

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 1, 1948

10:30 A. M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Glass, Johnson, and Mayor Miller - 3

Absent : Councilman Bartholomew - 1

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Joe Roberts, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Spencer Fowler, Chairman of the Board of Trustees of the New Hope Baptist Church, submitted a letter from his attorney, Wright Stubbs, claiming that the Street Department has encroached on the property of said Church at the corner of 16th Street and Maple Avenue in the construction of a bridge at that locality. The matter was referred to the City Manager and the Director of Public Works for investigation.

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

<u>Owner</u>	<u>Description</u>
Snead, Edwin D. - P.O.Box 777	Backyard, Sail Boat, 3-passenger

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The appeal of CLAUDE L. MILLER, 1710 Giles Street, on his application to operate as a taxicab a 1941 Model, 4-door Chevrolet Sedan, Factory No. 14043, State License No. JD-9469, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Glass

that appellant be granted a 90-days probationary license. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of JOHN B. MARSHALL, Colored, 1166 Waller Street, for a license to operate as a taxicab a 1940 Model, Plymouth, 2-door Sedan, Motor No. P9-384080, State License No. JD-9443, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of ALLEN LEE JACKSON, 1101 South 3rd Street, for a license to operate as a taxicab a 1946 Model, 4-door Chevrolet Sedan, Motor No. DAA-34525, State License No. JC-9658, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of HENRY EDWARD WARD, Route 4, Box 266, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of LEVI DENSON HILL, 612 South Cedar 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of IRA JIM SORRELLS, 1713 East 12th 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of CHARLES RICHARD WOOD, 702-B G.I. Drive, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

It was moved by Councilman Glass that the taxicab driver's permit issued to DAN W. BYARS, being Permit No. 130, be revoked, upon the recommendation of the Chief of Police. The motion carried by the following vote:

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

It was moved by Councilman Glass that the taxicab driver's permit issued to TRAVIS C. MILSTEAD, being Permit No. 718, be revoked, upon the recommendation of the Chief of Police. The motion carried by the following vote:

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

The following memorandum was submitted by the City Manager:

" June 30, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of Theodora Subdivision has been completed and was approved by the City Plan Commission on June 10, 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 Johnson 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 "Theodora Subdivision", approved by the City Plan Commission of the City of Austin on June 10, 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 Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following memorandum was submitted by the City Manager:

" June 29, 1948

Memorandum to : Guiton Morgan, City Manager

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

Bids were received this morning for the construction of a concrete culvert on Chestnut Avenue near East 40th Street. This structure is a part of the development by Mr. Perry Jones of the Willowbrook Subdivision on which an agreement was reached between Mr. Jones and the City Council whereby he is to pay \$3,100.00 of the cost of constructing the concrete culvert in lieu of a creosoted timber structure. The City is to pay the cost above \$3,100.00.

The bids were as follows:

Earl Rogers -	\$6,537.57
W. S. Conner	6,646.95
J. M. Odom	8,091.69
Rex Kitchens Construction Co.	8,107.08
Moore Construction Company	8,513.55
John Broad Construction Company	8,734.82

We recommend that the contract be awarded to the low bidder, Earl Rogers, for \$6,537.57.

(Sgd) J. E. Motheral "

Councilman Johnson moved that the City Manager be authorized to enter into contract with the said Earl Rogers, lowest bidder, in the amount of \$6,537.57, for the construction of a concrete culvert on Chestnut Avenue near East 40th Street, provided the said Perry Jones pays his part of the cost, to-wit, \$3,100.00, in accordance with agreement entered into between him and the City of Austin. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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 for and on behalf of the City of Austin with E. Juul for the laying of certain water mains, sanitary sewer mains, and other water and sewer pipes, in Theodora Subdivision, all in accordance with the terms and provisions of that 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 E. Juul, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer,  
W I T N E S S E T H :

I.

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

Two-inch (2") cast iron water main or equivalent in Caswell Avenue, from East 48th Street south a distance of approximately 165'.

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

Sewer mains in East 47th Street, from Caswell Avenue to Lot No. 9; in Caswell Avenue, from East 47th Street north to Lot No. 9.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eight Hundred and Sixty Dollars (\$860.00) when completed, of which cost the sum of One Hundred and Sixty Dollars (\$160.00) is estimated to be the cost of the water lines and the sum of Seven Hundred Dollars (\$700.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Eight Hundred and Sixty

Dollars (\$860.00) with the City of Austin prior to commencement of the work.

