

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 4, 1947
10:45 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: 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.

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 Council of the City of Austin hereby approves as a filling station site the property located on the northeast intersection of West 35th Street and Jefferson Street, which property fronts 120 feet on West 35th Street and 100 feet on Jefferson Street, and is known as the unplatted portion of the George W. Spear League in the City of Austin, Travis County, Texas, and hereby authorizes the said R. G. Mueller to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the

City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said R. G. Mueller has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
December 4, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of R.G. Mueller for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located on the northeast intersection of West 35th Street and Jefferson Street, and is known as the unplatted portion of the George W. Spear League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by R. G. Mueller, and we hereby advise that the following conditions exist:

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

A storm sewer inlet exists on the east side of Jefferson Street north of West 35th Street and a storm sewer main exists on the south side of West 35th Street adjacent to the above described property.

We recommend that R. G. Mueller be granted permission to construct, maintain, and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all

construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works' file number 2-H-878.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-H-878, and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

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

" J. C. Eckert
Building Inspector. "

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 Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the east side of the Georgetown Road and north of Denson Drive, which property fronts 100 feet on the Georgetown Road and being further known as the unplatted portion of the J. E. Wallace Survey in the City of Austin, Travis County, Texas, and hereby authorizes the said J.E. Ricks and B. L. Ricks to construct, maintain, and operate a drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto,

and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. E. Ricks and B. L. Ricks have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

Austin, Texas
December 4, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of J. E. Ricks and B. L. Ricks for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located on the east side of Georgetown Road and north of Denson Drive, which property fronts 100 feet on the Georgetown Road, and is known as the unplatted portion of the J.P. Wallace Survey in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by J. E. Ricks and B. L. Ricks, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the Zoning Maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that J. E. Ricks and B. L. Ricks be granted permission to construct, maintain and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-879.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-879, and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director Public Works

" J. C. Eckert
Building Inspector. "

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 Mayor called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 124.56 ACRES OF LAND, BEING A PORTION OF THE THOMAS HAWKINS SURVEY, THE THOMAS HARRELSON SURVEY, PORTIONS OF OUTLOTS 27 AND 50, DIVISION B, AND ALSO PORTIONS OF OUTLOTS 32, 34, AND 35, DIVISION C, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TEXAS, ALL OF WHICH LAND AND TERRITORY LIES ADJACENT TO AND ADJOINING THE PRESENT LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman Bartholomew moved that the ordinance be passed to its third reading and laid over. The motion carried by the following vote:

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

Noes : None

The ordinance was then laid over for its third reading.

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TEN AND TWELVE ONE-HUNDREDTHS (10.12) ACRES OF LAND, BEING A PORTION OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman Bartholomew moved that the ordinance be passed to its third reading and laid over. The motion carried by the following vote:

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

Noes : None

The ordinance was then laid over for its third reading.

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 ARTICLE IV, SECTIONS 21(b), 22(e), AND 26(e), RELATING RESPECTIVELY TO NO PARKING, ONE HOUR PARKING, AND 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 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

The Mayor thereupon declared that the ordinance had been finally passed.

Councilman Glass introduced 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 W. L. Bradfield and G. H. Brush for the laying of certain sanitary sewer mains and other sewer pipes in Wilshire Boulevard and in Parkwood Road, 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.

(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 W. L. Bradfield and G. H. Brush, both of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

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 mains in Wilshire Boulevard from Boggy Creek to Lullwood Road (200'); north in Lullwood Road from Wilshire Boulevard to Ardenwood Road (1800'); in Parkwood Road from Crestwood Road to Ardenwood Road (400').

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Twenty-five Hundred Dollars (2500.00) when completed; 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 sewer to him, agrees to deposit the sum of Twenty-five Hundred Dollars (\$2500.00) 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 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 sewer lines, described above for the period of time immediately preceding the first date 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 the gross income realized by the City during the preceding calendar year from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said 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 7), 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 W. L. Bradfield and G.H.Brush have executed this the ____ day of _____, 1947.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

W. L. BRADFELD & G.H.BRUSH

Approved:

By _____

Director of Utilities

Director of Public Works

City Attorney

Refunds on this contract will not become effective until a water contract between W.L. Bradfield and G. H. Brush and the City of Austin, dated May 1, 1946, for Six Thousand One Hundred and Fifty Dollars (\$6,150.00), has been refunded in full in accordance with the water contract referred to above.

