

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 24, 1948
10:40 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

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.

Messrs. H. J. Mayton and Nick Hornsby came before the Council and asked that action be taken on the application of the said H. J. Mayton for a change in zoning of property located at the intersection of 38th Street and Morningside Avenue, or Lamar Boulevard extension, from "A" Residence District to "C" Commercial District, declaring that the matter had been before the Board of Adjustment for several months without any action thereon, and that the construction of a building for a grocery store, with off-street parking, was being delayed pending the change. He stated further that the residents within several blocks had signed a petition asking for a grocery store at this location.

Councilman Bartholomew moved that a public hearing on the application of the said H. J. Mayton for a change in zoning be called for Thursday, July 15, at 11:00 A. M., and that the Board of Adjustment be requested to act on the matter in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Bartholomew moved that a joint meeting of the City Council, the City Plan Commission, and the Board of Adjustment be called for Wednesday, June 30, at 3:00 P. M., in the Council Chamber to discuss the matter of zoning of property along highways and boulevards. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The proposal to furnish quarters for the treatment of children afflicted with cerebral palsy by converting the old brick house located on the Butler tract west of Lamar Boulevard and south of the Colorado River to this use, at an estimated cost of four to five thousand dollars, was discussed; and the matter was referred to the City Manager and the Recreation Department for further consideration.

Mr. Moreno, on behalf of the Lulac Club, requested permission to use Zaragosa Park for a carnival for the week beginning Monday, June 28, and ending Sunday, July 4. Councilman Johnson moved that the request be granted, provided adequate public liability insurance, to be approved by the City Manager and the City Attorney, is filed with the City. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

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 "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 13, 14 AND 15, WILDER ADDITION, SECTION 1, AND A TRACT OF LAND 143'x176.84' EAST OF AND ADJOINING SAID LOTS; CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 7 TO 18, BOTH INCLUSIVE, BLOCK B, BLUFF VIEW ADDITION; AND 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 5 AND 6, BLOCK 75, ORIGINAL CITY; 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 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

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

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

Noes : None

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

The application of Rogan B. Giles, by Ted Wendlandt, Agent, for change in zoning, from "A" Residence District to "D" Industrial District, of Tract A, Giles Place Section No. 2, was received. Councilman Johnson 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

Noes : None

The application of Bessie Menem for change in zoning, from "E" Heavy Industrial to "C-1" Commercial District, or "C-2" Commercial District, of property located at 509 Pedernales Street, 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

Noes : None

The application of Mrs. Laura Zerchausky for change in zoning, from "B" Residence District to "C" Commercial District, of property located at the corner of Duval and East 43rd Streets was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The application of Mrs. S. E. Hudson for change in zoning, from "B" Residence District to "C" Commercial District, of property located at 7th and Rio Grande Streets, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Glass moved that the City Manager be authorized to advertise for bids on the Coliseum for July 13, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Paul Simms for the laying of certain cast iron water mains and other pipes in Loma Linda 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 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 in Loma Linda Subdivision on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Oak Crest Avenue, from South 3rd Street to Oltorf Street, a distance of approximately 320'.

Two-inch (2") cast iron water main in Oak Crest Avenue, from Oltorf Street to Lot No. 1, Block G, of Loma Linda Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Nine Hundred and Twenty-five Dollars (\$925.00) 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 Nine Hundred and Twenty-five Dollars (\$925.00) 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 agreed 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 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 _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
Paul Simms

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
Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to

enter into a contract on behalf of the City of Austin with A. N. McQuown for the laying of certain water mains, sanitary sewer mains, and other pipes in the A. N. McQuown Subdivision, being a portion of Outlots 32, 33, and 34, in Division C, in the City of Austin, Travis County, Texas, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(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 A. N. McQuown, of Travis County, Texas, hereinafter sometimes called Owner, WITNESSETH:

I.

As part of the development of the A. N. McQuown Subdivision of a portion of Outlots 32, 33, and 34, in Division C, in the City of Austin, Travis County, Texas, the Owner desires to provide the following utilities:

(a) Water mains and other water pipes to be located in streets and easements to serve all of such Subdivision.

(b) Sanitary Sewer mains and other sewer pipes to be located in streets and easements to serve all of such Subdivision.

II.

