

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

REGULAR MEETING

May 20, 1948
10:45 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 - 4

Absent : Councilman Thornberry - 1

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.

Carl C. Hardin, Jr., representing Harvey Everett Holtz and wife, Arelene Margaret Breese Holtz, present owners, came before the Council and requested that the certain easement granted by Patrick Moreland to the City of Austin, on April 28, 1941, for an electric transmission line over a tract of land out of the T. J. Chambers Survey in Travis County belonging to said Patrick Moreland be cancelled and abandoned, and the City accept in lieu thereof an easement twenty (20) feet in width for said transmission line, in view of the fact that the original easement covered the whole tract as it was not known then the exact location of the proposed right of way. It was the sense of the Council that the request be granted, subject to approval of same by the Director of Utilities and the City Attorney.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Guy A. Thompson, Trustee, International-Great Northern Railroad, Debtor, filed on the 17th of May, 1948, a petition requesting the City Council to enter an order permitting and approving certain proposed abandonment of approximately six-tenths of a mile of trackage and location and construction of a proposed new passenger depot in the City of Austin; and

WHEREAS, said petition was supported and endorsed by the names and signatures of more than five hundred resident citizens of the City of Austin who are property owners in the City of Austin; Now, therefore,

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

That the City Clerk be and she is hereby authorized and directed to give notice by publication of the petition of Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, in a newspaper of general circulation in the City of Austin for two consecutive weeks following May 17, 1948, and prior to the expiration of thirty days from the filing of said petition, and giving further notice that the City Council will act upon the said petition not earlier than June 17, 1948, said date being more than thirty days after the filing of said petition. Cost of such publication will be borne by applicant, Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest intersection of the Burnet Road and West 45th Street, which property fronts approximately 95 feet on the Burnet Road and 90 feet on West 45th Street, and is known as a portion of Lots 11 and 12, Block 7, Rosedale B, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, and hereby authorizes the said Dr. and Mrs. R. V. Murray to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station 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 Dr. and Mrs. R. V. Murray have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas.
May 20, 1948

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Dr. and Mrs. R. V. Murray for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located at the southwest intersection of the Burnet Road and West 45th Street, which property fronts approximately 95 feet on the Burnet Road and 90 feet on West 45th Street, and is known as a portion of Lots 11 and 12, Block 7, Rosedale B, a subdivision of a portion of the George W. Spear League, within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Dr. and Mrs. R. V. Murray and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer main exists on the west side of the Burnet Road adjacent to the above described property.

We recommend that Dr. and Mrs. R. V. Murray be granted permission to construct, maintain, and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-907.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-907, and shall be of the pre-moulded type.

(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval the Building Inspector shall issue a Certificate of Operation before such filling station can be put in service.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The City Manager submitted the following memorandum:

" May 20, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of the Resubdivision of Allandale, Section I, has been completed and was approved by the City Plan Commission on May 13, 1948. Arrangements for utilities and streets were made when the original subdivision plat was approved and the subdivider has complied with subdivision requirements.

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

Approved:
(Sgd) Guiton Morgan, City Manager "

(Sgd) J. E. Motheral

Councilman Bartholomew 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 "Allandale, Section 1, approved by the City Plan Commission of the City of Austin on May 13, 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

Absent: Councilman Thornberry

The City Manager submitted the following memorandum:

"May 18, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of South Fifth Street Extension has been completed and was approved by the City Plan Commission on October 9, 1947. 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 Bartholomew 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 "South Fifth Street Extension", approved by the City Plan Commission of the City of Austin on

October 9, 1947, 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

Absent: Councilman Thornberry

The City Manager submitted the following memorandum:

May 18, 1948

Memorandum to : Guiton Morgan, City Manager

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

The final subdivision plat of Northvale, Section III, has been completed and was approved by the City Plan Commission on May 13, 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 Bartholomew 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 "Northvale, Section III" approved by the City Plan Commission of the City of Austin on May 13, 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

Absent: Councilman Thornberry

The following report of the Board of Adjustment was received:

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

Applicant: G. E. Warren for Central Freight Lines, Inc.

I. Referred to the Board by the City Council on : May 6, 1948

II. Property affected:

That portion of Lot 6, Siegmund Addition, which is now "A" Residence, being located north of the Railroad between Gunter Street and Springdale Road.