CITY OF AUSTIN

By _____
City Manager

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 C.H. Brownlee for the laying of certain sanitary sewer mains and other sewer pipes in West 34th Street, 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.

(Copy of contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

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

I.

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 mains in West 34th Street from Funston Street to Jackson Avenue, a distance of approximately 190'.

Eight-inch (8") sewer mains in Funston Street from West 34th Street to State Street, a distance of approximately 370'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Nine Hundred Dollars (\$900.00) when completed; 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 sewer to him, agrees to deposit the sum of Nine Hundred Dollars (\$900.00) 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 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 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 the gross income realized by the City during the preceding calendar year from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said connection with said 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 charges 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 C. H. Brownlee has executed this the _____ day of _____, 1947.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
C. H. Brownlee

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 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 Paul Simms for the laying of certain water mains and other pipes in South 3rd Street and in South 2nd Street, 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.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

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

I.

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:

Two-inch (2") cast iron water main extending north in South 3rd Street from Oltorf Street north a distance of approximately 370'.

Two-inch (22) cast iron water main extending north in South 2nd Street from Oltorf Street north a distance of approximately 240'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Six Hundred Dollars (\$600.00) when completed; 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 to him, agrees to deposit the sum of Six Hundred Dollars (\$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 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 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 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 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 anytime 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 Paul Simms has executed this the ____ day of _____, 1947.

CITY OF AUSTIN

By _____
City Manager

PAUL SIMMS

Attest:

By _____

City Clerk_____
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

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : D. C. Bradford, by N. E. Colecom

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

II. Property affected:

A tract of land fronting 200 feet on Lamar Boulevard and 193 feet on Fredericksburg Road, being located approximately 283 feet north of Butler Road and south of the J. C. Powell tract, and being more fully described in the attached application.

III. To be changed

From : "C" Commercial District

To : "C-1" Commercial District

IV. Considered by the Board on : December 2, 1947.

V. Parties appearing:

For : D. C. Bradford and N. E. Colecom

Against: John D. Cofer for Joe C. Powell

VI. Action of the Board: Change recommended

For the following reasons:

1. Since all the property to the south of this tract between the old Fredericksburg Road and South Lamar Boulevard is now zoned as a "C-1" Commercial District and all the property on the west side of South Lamar Boulevard between the city-owned property and Barton Springs Road is also so zoned, the change of this property would merely be an extension of the present "C-1" zone of the triangular area between South Lamar Boulevard and Fredericksburg Road, which would tend to eliminate any discrimination between any of these properties.
2. In view of the fact of the tremendous increase in value of these properties along South Lamar Boulevard as evidenced by the new valuation for tax purposes, and the particular character of the location of this property, being bounded on both sides by municipal property and only one privately-owned tract to the north of it, it is evident that the entire triangle from Barton Springs Road to the Colorado River is no longer adaptable and desirable nor economically suitable for residential purposes, and, therefore, would have to receive a lower classification of commercial development in order to equalize the taxable values with potential increase to be derived from proper development of the property.

3. It is deemed that this change would, therefore, not adversely affect any surrounding property nor the economic interests of any property owners adjacent thereto.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Glass moved that a public hearing on the above application of D. C. Bradford by N. E. Colecom be called for Thursday, January 8, 1948, 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 : M. H. Helford

I. Referred to the Board by the City Council on : November 13, 1947.

II. Property affected:

Part of Outlot No. 17, Division #A#, Pipkin Addition, as described in deed recorded in Volume 747, page 127, of the Deed Records of Travis County, Texas, and being located at the northeast corner of East 7th and Gunter Streets.

III. To be changed

From : #A# Residence District

To : #C# Commercial District

IV. Considered by the Board on : November 25, 1947.

V. Parties appearing:

For : M. H. Helford

Against: Mrs. J. M. Washam, 644 Springdale Road.

VI. Action of the Board : Change not recommended

For the following reasons:

1. The applicant affirms that he has no immediate plans for the development of this property for commercial purposes but is requesting the change so that he can either erect a possible filling station or dispose of the property for a greater price than it would bring for residential purposes.

