

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 5, 1948  
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: 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.

Mrs. C. H. Warner, representing the Austin Council of Church Women, came before the Council and requested that the Mayor issue a proclamation proclaiming Friday, February 13, 1948, as World Day of Prayer in Austin. Councilman Thornberry moved that the request be granted and the proclamation be approved. The motion carried by the following vote:

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

The application of DUARD L. BISHOP, Route #4, Austin, for a license to operate as a taxicab a 4-door Special Deluxe Chevrolet Sedan, 1941 Model, Motor No. AA-294345, State License No. DJ-8415, duly approved by the City Manager, was submitted. Councilman Johnson 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 E. M. POWELL, 305 Willow Street, for a license to operate as a taxicab a 4-door Chevrolet Special Sedan, 1941 Model, motor No. AA-499025, State License No. JC-453, duly approved by the City Manager, was submitted. Councilman Johnson 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 ALBERT R. THORNTON, 410 West 37th Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1947 Model, Motor No. 71GA-341767, State License No. JB-6107, duly approved by the City Manager, was submitted. Councilman Johnson 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 GEORGE H. UPSHAW, Colored, 1410 East 12th Street, for a license to operate as a taxicab a 4-door Buick Sedan, 1939 Model, Engine No. 4364509, State License No. JC-6323, duly approved by the City Manager, was submitted. Councilman Johnson 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 BERNARD EMMETT MCGUILL, JR., 2805 Salado Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of ALFRED RAYMOND STONE, 1901 Eva Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of EDWIN J. DIETRICH, 1108-B West 22nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of FOY JACKSON PHELAN, 1405 Guadalupe Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew, moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

An appeal by LOUIS ROGERS TURNER, 306 West 35th Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Johnson moved that appellant be granted a 90-days probationary permit to drive a taxicab, permit to be cancelled upon first traffic accident in meantime, and that he report to

Chief of Police during said probationary period. The motion carried by the following vote:

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

Noes : None

An appeal by BENJAMIN LESLIE ARMSTRONG, Colored, 1197 San Bernard Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Thornberry moved that appellant be granted a 90-days probationary permit to drive 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 application of BERGER NO. 2, 1201 East 11th Street, by Maurice Joyner, for a wine and beer license, 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 MONTE CARLO CAFE, 903 East 6th Street, by Charlie J. Nohra, for a wine and beer license, 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 J. A. DAGAR, 523 East 6th Street, for a package store license, 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 public hearing on the application of Miss Nellie Lea Brown 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 "A" Residence District to "B-1" Residence District, to-wit:

Lots 3 and 4, Block 16, Moore & Sparks Resubdivision,  
located at the northwest corner of East 32nd Street  
and Grooms Street, in the City of Austin, Travis  
County, Texas,

postponed at the last regular meeting on account of illness of the proponent, was duly opened.

The following property owners appeared and spoke in favor of the change, substantially as follows:

Miss Nellie Lea Brown, proponent, and Paul Jones, Agent, who stated that the property is surrounded on three sides by "B" zones; that proponent desires to erect a 4-unit apartment house on the ground, which would be an asset to neighboring property; and that if the change is not granted, the property will be divided into smaller lots and sold off for less desirable use.

The following appeared and spoke in opposition to the change:

Mrs. John A. McCrary, 208 East 33rd Street, and another property owner. A written protest by Mrs. Virtie Wilson, 209 East 33rd Street, was received also.

No other property owner or interested citizen appearing to be heard, Councilman Thornberry moved that the hearing be closed; the action of the Board of Adjustment be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective, for passage at the next regular meeting. 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 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 "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B-1" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON THE EAST 119 FEET OF LOT 4, BLOCK 4, WESTFIELD "B"; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B-1" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON BLOCKS 17 AND 18, GROOMS RESUBDIVISION; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 1, BLOCK 2, OUTLOT 76, DIVISION "D", BUILDINGTON SUBDIVISION, AND THE WEST 20 FEET OF LOTS 38 TO 43 AND NORTH HALF OF LOT 37, BLOCK B, MURRAY PLACE; AND CHANGING THE USE DESIGNATION FROM "C"

COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 3, BLOCK 1, OUTLOTS 15 AND 16, DIVISION "00"; ALL OF SAID PROPERTY BEING 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 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

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

Pursuant to published notice thereof, the public hearing on the application of George Ferris 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 "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, to-wit:

