north of this area which is residence property and would be developed for residences which would need community center services, that the intersection would be a logical location for a community center to serve the domestic needs of this area and by preserving the First Height and Area District setback requirements of the Ordinance would tend to relieve any congestion in North Loop Boulevard as off-street parking could be provided; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change in the zoning designation of the property from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District be and is hereby recommended.

Respectfully submitted,

BOARD OF ADJUSTMENT

(Sgd) H. F. Kuehne
Chairman.

Councilman Wolf moved that a public hearing on the application of A. F. Smith et al for change in zoning, from "A" Residence District to "C" Commercial District, of property located on both sides of North Loop Boulevard and extending west from Avenue F, be called for Thursday, March 13, 1947, at the request of said applicants. The motion carried by the following vote:

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

A petition signed by property owners and residents of Avenue F and North Loop Boulevard in the Highlands, indorsing the proposed change in zoning of the property located on both sides of North Loop Boulevard and extending west from Avenue F, requested by A. F. Smith et al, was received and ordered filed.

The following report of the Board of Adjustment on the application of J. C. Stark, through his Attorney, Chas. F. Herring, for a change in zoning of property located on the north side of Stark Street approximately 150 feet west of Georgetown Road, was received and ordered filed:

"Austin, Texas
February 19, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 11, 1947:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of J.C. Stark, by his Attorney, Chas. F. Herring, requesting a change in the Use designation of the following property:

Lot 7, Stark Addition, being located on the north side of Stark Street approximately 150 feet west of Georgetown Road,

from "A" Residence District to "C-1" Commercial District or "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 11, 1947, at which Chas. F. Herring, Attorney, appeared

to plead for the change, affirming that the applicant intends to build a soft drink bottling plant on Lots 1, 2 and 5 now zoned as "C-1" Commercial District and needs the additional Lot 7 for loading and parking purposes, and, therefore, desires this lot to be changed from its present "A" Residence classification to a "C-1" or "C" Commercial District; and

WHEREAS, several property owners in the immediate neighborhood appeared and objected to the change of this property to a "C-1" classification but did not object to a "C" classification; and

WHEREAS, this change would be an extension of the present commercial district which now extends along Georgetown Road for a depth of 150 feet, and it has been the policy to provide a greater depth along this Highway for a more practical use of the property for developments needing greater depth such as tourist camps, drive-in restaurants where a greater setback is desirable than normally required; and

WHEREAS, the Board deemed that the extension of this present district an additional 60 feet would in general conform to the present zoning plan for this area and would make the development of property more desirable for these purposes; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the above described property be changed from "A" Residence District to "C" Commercial District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Wolf moved that a public hearing on the proposed change in zoning of the property located on the north side of Stark Street approximately 150 feet west of Georgetown Road, requested by J. C. Stark, be called for Thursday, March 13, 1947, at 11:00 A. M. 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)

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 advertise for bids on the sale of bonds of the City of Austin at 10/A.M. March 20, 1947, which bonds were authorized for issuance by the electorate May 7, 1946, as follows:

Airport Hangars and Improvements -----	30,000.00
Electric Plant and System -----	400,000.00
Highway Rights-of-Way -----	600,000.00
Parks, Playgrounds and Recreation -----	30,000.00
Sanitary Sewerage System -----	580,000.00
Schools -----	1,250,000.00
Street Improvements -----	230,000.00
Water Plant and System -----	200,000.00
	<u>\$3,320,000.00</u>

Advertisement for such bids shall be in the usual and customary forms and shall be published at least once in a newspaper of general circulation published in the City of Austin and in ~~The Daily Bond Buyer~~. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

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, in the bond election of May 7, 1946, the people of Austin authorized the issuance of bonds for fourteen purposes for specific public improvements; and

WHEREAS, the City Council has specified that the most urgent projects to be undertaken are the extension and improvements to the water, electric, and sewage systems, the construction of streets and storm sewers, the construction of school facilities; and

WHEREAS, the City Council wishes to provide for the sale of these bonds at the lowest possible interest rate and also to sell such bonds at such times as may be most economic from the standpoint of retirement obligations; and

WHEREAS, the City Council, in order not to delay needed improvements, has heretofore authorized the award of contracts for purposes for which the proceeds from the sale of bonds are to be used and such work is now being constructed; and

WHEREAS, the City Council recognizing the fact that money will be needed to meet monthly estimates for construction and for the purchase of needed equipment pending the issuance and sales of certain parts of the authorized bond issue; therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

That the City Manager be, and is hereby, authorized and directed to borrow from the Austin banks as needed a sum not to exceed \$360,000.00 for

not more than 90 days at an interest rate of one percent (1%) , said money to be used to meet current costs of the bond construction projects; and said temporary borrowing to be repaid upon sale of the bonds to be approved by the City Council.