2. This property is surrounded by residential development and opposition was expressed by one adjacent property owner on the grounds that she had bought her property and developed it as her home and that she did not want any commercial property adjacent to her home, and further stated that there is no necessity or demand for a commercial development at this location.
3. The Board deemed that to change this one lot would be creating a spot zone of the worst type in an area developed for residential uses and not in response to any public demand or necessity; and that the request of a property owner for a change of his property to a lower classification for the sole purpose of speculation and future personal benefit, without regard to any general public demand or necessity or general zoning scheme or plan not necessitated by the growth and pressure of demand and scarcity of such property, and thus adversely affecting the values and character of surrounding property, does violence to all principles of sound zoning.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the above application of M. H. Helford be called for Thursday, January 8, 1948, 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: Ben H. Powell et al

I. Referred to the Board by the City Council on : November 20, 1947

II. Property affected:

Property on the east side of Airport Boulevard from East 50th Street to East 53rd Street.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : December 2, 1947.

V. Parties appearing:

For : S. R. Fulmore, Arthur Bagby, Ben H. Powell, E.F. Collins,
Charles F. Herring, and S. A. Thielepape.

Against: Mrs. W. H. Lyons, Miss Agnes E. Miller, and Mrs. Theodore E.
Thiele

VI. Action of the Board: Change to "C" Commercial and First Height and Area District recommended on following lots only: Lots 5, 6, 7, 8, Block A; Lots 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, Block B; Lots 1, 3, 4, 5, 6, 9, 10, 11, Block C; Lots 1, 3, 4, 27, 28, 29, Block D, with further recommendations as listed below.

For the following reasons:

1. The above recommendations for the lots listed is for the purpose of eliminating some of the jogs on the rear boundary of this new zone and to prevent the fronting of any business enterprises on the side streets by allowing sufficient depth to the commercial zone for adequate development for commercial purposes with an allowance for adequate setback from Airport Boulevard.
2. The present zoning maps show that the property to the north of this area and to the west across the railroad track down to 51st Street is now zoned for business purposes and this change would be an extension of the present commercial zone to 50th Street since it is deemed that this property is not especially desirable for residential purposes.
3. The Board further recommends that any change of this property for "C" Commercial purposes should be coupled with retaining a First Height and Area District designation of the property and to further fix a building line not less than 25 feet from the Airport Boulevard right-of-way line in order to provide off-street parking for the public which will patronize the commercial developments on this property; and also with the requirement that no commercial development front on any of the streets leading into the Boulevard so as to limit this commercial development along Airport Boulevard only.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Glass moved that a public hearing on the above application of Ben H. Powell et al be called for Thursday, January 8, 1948. The motion carried by the following vote:

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

Noes : None

Pursuant to the authority vested in him under Section Five of the Housing Authorities Law, Mayor Miller moved that the following members of the Housing Authority of the City of Austin be re-appointed for the two-year term beginning December 23, 1947, and ending December 23, 1949:

E. H. Perry
A. J. Wirtz
W. G. Clarkson

The motion 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)

WHEREAS, Mr. and Mrs. George B. Hatley have made application in writing for permission to operate a clinic, convalescent and rest home on Lot A, Outlot 4, Division E, of the Original City of Austin, Travis County, Texas, the same being on the west side of West Avenue and locally known as 1002 West Avenue, and is located in a "B" Residential District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT permission for the operation and maintenance of a clinic, convalescent and rest home be granted to Mr. and Mrs. George B. Hatley with the following conditions:

(1) That this clinic, convalescent and rest home be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.

(2) That all setback regulations required in this zone and all building code provisions be complied with in the operation and maintenance of such building.

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

A committee from the Retail Grocers Association, with D. A. Shipwash as spokesman, came before the Council and requested that the City take steps immediately to curb the wave of burglaries over the City. After considerable discussion, in which the City Manager pointed out the efforts now being made by the Police Department to cope with the situation, the matter was referred for further consideration to a meeting of the merchants with the City Manager and the Police Department, the date of the meeting

to be determined later.

