

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 5, 1948
10:35 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Pro tem Glass presiding.

Roll call

Present : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Absent : Mayor Miller

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.

A group of engineers and architects, with Peercy V. Pennybacker as spokesman, came before the City Council and expressed their appreciation for the proposed amendment to the Building Code to conform to the State law regarding the services of professional engineers and architects on public construction, prepared at their suggestion.

The following ordinance was then introduced by Mayor Pro tem Glass and laid over:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL APRIL 30, 1931, AND IS RECORDED IN BOOK "I", PAGES 387-536, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 201 OF SAID ORDINANCE TO REQUIRE CERTAIN PLANS AND SPECIFICATIONS TO BE PREPARED BY AND CONSTRUCTION TO

BE EXECUTED UNDER DIRECT SUPERVISION OF A REGISTERED PROFESSIONAL ENGINEER OR REGISTERED PROFESSIONAL ARCHITECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

Mr. Ben Glaspey came before the Council and complained of a nuisance created by dead weeds in Lake Austin accumulating in front of his place on Lake Austin. He was advised that not much remedy could be given in the matter until such time as the City's weed-cutting barge is completed and in operation on the Lake.

Mr. Elmer Denson, representing the Veterans of Foreign Wars, submitted a request for use of some City property as a site for the giving away of an automobile in connection with the softball tournament being sponsored by said Organization. The written opinion of the City Attorney on the matter was also received. Councilman Johnson moved that the request be denied. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The public hearing on the application of Ollie R. Knight, Mrs. Annie L. Mayton, Mrs. Frances E. Rankin, Hubert Bohn, J. A. Brown, and Jodie Smith 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 "C" Commercial District, to-wit:

That portion not already zoned "C" Commercial of Block 2, of H. B. Seiders Subdivision, located on the west side of Morningside Avenue, or Lamar Boulevard, between West 38th and West 39th Streets, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appearing to protest the change, Councilman Johnson moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted; and, further, that the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The public hearing on the application of Vincente Castillo and Louis Joseph, by Donald S. Thomas, Attorney, to amend the Zoning Ordinance in the following particular:

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

Lots 7, 8, and 9, and the east 1/2 of Lot 10, Block 3, Outlot 4, Division "0", Peck Addition, being located at the southwest corner of East 4th and Comal Streets, in the City of Austin, Travis County, Texas,

was duly opened.

Those appearing for the change were:

Dean Moorhead, representing the Capitol Linen Supply Company, prospective purchaser of the property, stated that his client wants to build a plant for its business, employing about one hundred and fifty people; that all of the property owners adjacent thereto have indorsed the change, with the exception of the Housing Authority, which has no objection to the plant itself but does not want a "D" Industrial Zone because it would open up the area for further "D" Industrial development, and that it would withdraw its objection if the zone were changed to "C" Commercial; that there would be off-street parking and no traffic congestion.

Those appearing against the change were : None

No other property owner or interested person appearing to be heard, Councilman Johnson moved that the hearing be closed and the change be granted for "C" Commercial, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The public hearing on the application of H. W. T. Lacey 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 "C" Commercial District, to-wit:

A certain tract of land out of the unplatted Spear Legue, located on the north side of West 35th Street 120 feet east of Jefferson Street, facing 50 feet on West 35th Street and extending back for a distance of 140 feet, said tract being in the name of H. W. T. Lacey, in the City of Austin, Travis County, Texas,

was duly opened.

Those appearing for the change were: None

Those appearing against the change were:

Attorney Tyler presented a petition, signed by a large number of property owners in the vicinity, protesting the change.

No other property owner or interested person appearing to be heard, Councilman Johnson moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be denied. The motion

carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The public hearing on the application of Mrs. C. G. Rogers 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 "C" Commercial District, to-wit:

Lots 66 and 67, Block U, Harmon Terrace Addition, being located at the northeast corner of East 49th Street and Airport Boulevard, in the City of Austin, Travis County, Texas,

was duly opened.

