

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 19, 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, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Messrs. Garnett Evans and Bruce Bledsoe, President-General Manager and Attorney, respectively, of the Tanner-Evans Corporation, came before the City Council and submitted the proposal of said Corporation for a franchise to place waiting benches at bus stops and to pay the City 10% of gross receipts from advertisements to be placed on said benches, the City to control the number and location of the benches. The matter was taken under advisement for a public hearing on same two weeks from this date.

The application of C. A. Maufrais for change in zoning, from "A" Residential District to "C" Commercial District, of property known as John C. Wende .44-acre and 2.93-acre tracts out of Lot 11, Block B, Bouldin Subdivision, Isaac Decker League, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration, recommendation, and public hearing. The motion carried by the following vote:

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

Noes : None

The application of Raymond Campi for change in zoning, from "C" Commercial District to "C-2" Commercial District, of Lot 18, Block B, Raymond Subdivision, Outlot 2, Division "A", located at 1118 West 6th Street, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration, recommendation, and public hearing. The motion carried by the following vote:

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

Noes : None

The application of V. A. Cuneo and Minnie West, by Herman Jones, attorney, for change in zoning, from "A" Residence District to "C" Commercial District, of part of Lot 36, Duval Heights Subdivision, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration, recommendation, and public hearing. The motion carried by the following vote:

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

Noes : None

The application of W. A. Driscoll and W. D. Moritz for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 1, 2, 3, 4, 5, 6, and 7, Block 5, Lee's Hill Subdivision, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration, recommendation, and public hearing. The motion carried by the following vote:

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

Noes : None

The application of M. H. Crockett for change in zoning, from "A" Residential District to "C" Commercial District, of property known as the south 79' of Lot 4, and all of Lots 5 and 6, in Block 6, of the H. B. Seiders' Subdivision of Geo. W. Spear League, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration, recommendation, and public hearing. The motion carried by the following vote:

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

Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE 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 LOT 9, BLOCK B, RIDGETOP ADDITION, 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, and
Councilman Thornberry

Noes : None

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

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

Noes : None

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

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

Noes : None

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

The matter of a change in zoning, from "A" Residence District to "D" Industrial District, of H. G. Linscomb property north of Lyons Street between Cherico and Gunter Streets, public hearing on same having been held at the last regular meeting and action deferred pending an inspection of the property by the City Council, came up for consideration.

Judge Dave J. Pickle, Attorney, and H. G. Linscomb, proponent of the change, and a number of property owners in the vicinity were present on the matter.

Following the discussion, Councilman Glass moved that in view of the demand for growth of the City in that direction, the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance making the change effective. The motion carried by the following vote:

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

Noes : None

The matter of a change in zoning, from "A" Residence District to "B" Residence District, of the property of Morris Gerhardt and Henry L. P. Phillips located at 2804-2806 Rio Grande Street, public hearing on same having been held at the last regular meeting and action deferred pending an inspection of the property by the City Council, came up for consideration.

Henry L. P. Phillips, proponent, was present on the matter.

Following the discussion, Mayor Miller moved that the change be granted for a "B-1" Residence District, as recommended by the Board of Adjustment; and the City Attorney be instructed to prepare the ordinance accordingly. The motion carried by the following vote:

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

Noes : None

R. L. Roberts came before the City Council and proposed that the City raise its offer from \$1040.00 to \$1200.00 for a strip twenty (20) feet wide off Lots 3, 4, 5, and 6, Block 2, University Park, for right of way for the Interregional Highway on East Avenue as the remaining part of the property will be undesirable for residential purposes. The Council took the matter under advisement for inspection of the property.

The City Manager submitted the following memorandum:

February 19, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of Sunset Hill Enfield, Section Two, has been completed and was approved by the City Plan Commission on January 8, 1948. We have memoranda from water, sewer and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations, and gas is available.

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

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 "Sunset Hill Enfield, Section 2", approved by the City Plan Commission of the City of Austin on January 8, 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, and
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with J. S. Koenig and Clarence McCullough for the laying of certain water mains, sanitary sewer mains, and other pipes in Violet Crown Heights Subdivision, Section II, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

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

I.