The application of Maurice Joyner and Lillian Joyner for change in zoning, from "B" Residence District to "C" Commercial District, of Lot 1, Outlot 62, Division "B", Chernosky Subdivision No. 6, located at 2103 Rosewood Avenue, 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 Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING CLERICAL ERRORS APPEARING IN THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL AUGUST 15, 1946, AND RECORDED IN BOOK M, PAGES 227-232, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, ENTITLED "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, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION AND HEIGHT AND AREA DESIGNATION OF VARIOUS PORTIONS OF THAT 1901 ACRE TRACT OF LAND ANNEXED TO THE CITY OF AUSTIN BY ORDINANCE ON OCTOBER 18, 1945, AND WHICH 1901 ACRES WERE ZONED AS "A" RESIDENTIAL DISTRICT BY ORDINANCE PASSED DECEMBER 20, 1945; AND WHICH AMENDATORY ORDINANCE HEREBY CONTINUES THE ZONING OF "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON THE SAID 1901 ACRES AS TO ALL PORTIONS THEREOF NOT HEREBY OTHERWISE ZONED; ORDERING CHANGES IN THE USE MAPS AND THE HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY"; ORDERING CHANGES IN THE USE MAPS AND THE HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; 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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 1500-02 Guadalupe Street and desires a portion of the sidewalk and street space abutting the southeast 62x87' of Lot 6, Block 31, Division "E", of the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

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

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point 14 feet east of the west curb line; thence in a northerly direction and parallel to the centerline of Guadalupe Street approximately 62 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street 14 feet to a point at the northeast corner of the above described property.

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 15th Street to a point 4 feet north of the north curb line; thence in a westerly direction and parallel to the centerline of West 15th Street approximately 86 feet to a point; thence in a northerly direction and at right angles to the centerline of West 15th Street 6 feet to a point at the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, 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 May 1, 1948.

(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, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the west side of South Lamar Boulevard as a private gasoline plant, which property is owned by the Austin Motor Truck Company, Inc., and is an unplatted 250'x339' out of the Butler Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Austin Motor Truck Company, Inc., to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Austin Motor Truck Company, Inc., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

Austin, Texas
December 4, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Austin Motor Truck Company, Inc., for permission to operate a private gasoline plant

consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on South Lamar Boulevard, which property is an unplatted 250'x339' out of the Butler Tract of the City of Austin, Travis County, Texas, and locally known as 300 South Lamar Boulevard.

This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

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

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

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

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

Respectfully submitted,

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

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

Ayes : Councilmen Bartholomew, Glass, 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 Council of the City of Austin hereby approves the property located on the south side of East 5th Street as a private gasoline plant, which property is owned by A. E. Massengale and is designated as the west 48 feet of Lot 6, Block 39, Original City of Austin, Travis County, Texas, and hereby authorizes the said A. E. Massengale to operate a private gasoline plant consisting of one 550-gallon underground tank and one 10-gallon visible pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject

to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said A. E. Massengale has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

Austin, Texas
December 4, 1947

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of A.E. Massengale for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and a 10-gallon visible pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to be sold, upon property located on the west 48 feet of Lot 6, Block 39, of the Original City of Austin, Travis County, Texas, and locally known as 505 East 5th Street.

This property is located in a "C-2" Commercial District and I recommend that this permit be granted subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.
- (3) That "No Smoking" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

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

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

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

Noes : None

The City Manager submitted the bid of Burke Matthews for concession privileges at Zilker Springs and Deep Eddy for year 1948 in lump sum of \$5,150.00, payable \$1,000.00 on May 1, June 1, July 1, August 1, and \$1,150.00 on September 1, 1948; and recommended that the bid be accepted as the best bid received. Mayor Miller moved that the recommendation of the City Manager be approved and the bid of the said Burke Matthews be accepted, and that the City Manager be authorized to enter into contract with the said Burke Matthews accordingly. The motion carried by the following vote:

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

Noes : None

Councilman Johnson then moved that the City Manager be instructed to have signs placed at the Zilker Springs and Deep Eddy concession stands showing that same are operated by Burke Matthews under special contract and not by the City of Austin. The motion carried by the following vote:

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

Noes : None

The application of LEE ROY PATTERSON, 3909 Guadalupe Street, for a license to operate as a taxicab a 1946 Model, Hudson 4-door Sedan, Motor No. 3170504, State License No. JB-7155, 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 OSSIE BRICE GIFFORD, 405 West 42nd Street, for a license to operate as a taxicab a 1946 Model, Chevrolet Sedan, Motor No. 2519440, State License No. JD-2734, 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 HENRY LEE ELLISON, Colored, for a license to operate as a taxicab a 1942 Model, 4-door Ford, Motor No. 186858833, State License No. JC-5895, 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 WILLIAM THOMAS MARTIN, Colored, 1811 Cedar Street, for a taxicab driver's permit, approved by the City Manager, was submitted.