1.93 acre tract of land out of the Isaac Decker League, fronting on the west side of Lamar Boulevard and being approximately 300 feet north of Butler Road, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Thornberry moved that the hearing be closed; the recommendations of the Board of Adjustment be sustained, and the change be granted; and the City Attorney be directed to prepare the ordinance making the change effective, for passage at the next regular meeting. 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:

"Honorable Mayor and City Council  
City of Austin, Texas

Gentlemen:

At a meeting held on February 3, 1948, Mr. Wm. Trenckmann appeared before the Board of Adjustment representing the property owners in Block 2, being the property located between Singleton Avenue and Cedar Avenue, 18th Street and 19th Street, and stated that he wished to amend his original application to apply only to Lots 1, 2, 15 and 16, in this block, and that his clients had agreed to front their commercial developments on East 19th Street and to set the buildings back ten feet from the property line.

Since the Board had previously recommended against the change of the entire block but had suggested that any commercial development should front on East 19th Street, retaining the commercial property in a First Height and Area District, it now wishes to recommend to the Council that Lots 1, 2, 15 and 16, Block 2, be changed to "C" Commercial District and First Height and Area District on condition that all commercial development front on East 19th Street and set back as required by the First Height and Area District regulations.

Respectfully submitted,

BOARD OF ADJUSTMENT

BY (Sgd) H. F. Kuehne, Chairman. "

Councilman Thornberry moved that the above report of the Board of Adjustment be approved and the amended application of William Trenckmann, Attorney for property owners, for change in zoning of the property described in said report be granted; and the City Attorney be instructed to prepare the ordinance granting the change in accordance with the recommendations of the Board of Adjustment as contained in said report. The motion carried by the following vote:

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

Noes : None

The application of Mrs. G. R. Felter for change in zoning, from "A" Residence District to "B" Residence District of property at the corner of Waterston Avenue and Charlotte Street, being Lot 6, Block 14, Maas Addition, and being 104 x 125 feet, was received. Councilman Bartholomew 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

The application of H. J. Mayton for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 38th Street and Morningside Avenue, or Lamar Boulevard, said application also including property of Ollie R. Knight, Mrs. Annie L. Mayton, Mrs. Frances E. Rankin, Herbert Bohn, Mrs. J. A. Brown, and Julia Smith, was received. Councilman Bartholomew 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

The application of L. C. Purnell, by Paul W. Jones, Agent, for change in zoning, from "A" Residence District to "C" Commercial District, of Lot 65, Enfield "A", Subdivision, located at 1206 Parkway, was received. Councilman Bartholomew 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 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 J. A. Shelby for the laying of certain water mains and other pipes in Oak Ridge Heights Subdivision, 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.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and J. A. SHELBY, 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:

Six-inch (6") cast iron water mains on Oakcrest Avenue from the extreme southeast boundary of Oak Ridge Heights Subdivision to Terrell Hill Drive; from Cumberland Road to the south line of Lot 10, Block G, a distance of approximately 905'; South 4th Street from Herndon Lane to the south line of Lot 9, Block I, a distance of approximately 865'; on Cumberland Road from South 4th Street to South 5th Street, a distance of approximately 250'; on Terrell Hill Drive from South 4th Street to South 5th Street, a distance of approximately 315';

Two-inch (2") cast iron water mains on Oakcrest Avenue, extending from Terrell Hill Drive to the south line of Lot 10, Block G, a distance of approximately 570'; on South 4th Street from Terrell Hill Drive to the south line of Lot 9, Block I, a distance of approximately 488'; on South 2nd Street from Acorn Place to Cumberland Road a distance of approximately 280'; on South 5th Street south from Herndon Lane a distance of approximately 132'; on South 3rd Street from Cumberland Road to Acorn Place a distance of approximately 248'; on Acorn Place from South 3rd Street to South 2nd Street a distance of approximately 229'.

## II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Seven Thousand One Hundred and Twenty-five Dollars (\$7,125.00) 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 Seven Thousand One Hundred and Twenty-five Dollars (\$7,125.00) 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 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 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 J. A. Shelby has executed this instrument in duplicate this the \_\_\_\_ day of January, 1948.

CITY OF AUSTIN

Attest:

By

City Manager

City Clerk

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 Thornberry offered the following resolution:

(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 ENFIELD ROAD from a point 346 feet west of Pecos Street westerly 47 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Enfield Road.

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

- (2) A gas main in ENFIELD ROAD from a point 4 feet west of Schulle Avenue westerly 6 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Enfield Road.

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

- (3) A gas main in PRUETT STREET, from a point 243 feet east of Wayside Drive easterly 78 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Pruett Street.