Those appearing for the change were:

C. G. Rogers, representing the proponent, Mrs. C. G. Rogers, who stated that they wanted to build a drug store facing Airport Boulevard.

Those appearing against the change were:

Dixie Waid, who stated that this change would open the way for other property to be changed; that there are deed restrictions and the people who bought property there did so with that in mind and want to keep it that way; and that the property is too narrow for proper setback.

The proponent then asked to withdraw the application and the request was granted.

Councilman Johnson moved that, at the request of Mr. Andy Montgomery, action on the application of Lewis Fisher for change in zoning of property lying between Cliff Street and David Street and south of West 22nd Street be postponed to the regular meeting of August 19. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

Action on the application of Henry Wendlandt for change in zoning of property located on East 12th Street at Singleton Avenue was postponed to the next regular meeting.

Action on the application of Jay Brown for change in zoning of property located on the east side of Lamar Boulevard south of West 32nd Street was postponed to the next regular meeting.

Action on the application of North Millican for change in zoning of property located at Guadalupe and 30th Streets was postponed to the next regular meeting.

The following report of the Board of Adjustment was received:

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"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : J. A. Nelson

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

II. Property affected:

Lot 1 and the south 28 feet of Lot 2, Block 30, Outlot 25, Division "C", Christian and Fellman Addition, being located at the northeast corner of Swisher and East 21st Streets and known as 2101 and 2103 Swisher 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 : August 3, 1948

V. Parties appearing:

For : J. A. Nelson

Against: Mrs. Lena W. Welch and Misses Ida and Minnie Albrecht

VI. Action of the Board : Change recommended to include that portion of Lots 1, 2, 3, 4, and 5, of the above named block, which remains after the widening of East Avenue.

For the following reasons:

1. This application is a request for a change of the remaining portion of the applicant's property at the northeast corner of Swisher and East 21st Streets which extended from East Avenue through to Swisher Street, the frontage on East Avenue having been zoned "C" Commercial.
2. In the widening of East Avenue it became necessary for the City to acquire practically the entire property of the applicant, leaving only a small portion on the rear as described above. This portion is too small for residential use and could only be used for small commercial purposes which require a limited amount of space.
3. The Board deemed, since the property had its original frontage on East Avenue zoned commercial and was used for commercial purposes extending beyond the present commercial zone, that the applicant would be practically deprived of the use of the remaining property because of its small size and, therefore, would be entitled to relief so that use of this property would not be confiscated.

4. Since practically the same conditions prevail on the remaining portions of the property in the entire block between 21st Street and Manor Road, the Board further deemed that as a matter of justice and equity the property owners should be granted relief from the restrictions which would hamper the use of this property as an "A" Residence District and First Height and Area District and, therefore, recommends that not only the applicant's property but the remaining portion of the block be changed to "C" Commercial.
5. The Board further deemed that from a zoning standpoint, it is unfortunate that all the property in this block was not acquired by the City since the establishment of a "C" Commercial District on Swisher Street, which is primarily a residence street, would have adverse effect on the property fronting this area on the west side of Swisher Street which was bought and developed under the impression that Swisher Street would remain a residential street.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above change in zoning be called for Thursday, August 26, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Austin Development Company, by A. B. Beddow

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

II. Property affected:

Block C, Crestview Addition, Section 2, being bounded by St. Johns Avenue, Arroro Seca, and Woodrow Avenue.

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 : August 3, 1948

V. Parties appearing:

For : A. B. Beddow
Against: None

VI. Action of the Board : Change recommended

For the following reasons:

1. This application is for the change of a block of ground bounded by St. Johns Avenue, Arroyo Seca, and Woodrow Avenue. This tract is in a new subdivision development surrounded by property owned by the developer and, when the plat was presented to the City Plan Commission for approval, this area was set aside in the purported plat as a proposed community center and was approved by the Commission and subsequently by the City Council, and is now on file in the County Clerk's office. The remainder of the subdivision is protected from further commercial uses and spot zoning by deed restrictions and it was contemplated that this area would serve as a local shopping district for the entire area to be developed in the future.
2. The Board deemed that this method of subdivision development and zoning is sound and for the best interests of the community and City as a whole and should be encouraged. Such a Community Center is susceptible to the proper development because of its area and to provide adequate off-street parking for those who patronize the activities carried on in the zone which would relieve traffic hazards and congestion on the surrounding streets.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above change in zoning be called for Thursday, August 26, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The application of Roberta Robinson, Thelma D. Tulloch and Lena M. Norred, by Jane Sumner, for a change in zoning, from "A" Residence District to "C" Commercial District of the east side of the 4400 block of Alice Avenue, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The application of L. L. McCandless for change in zoning, from "A" Residence District to "C" Commercial District, of the northeast corner of Koenig Lane and Burnet Road, 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, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The application of Stanford Payne for change in zoning, from "A" Residence District to "C" Commercial District, of .94 acre on the Burnet Road,

and 1.37 acres lying between the old and new Highway No. 29, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The following communication from the Board of Trustees of the Austin Public Schools was received:

"Austin, Texas
August 4, 1948

Honorable Tom Miller, Mayor, and
The City Council of the City of Austin
Austin, Texas

Gentlemen:

On August 2, 1948, the Board of Trustees of the Austin Public Free Schools, passed the resolution asking the City of Austin to equalize the assessment for taxes of territory in the Independent School District of Austin, outside of the City of Austin proper.

We respectfully request you to take proper steps to assess property in the Independent School District outside of the City proper in a way to equalize the assessment of such property with that of property in the City of Austin proper.

Respectfully yours,

(Sgd) R. W. Byram
President of the Board of Trustees. "

The above matter was taken under advisement.

Mr. Eugene Howard appeared before the Council and asked that the citizens of Govalle be given a hearing on the request of the School Board before any action is taken by the Council, declaring that they were being unjustly treated in the matter for they were promised by a representative of the School Board before the election on the School Tax Proposition recently that the County assessments would be retained on their property. He was advised to take his protest before the School Board first, and that when the matter is considered by the City Council due notice of hearing would be given them.

Mrs. May E. Ferguson submitted an estimate of expense for moving her house at 3104 San Gabriel Street, in the amount of \$906.00, for right-of-way for Lamar Boulevard. The matter was referred to the Land Purchasing Committee for attention.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with August Hartkopf for the laying of certain water mains and other pipes in St. Elmo Road and South 3rd 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 :
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, and August Hartkopf of the County of Travis and State of Texas, W I T N E S S E T H :

I.

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

Six-inch (6") cast iron water main in St. Elmo Road, from South 1st Street to South 3rd Street, a distance of approximately 775'.

Six-inch (6") cast iron water main in South 3rd Street, from St. Elmo Road south, a distance of approximately 780'.

II.

It is estimated that the work described in Paragraph I will cost the sum of Thirty-six Hundred Dollars (\$3600.00) when completed, and August Hartkopf, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to August Hartkopf the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, August Hartkopf agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

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

VII.

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

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its Corporate Seal affixed, and the said August Hartkopf has executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
August Hartkopf

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, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III, RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The ordinance was then laid over for its second reading.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 1, 2, AND 3, BLOCK 1, IDEAL PLACE ADDITION; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON TRACT "A" IN GILES PLACE, SECTION 2; ALL 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 Johnson moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The ordinance was then laid over for its second reading.

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

<u>Owner</u>	<u>Description</u>
Watt, T. N., 1422 Preston Street -	Steel Craft, Cabin Cruiser, 1948 Model, "Sweet Marie", 12-passenger

Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING AN ALLEY IN BLOCK 42 OF TRAVIS HEIGHTS, RUNNING FROM THE WEST LINE OF LOTS 5 AND 22 OF SAID BLOCK EAST-ERLY TO THE EAST BOUNDARY OF SAID TRAVIS HEIGHTS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BUT RETAINING EASEMENTS IN SAID ALLEY FOR ALL PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The ordinance was then laid over for its second reading.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING AN ALLEY TRAVERS-ING BLOCKS 1 AND 2, THE HIGHLANDS ADDITION, RUNNING NORTH FROM EAST 47TH STREET TO EAST 49TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BUT RETAIN-ING EASEMENTS IN SAID ALLEY FOR ALL PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass
Noes : None
Absent: Mayor Miller