III. To be changed

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

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

IV. Considered by the Board on : May 18, 1948

V. Parties appearing:

For : G. E. Warren and Mrs. Catherine Loney

Against: C. Hanson

VI. Action of the Board : Change recommended to include the "A" Residence portions of Lots 5, 6, and 8, and all of Lot 7, Siegmund Addition, Outlot 40, Division A, located north of the railroad track.

For the following reasons:

1. The property requested to be changed would be an extension of the existing "D" Industrial District adjacent to the railroad, which includes a portion of three lots located on the west side of Springdale Road, and is immediately east across Gunter Street from a "D" Industrial District, and would include the remainder of Lot 6, which is now zoned "A" Residence.
2. Since the original application was filed, a request has been made by Mrs. Catherine Loney that her property be included since it would be bounded on two sides by industrial property if any change is made.

3. The applicant affirms that the present location of the Central Freight Lines is in the down-town area where traffic congestion is increased by the trucks operated by this Company and that they propose to relocate the business on the property requested to be changed to lessen traffic congestion in the City and to provide easier access to and from their establishment by the trucks, and that the size of trucks for the transportation of freight increasingly blocks the streets adjacent to the present site when parked for loading and unloading, and further affirmed that the present location is not the proper one for a motor freight terminal.
4. The Board deemed that the present industrial zone should be extended to include the remainder of Lots 5, 6, and 8, and to also include Lot 7 which was originally a part of the tract now known as Lot 8, in order to eliminate an existing "A" Residence District between two industrial districts; and further deemed that this change would be in harmony with the policy of the City to encourage industry in this section of the City near the railroads in accordance with the Master Plan, and would relieve the serious congestion of traffic at the present location of the Central Freight Lines at 4th and Colorado Streets.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Johnson moved that a public hearing on the foregoing change in zoning be called for Thursday, June 10, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The following report of the Board of Adjustment was received:

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

Applicant: Mrs. Annie Laurie Ewing

I. Referred to the Board by the City Council on : May 6, 1948

II. Property affected:

Lot 1, Block 2, Outlot 69, Byrne Subdivision, being located at the northwest corner of Rio Grande and West 28 $\frac{1}{2}$ Streets.

III. To be changed

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

To : "B-1" Residence District and Second Height and Area District

IV. Considered by the Board on : May 18, 1948

V. Parties appearing:

For : Mrs. Annie Laurie Ewing

Against:None

VI. Action of the Board: Change recommended to include both Lots 1 and 2 of this block.

For the following reasons:

1. The applicant's property is located in a block which has more than one-half of its area zoned commercial and where there is a commercial zone directly across Rio Grande Street; and the applicant affirms that the property south of this lot is being used for "B-1" Residence purposes at this time, her property and one lot north being the only ones on this side of the street used for "A" Residence purposes.
2. The Board deemed that since there are only two "A" Residence lots in this half of the block between West 28 $\frac{1}{2}$ and West 29th Streets, a change of both lots to "B-1" Residence would be logical as a transitional zone with commercial property to the north and east, and especially in view of the fact that the trend in this area is toward a "B" Residence Type of development due to the growth and expansion of the University of Texas.

(Sgd) H. F. Kuehne
Chairman "

Councilman Johnson moved that a public hearing on the foregoing change in zoning be called for Thursday, June 10, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent:Councilman Thornberry

The application of G. T. Pipkin for change in zoning, from "A" Residence District to "C" Commercial District, of property located at the southwest corner of East 7th Street and Springdale Road, 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

Absent:Councilman Thornberry

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the 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 and 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 REESE LANE, from Justin Lane to Grover Avenue, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Reese Lane.

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

- (2) A gas main in GROVER AVENUE, from Reese Lane to St. Johns Avenue, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Grover Avenue.

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

- (3) A gas main in ST. JOHNS AVENUE from Grover Avenue westerly 374 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said St. Johns Avenue.

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

- (4) A gas main in Franklin Boulevard, from a point 336 feet east of Chesterfield Avenue easterly 18 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Franklin Boulevard.

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

- (5) A gas main in EAST $53\frac{1}{2}$ Street, from a point 150 feet west of Bennett Avenue westerly 53 feet, the centerline of which gas main shall be 7.5 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.

- (6) A gas main in MAPLE AVENUE from East 12th Street northerly 300 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Maple Avenue.