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 sum of \$10,500.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying for 75% of the cost of the construction of the 4th Street storm sewer at Rio Grande, the remaining 25% to be paid for by the property owners.

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 introduced the following ordinance:

AN ORDINANCE VACATING A PORTION OF THE ALLEY TRAVERSING BLOCK 108 OF THE ORIGINAL CITY OF AUSTIN, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew 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 Bartholomew 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 then read the third time and Councilman Bartholomew 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 Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Barney Slaughter is the Contractor for the alteration of a building located at 617 Congress Avenue, and desires a portion of the sidewalk space abutting the north 1/2 of Lot 4, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

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

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 5 feet east of the east curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the northwest corner of the above described property.

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

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

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

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

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

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event, all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than April 1, 1947.

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

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

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

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, 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, in Book 1, page 71, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as the James E. Bouldin Addition, a subdivision of a portion of the Isaac Decker League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which alleys herein referred to is 20 feet in width and traverses Block "T" of said Subdivision, and being the alley one-half block south of West Mary Street and extending from South 6th Street to South 7th Street; and

WHEREAS, a majority of the property owners abutting said alley have requested the City Council of the City of Austin to close the above described alley from South 6th Street westerly 200 feet; 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 that portion of the alley from South 6th Street westerly 200 feet as referred to above, be, and the same is hereby, closed and vacated, except the City of Austin hereby retains the right to construct, maintain, operate, and control all public utilities in, upon, and across said alley.

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, C. E. Hamilton is the Contractor for the alteration of a building located at 131 West 7th Street, and desires a portion of the sidewalk and street space abutting the west 57 feet of Lots 7 and 8, Block 70, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said C. E. Hamilton, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Colorado Street to a point 14 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Colorado Street approximately 66 feet to a point; thence in an easterly direction and at right angles to the centerline of Colorado Street to the west line of the above described property.

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 7th Street to a point 4 feet north of the south curb line; thence in an easterly direction and parallel with the centerline of West 7th Street approximately 26 feet to a point; thence in a southerly direction and at right angles to the center line of West 7th Street to the north line of the above

described property.

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

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

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than June 1, 1947.

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

(11) That the use and enjoyment of the spaces herein granted shall not

be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

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

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

Which motion, carrying with it the adoption of the resolution, 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 AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 26(a) RELATING TO ANGLE PARKING ZONES; 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 then 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 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

Whereupon Mayor Miller announced 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 and directed to execute on behalf of the City a contract obligating the City of Austin to remove a fence along the east line of the 35.625-acre tract owned by Bert P. Brown and wife, Lorine Brown, on Burnet Road and to construct a fence ten (10) feet to the west of the present line as consideration for a deed from Bert P. Brown and wife to the City of Austin to a ten (10) foot strip of land off the east side of such 35.625 acre tract.

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 Guiton Morgan, City Manager, be, and he is hereby, authorized and directed in behalf of the City of Austin to execute a quitclaim deed to Frank Walling, the successor in right to Home Builders Association, conveying Lots 1 and 2 in Block 6, South Heights, an Addition to the City of Austin, Travis County, Texas, as shown on the map or plat of said addition, of record in Volume 1, at page 112, of the Plat Records of Travis County, Texas, in consideration of the payment of all taxes and the court costs involved in tax suit No. 16,200, City of Austin vs Home Builders Association in the District Court of 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 Glass 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 and directed to execute for and on behalf of the City of Austin a contract with Geo. B. Hatley for the construction of water and sewer mains in Gilbert Street, in the City of Austin, Travis County, Texas, 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 Attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

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 Geo. B. Hatley, 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:

Approximately 330 feet of 6-inch cast iron water main
in Gilbert Street, from Robin Hood Trail to Raleigh
Avenue in Lake Shore Village Subdivision.