It is estimated that all of the work described in Paragraph I will cost the sum of Twelve Thousand Dollars (\$12,000.00 when completed, of which cost the sum of Six Thousand Dollars (\$6,000.00) is estimated to be the cost of water lines and the sum of Six Thousand Dollars (\$6,000.00) is estimated to be the cost of the sanitary sewer lines.

III.

At the present time the Owner desires to develop only a part of said A. N. McQuown Subdivision, the part now to be developed being the part thereof to be served by the water and sewer lines and mains described and located as follows:

(a) Six-inch (6") cast iron water mains and other pipes in the following streets and locations:

Manor Road, from the west line of A. N. McQuown Subdivision to
Merrie Lynn Avenue;
Larry Lane, from Manor Road to Lot 12, Block A;
Merrie Lynn Avenue, from Manor Road to Lot 8, Block C.

(b) Sanitary sewer mains and other sanitary sewer pipes in the following streets and locations:

Larry Lane, from Manor Road to Lot 12, Block A;
Merrie Lynn Avenue, from Manor Road to Lot 8, Block C.

It is agreed that the estimated cost of this part of the development will be the sum of Fifty-six Hundred Dollars (\$5600.00), of which cost the sum of Three Thousand Two Hundred and Sixty Dollars (\$3,260.00) is estimated to be the cost of the water mains and lines and the sum of Two Thousand Three Hundred and Forty Dollars (\$2,340.00) is estimated to be the cost of the sanitary sewer mains and lines.

IV.

As consideration for the obligations of the City of Austin herein undertaken, which are assumed for the benefit of the Owner in order to furnish water service and sewer service to him, the Owner agrees to deposit the sum of Fifty-six Hundred Dollars (\$5600.00), being the estimated cost of the water and sewer lines now to be constructed, with the City of Austin prior to the commencement of the work herein provided to be done by it.

V.

(a) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the water mains and other pipes described in Paragraph III of this contract.

(b) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the sanitary sewer mains and other sewer pipes described in Paragraph III of this contract.

VI.

Within a reasonable time after the deposit of the sum or sums of money as provided in Paragraph IV hereof, the City of Austin agrees to commence construction of the work described in Paragraph V 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.

VII.

The deposit provided for in Paragraph IV hereof is an estimate only of the cost of the work to be done by the City as described in Paragraph V; and it is agreed that if the actual cost of such work is less than the amount deposited by the Owner the City of Austin, after the work is completed and subject to the provisions of Paragraphs XII and XIV, will refund to the Owner 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 Owner 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.

VIII.

Immediately after completion of the work described in Paragraph V, the City of Austin will furnish to the Owner 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 and agents, to note on this

contract the correct figures stating the actual cost of such work and the date of completion.

IX.

It is agreed that, subject to the provisions of Paragraphs XII and XIV hereof, the Owner shall be reimbursed for the money deposited as provided in Paragraph IV hereof in the following manner: Within sixty (60) days after the first day of January following completion of the work described in Paragraph V, the City shall pay to the Owner a sum equal to twice the gross amount of income realized by the City from the service and sale of water to customers having a direct connection with the water mains constructed as provided in Paragraph V 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 Owner a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines or mains to its customers having a direct connection with said water mains, until the total amount of the cost of the work provided in Paragraph V shall have been repaid; but in no event shall the City make such payment for a period of time longer than ten (10) years from the date of completion of said work as such date is noted on this contract under the provisions of Paragraph VIII.

X.

It is agreed that the title to all improvements to be constructed as provided herein 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.

XI.

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 Owner agrees to comply with all such provisions of such laws, ordinances, and Charter.

XII.

It is agreed that the City of Austin may, at its option, retain all or any part of the deposits made by the Owner in compliance with Paragraphs IV and VII of this Contract and refuse to make the payments and refunds provided for in Paragraphs VII and IX of this Contract in the event the Owner shall fail or refuse to comply substantially with any obligation lawfully imposed upon the Owner under any provision of the State laws or the ordinances of the City of Austin regulating the platting, planning and development of subdivisions within the City of Austin.

XIII.

Owner agrees that within two (2) years from the date hereof he will complete or will arrange with the City of Austin for completion of all of the improvements described in Paragraph I of this contract, in such units as may be approved by the City of Austin. Any arrangements made with the City of Austin shall be similar to the provisions of this contract for partial

development, and shall be in accordance with the deposit and refund policy of the City of Austin and based on estimates of cost at the time such arrangements are made. The time within which the Owner must complete or arrange for completion of all the improvements described in Paragraph I hereof may be extended from time to time by written agreement of the parties hereto or their successors, but neither party hereto shall be required to agree to such extensions of time.