### III.

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

### IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

### V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

### VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at

the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period, the principal sum of such cost has been repaid further payment shall cease.

VII.

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

VIII.

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

IX.

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

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said E. Juul has executed this instrument in duplicate this the \_\_\_\_ day of \_\_\_\_\_, 1948.

CITY OF AUSTIN

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

Attest:

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

\_\_\_\_\_  
E. Juul

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 Glass, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilman Bartholomew

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the west side of Shirley Avenue as a private gasoline plant, which property is owned by Wilkerson Truck Lines and is designated as Lot 3, Block C, Plaza Place in the City of Austin, Travis County, Texas, and hereby authorizes the Wilkerson Truck Lines, by J. Richard Wilkerson, to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. Richard Wilkerson has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
July 1, 1948

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Wilkerson Truck Lines, by J. Richard Wilkerson, for permission to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Shirley Avenue, which property is designated as Lot 3, Block C, Plaza Place, in the City of Austin, Travis County, Texas, and locally known as 6702 Shirley Avenue.

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

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



tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

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

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

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

Respectfully submitted,

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

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass 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  $13\frac{1}{2}$  x  $7\frac{1}{2}$  x 7' gas regulator pit in WINDSOR ROAD, the centerline of the  $13\frac{1}{2}$ -foot axis to be 197 feet west of the west line of Hartford Road and the centerline of the  $7\frac{1}{2}$ -foot axis to be 6-1/4 feet south of the north line of Windsor Road.
- (2) A 9' x 6' x 7' gas regulator pit in WINDSOR ROAD at Harris Boulevard, the centerline of said gas regulator pit to be 20 feet east of the west line of Harris Boulevard and 52 feet north of the south line of Windsor Road.
- (3) A gas main in WINDSOR ROAD from Hartford Road easterly 640 feet, the centerline of which gas main shall be  $13\frac{1}{2}$

feet south of and parallel to the north property line of said Windsor Road.

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

- (4) A gas main in WEST 11TH STREET, from a point 290 feet east of Meriden Lane easterly 61 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said West 11th Street.

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

- (5) A gas main in EAST 45TH STREET from Depew Avenue easterly 253 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said East 45th Street.

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

- (6) A gas main in EAST  $53\frac{1}{2}$  STREET, from a point 256 feet west of Bennett Avenue westerly 45 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said East  $53\frac{1}{2}$  Street.

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

- (7) A gas main in SPRINGDALE ROAD from Lyons Road to Govalle Avenue, the centerline of which gas main shall be  $8\frac{1}{2}$  feet east of and parallel to the west property line of said Springdale Road.

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

- (8) A gas main in GOVALLLE AVENUE from Springdale Road to Gunter Street, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Govalle Avenue.

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

- (9) A gas main in GUNTER STREET, from Govalle Avenue southerly 193 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  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.

- (10) A gas main in SCHIEFFER AVENUE from Chestnut Avenue easterly 756 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said

Schieffer Avenue.

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

- (11) A gas main in CRESCENT DRIVE from Schieffer Avenue southerly 194 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Crescent Drive.

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

- (12) A gas main in BEDFORD STREET from a point 20 feet south of Sol Wilson Street southerly 196 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Bedford Street.

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

- (13) A gas main in ROSEWOOD AVENUE from Bedford Street westerly 210 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north property line of said Rosewood Avenue.

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

- (14) A gas main in AVENUE F, from a point 169 feet north of East 55th Street northerly 42 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said Avenue F.

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

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

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

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after

said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Pursuant to published notice thereof, the public hearing on the application of Walter Tips Company, by Dan F. Searight, to amend the Zoning Ordinance in the following particulars, to-wit:

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 "D" Industrial District and Third Height and Area District:

A certain tract of land bounded on the north by East 7th Street, on the east by Pleasant Valley Road, on the south by Hidalgo Street, and on the west by Calles Street, in the City of Austin, Travis County, Texas,

was opened.

The following appeared and spoke for the change:

Dan F. Searight, for the proponent, Walter Tips Company.