(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:

Approximately 350 feet of sewer main in Gilbert Street,
from Robin Hood Trail to Raleigh Avenue in Lake Shore
Village Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of One Thousand Twenty-Five Dollars (\$1025.00) when completed, of which cost the sum of Six Hundred Twenty-Five Dollars (\$625.00) is estimated to be the cost of the water lines and the sum of Four Hundred Dollars (\$400.00) 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 service to him, agrees to deposit the sum of One Thousand Twenty-Five Dollars (\$1025.00) 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 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 obligation lawfully imposed on the Customer 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.

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 Geo. B. Hatley has executed this instrument in duplicate this the ____ day of _____, 19____.

CITY OF AUSTIN

Attest:

By _____
City Manager_____
City Clerk

Approved:

Director of Public Utilities_____
Director of Public Works_____
City Attorney

ENTERED UNDER 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 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 be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with J. S. Brown for construction of water mains and sewer mains in Lyndale, Section 1, Subdivision, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

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. Brown, 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:

A 6-inch cast iron water main in W. 51st Street, from Woodrow Avenue to Grover Avenue, in Lyndale, Section 1, Subdivision.

(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:

Approximately 300 feet of 6-inch sewer main in West 51st Street, from Woodrow Avenue to approximately Lot No. 6, in Lyndale, Section 1, Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Two Thousand Seven Hundred and Seventy-Five Dollars (\$2775.00) when completed, of which cost the sum of One Thousand Three Hundred and Seventy-Five Dollars (\$1375.00) is estimated to be the cost of the water lines and the sum of Fourteen Hundred Dollars (\$1400.00) 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 service to him, agrees to deposit the sum of Two Thousand Seven Hundred and Seventy-Five Dollars (\$2775.00) 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 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 obligation lawfully imposed on the Customer 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.

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. Brown has executed this instrument in duplicate this the ____ day of _____, 19____.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

By _____

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

ENTERED UNDER 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 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 a contract on behalf of the City of Austin with P. S. Mangum for construction of water and sewer mains in Forrest Hills Subdivision in Breeze Terrace, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

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 P. S. Mangum, 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:

A six-inch cast iron water main in Breeze Terrace from East Thirty-second Street to Edgewood Avenue in Forrest Hills Subdivision, a distance of approximately 520 feet.

(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:

A six-inch sewer main and house connection stubs in Breeze Terrace from East Thirty-second Street to Edgewood Avenue, a distance of approximately 500 feet.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Two Thousand Dollars (\$2,000.00) when completed, of which cost the sum of One Thousand One Hundred Dollars (\$1,100.00) is estimated to be the cost of the water lines and the sum of Nine Hundred Dollars (\$900.00) 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 service to him, agrees to deposit the sum of Two Thousand Dollars (\$2,000.00) 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 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 Paragraph 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 obligation lawfully imposed on the Customer 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.

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 P. S. Mangum has executed this instrument in duplicate this the ____ day of _____, 19____.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

By _____

Approved:

Director of Public Utilities

Director of Public Works

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 Glass 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 and directed to execute for and on behalf of the City of Austin a contract with Joe Edgar for the construction of water mains in La Perla Subdivision, in the City of Austin, Travis County, Texas, 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 Attached)

THE STATE OF TEXAS :
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 Joe Edgar, of the County of Travis and State of Texas, WITNESSETH:

I.

For the consideration hereinafter stated, City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay, certain water mains and other pipes, in

accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six inch (6") cast iron water mains in La Perla Subdivision in Travis County, Texas, to be located as follows:

In South Fourth Street from Herndon Lane to Juanita Street.

In Juanita Street from South Fourth Street to South Sixth Street.

In South Sixth Street from Juanita Street to Herndon Lane.

In Herndon Lane from South Fourth Street to Oakcrest Avenue.

Two inch (2") cast iron water mains in said La Perla Subdivision, located as follows:

In South Fifth Street from Juanita Street to Herndon Lane.

II.

It is estimated that the work described in Paragraph I will cost the sum of Three Thousand One Hundred Dollars (\$3100.00) when completed, and Joe Edgar, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the 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 improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to Joe Edgar 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 such deposit, Joe Edgar 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. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for 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.

VI.

Joe Edgar further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

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 Joe Edgar has executed this instrument in duplicate this the ____ day of _____, 1947.

CITY OF AUSTIN

Attest:

By _____
City Manager_____
City Clerk_____
Joe Edgar

Approved:

Director of Public Utilities_____
Director of Public Works_____
City 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 Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Gulton Morgan, City Manager, be and he is hereby authorized and directed to execute for and on behalf of the City of Austin a contract with J. A. Shelby for the construction of water mains in Oak Ridge Heights, in the City of Austin, Travis County, Texas, 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 Attached)

THE STATE OF TEXAS :
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 J. A. Shelby, of the County of Travis and State of Texas, WITNESSETH:

I.