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

- (4) A gas main in BENNETT AVENUE from a point 199 feet north of East 46th Street southerly 80 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Bennett Avenue.

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

- (5) A gas main in CHALMERS AVENUE from a point 54 feet south of East 10th Street southerly 476 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west property line of said Chalmers Avenue.

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

- (6) A gas main in WEST 37TH STREET from Mills Avenue easterly 116 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said West 37th Street.

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

- (7) A gas main in POQUITO STREET from East 14th Street northerly 96 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Poquito Street.

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

- (8) A gas main in MAYFIELD LANE from a point 582 feet west of Georgetown Road westerly 100 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Mayfield Lane.

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

- (9) A gas main in PRUETT STREET from a point 321 feet east of Wayside Drive easterly 58 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Pruett Street.

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

- (10) A gas main in ALEXANDER AVENUE from a point 255 feet south of Manor Road northerly 200 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Alexander Avenue.

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

- (11) A gas main in WEST 10TH STREET from a point 161 feet west of Center Street westerly 108 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north 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.

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 condition 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

The following report of the Board of Adjustment was received:

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

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Applicant : E. F. Collins and Edward Brown

I. Referred to the Board by the City Council on : January 22, 1948

II. Property affected:

(1) Lot 11, Skyland Terrace; (2) Lot 10, Skyland Terrace, both being located on the north side of North Loop Boulevard west of Georgetown Road, and (3) the west portion of a 3-acre tract fronting 288 feet on Georgetown Road north of North Loop Boulevard and more particularly described in the attached application and shown on the attached plat.

III To be changed

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

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

IV. Considered by the Board on : February 3, 1948

V, Parties appearing:

For : E. F. Collins and Edward Brown

Against:None

VI. Action of the Board: Change recommended

For the following reasons:

1. The property in Tract No. 3 is the west portion of a 3-acre tract which fronts on Georgetown Road which is developed with a tourist court on the commercial portion and extending over onto the residential part, and is separated from McCandless Street on the west by a tier of lots facing that street. The applicant, E.F.Collins, affirms that he has no outlet for this tract except through Tract No. 1 fronting on North Loop Boulevard which would be reduced below buildable width for a residence if an access road is constructed, and that he proposes to erect a grocery store on the remaining portion of this tract and to develop Tract No.3 for commercial uses with access from North Loop Boulevard.
2. Tract No. 2 is occupied by a flower shop at this time and the applicant, Edward Brown, affirms that he proposes to construct an addition to the front of the building.
3. All of the property between Tracts Nos. 2 and 3 and the Georgetown Road is now zoned for commercial purposes and the application

is for an extension of this zone to the west to include Tracts Nos. 1, 2, and 3.

4. The Board deemed that since Tract No. 3 is separated from the Georgetown Road by a commercial district and from North Loop Boulevard by Tracts Nos. 1 and 2, it is not suitable for residential purposes and would more logically be desirable for commercial uses with an outlet to North Loop Boulevard which, however, would result in the entire rectangular tract being uniformly zoned, and would not adversely affect the remaining property in this block to the west since the rear of these lots abut on this area.

(Sgd) H. F. Kuehne  
Chairman . "

Councilman Glass moved that a public hearing on the above application for change in zoning be called for Thursday, February 26, 1948. The motion carried by the following vote:

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

Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING AN ALLEY  
TRAVERSING BLOCK 10 OF WALSH PLACE, BUT RE-  
TAINING EASEMENTS IN SAID ALLEY FOR ALL PUB-  
LIC UTILITIES; AND SUSPENDING THE RULE RE-  
QUIRING THE READING OF AN ORDINANCE ON THREE  
SEPARATE DAYS.

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

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

The following tabulation of bids was submitted by the City Manager:

"February 5, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The following is a tabulation of bids, which were opened February 3, 1948, for the construction of sanitary sewers in Contracts "D", Taylor Slough; "E", Govalle; and "F", Area east of Georgetown Road and north of Airport Boulevard:

	Taylor Slough <u>CONTRACT "D"</u>	Govalle <u>CONTRACT "E"</u>	North of Airport Boulevard <u>CONTRACT "F"</u>
W. S. Conner	\$43,840.79 (3)		\$26,998.20 (6)
Moore Construction Co.	44,686.26 (4)	\$65,419.54 (4)	36,678.25 (7)
Joe Bland Construction Company	35,145.40 (2)	64,005.00 (3)	21,583.00 (1)
John Broad Construction Company	69,137.64 (7)		54,017.15 (8)
Karl Wagner	52,104.40 (5)		25,312.00 (4)
Holland Page			26,014.45 (5)
Taylor Construction Co.	32,292.05 (1)	45,177.60 (1)	22,450.00 (2)
T, H. Lee		51,130.68 (2)	25,224.60 (3)
Gullum & Hodgson	66,984.10 (6)		

We recommend that the Contracts "D" and "E" be awarded to the low bidder, Taylor Construction Company, in amount of \$32,292.05 and \$45,177.60, respectively, and that Contract "F" be awarded to the low bidder, Joe Bland Construction Company, in amount of \$21,583.00.