XIV.

Until completion of all of the improvements described in Paragraph I hereof, or until arrangements for such completion have been made in accordance with Paragraph XIII hereof, the payments and refunds provided for in Paragraphs VII and IX of this contract shall be withheld by the City of Austin; but when such improvements have been completed or such arrangements for completion have been made all such payments and refunds which have then become subject to payment under the provisions of Paragraph VII and IX hereof shall be promptly paid to Owner. Default by Owner in compliance with the provisions of Paragraph XIII hereof shall entitle the City of Austin, at its option, to retain forever all or any part of the deposits made by Owner in compliance with the provisions of Paragraphs IV and VII hereof.

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 A. N. McQuown has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____

City Manager

City Clerk

A. N. McQuown

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

Noes : None

The City Manager submitted the following memorandum:

" June 24, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of Burnet Heights has been completed and was approved by the City Plan Commission on May 19, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral.

Approved:

(Sgd) Guiton Morgan
City Manager.

Councilman Glass then offered the following resolution; and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Burnet Heights, approved by the City Plan Commission of the City of Austin on May 19, 1948, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

Councilman Glass introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING AN ALLEY
LOCATED 128 FEET SOUTH OF WEST LIVE OAK STREET
AND RUNNING WEST FROM SOUTH FIFTH STREET A
DISTANCE OF 73 FEET, 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 Glass 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
Noes : None

The ordinance was read the second time and Councilman Glass 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
Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

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

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, AND BY AMENDING SECTIONS 22(f), 23(b) AND 26(a) OF ARTICLE IV, RELATING RESPECTIVELY TO TWO HOUR PARKING LOCATIONS, PASSENGER ZONE LOCATIONS, AND ANGLE PARKING 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 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
Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

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

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

- (1) A gas main in WHITTIER STREET, from a point 125 feet north of Hawthorne Street southerly 36 feet, the centerline of which gas main shall be 13.5 feet east of and parallel to the west property line of said Whittier Street.

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

- (2) A gas main in GILLESPIE PLACE from a point 334 feet east of Kenwood Avenue westerly 36 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Gillespie Place.

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

- (3) A gas main in WALNUT AVENUE, from a point 21 feet north of East 14th Street northerly 200 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Walnut Avenue.

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

- (4) A gas main in GONZALES STREET, from Springdale Road easterly 791 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Gonzales Street.

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

- (5) A gas main in WARREN STREET, from Hillview Road easterly 279 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Warren Street.

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

- (6) A gas main in WEST 5TH STREET, from Oakland Avenue westerly 2410 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said West 5th Street.

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

- (7) A gas main in EAST 19TH STREET, from a point 120 feet west of Concho Street westerly 54 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said East 19th Street.

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

- (8) A gas main in EAST 55TH STREET, from a point 305 feet east of Bennett Avenue easterly 100 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 55th Street.

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

- (9) A gas main in MAPLE AVENUE, from East 14th Street southerly 202 feet, the centerline of which gas main shall be 7 feet east of and parallel to the west property line of said Maple Avenue.

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

- (10) A gas main in GUNTER STREET, from Gonzales Street southerly 248 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Gunter Street.

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

- (11) A 9'x6'x7' gas regulator pit in ENFIELD ROAD, the centerline of the 9-foot axis to be 170 feet east of and parallel to the east line of Newfield Lane and the centerline of the 6-foot axis to be 9 feet north of and parallel to the south property line of Enfield Road.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required

to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

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

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

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of WALTER OWENS, 410 West 11th Street, for a license to operate as a taxicab a 4-door Chevrolet, 1946 Model, Motor No. DAA-78207, State License No. JC-2645, 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
Noes : None

The application of HAROLD RAY BEAN, 1907 Nueces Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes: None

The application of CHESTER LEE DAVIDSON, Colored, 2111 Chestnut Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of MELVIN CLARENCE SLOAN, Route 2, Box 341A, 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, Glass, Johnson, Mayor Miller
Noes : None

The application of JOHN HUGH WILLEFORD, 1700 West 30th 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, Glass, Johnson, Mayor Miller
Noes : None

Councilman Bartholomew moved that the taxicab driver's permit of JESSIE JAMES PARK, JR., be revoked, upon recommendation of the Chief of Police.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of CLAUDE LEWIS, 300 Barton Springs Road, 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
Noes : None

The City Manager submitted the plans for the low water bridge to the City Council for final approval. Councilman Johnson moved that the plans be approved and the City Manager be authorized to call for bids on the construction of said low water bridge, in accordance therewith. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Margaret D. Okie

I. Referred to the Board by the City Council on : June 10, 1948.

II. Property affected:

A tract of land 207.67x157.42' located at the northwest corner of Fredericksburg Road and Treadwell Street as described in the attached application.