For the consideration hereinafter stated, City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay certain water mains and other pipes, in accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six inch (6") cast iron water mains in Oak Ridge Heights, Travis County, Texas, to be located as follows:

In Cumberland Road from South First Street to South Third Street, a distance of approximately 512 feet.

In Terrell Hill Drive, east and west of Oakcrest Avenue, a distance of approximately 562 feet.

In South Third Street from Cumberland Road to Herndon Lane, a distance of approximately 400 feet.

In Cumberland Road from South Third Street to South Fourth Street, a distance of approximately 500 feet.

Two inch (2") cast iron water mains in said Oak Ridge Heights, located as follows:

In South Second Street from Cumberland Road to Herndon Lane, a distance of approximately 450 feet.

In Oakcrest Avenue from Cumberland Road to Herndon Lane, a distance of approximately 420 feet.

II.

It is estimated that the work described in Paragraph I will cost the sum of Four Thousand Three Hundred Fifty Dollars (\$4,350.00) when completed, and J. A. Shelby, in consideration of the benefits to be derived by him

and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the 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 improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to J. A. Shelby 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 such deposit, J. A. Shelby 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. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for 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.

VI.

J. A. Shelby further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

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. A. Shelby has executed this instrument in duplicate this the _____ day of _____, 1947.

CITY OF AUSTIN

Attest:

By _____

City Clerk

City Manager

J. A. Shelby

Approved:

Director of Public Utilities

Director of Public Works

City 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 introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 10 TO 16, INCLUSIVE, DUVAL ADDITION, OUTLOT 1, DIVISION Z, AND LOTS 17, 18, AND 19, WOODLAND ADDITION, DIVISION Z, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; 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 then 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 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.

The application of COURTHOUSE CAFE, INC., by Joe L. Tucker, 1007 Guadalupe Street, for a beer and wine 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

The application of VICTORY GRILL, by F. G. Cain, 1104 East 11th Street, for a beer and wine 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

The application of TEXAS CAFE, by George Joseph, 104 Congress Avenue, for a beer and wine 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

The application of ALLEN LEE JACKSON, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1946 Model, State License No. 51944, Motor No. HN-2824, duly approved by the City Manager, was submitted. Councilman Glass moved that the application be granted. The motion carried by the following vote:

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

The application of BILLY GLASS, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1942 Model, Motor No. BA-398018, State License No. FV-9071, 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 WILSON LOUIS, JR., Colored, 2917 East 12th 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 EUGENE EVANS, 4722 Depew 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 CARL HENRY JOHNSON, 525 East Live Oak 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 ROBERT WILLIAM MARSHALL, 144 Prather Hall, University of Texas, 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 ADMAR HESTER, 3309 Hampton Road, 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

An appeal by HOWARD C. BRYANT, 37 Lynn Street, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the appeal, it was moved by Councilman Glass that the said Howard C. Bryant be granted a 90-days probationary permit to drive a taxicab. The motion carried by the following vote:

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

Noes : None

An appeal by JAMES SHIRLEY HALL, 500 West 6th Street, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the appeal, Councilman Wolf moved that the said James Shirley Hall be granted a 90-days probationary permit to drive a taxicab, and that the 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

The City Manager reported that the property owners in the 600 block of West 4th Street had agreed to pay one-fourth of the cost of construction of a storm sewer in said block.

Councilman Wolf moved that the bid of Richard Schmidt, in the amount of \$13,470.00, for construction of a storm sewer in the 600 block of West Fourth Street be accepted as the lowest and best bid, and that the City Manager be instructed to enter into contract accordingly. The motion carried by the following vote:

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

Councilman Wolf then 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 \$10,500.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying for 75% of the cost of the construction of the 4th Street storm sewer at Rio Grande, the remaining 25% to be paid for by the property owners.