(Sgd) J. E. Motheral "

Councilman Glass moved that the above recommendation be approved and contracts awarded the low bidders as follows: Contracts "D" and "E" to Taylor Construction Company, in amounts of \$32,292.05 and \$45,177.60, respectively; and Contract "F" to Joe Bland Construction Company, in amount of \$21,583.00. The motion carried by the following vote:

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

Noes : None

Councilman Johnson moved that the following resolution, which was introduced at the last regular meeting and laid over, be adopted:

## (RESOLUTION)

WHEREAS, The Freedom Train, which is being sent from Washington, D.C., on a tour of the nation by a committee that has the backing of the officials of the Federal Government, is to visit Austin on February 11, 1948: and

WHEREAS, The City Council, representing the people, believes it has physical, spiritual, educational, and recreational advantages for the people of Austin; and

WHEREAS, The officials of said Freedom Train are asking the cities included in the itinerary of said Freedom Train to contribute to the expense of said tour; and

WHEREAS, It is believed that the more democratic way for the City of Austin to pay its pro rata of such expense would be for the City of Austin to appropriate the money rather than asking individuals for subscriptions; Therefore,

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

That the sum of Three Thousand Dollars (\$3,000.00) be, and the same is hereby, appropriated out of the General Fund of the City of Austin and made payable to the proper officials of said Freedom Train, with the stipulation, however, that no voluntary contributions are to be taken from the citizens of Austin, and that all citizens shall have an equal opportunity of seeing the train; and

## BE IT FURTHER RESOLVED:

That this resolution remain on file with the City Clerk for one week before final action thereon.

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 Bartholomew offered the following resolution and moved its adoption:

## (RESOLUTION)

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

That the City Manager be, and he is hereby, authorized and directed to advertise for bids on the sale of bonds of the City of Austin at 10:00 A.M., March 4, 1948, which bonds were authorized for issuance by the electorate May 7, 1946, as follows:

Bridge below Lake Austin -----	\$ 50,000.00
(Low-water bridge across Colorado River below Lake Austin)	
Electric Plant and System -----	170,000.00



Fire Stations -----	\$ 100,000.00
Parks, Playgrounds and Recreation -----	250,000.00
Schools -----	1,750,000.00
Streets -----	300,000.00
Water Plant and System -----	<u>500,000.00</u>
	\$3,120,000.00

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

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

Ayes : Councilmen Bartholomew, Glass, 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: Mrs. Lee D. Todd

I. Referred to the Board by the City Council on : January 15, 1948

II. Property affected:

Lot 8 and the west 10 feet of Lot 7, Glenview Addition, being located at the southeast corner of West 35th Street and Glenview Avenue.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : February 3, 1948

V. Parties appearing:

For : None

Against: Marlin Bownds, Paul Hancock, J.D. Fuquay, and Mrs. Wm. W. White.

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

For the following reasons:

1. This application is for the change of one lot and 10 feet of another at the southeast corner of West 35th Street and Glenview Avenue in a block which is designated and developed for residential purposes. There is now a designated Community Center west of this property on the four corners of West 35th Street and Jefferson Street, a portion of which is still undeveloped for that purpose.
2. Opposition to this change was expressed by several property owners in the neighborhood and especially by the one owning property immediately east of this lot on which there is a residence under construction at this time and nearly completed, on the grounds that this is a residence district in which they erected their homes and they do not want any portion designated as commercial.
3. The applicant has stated she has no immediate plans for developing this proposed commercial lot and the request is not in response to any public demand for additional business establishments.
4. The Board deemed that to grant this change would be extending a commercial area across a street and into a definitely residential block, and that the logical extension of the present Community Center would be to the west whenever there is a demand and public necessity for additional commercial zoning in this area beyond that undeveloped property already zoned for commercial uses.

(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:

Hellie McAllen

CITY CLERK