The following appeared and opposed the change: None.

Thereupon Mayor Miller moved that the change be granted, and the City Attorney be instructed to prepare the ordinance, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Pursuant to published notice thereof, the public hearing on the application of Henry Wendlandt 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:

The north 150 feet of a certain 2.61 acre tract of land out of Outlot 59, Division B, being in the name of Henry Wendlandt, located on East 12th Street opposite and east of Singleton Avenue, in the City of Austin, Travis County, Texas,

was opened.

Those appearing for the change were: Henry Wendlandt, proponent.

Those appearing against the change were: None

Due to the absence of Councilman Bartholomew, further action on the matter was postponed.

The public hearing on the application of J. C. Powell for change in zoning of property located south of the Colorado River between Lamar Boulevard and Fredericksburg Road and north of the D. C. Bradford tract, scheduled for this day, was postponed.

Robert Sneed, Attorney for Lewis Fisher, came before the Council to submit his client's revised original application for change in zoning, from "A" Residence District to "B-1" Residence District, of Lots 16, 17, 18, 19, Block 2, and Lots 2, 3, 4, and the east 100 feet of Lot 1, all of Lots 14 and 15, and the south one-half of Lot 16, Block 3, all in Carrington's Sub-division, Division "D". Upon objection of J. C. Hinsley, Attorney, the amended original application was not submitted, and it was agreed that a new application covering the property described in said revised application would be submitted.

Councilman Johnson then moved that the new application be referred to the Board of Adjustment for consideration and recommendation; and that a public hearing on same be called for Thursday, July 22, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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 execute a Bill of Sale on behalf of the City of Austin, conveying to Frank F. Tieken and wife, Wanda Seekatz Tieken, that certain frame house now situated on Lot 4, of Fischer Addition to the City of Austin, Travis County, Texas, which house is known as 2904 East Avenue, Austin, Texas, all in accordance with the terms and provisions of a Bill of Sale, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Bill of Sale attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

WHEREAS, Frank F. Tieken and wife, Wanda Seekatz Tieken, of Austin, Travis County, Texas, were the owners of a certain lot, tract or parcel of land out of Outlot 23, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat

of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to Wanda Seekatz Tieken by warranty deed dated August 1, 1941, of record in Volume 682, Pages 75-76 of the Deed Records of Travis County, Texas, which they agreed to sell and convey to the City of Austin, a municipal corporation, situated in Travis County, Texas; and

WHEREAS, the said Frank F. Tieken and wife, Wanda Seekatz Tieken, did on the \_\_\_\_ day of \_\_\_\_\_, 1948, sell and convey said property to the City of Austin; and as part consideration of the purchase price to be paid the said Frank F. Tieken and wife, Wanda Seekatz Tieken, for said property, the City of Austin agreed to sell and the said Frank F. Tieken and wife, Wanda Seekatz Tieken, agreed to purchase that certain frame house owned by the City of Austin which is situated on Lot 4, of Fischer Addition, in Austin, Travis County, Texas, and known as 2904 East Avenue, Austin, Texas, which house was acquired by the City of Austin from Gus Chalas on January 31, 1948, by warranty deed recorded in Volume 894, at pages 460-461, of the Deed Records of Travis County, Texas.

NOW, THEREFORE, the City of Austin, a municipal corporation, situated in Travis County, Texas, acting by and through its City Manager, Guiton Morgan, for and in consideration of the premises and the further consideration of Ten Dollars (\$10.00) to it in hand paid by Frank F. Tieken and wife, Wanda Seekatz Tieken, the receipt of which is hereby acknowledged, does bargain and sell to said Frank F. Tieken and wife, Wanda Seekatz Tieken, that certain frame house now situated on Lot 4, of Fischer Addition to the City of Austin, Travis County, Texas, which house is known as 2904 East Avenue, Austin, Texas; all on condition that the said Frank F. Tieken and wife, Wanda Seekatz Tieken, shall move the house herein sold to them from its present location before September 1, 1948.

IN WITNESS WHEREOF the City of Austin aforesaid has caused these presents to be signed by Guiton Morgan, its City Manager, on this the \_\_\_\_ day of June, 1948.