Councilman Thornberry 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 MORGAN GLOVER, 802 Blanco Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry 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 McLaughlin Lamar Peterson, 312 Bowie Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry 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 SAN JACINTO INN, 301 East 16th Street, by Cruz Galindo and Joe Pacheco, for a wine and beer license, 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 following application for a commercial boat license, approved by the Navigation Board, was submitted:

Name of Owner

Description

Brown, Nelson, 2505 Bridle Path

Steel Craft, Cruiser, Inboard,
1947 Model, Chrysler,
10-passenger

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

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT OF A PORTION OF WILLOW STREET FROM THE EAST PROPERTY LINE OF WALLER STREET TO THE WEST PROPERTY LINE OF NAVASOTA STREET, IN THE CITY OF AUSTIN, TEXAS; AND DIRECTING THE PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS BE PREPARED AND FILED; AND DIRECTING AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS BE DELIVERED AND FILED; AND AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF SUCH IMPROVEMENTS.

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

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

Noes : None

The ordinance was then laid over for its second reading.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF AUSTIN, TEXAS, TUESDAY, FEBRUARY 10, 1948, FOR THE PURPOSE OF DETERMINING BY MAJORITY VOTE OF THE QUALIFIED VOTERS OF THE CITY OF AUSTIN WHETHER HOUSE BILL 34, PASSED AT THE REGULAR SESSION OF THE 50TH LEGISLATURE OF THE STATE OF TEXAS, AND ALSO KNOWN AS ARTICLE 1269m OF VERNON'S ANNOTATED CIVIL STATUTES, SHALL BE ADOPTED OR REJECTED; PROVIDING A PROCLAMATION AND NOTICE OF SAID ELECTION; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson 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 Johnson 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 Johnson 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 thereupon announced that the ordinance had been finally passed.

It was moved by Mayor Miller, seconded by Councilman Thornberry, that the City Manager be authorized to spend the amount of money he thinks necessary in advertising the sale of the portion of the Butler Tract and the Click Farm which the City has offered for sale. The motion 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 sum of \$3,000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of meeting one-half of the additional costs of operation of the Austin-Travis County Tuberculosis Sanatorium during the 1947 calendar year.

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 proposal of the Chamber of Commerce that the City employ a full-time industrial coordinator to assist prospective business enterprises wishing to locate in Austin in obtaining the necessary information with reference to zoning, utilities, and other data, submitted by Councilman Glass, was discussed at length, but no action was taken on the matter.

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Mrs. Grace D. Groos

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

II. Property affected:

Lot 52.75'x138', Outlot 20, Division "0", northwest corner of East 2nd and Comal Streets

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : November 25, 1947.

V. Parties appearing:

For : Delmar Groos

Against: Mrs. J. T. Eaves, Nash Moreno, and E. R. Cantu, and a petition signed by 24 owners of homes on East 2nd Street was filed.

VI. Action of the Board : Change not recommended.

For the following reasons:

1. The applicant's property is located in an "A" Residence District, which extends along East 2nd Street on both sides from East Avenue to Comal Street for a depth of one-half block, and which is surrounded by "C" Commercial, "D" Industrial, and some "B" Residence property in the vicinity of the housing project, the particular property in question being located at the northwest corner of East 2nd and Comal Streets. The property to the north is "B" Residence, that to the east is "C" Commercial, and that to the south and east is "A" Residence.
2. Opposition to the proposed change was expressed by several property owners who requested that this property remain in a residence district since they had either erected their homes or bought property for this purpose in the existing "A" Residence District along 2nd Street, stating that they would not object to a nice grocery store but were afraid that the property would be improved with small hamburger stands and other small business establishments that would be detrimental to their homes.
3. This request is for a change of a single lot under a single ownership for the purpose of future sale or development of the property for commercial uses with no immediate plans, and includes no other property in this area.
4. The Board deemed that to change this one lot would be objectionable as being in effect a spot zone and providing special advantages for this one lot over the adjacent property to the west and south thereof. However, the Board is of the opinion that this area is no longer desirable for residential purposes and should be included in a change to commercial because of surrounding designation and development, and further considers that if any change along East 2nd Street is made there should be a setback of 25 feet maintained for buildings because of the narrow width of the street since the extension of East 2nd Street is contemplated as a major thoroughfare to connect with East 1st Street near Montopolis Bridge, relieving traffic congestion on East 1st Street, and would require the widening of the street to provide adequate traffic flow. This property should, therefore, remain in a First Height and Area District.