The ordinance was then laid over for its second reading.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to enter into a contract and agreement with Tips Engine Works, a corporation, for the construction of a storm sewer by the corporation of its property approximately 300 feet long between the south end of a storm sewer now in place under West 5th Street in the City of Austin and the north end of a storm sewer now in place on the corporation's property at and near its street address in the 300 block of Baylor Street, the terms and conditions of said contract and agreement to be substantially in accordance with the provisions of a certain contract, copy of which is attached hereto and made a part of this resolution 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 Tips Engine Works, a corporation, organized and existing under and by virtue of the laws of the State of Texas, hereinafter for convenience sometimes called the Corporation: WITNESSETH:

Whereas, the City and the Corporation mutually desire to have constructed a storm sewer on the property of Tips Engine Works at and near its address in the 300 block of Baylor Street in the City of Austin, said storm sewer to be approximately 300 feet long, beginning at the south end of a storm sewer now in place under West 5th Street and the north end of a storm sewer now in place on the property of said corporation; Therefore,

For and in consideration of the mutual promises, agreements, and covenants hereinafter set forth, the City of Austin agrees that Tips Engine Works may construct said storm sewer and that in any calendar year during which said corporation shall construct in a good and workmanlike manner and in accordance with a storm sewer design approved by the Engineering Department of the City of Austin, a 50 lineal foot section of said storm sewer, the City will reimburse Tips Engine Works in the sum of One Hundred Dollars (\$100.00). Plans and specifications for such storm sewer shall be mutually agreed upon in advance and payments shall be made by the City for each 50-foot unit as completed and upon notice to the City by the corporation after approval of the construction by the City Engineer. Tips Engine Works shall have the privilege of constructing as many 50-foot sections in any one year as desired by the Corporation until the project is completed, upon condition, however, that this agreement shall terminate, whether said work is completed or not,

December 31, 1954; and any portion of such storm sewer not completed upon said date shall be constructed entirely at the cost and expense of Tips Engine Works and without any cost or expense to the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused these presents to be executed in duplicate by Guiton Morgan, its City Manager, hereunto duly authorized, with its seal hereto affixed, attested by its City Clerk, and Tips Engine Works has caused these presents to be executed in duplicate by Ralph C. Goeth, its President, hereunto duly authorized, with its seal hereto affixed, attested by its Secretary, this the ____ day of August, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

TIPS ENGINE WORKS

Attest:

By _____
President

Secretary

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

A letter from T. N. Porter, Business Manager of Austin Public Schools, on behalf of the Board of Education of the Austin Public Schools, requesting that the sum of \$175,000.00 be paid to the schools for the year 1948-1949, from the profits of the Water and Light Department, for the support and maintenance of the public schools for the year 1948-1949, as provided for in Section 23 of Article XII of the Charter of the City of Austin, was received. The matter was referred to the City Manager for attention, this being a budgeted item.

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 execute for and on behalf of the City of Austin an agreement with Missouri-Kansas-Texas Railroad Company of Texas whereby said Missouri-Kansas-Texas Railroad Company of Texas for the consideration of Ten Dollars (\$10.00) will grant to the City of Austin the right to construct, maintain, and operate a 12-inch sanitary sewer pipe line across premises of said Railroad Company, said sewer line to cross at an angle of 50 degrees, more or less, measured to the left from centerline of Railroad Company's San Antonio Division Main line track at chaining station 2382 plus 94.5 distant 710 feet southwesterly from Mile Post 953 at Tillery Street in Austin, Travis County, Texas, all as shown more fully on blueprint attached to said agreement, said agreement

being effective as of 17th day of June, 1948.

