

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 2, 1947  
10:50 A.M.

Council Chamber, City Hall

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

Roll call:

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

Absent : None

Present also: Gulton 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.

A group of students of the University of Texas came before the Council and asked permission to close Guadalupe Street between the Co-Op and Union Buildings during the pep rally to be held Friday night, October 3, in preparation for the football game with the University of North Carolina on Saturday. The request was granted; and the matter was referred to the Police Department to work out, and the City Manager was instructed to have extra firemen there also to assist in handling the traffic.

James P. Horany presented a petition signed by property owners and citizens in Broadacres Subdivision, asking that the City Council assist them in their efforts to get the Texas Public Service Company to furnish gas to said Subdivision. The petition was received, and the petitioners were advised that the matter would be taken up with said gas company.

Miss Margaret Moore, 504 West 29th Street, came before the Council and protested the closing of the alley in Block 2, Fruth Addition, adjacent to the property of the Austin Ice Company. The matter was taken under advisement by the Council to determine if said alley had been wrongfully closed; and protestant was advised that she would be given a decision at the next regular meeting.

Pursuant to published notice thereof, the public hearing on the application of Joe A. Wukasch to amend the Zoning Ordinance 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 5 and 6, Block B, Statesman Property, being located on the west side of Duval Street south of East 43rd Street, and being locally known as 4208 Duval Street, in the City of Austin, Travis County, Texas,

was duly opened.

Joe A. Wukasch, proponent, appeared in support of his application, stating that he was asking for the change in order to have additional commercial space, and that he was undecided as to what use the property would be put to.

Chester Fulton, Attorney, representing D. F. Douglas; B. H. McGuire, and a number of other property owners appeared in opposition to the change on the grounds that there is already sufficient commercial zoning for that area; that it would increase the traffic hazard in that locality; and that this is an old substantial residential neighborhood and its value would be deteriorated as such by any more commercial zoning.

No other property owners or interested citizens desiring to be heard, Councilman Bartholomew moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be not granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Glass moved that the public hearing on the application of Leopold Cohn and Mrs. Hazel B. Goldsmith for a change in zoning, from "A" Residence District to "C" Commercial District, on Lots 23 and 28, Division "Z", known as 1304, 1306, and 1308 West 5th Streets, continued from the meeting of August 7, 1947, be closed; and the action of the Board of Adjustment be sustained and the change be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Mr. and Mrs. Oscar Berger for a change in zoning, from "A" Residence District to "C" Commercial District, of Lots 9 and 10, Block 4, Outlot 44, Division "B", Gammel & Taylor Subdivision, located on Kalmar and Longfellow Streets, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following

vote;

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Bartholomew 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 "L", 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 AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 4, 5 and 6, BLOCK 148, ORIGINAL CITY, 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 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The Mayor then announced that the ordinance had been finally passed.

The following report of the Board of Adjustment was received and ordered filed:

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

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Applicant : W. L. Brown

- I. Referred to the Board of Adjustment by City Council on: September 18, 1947  
II. Property affected:

The west 400 feet of a tract of land on the north side of East 51st Street between Georgetown Road and Guadalupe Streets as described by metes and bounds in the application.

- III. To be changed

From : "A" Residence District

To : "C" Commercial District

- IV. Considered by the Board on: September 30, 1947.

- V. Parties appearing:

For : W. L. Brown

Against: T. M. Hughes, Delford L. Bonham, E. C. Harsch, Harry R. Stenson, and H. W. Boeker, and a letter from Marvin R. Koenig, on the grounds that this is a residence district by deed and that they wish the applicant's property to remain in its present classification as residential.

- VI. Action of the Board : Change not recommended.

For the following reasons:

1. This application is for a change of zoning on a tract of land with a frontage of 100 feet on Georgetown Road and a depth of 400 feet, the front 150 feet of this property being in a "C-1" Commercial District and the remainder in an "A" Residence District and bounded on the north by "A" Residence property and on the south by State property, the only commercial area in this vicinity being the property adjacent to Georgetown Road.
2. Strenuous objection was expressed by home owners to the north of this property who affirmed that they had bought and developed their property for homes according to restrictions in the deeds, that they were not in favor of a tourist court being erected on the applicant's property which joins their property, and that they were not in favor of any change in the present zoning classification of this property; and a petition signed by twelve owners of property in the neighborhood who opposed the change was filed .