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

- (7) A gas main in WILSON STREET from a point 105 feet south of Oltorf Street southerly 308.5 feet, the centerline of which

gas main shall be 13.5 feet west of and parallel to the east property line of said Wilson Street.

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

- (8) A gas main in WILSON STREET from a point 413.5 feet south of Oltorf Street southerly 1479.5 feet, the centerline of which gas main shall be 5 feet west of and parallel to the east property line of said Wilson 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 10TH STREET from a point 269 feet west of Center Street westerly 104 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 10th Street.

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

- (10) A gas main in NORTH LOOP BOULEVARD from a point 105 feet west of Woodrow Avenue westerly 108 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said North Loop Boulevard.

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

Noes : None

Absent: Councilman Thornberry

Robert Sneed, Attorney for Lewis R. Fisher, came before the Council and asked for permission to withdraw his client's application for change in zoning, from "A" Residence District to "B-1" Residence District, of two blocks located between West 19th and West 22nd Streets and between a point 160 feet west of Cliff Street to the alley east of David Street, now pending, in order to effect a compromise with the property owners in the area who are opposed to the change, and submit a revised application to be acted on again by the Board of Adjustment.

O. J. Hinsley, Attorney for O. H. Radkey, property owner, opposed the granting of the above request declaring that the proposal to eliminate part of the territory involved would not solve the controversy about the big house, located at 1909-1911 Cliff Street, as nearly all the surrounding property owners are against the change, and further, that the owner bought the property knowing its zoning status.

Mrs. G. M. Howell and other property owners declared that the people most affected by the change would be those on Cliff Street and that everyone in that vicinity was violently opposed to the change.

All present having been given an opportunity to be heard, Councilman Johnson moved that the request of Attorney Sneed for withdrawal of his client's petition for revision and reconsideration by the Board of Adjustment be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Pursuant to published notice thereof, the public hearing on the application of D. Milicia, owner, and Calvin C. Riggs and W. P. Whited, lessees, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "D" Industrial District to "C-1" Commercial District:

Lot 11, Pace Addition, Outlot 12, Division "0",
being located at 2713 East 5th Street, in the
City of Austin, Travis County, Texas,

was duly opened.

Calvin C. Riggs, one of the proponents, plead for the change on the grounds that in order to meet competition from other restaurants, it was necessary to sell beer in his restaurant.

The following appeared in opposition to the change:

Ben Thrasher, who stated that he also represented the property owners in the vicinity and the Austin Concrete Works, and that they do not want beer sold there.

The proponent, Calvin C. Riggs, was then granted permission to withdraw his application temporarily, pending study by the City Attorney of the proposal to amend the Zoning Ordinance to permit the sale of liquor in industrial zones.

Pursuant to published notice thereof, the public hearing on the application of A. F. White, by Robert B. Thrasher, Attorney, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lots 14, 15, and 16, Block M, Bouldin Addition, being located at the northwest corner of West Mary and South 4th Streets, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared in support of the change:

A. F. White and his attorney, Ben Thrasher, who stated that proponent intended to build a filling station, grocery store, small warehouse, and electrical shop on the property, but no restaurant; and, further, that the property being located on an unpaved street is unfit for residences on account of the dust.

Mrs. James Kilday, property owner, declared that she had no objection to any commercial use of the property, except for a night club.

No other property owner or interested person appearing to be heard, Councilman Bartholomew moved that the hearing be closed, the action of the Board of Adjustment overruled and the change granted; and the City Attorney be instructed to have the ordinance prepared. The motion was seconded by Councilman Johnson, and the same carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Thornberry

Pursuant to published notice thereof, the public hearing on the application of Mr. and Mrs. Walter F. Kuehne to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District:

Lots 3 and 4, Block 140, Lots 1, 2, 3, and 4, Block 141, and Lots 5 and 6, Block 118, of the Original City of Austin, being located at the corner of Sabine and East 11th Streets, in the City of Austin, Travis County, Texas,

was duly opened.

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

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

Mrs. Lewis F. Hatch, on behalf of the Travis County Association for Infantile Paralysis, expressed to the Council the appreciation of that organization for the work done by the City of Austin and the Health Department in spraying the City with DDT to keep down the spread of polio.