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 : June 22, 1948

V. Parties appearing:

For : V. G. Okie

Against: Carl Hardin for Mr. and Mrs. Paul C. Walter; C. B. Bunce, Ben N. Garza, D. M. Moffett, Mrs. J. W. Templer, Mrs. Reed, Mrs. O. E. Roberts, Ray Merritt for Mrs. Lucy Merritt, Mrs. Wm. O. Quick, D. W. Thompson, all objected to "C-1" Commercial Zoning, but Mrs. Templer and Mrs. Quick stated they had no objection to "C" Commercial zoning.

VI. Action of the Board : Change not recommended.

For the following reasons:

1. This application is for a change of zoning on a tract of land at the northwest corner of Fredericksburg Road and Treadwell Street to permit the applicant to erect and operate a grocery store and market and later to have other business establishments necessary to a Community Center.
2. This property is a part of an original tract which was subdivided and sold as residential property and the applicant is retaining a 50-foot strip adjacent to Josephine Street north of Treadwell Street for residential uses.
3. Vigorous opposition was expressed by adjacent property owners to a "C-1" Commercial District which would permit the sale of beer in a restaurant and also to a "C" Commercial District, only two protestants expressing no objection to the "C" Commercial, on the grounds that they had purchased property and erected homes in this subdivision which is restricted to that use, and that there is sufficient commercial property in this neighborhood to serve the residents.
4. The applicant asked that his petition be amended to ask for a "C" Commercial District instead of a "C-1" Commercial District as originally requested.
5. There is now a commercial zone across the street to the south of this property on both sides of Fredericksburg Road, a part of which was recently created by the City Council and none of which is in this subdivision formerly developed by the applicant.
6. A large percentage of property in existing "C" Commercial Districts north and south on Fredericksburg Road is still undeveloped for business at this time.
7. The Board deemed, under the conditions and circumstances, that no evidence has been shown that there is a public demand and no apparent need for this change in view of the undeveloped commercial property along this street and the vigorous opposition expressed by adjacent property owners.

(Sgd) H. F. Kuehne
Chairman. "

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

<u>Owner</u>	<u>Description</u>
Burkland, Walter - 2806 French Place	Marine Plywood, Outboard, 1948 Model, "Marphew", Sea King, 4-passenger
Hanseley, Jr., O.G. 400 Nueces Street-	Higgins, Outboard, 1948 Model, Sea King, 4-passenger

<u>Owner (Cont'd)</u>	<u>Description</u>
Larimer, Harold G.- 400 East 23rd Street	Rubber Life Raft, Sail, 5-passenger
Woody, John E., Jr.- 709 Bouldin Avenue	Home-made, Outboard, Row Boat, 1948 Model, Sea Bee, 4-passenger

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of Jamie Odom for a change in zoning, from "A" Residence District to "C" Commercial District, of property located between the Missouri-Pacific Railroad, West Mary Street, South 7th Street, and Bouldin Creek, was received.

Councilman Bartholomew moved that a public hearing on the matter be called for Thursday, July 15, 1948, at 11:00 A. M., and that the Board of Adjustment be requested to take official action on same in the meantime, in accordance with the regular procedure followed in the matter of zoning changes. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

Action on the application of W. W. Patterson and Lem Scarbrough for a change in zoning of property located on the west side of Duval Street north and south of East 51st Street, which was deferred to the regular meeting of today, was again deferred to the next regular meeting.

Action on the application of Mrs. Kathleen Pratt for a change in zoning of property located on the west side of Salado Street 330 feet south of West 28th Street, which was deferred to the regular meeting of today, was again deferred to the next regular meeting.

Action on the application of George W. Bickler for a change in zoning of property located on the west side of Salado Street 110 feet south of West 28th Street, which was deferred to the regular meeting of today, was again deferred to the next regular meeting.

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

Approved: _____

MAYOR

Attest:

Helene M. Kellen

CITY CLERK