(Sgd) H. F. Kuehne
Chairman. "

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : John J. Stumpf

I. Referred to the Board by the City Council on : November 20, 1947

II. Property affected:

Lots 9, 10, and 11, Block 1, Outlot 14, Division "D", being located at the southeast corner of West 29th and Fruth Streets.

III. To be changed

From : "C-1" Commercial District

To : "C-2" Commercial District

IV. Considered by the Board on : December 2, 1947.

V. Parties appearing:

For : John J. Stumpf

Against: Roy L. Thomas, for himself and Mrs. Walter P. Nass, Miss May A. Gardner, Mr. Mayhall, Dan J. Driscoll, Chas. A. Millhouse, Mrs. Zenobia S. Glass and Mr. A. B. Atwell for Kirby Hall, Miss Mabel C. Patterson, Mrs. C. E. Craddock for C. S. Eidman, Mrs. Rosena Smith, J. G. Burr, Steve Gardner, Mr. and Mrs. T. C. McCormick, Mr. Davis for Mrs. Virginia Howard, Dr. G. F. Thornhill, Mr. Johnson, Mrs. J. T. Castleberry, Mrs. Carl A. Swantz, J. F. Peters, Mrs. J. A. Reid, Van Dorn Hooker, and Mrs. Ray Perrenot.

VI. Action of the Board : Change not recommended

For the following reasons:

1. This change of three lots under a single ownership would constitute a spot zone solely for the benefit of a single individual not in response to any public demand or convenience and necessity and would tend to adversely affect the adjoining property to the north and east which is primarily a residential district occupied by University students and faculty, and is now a quiet neighborhood well suited for use in connection with the University of Texas.
2. The affirmations of the applicant that he proposes to sell wine and beer in packages only for off-site consumption would not, in itself, justify a change of this character

since when once changed to a "C-2" Commercial District the ten lower use classifications permitted would become inherent and run with the land and could be enjoyed thereon by any future or present owner or any lessee thereof, which uses would unquestionably be undesirable and adversely affect the surrounding property.

3. It is, therefore, deemed that this property should not be changed to a lower classification and any future change should be to a higher classification.

4. The denial of this change would not prevent the applicant from establishing a grocery store or other commercial use permitted in the commercial district, and, therefore, would not result in unnecessary hardship.

(Sgd) H. F. Kuehne
Chairman

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: John B. Loveless

I. Referred to the Board by the City Council on : November 26, 1947.

II. Property affected:

The east 9.5 feet of Lot 3, Block E, Bouldin Addition, being located on the south side of West Mary Street west of South 1st Street.

III. To be changed

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

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : December 2, 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 classification to permit the extension of the existing "C" Commercial zone along

South 1st Street to include the east 9.5 feet of a lot adjoining two lots which are in the commercial zone. The appellant formerly owned several lots in this block but had disposed of those to the west and retained the small portion of this lot in order to have sufficient space on his commercial property for a filling station and public garage, not realizing at the time that this portion was residential. He now proposes to erect a commercial building extending over on this 9.5 feet and affirms that the building will be too small if confined to the vacant portion of the commercial property.

2. The Board deemed in view of the evidence presented by the applicant regarding the resubdivision and sale of property in this block that no harm to the Ordinance was intended and that to extend the present "C" Commercial District to include 9.5 feet of residence property would not violate the purpose and spirit of the Ordinance, and would be an equitable change since a normal "C" Commercial District is approximately 150 feet in depth to permit adequate use thereof and provide relief to parking congestion and allow for compliance with the applicable height and area regulations.

(Sgd) H. F. Kuehne
Chairman. #

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

Approved:

Tom Miller

MAYOR

Attest:

Helen M. Keenan

CITY CLERK