3. This application includes the west 400 feet of a tract of land extending from Georgetown Road to Guadalupe Street which was requested to be changed in 1946 and which was denied by both the Board and the City Council.
4. The applicant affirms that he will erect a modern, beautiful tourist court which should not adversely affect the surrounding property, but the fact remains that if this property is changed to a "C" Commercial District all other uses permitted in this district could be placed on this property at some future time which could adversely affect the present restricted area.
5. The Board deemed, under the conditions and circumstances, that this change should not be made in view of the objections expressed by the adjacent home owners and the fact that other property east and north of the applicant's property is now restricted against business by deed and so could never be used for commercial purposes, thus leaving a business zone between the restricted residence area and State property which would result in the applicant enjoying privileges denied the other adjacent residents where all of the property is of a like character.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, October 23, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

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

Applicant: Mrs. Samuel E. Gideon

I. Referred to the Board by the City Council on: September 18, 1947.

II. Property affected:

110'x171' of the south part of the north one-half of Block 64, Division "D", of the City of Austin, being located on the west side of Salado Street 110 feet south of West 28th Street.

III. To be changed

From : "A" Residence District

To : "B" Residence District

IV. Considered by the Board on : September 30, 1947.

## V. Parties appearing:

For : E. L. Bauknight

Against: None

## VI. Action of the Board: Change not recommended.

For the following reasons:

1. This application is for a change of a single piece of property, and would be a spot "B" Residence zone between two "A" Residence Districts as now zoned, with "B" Residence property to the southeast across Salado Street.
2. The applicant is asking for this change on the grounds that property in this vicinity has developed into "B" Residence uses, a portion of which is now zoned for those uses, and that she cannot develop or dispose of her property for "A" Residence purposes because of the trend of development on surrounding lots.
3. The Board, on January 15, 1946, had recommended against a change of this property on the grounds that conditions had not changed since former applications in 1939 and 1940 when the change was not recommended nor passed by the Council due to vigorous opposition from property owners in this vicinity.
4. The Board now deems that this change of one piece of property should not be made to create a spot zone in an "A" Residence District but that since information has been received that some of the property in this block is now being used for "B" Residence purposes it is the judgment of the Board that if this is true a larger area should be considered and the property properly classified, and regardless of its present use due to the tremendous expansion of the University of Texas which has resulted in a constantly increasing demand for property which could be developed for "B" Residence purposes, especially apartment houses, student dormitories, and boarding and lodging houses.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, October 23, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

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

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Applicant : Mr. and Mrs. C. R. Railsback

I. Referred to the Board by the City Council on: September 18, 1947

II. Property affected:

Lots 13 and 14, Block 5, The Highlands, being located on the east side of Duval Street 50 feet south of East 51st Street.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : September 30, 1947

V. Parties appearing:

For : Mr. and Mrs. C. R. Railsback, Chas. Nichols, J.L. Henderson,  
and O. E. Bartz

Against: E. T. Hamilton

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This application is for a change of zoning on two 25-foot lots adjoining a commercial zone at the southeast corner of Duval and East 51st Streets for the purpose of locating a drugstore on the property, the applicants affirming that they have been unable to secure a location in a commercial district for a reasonable price, and further affirming that there is a need for a drugstore in this fast-growing section of the City since it is now necessary for people to drive to the down-town section to secure the services of a pharmacist.
2. Several owners of property in this area appeared in favor of the change on the grounds that a modern drugstore is greatly needed in the vicinity since existing drugstores in this section of the City do not provide the services of a pharmacist.
3. There is now a Community Center designated at the intersection of Duval Street and Bruning Avenue with East 51st Street consisting of four corners and a triangular tract extending to Evans Avenue and being the equivalent of eight 50-foot lots and none of which has been developed for "C" Commercial uses since it was changed to "C" Commercial in 1938.

4. The Board deems, under the conditions and circumstances, that this property should not be changed to "C" Commercial as an extension of a Community Center that has not yet been developed, and, therefore, is still available for commercial development.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, October 23, 1947. The motion carried by the following vote;

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

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

Applicant: Paul O. Simms

I. Referred to the Board by the City Council on: September 18, 1947.

II. Property affected:

Outlots 14 and 30, Division "O", being located between East 1st and East 5th Streets, and Linden and Tillery Streets.