(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 Violet Crown Heights Subdivision, Section II, on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Grover Avenue from Koenig Lane to Romeria Drive; in Woodrow Avenue from Koenig Lane to Payne Avenue; in Palo Duro Road from Arroyo Seca to Grover Avenue; in Alguno Road from Arroyo Seca to Grover Avenue; in Romeria Drive from Arroyo Seca to Grover Avenue.

Two-inch (2") cast iron water mains in Koenig Lane from Grover Avenue eastward a distance of approximately 260' ; in Koenig Lane from Grover Avenue westward a distance of approximately 500'.

(b) The City of Austin for the consideration hereinafter states 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 Violet Crown Heights Subdivision, Section II, on the streets and easements at the locations described as follows:

In Woodrow Avenue from Koenig Lane to Romeria Drive; in Palo Duro Road from Arroyo Seca to Grover Avenue; in Alguno Road from Arroyo Seca to Grover Avenue; in Romeria Drive from Arroyo Seca to Grover Avenue.

II.

It is estimated that all the work contemplated under Paragraph I above

will cost the sum of Thirty-two Thousand Dollars (\$32,000.00) when completed, of which cost the sum of Nineteen Thousand Dollars (\$19,000.00) is estimated to be the cost of the water lines and the sum of Thirteen Thousand Dollars (\$13,000.00) 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 Thirty-two Thousand Dollars (\$32,000.00) 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 J. S. KOENIG and CLARENCE McCULLOUGH have executed this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

City Clerk

Approved:

Director of Utilities

Director of Public Works

City Attorney

By _____
City Manager

J. S. Koenig

Clarence McCullough

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

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

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with James D. Connolly, doing business in the name of Delwood Development Company, for the laying of certain water mains, sanitary sewer mains, and other pipes in Delwood No. 3 in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and JAMES D. CONNOLLY, doing business in the name of DELWOOD DEVELOPMENT COMPANY, 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 states 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 Delwood Section III on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains (exclusive of taps) on Kirkwood Road from Wrightwood to Maplewood Avenue, a distance of approximately 915'; on Wrightwood Road from Bradwood Road to Ashwood Road, a distance of approximately 690'; on Ashwood Road from Wrightwood Road to Maplewood Avenue a distance of approximately 760'; on Maplewood Avenue from Wilshire to East 38 $\frac{1}{2}$ Street a distance of approximately 1580'.

Two-inch (2") cast iron water main (exclusive of taps) on Krikwood Road from Wrightwood Road west a distance of approximately 260'.

(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 on the streets and easements at the locations described as follows:

Sewer mains on Korkwood Road Easement (north) from Boggy Creek main to Lot 13, Block C, thence to Kirkwood Road; on Kirkwood Road from Maplewood Avenue to H&TC Railroad; on Maplewood Avenue from Wilshire Boulevard to Ashwood Road; on Maplewood Avenue Easement (east) from Boggy Creek to East 38 $\frac{1}{2}$ Street; on Ashwood Road and Wrightwood Road from Kirkwood Road to Maplewood Avenue; on Railroad Easement from Chestnut Avenue to Kirkwood Road.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Sixteen Thousand Dollars (\$16,000.00) when completed, of which cost the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) is estimated to be the cost of the water lines and the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) 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 Sixteen Thousand Dollars (\$16,000.00) 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 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 JAMES D. CONNOLLY, doing business in the name of DELWOOD DEVELOPMENT COMPANY, of Travis County, Texas, has executed this instrument in duplicate, this the ____ day of _____, 1948.

Attest:

City Clerk

CITY OF AUSTIN

By _____
City Manager

Approved:

Director of Public Utilities

James D. Connolly
doing business as
Delwood Development Company

Director of Public Works

City Attorney

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

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

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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 CRESTWAY DRIVE, from Perry Lane to Laurel Canyon Drive, the centerline of which gas main shall be 7.5 feet north of and parallel to the south property line of said Crestway Drive.

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

- (2) A gas main across Lot 9, Block R, Highland Park West, from Crestway Drive to Crestway Drive Easement, the centerline of which gas main shall be 3 feet south of and parallel to the north property line of said Lot 9.