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

<u>Owner</u>	<u>Description</u>
Burton, R. M., 1025 East 51st Street	Home-made, Semi-V, "Lil Polly", Elgin, 4-passenger
Gall, Gene E., 2626 Speedway -	Home-made, Rowboat, 4-5 passenger, 6½ years old
Reed, C. Badger, 2905 Gilbert Street	Steelcraft, Cabin Cruiser, 1948 Model, "Miss ZB", Packard, 4-passenger

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

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

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with G. R. Fowler and C. L. Dobbins for the laying of certain water mains, sanitary sewer mains, and other pipes in Valeria Street, 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.

(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 G. R. Fowler and C. L. Dobbins, 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 Fowler Heights Subdivision on the streets and at the locations described as follows:

Two-inch (2") cast iron water main in Valeria Street, from Goodrich Avenue to east side of Fowler Heights Subdivision, a distance of approximately 561'.

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

Six-inch (6") sewer mains in Valeria Street, from Lot No. 8 to Lot No. 13; thence eastward on easement, between Lots 10 and 11, to Oxford Street.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Nineteen Hundred Dollars (\$1900.00) when completed, of which cost the sum of Six Hundred Dollars (\$600.00) is estimated to be the cost of the water lines and the sum of Thirteen Hundred Dollars (\$1300.00) 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 Nineteen Hundred Dollars (\$1900.00) 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 G. R. Fowler and C.L.Dobbins have executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

G. R. Fowler

C. L. Dobbins

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

Absent: Councilman Thornberry

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 Carl Thornquist for the laying of certain water mains, sanitary sewer mains, and other pipes in Sunnydale Subdivision, 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.

(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, and Carl Thornquist, of Travis County, Texas, hereinafter sometimes called the Owner; W I T N E S S E T H :

I.

As part of the development of Sunnydale, a subdivision 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 Fifty-six Hundred Dollars (\$5600.00) when completed, of which cost the sum of Thirty-four Hundred Dollars (\$3400.00) is estimated to be the cost of water lines and the sum of Twenty-two Hundred Dollars (\$2200.00) 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 Sunnydale 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:

On Lupine Lane from Summit Street to Upland Drive; on Upland Drive from Lupine Lane to Riverside Drive.

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

On Easement, between Lots No. 6 and 7, from Summit Street; on Riverside Drive from Summit Street to Upland Drive; on Upland Drive from Riverside Drive to Lot No. 17.

It is agreed that the estimated cost of this part of the development will be the sum of Three Thousand Dollars (\$3,000.00) of which cost the sum of Eighteen Hundred Dollars (\$1800.00) is estimated to be the cost of the water mains and lines and the sum of Twelve Hundred Dollars (\$1200.00) 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, Owner agrees to deposit the

sum of Three Thousand Dollars (\$3,000.00), 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 hereof, 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, 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 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 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 Paragraphs VII and IX hereof shall be promptly paid to Owner. Default by Owner in compliance with the provisions of Paragraphs 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 Carl Thornquist has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk

Carl Thornquist

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

Absent: Councilman Thornberry

The City Manager reported that the traffic safety measures proposed for San Jacinto Boulevard between Park Place and Duval Street had been worked out satisfactorily with abutting property owners, and he was directed by the Council to have ordinance prepared covering the matter.

The Council approved the proclamation of the Mayor authorizing the Edwin F. Hutchings Post 856 of the Veterans of Foreign Wars, aided by its Ladies Auxiliary, to have a poppy sale on Saturday, May 29.

The following report of the Board of Adjustment was received:

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

Applicant: Fred W. Adams

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

II. Property affected:

That portion now zoned "A" Residence of a 3.98 acre tract of Decker Unplatted, being located south of Barton Springs Road and west of Fredericksburg Road.

III. To be changed

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

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

IV. Considered by the Board on : May 18, 1948

V. Parties appearing:

For : Fred W. Adams

Against: Barney Slaughter and W. Dieter

VI. Action of the Board: Change recommended to include only that portion of the tract fronting on Fredericksburg Road for a depth of 82 feet to line up with adjacent commercial zoning on the north and south.