III. To be changed

From : "A" Residence District and "C" Commercial District

To : "D" Industrial District

IV. Considered by the Board on: September 30, 1947.

V. Parties appearing:

For : None (no hearing called)

Against:None

VI. Action of the Board : Change recommended.

For the following reasons:

1. This application is for a change of zoning on a tract of land extending from East 1st Street to East 5th Street and from Linden Street to Tillery Street, consisting of 19 acres, in an area which was recommended by the Board to be zoned industrial.



2. When the territory east of Pleasant Valley Road was annexed to the City several years ago, the major portion of the property was placed in an "A" Residence District, while the property west of this street had been classed as industrial with a small strip of residence property remaining along East 2nd Street and some commercial property along East 1st Street.
3. Several tracts of land east of Tillery Street have recently been zoned for industrial uses to meet the increasing demand for this type of development in this section of the City.
4. The Board deems that this property should be classed as "D" Industrial in accordance with the trend of industrial development in this vicinity and the policy of the City to encourage this type of development in this area in keeping with the Master Plan.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, October 23, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Geo. W. Bickler for a change in zoning, from "A" Residence District to "B" Residence District of Lot A(110'x114'), Outlot 64, Division "D", located at the southeast corner of West 28th Street and San Pedro Street, was received. Councilman Thornberry moved that the application be referred to the Board of Adjustment for consideration and recommendation; and that a public hearing on same be called for Thursday, October 23, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Mrs. Kathleen Pratt for a change in zoning, from "A" Residence District to "B" Residence District of Lot 5, Outlot 64, Division "D", located on the west side of Salado Street 330' feet south of West 28th Street, was received. Councilman Thornberry moved that a public hearing on the application be called for Thursday, October 23, 1947; and the application also be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

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

---

Applicant: James Shaw

I. Referred to the Board by the City Council on: September 25, 1947.

II. Property affected:

The east 50 feet of Lots 9, 10, and 11, Block 5, Symth's Subdivision, being located on the south side of West 34th Street and on the west side of the alley east of Lamar Boulevard.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : September 30, 1947.

V. Parties appearing:

For : None (no hearing called)

Against: None

VI. Action of the Board: Change recommended.

For the following reasons:

1. This application is for a change of the zoning on a tract of land 50'x150' in size located between the C.J. Armstrong property at the southeast corner of Lamar Boulevard and west 34th Street, and an alley to the east.
2. The Board recently recommended to the Council that the property at the northeast and southeast corners of this intersection be changed to "C" Commercial District as an extension of existing commercial property on West 34th Street which extended to Lamar Boulevard on the east, and this application is for an extension of the zone to the alley which was not included in the first application.
3. The Board deems, under the conditions and circumstances, that this property should be included in the commercial zone as an extension of the previously recommended commercial area along 34th Street, the alley being the logical dividing line between the commercial and residential portions of the block, and so would have been recommended had it been included in the original application.

(Sgd) H. F. Kuehne  
Chairman.

"

Councilman Thornberry 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 MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III, RELATING TO TRAFFIC SIGNAL LIGHT LOCATIONS AND BY AMENDING SECTIONS 18(b), 22(e), AND 22(f) OF ARTICLE IV RELATING RESPECTIVELY TO PARKING ADJACENT TO SCHOOLS, ONE HOUR PARKING ZONES, AND TWO HOUR 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 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

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

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 2 OF SAID ORDINANCE RELATING TO THE ESTABLISHMENT OF PARKING METER ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Mayor Miller then declared the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the University Baptist Church is the owner of Lots 25, 26, 27, and the north  $2\frac{1}{2}$  feet of Lot 28, Louis Horst's Subdivision of Outlot 22 $\frac{1}{2}$ , Division "D", in the City of Austin, Travis County, Texas; and

WHEREAS, said property has been used since September 1, 1947, by said The University Baptist Church solely for religious purposes; and

WHEREAS, The University Baptist Church has made application through its authorized representatives to the City Council for exemption from taxation for the above described property; and

WHEREAS, The University Baptist Church is an institution of a religious nature within the meaning and effect of Section 2 of Article VIII of the Constitution of the State of Texas and Article 7150 of the Revised Civil Statutes of Texas, and the City Council deems it fitting and lawful that the property of The University Baptist Church should be exempt from taxation by the City of Austin; Now, Therefore,