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as Chestnut Avenue, which street is shown upon the following maps or plats of record; namely, Willowbrook Addition, of record in Book 4, page 259; Upland Addition, of record in Book 4, pages 132-133; Giles Place, Section 1, of record in Book 4, page 318; Forest Hills, of record in Book 4, pages 78-79; and Forest Hills "A", of record in Book 4, pages 158-159, all in the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of Chestnut Avenue north of the Manor Road to Cherrywood Road; and

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

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

THAT Chestnut Avenue north of the Manor Road as referred to above be known and designated as CHERRYWOOD ROAD.

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

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 in behalf of the City of Austin to enter into a certain supplemental contract and agreement with the Austin Baseball Club, Inc., according to the terms and provisions of the 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 :

WHEREAS, the City of Austin and the Austin Baseball Club, Inc., entered

into a contract and lease agreement dated the 29th day of August, 1947, relating to construction of fences, grandstands, playing field, lights, and other improvements by the Austin Baseball Club, Inc., and the lease by the City of Austin to said corporation of certain land in Butler Park; and

WHEREAS, it is deemed mutually beneficial to the City of Austin and the Austin Baseball Club, Inc. to provide for an option to extend the term of said lease; Now, Therefore,

For and in consideration of the premises and of the mutual benefits to be derived from the covenants and provisions contained in this agreement, the parties hereto do agree as follows:

1. As a supplement to the lease and agreement dated the 29th day of August, 1947, between the City of Austin and the Austin Baseball Club, Inc. the parties to such lease and agreement hereby supplement the same to provide that the land leased and described in paragraph I of the lease and agreement dated the 29th day of August, 1947, shall be for a term of five (5) years from the date of said lease and agreement with an option in the Austin Baseball Club, Inc. to renew said term for an additional five (5) years under the same terms and conditions, said option to be exercised by giving notice to the City of Austin in writing not less than thirty (30) days prior to the expiration of the original five (5) year period; and if the option to renew for an additional five (5) years is exercised by the Austin Baseball Club, Inc., said corporation shall have the further option to renew said lease for a second additional five (5) year term provided said option is exercised by giving notice in writing to the City of Austin not less than thirty (30) days prior to the expiration of the first additional five (5) year period.

2. It is further understood and agreed if there shall be any conflict between the provisions of this supplemental agreement as to the original term and options to renew for additional terms and the original lease and agreement entered into the 29th day of August, 1947, then in such event the provisions of this supplemental agreement shall prevail.

IN TESTIMONY WHEREOF, the City of Austin has caused these presents to be executed in duplicate by Guiton Morgan, its City Manager, thereunto authorized by the City Council of the City of Austin, and its seal hereto affixed, attested by its City Clerk, and Austin Baseball Club, Inc., has caused these presents to be executed in duplicate by _____, its _____, thereunto authorized by its Board of Directors, and its seal hereto affixed, attested by its Secretary, this the _____ day of August, 1948.

CITY OF AUSTIN

Attest:

City Clerk

Attest:

Secretary

By _____
City Manager

AUSTIN BASEBALL CLUB, INC.

By _____

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

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The application of WILLIAM F. QUIGLEY, 7103 Reese Lane, for a license to operate as a taxicab a 4-door Hudson Sedan, 1947 Model, Motor No. 1715588, State License No. JD-1674, 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, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The application of D. F. SAMUEL, 1500 Newning Avenue, for a taxicab terminal operator's license for the Red Ball Taxi, 214 Congress Avenue, 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, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The application of ALTON ARTHUR ROZELL, 907 Willow Street, for taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The application of ANDREW SCONGI, 3608 Munson Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

Councilman Bartholomew moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to JEROME RAMIREZ ALANIZ, 803 Waller Street, being Permit No. 1055, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

Councilman Bartholomew moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to LACY JAMES CRENSHAW, 1309 East 12th Street, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Pro tem Glass

Noes : None

Absent: Mayor Miller

The meeting was then recessed, subject to call of the Mayor.

Attest:

Helene M. Allen
CITY CLERK

Approved:

Thayer Glass
MAYOR Pro tem