For the following reasons:

1. The applicant is requesting that the portion of his tract of land now designated as "A" Residence District be changed to "C" Commercial to permit the establishment of a recreational village, a 150-foot strip of this property adjacent to Barton Springs Road being zoned for "C" Commercial at this time. The portion requested to be changed lies almost wholly upon the bluff south of Barton Springs Road, which plateau is being developed as a residential section, and a subdivision having been laid out known as Bluff View is now being developed.
2. Opposition to this change was expressed by adjacent property owners on the south who have developed the subdivision with residence lots adjacent to the applicant's property, and a written protest was filed by them, and also by property owners now building homes in the subdivision.
3. The applicant stated that in the event the Board could not recommend a change on the entire property, he wished to have

the property adjacent to Fredericksburg Road for a depth of 150 feet zoned commercial.

4. After a study of this request and the topography of the ground by visiting the site, the Board deemed that the property adjacent to Fredericksburg Road should be zoned commercial in line with adjoining property to the north and south and for the same depth, but that the portion of the tract on the plateau above the bluff is not suited for commercial development since access thereto would be difficult and hazardous both from Barton Springs Road and Fredericksburg Road and would cause the patrons of any business thereon to travel a round-about route from Fredericksburg Road to this area through the residential development now taking place, and that this portion of the tract is best suited and attractive for residential development.
5. The Board, therefore, recommends that only that portion of the appellant's property fronting on Fredericksburg Road and extending back therefrom the same distance as the adjoining commercial properties so that the rear of all the commercial property would be in one continuous line since any greater depth would place the commercial zone on top of the bluff.

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

The application of WILLARD L. PANNELL, 602 Academy Drive, for a license to operate as a taxicab a 4-door Special Deluxe Chevrolet Sedan, 1941 Model, Motor No. AA-14043, State License No. JD-9469, 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;

Noes : None

Absent: Councilman Thornberry

The application of JAMES MORTON BREEDLOVE, 1507 Nueces Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Thornberry

The application of WILLIAM FREDERICK CRIDER, 2011 Alta Vista, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Thornberry

The application of EDWARD G. HAMMACK, 502 East 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Bartholomew

The application of EDWARD G. HAMMACK, 502 East 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of Delbert E. Mendenhall, 302 East 10th Street for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of The Barbecue Pit, 316 East 6th Street, by Mae Bird and J. E. Ross, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

The City Manager submitted the following memorandum:

"May 19, 1948

Memorandum to : Guiton Morgan, City Manager

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

Bids were received on Tuesday morning for the construction of concrete tennis courts in Eastwood Park, concrete sidewalk and chain link fence around Westenfield swimming pool and concrete tennis courts at Westenfield swimming pool and concrete tennis courts at Westenfield Playground. Bids were as follows:

EASTWOOD PARK

John Andrews	- - - - -	\$4,798.14
Earl Rogers	- - - - -	4,800.63
John Broad Construction Company	- - - - -	5,247.59
W. D. Anderson	- - - - -	5,418.72

WESTENFIELD - Concrete walk and chain link fence around pool

John Andrews	- - - - -	\$2,155.70
Earl Rogers	- - - - -	2,287.24
W. S. Conner	- - - - -	2,344.71
John Broad Construction Company	- - - - -	2,345.15
W. D. Anderson	- - - - -	2,651.73

WESTENFIELD PLAYGROUND - Concrete tennis courts

Earl Rogers - - - - -	\$4,849.57
John Andrews - - - - -	4,918.63
John Broad Construction Company - - - - -	5,363.42
W. D. Anderson - - - - -	5,484.90
W. S. Conner - - - - -	6,970.02

Each of the low bidders are well within our estimate and we recommend that the three contracts be awarded to the low bidders.

Attached is a recommendation from the Recreation Department in which they concur with us in our recommendation.

(Sgd) J. E. Motheral "

Councilman Bartholomew moved that the recommendations of the City Manager and the Director of Public Works be approved and contracts awarded to the low bidders as follows:

John Andrews - construction of concrete tennis courts in Eastwood Park, in the amount of \$4,798.14;

John Andrews - concrete walk and chain link fence around Westenfield pool, in the amount of \$2,155.70;

Earl Rogers - concrete tennis courts at Westenfield Playground, in the amount of \$4,849.57

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller;

Noes : None

Absent: Councilman Thornberry

Petitions signed by a large number of citizens in the vicinity, protesting against a change in zoning of the property at 1811 East Ist Street, from "C" Commercial to "C-1" or "C-2" Commercial to permit the sale of beer in a proposed restaurant at said location, was received and ordered filed.

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

Approved: Tom Miller

MAYOR

Attest:

Helene M. Keen

CITY CLERK