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

That the City Tax Assessor and Collector be and he is hereby authorized and directed to place the following described property of The University Baptist Church on the list of real estate exempt from taxation by the City of Austin so long as the same may be used by The University Baptist Church strictly for religious purposes, and that taxes on such property for the year 1947 be pro-rated as of September 1, 1947;

Lots 25, 26, 27, and the north  $2\frac{1}{2}$  feet of Lot 28, Louis Horst's Subdivision of Outlot 22 $\frac{1}{2}$ , 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, Johnson, Mayor Miller, and Councilman Thornberry

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 enter into a contract on behalf of the City of Austin with S.G. Garrett for the laying of certain water mains and other pipes in Hancock Park Subdivision, in the City of Austin, Travis County, Texas, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

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

I.

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

Six-inch (6") cast iron water main extending east in Keith Lane from Red River Street to Kim Lane; thence north on Kim Lane from Keith Lane to Duncan Lane, located in Hancock Park Subdivision.

Two-inch (2") cast iron water main extending north on Kim Lane from Duncan Lane to Luther Lane; thence east on Luther Lane to Lot 35; two-inch (2") cast iron water main in Duncan Lane from Red River Street to Kim Lane, all located in Hancock Park 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 pipes on the streets and easements at the locations described as follows:

Six-inch (6") sewer mains in Keith Lane from Red River to Kim Lane; east in (North) Keith Lane easement from Red River to Kim Lane; thence north on (West) Kim Lane easement to Lots 35 and 36, all located in Hancock Park Subdivision.

## II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eight Thousand Three Hundred and Thirty Dollars (\$8,330.00) when completed, of which cost the sum of Three Thousand Three Hundred and Thirty Dollars (\$3,330.00) is estimated to be the cost of the water lines and the sum of Five Thousand Dollars (\$5,000.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Eight Thousand Three Hundred and Thirty Dollars (\$8,330.00) 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 figure 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 for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, 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 water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

## VII.

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

## VIII.

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

## IX.

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

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said S. G. GARRETT has executed

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

CITY OF AUSTIN

Attest:

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

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

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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson 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 Comal Lumber Company for the laying of certain water mains in Wayside Drive located in Timberlake Addition Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes:

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

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

I.

(a) The City of Austin for the consideration hereinafter stated agrees



to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water main extending east on Pruett Street from Wayside Drive approximately 470', located in Timberlake Addition 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:

Six-inch (6") sewer main in Pruett Street eastward from Wayside Drive approximately 470', located in Timberlake Addition Subdivision.

## II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of One Thousand Six Hundred Dollars (\$1,600.00) when completed, of which cost the sum of One Thousand Dollars (\$1,000.00) is estimated to be the cost of the water lines and the sum of Six Hundred Dollars (\$600.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of One Thousand Six Hundred Dollars (\$1,600.00) 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 figure 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 for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, 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 water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

#### VII.

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

#### VIII.

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

#### IX.

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

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said COMAL LUMBER COMPANY has executed this the \_\_\_\_ day of \_\_\_\_\_, 1947.

Attest:

CITY OF AUSTIN

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

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

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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson 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 BERT FORD, for the laying of certain water mains and other pipes in Ford Place Subdivision Number Two, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and BERT FORD, of the County of Travis and State of Texas, W I T N E S S E T H :

I.

For the consideration hereinafter stated, the 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 main in Redd Street, beginning at the intersection of Gillis and Redd Streets to Russell Drive, a distance of approximately 1300', in Ford Place Subdivision Number Two.

Two-inch (2") cast iron water mains in Diane Street, from Redd Street north approximately 425'; in Jester Drive, from Redd Street north a distance of approximately 425'; and in Clawson Road a distance of approximately 525'; located in Ford Place Subdivision Number Two.

## II.

It is estimated that the work described in Paragraph I will cost the sum of Four Thousand and Sixty-five Dollars (\$4,065.00) when completed, and BERT FORD 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 Bert Ford 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, Bert Ford 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.

Bert Ford 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, the 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 Bert Ford has executed this instrument in duplicate this the \_\_\_\_ day of \_\_\_\_\_, 1947.