CITY OF AUSTIN

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

Attest:

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

(Notary Public Acknowledgment)

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

## "ZONING BOARD OF ADJUSTMENT

AUSTIN, TEXAS

## ZONING CHANGE RECOMMENDATION .

Applicant: H. J. Mayton et al

I. Referred to the Board by the City Council on : February 5, 1948

II. Property affected:

1a, 1b, 1c, of Edward Seiders Subdivision, and all of Lots 4, 5, and 6, Block 2, of H. B. Seiders Subdivision, being located on the west side of Morningside Avenue, or Lamar Boulevard, between West 38th Street and West 39th Street.

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 17, 1948, and June 30, 1948

V. Parties appearing:

For : H. J. Mayton, Nick Hornsby, and Mrs. Jodie Smith. Edward Joseph appeared and asked that his property be also included in the change.

Against:None

VI. Action of the Board: Change recommended to include Lots 1, 2 and 3, Block 2, H. B. Seiders Subdivision in addition to the above described property.

For the following reasons:

1. This application covers the change of the east one-half of the block bounded by Alice Avenue, the future Lamar Boulevard, West 38th Street, and West 39th Street, which half fronts on the site of the State Hospital. The southwest corner of this block fronting one-half the length of the block on West 38th Street and a distance of 110 feet on Alice Avenue.
2. After an extended study of the zoning property along Lamar Boulevard with respect to its effect upon the traffic on the boulevard and the neighboring property, and the needs of the community in which the property is located, the Board deems that this property is desirable for a Community Center which would serve a considerable area in this section of the City and further since there is already a commercial center established at the intersection of West 38th Street, Alice Avenue and Wabash Avenue, but that, in order to provide sufficient

area for a properly developed Community Center which would minimize traffic congestion on the surrounding streets and for adequate setbacks and off-street parking facilities, more land than that covered by the application is necessary.

3. The Board, therefore, recommends to the City Council that the entire block be zoned "C" Commercial District and First Height and Area District as an extension of the existing commercial area in this block.

(Sgd) H. F. Kuehne  
Chairman.

Mayor Miller offered the following resolution, and moved, seconded by Councilman Johnson, that same be adopted:

(RESOLUTION)

WHEREAS, Mr. E. H. Perry and wife, Lutie Perry, did on December 30, 1947, convey to the City of Austin 4.4 acres of land for park and other municipal purposes and have now conveyed to the City of Austin additional land amounting to 2.2 acres, all being in one tract of land, same being for park, recreation, and other municipal purposes; Therefore,

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

That in appreciation of said deeds of gift of this land, same be known as PERRY PARK.

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

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

M. H. Crockett submitted a request for action on his application for change in zoning, from "A" Residence District to "C" Commercial District of property located on the west side of Lamar Boulevard, or Morningside Avenue, between West 39th Street and West 40th Street, which has been pending since February 18, 1948.

Councilman Glass moved that a public hearing on the above application for change in zoning be set for Thursday, July 22, 1948, at 11:00 A. M., and that the Board of Adjustment be requested to make its report on the matter in the meantime. The motion carried by the following vote:

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

The application of Vincente Castillo and Louis A. Joseph, by Attorney, Donald S. Thomas, for change in zoning, from "B" Residence District to "D" Industrial District, of Lot 9, and the east one-half of Lot 10, Lots 7 and 8, Block 3, Outlot 4, Division "Q", Peck Addition, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:



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

The application of H. W. T. Lacey for change in zoning, from "A" Residence District to "C" Commercial District, of 50x140', unplatted Spear League, facing State Street, and being 120 feet east of the northeast corner of Bull Creek Road and West 35th 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 Glass, Johnson, Mayor Miller  
Noes : None  
Absent: Councilman Bartholomew

The application of Mrs. C. G. Rogers for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 66 and 67, Block U, Harmon Terrace Addition, located at 49th Street and Airport Boulevard, 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 Glass, Johnson, Mayor Miller  
Noes : None  
Absent: Councilman Bartholomew

The application of Mrs. Ethel Hartman for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 1210 West Avenue, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, heretofore by instrument dated October 23, 1946, and recorded in Volume 831, pages 43-44, of the Deed Records of Travis County, Texas, Mrs. Elizabeth Burt granted to the City of Austin a sanitary sewer easement in, upon, and across a certain strip of land 10 feet in width, being out of Lot 17, Block 1, Laurel Heights, a subdivision of a portion of the Daniel J. Gilbert Survey, in the City of Austin, Travis County, Texas; and