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 moved that the City Manager be instructed to purchase at average figures, or below, property for right-of-way of East 7th Street from Chicon Street to the east city limits, and to institute condemnation proceedings against the property owners who refuse to sell such right-of-way. The motion carried by the following vote:

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

The City Manager submitted letters from Howard T. Cox & Company and Wade, Barton & Marsh, Auditors and Accountants, relative to an audit of the city books for the year 1947. Councilman Glass moved that action on the matter be deferred to the next regular meeting, and that the City Manager be instructed in the meantime to advertise in the newspaper for bids on the annual audit for the city books for the year 1947, to be received on next Thursday. The motion carried by the following vote:

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

Councilman Glass moved that DEAN JOHNSTON and ROY PARKER be appointed as Master Electrician and Journeyman Electrician respectively to fill vacancies on The Electrical Board. The motion 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 was received and filed:

"Austin, Texas
February 19, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 18, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of J.T. Heath requesting a change in the Use designation of the following property:

Lot 26, Wendlandt and Mueller Subdivision, Outlot
76, Division "D", being known as 700 West 34th
Street,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 18, 1947, at which J. T. Heath appeared to plead for the change, affirming that he proposed to erect a grocery store and market on the rear of his property facing King Street; and

WHEREAS, a communication was filed from Mr. and Mrs. W. F. Hankey, Mary Hankey, Catherine Hankey, Sadia Hankey, and W. O. Hankey, owners of adjacent property, stating they favored the proposed change; and

WHEREAS, Mrs. W. B. Patterson and William Haschke appeared asking that their names be withdrawn from the original petition by Mr. Heath on the grounds that they had signed without giving due thought to the matter and now wished to oppose the change, and also filed letters to that effect from Mrs. Patterson and Mr. and Mrs. Noel B. Scott; and

WHEREAS, Mrs. Grace Kincaid appeared in opposition to the change and presented a petition signed by a number of property owners in this neighborhood, protesting the change on the grounds stated in the attached petition, and a protest was also filed by Mrs. Mary A. Yantis, owner of adjacent property; and

WHEREAS, West 34th Street from King Street east to Guadalupe Street is now zoned for commercial purposes but only the portion adjoining Guadalupe Street has been developed for such purposes; and

WHEREAS, King Street, between West 34th Street and Maiden Lane is a narrow street, only 27 feet wide, which would be entirely inadequate for traffic patronizing a commercial establishment; and

WHEREAS, the property owners owning the present commercial property on the north side of West 34th Street east of King Street affirmed that they are planning to have their property changed back to "A" Residence since these lots are now developed for residential purposes and are owner-occupied, and that they wish to preserve its residential character; and

WHEREAS, the Board deemed that since all the property in Block 7 and Block 8 now zoned for commercial uses except that adjoining Guadalupe Street has not been developed for commercial uses but is built up with residences occupied by its owners, indicating that there is no public demand for commercial developments and that the existing commercial services on Guadalupe Street are adequate for their needs, that to extend the commercial district further across King Street would not be desirable and not in response to any public demand, and that the original extension of the commercial zone along Guadalupe Street to King Street on 34th Street was not proper zoning of this property; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kushne
Chairman. "

In accordance with the request of the applicant, J. T. Heath, no public hearing on the above matter by the City Council was called.

The following report of the Board of Adjustment on the application of James J. Jones for a change in zoning of the property located on the north side of North Loop Boulevard between Woodrow Avenue and Joe Sayers Street, was received and filed:

"Austin, Texas
February 19, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 11, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of James J. Jones requesting a change in the Use designation of the following property:

Lot 25, Block 13, Broadacres, being located on the north side of North Loop Boulevard between Woodrow Avenue and Joe Sayers Street,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 11, 1947, at which the applicant did not appear to plead his case; and

WHEREAS, several property owners in this area appeared to protest the proposed change on the grounds that they had bought their property and built their homes with the knowledge that this was residence property and that they wished to maintain the present classification, and further affirmed that the change to business designation would depreciate the value of their property; and

WHEREAS, the application is for the change of a single lot of record under a single ownership for the purpose of operating a refrigerator service business; and

WHEREAS, this property is located approximately two blocks from an existing commercial district along the Burnet Road which is ample to serve the needs of this community and in which there is a great amount of property now undeveloped for business purposes; and

WHEREAS, to change the one lot would be spot zoning and would not be in harmony with the general type and character of the surrounding property and would not be in response to any public demand; and

WHEREAS, the Board deemed that there is sufficient commercial property in this area to serve the needs of the community and that the residential character of this area should be retained; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change in the Use designation of the above described property be not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman

No public hearing by the City Council on the above matter was called.

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

Approved:

Tom Miller
MAYOR

Attest:

Shelia M. Keen

CITY CLERK