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

- (3) A gas main in CRESTWAY DRIVE EASEMENT, from the north line of Lot 9, Block R, Highland Park West, easterly 233 feet, the centerline of which gas main shall be 3 feet north of and parallel to the south property line of said Crestway Drive Easement.

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

- (4) A gas main in HARMON AVENUE, from East 53 $\frac{1}{2}$ Street southerly 198 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Harmon Avenue.

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

- (5) A gas main in RAMSEY AVENUE, from a point 51 feet north of West 40th Street south to West 40th Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Ramsey Avenue.

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

- (6) A gas main in WEST 40TH STREET, from Ramsey Avenue easterly 32 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

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

- (7) A gas main in KERBEY LANE, from a point 39 feet north of West 35th Street south to West 35th Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Kerbey Lane.

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

- (8) A gas main in WEST 35TH STREET, across Kerbey Lane intersection, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said West 35th Street.

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

- (9) A gas main in WEST 49TH STREET, from a point 95 feet west of Grover Avenue easterly 21 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 49th Street.

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

- (10) A gas main in AVENUE G, from a point 224 feet south of East 40th Street southerly 90 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east property line of said Avenue G.

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 Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of SYLVESTER E. HINTON, 410 West 11th Street, for a license to operate as a taxicab a 1942 Model Chevrolet 4-door Sedan, Motor No. BA-32526, State License No. HZ-8865, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of QUILAN C. CUNNINGHAM, Colored, 2000 East 14th Street, for a license to operate as a taxicab a 1942 Model Ford Sedan, 4-door, deluxe, Motor No. 18-6825845, State License No. HZ-7711, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of CARL CLAYTON BUCK, 406 West 11th Street, for a license to operate as a taxicab a 4-door, 1941 Model, Chevrolet Sedan, Motor No. AC-91217, State License No. JA-7333, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of JAMES T. ESTEPP, Jr., 2211 Post Road, for a license to operate as a taxicab a 4-door Deluxe Plymouth Sedan, 1940 Model, Motor

No. P10-174049, State License No. 2070, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of ROSCOE M. (Jack) JOHNSON, Chalmers Courts, for a license to operate as a taxicab a Fordor Plymouth Sedan, 1946 Model, Motor No. P15-220087, State License No. JB-3622, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of DEWITT E. BAKER, 1614 Willow Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

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

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

Noes : None

The application of HARVEY MARCUS SNOW, 802 San Antonio Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of JIMMIE LEE POWELL, Colored, 2000 Hamilton Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of ALVIN LOUIS HOCKER, 1007 San Jacinto Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of JAMES WELDON CLARK, FPHA Dormitory H, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of GEORGE WILLIAM HYLAND, JR., 3904 Avenue F, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of ELMON DEAN THOMAS, 910 West Elizabeth Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of CHESTER LEE DANIEL, Route 2, Box 17, Round Rock, Texas, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

An appeal by MARCELLUS JAMES WASHINGTON, Colored, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Thornberry moved that appellant be granted a 90-days probationary permit to drive a taxicab. The motion carried by the following vote:

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

Noes : None

An appeal by ANTONIO ROMAN RESENDEZ, 1205 Sabine Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Glass moved that appellant be granted a 90-days probationary permit to drive a taxicab. The motion carried by the following vote:

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

Noes.: None

The application of DOWNTOWN TAVERN, 115 East 5th Street, by I. G. and Tony Trad, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

Noes :None

The application of RICHARD JOSEPH, 313 $\frac{1}{2}$ East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of THE SHOWTIME, 312 Barton Springs Road, by Jno.B.Rich, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

Noes : None

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

<u>Owner</u>	<u>Description</u>
Fraser, Lemuel A., 403 Biology Building University of Texas	Lone Star Rowboat, Out- board, Martin, 9-passenger
Brown, S. P., 303 East 4th Street	Dumphy, 1947 Model, Sea King, 5-passenger
Smith, Herbert Ottis, 1217 Barton Springs Road	Row Boat, 1940 Model, 5-passenger

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

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

Noes : None

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

Approved:

Tom Miller

MAYOR

Attest:

Shelia M. Kellen

CITY CLERK