WHEREAS, it has become apparent that a certain portion of said easement is not now needed or desired by the City of Austin, Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to release and quitclaim unto the present owners of said Lot 17, Block 1, Laurel Heights, that portion of the above described easement which is not now needed by the City of Austin.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, taxes were levied for the years 1942 thru 1947 on the south 100' of Lot 2, Block 3, Outlot 37, Division "B", Plat 39, Item 198, in the name of the Corinth Baptist Church, as follows: 1942, \$13.92; 1943, \$13.91; 1944, \$14.22; 1945, \$14.22; 1946, \$15.13; and 1947, \$5.98, aggregating \$77.38 in original taxes; and

WHEREAS, an affidavit has been executed by Reverend R. Q. Allen, Pastor of the Corinth Baptist Church, to the effect that during the period of the tax levies mentioned, the property involved was owned and occupied exclusively by the Corinth Baptist Church for church purposes; therefore,

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

THAT the City Tax Assessor and Collector be, and he is hereby, instructed to remove from the tax rolls for the years 1942 thru 1947 the respective tax levies referred to in the first paragraph above.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller,

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has filed application for improvements to Brackenridge Hospital, and has tentatively been awarded \$500,000.00 of Federal funds toward a \$1,500,000.00 project; and

WHEREAS, it is necessary at this time to arrange for architectural services; Therefore,

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

That the City Manager be, and is hereby authorized and directed to arrange with the firms of Giesecke, Kuehne & Brooks; C. H. Page & Sons; and Niggli and Gustafson, being architectural firms of the City of Austin, for the usual architectural services in the planning, design, preparation of specifications, and construction; said agreement to be conditional on the final approval of said application and the availability of the Federal funds involved; said contract in its final form to be submitted to the City Council.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

A complaint by M. L. McGee, 2212 Willow Street, against an alleged violation of the Building Code and Zoning Ordinance by Mrs. Jewel Zimmermann on property of hers located at 2214 Willow Street and 92 Mildred Street, was heard. A report of the Building Inspector's office on the matter was also submitted. The matter was referred to the City Attorney for investigation.

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the following named persons owed delinquent taxes to the City of Austin; and

WHEREAS, the City Assessor and Collector has collected the amounts shown herein for the years indicated:

Draw C. Nichols	- - - - - 1939	- - - - - \$ 4.16
Albert Q. Taylor	- - - - - 1944	- - - - - 7.05
Edward A. James	- - - - - 1945, 1946	- - - - - 12.35
Edgar S. Daugherty	- - - - - 1944, 1945	- - - - - 3.18
Carl A. Nelson	- - - - - 1945, 1946	- - - - - .49
Loren D. Fletcher	- - - - - 1944, 1945, 1946	- - - - - 1.81
A. C. Bryan	- - - - - 1943	- - - - - 1.15
Woodrow Anderson	- - - - - 1937 thru 1946	- - - - - 56.09
Harold W. Allen	- - - - - 1943, 1944, 1946	- - - - - 8.82
Lawrence Jacobson	- - - - - 1946	- - - - - 4.25
H. N. Elliott	- - - - - 1941	- - - - - 2.75
Burdge Irelan	- - - - - 1942 and 1946	- - - - - 8.10
Abraham Abraham	- - - - - 1945	- - - - - 31.61
Fenton White	- - - - - 1943, 1944, 1945, 1946	- - - - - 106.40
Hattie Ruth Lacey	- - - - - 1931	- - - - - 2.25
		\$250.46

and

WHEREAS, on the above accounts penalties and interest, in the sum of \$18.42, was collected; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

THAT the Tax Assessor and Collector be and is hereby authorized and directed to clear the above accounts as paid for all years indicated.

The resolution was adopted by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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, deferred at the last regular meeting, 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, deferred at the last regular meeting, was again deferred to the next regular meeting.

Action on the application of George M. Bicker for a change in zoning of property located on the west side of Salado Street 110 feet south of West 28th Street, deferred at the last regular meeting, 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:

*Tom Miller*

MAYOR

Attest:

*Patricia M. Kellan*

CITY CLERK