CITY OF AUSTIN

Attest:

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

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

\_\_\_\_\_  
Bert Ford

Approved:

\_\_\_\_\_  
Director of 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in DUNCAN LANE, from Red River Street to Kim Lane, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Duncan Lane.

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

- (2) A gas main in KIM LANE, from Duncan Lane to Luther Lane, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Kim Lane.

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

- (3) A gas main in LUTHER LANE, from Kim Lane westerly 160 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Luther Lane.

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

- (4) A gas main in KEITH LANE, from Red River Street easterly 645 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Keith Lane.

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

- (5) A gas main in ALLEN STREET, from Gonzales Street southerly 522 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Allen Street.

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

- (6) A gas main in GROVER AVENUE from a point 371 feet north of North Loop Boulevard northerly 347 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Grover Avenue.

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

- (7) A gas main in WEST 10TH STREET from Toyath Street easterly 96 feet, the centerline of which gas main shall be 15 feet north of and parallel to the south property line of said West 10th Street.

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

- (8) A gas main in RALEIGH AVENUE from a point 3 feet south of Gilbert Street southerly 91 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Raleigh Avenue.

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

- (9) A gas main in TOWNES LANE from a point 347 feet west of Exposition Boulevard westerly 340 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Townes Lane.

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

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

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, the City of Austin holds an easement for construction and maintenance of a sanitary sewer line across Lot 6, Block 1, Laurel Heights, in the City of Austin, Travis County, Texas; and

WHEREAS, the City of Austin now desires to release said easement because of an error in the centerline description; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed, for and on behalf of the City of Austin, to release and quitclaim unto the owners of said Lot 6, Block 1, Laurel Heights, all right, title, interest, claim and demand of the City of Austin in and to the sanitary sewer easement in, upon and across said lot as granted by that certain easement from T. J. McElhenny and wife, Hilda McElhenny, dated October 10, 1946, and recorded in Volume 838, at pages 3 to 4, of the Deed Records of Travis County, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of CADILLAC BAR, by Marcos Salazar, 1618½ East 6th Street, for a retail dealer's beer license, 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of DIAMOND PACKAGE STORE, by Ferris Nassour, 324 East 6th Street, for an off-premise beer license, 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of THREE ACES BAR, by Earnest Guajardo, 614 East 6th Street, for a beer and wine license, 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, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of TED ALFRED PREUSSER, Jr., 812 West Gibson Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None



The application of PAUL TAYLOR POWELL, Jr., Oak Grove Courts No.246, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of WILLIAM POLK, Colored, 2400 East 12th Street, for a taxicab driver's permit was submitted. Councilman Thornberry moved that applicant be granted a 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of EARL ADAIR STEWART, 306 East 8th Street, for a license to operate as a taxicab a 1940 Model, 4-door Plymouth Sedan, Motor No. D10-7384, State License No. JA-5038, 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of WILBURN DORY, Colored, 1021½ East 11th Street, for a 1937 Model, Plymouth, Motor No. P4-384087, State License No. HX-7494, 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, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of WILLIAM POLK, Colored, 2400 East 12th Street, for a license to operate as a taxicab a 1941 Model, 2-door Buick, State License No. JC-1135, was submitted. Councilman Thornberry moved that applicant be granted a 90-days probationary license to operate a taxicab, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

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

<u>Owner</u>	<u>Description</u>
Hawn, Geo. S., 2100 Rio Grande Street	Higgins, Inboard, 1947 Model, "Langosta", 7-passenger
Kennedy, Geo. A., 3304 Meredith Street	M & M, Outboard, 1947 Model, Mercy, 4-passenger
Polunsky, Sylvan	
Shapiro, Jerome 3807 Kennelwood	Army Surplus Assault, Outboard, 6-passenger

<u>Owner(Cont'd)</u>	<u>Description</u>
Scott, R. S., Mrs. - 3301 Govalle	Home-made, Outboard, 1942 Model, Neptune, 4-passenger
Sturdivant, Richard-1007 West 5th St.	Home-made, Inboard, 1947 Model, "Hell's Belle", 2-passenger

Councilman Glass moved that the lincenses be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes: None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:15 A. M., subject to call of the Mayor.

Approved: Tom Miller.  
MAYOR

Attest:

Lillian M. Allen

CITY CLERK