

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 5, 1937.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

A committee from the Chamber of Commerce, composed of Messrs. Ralph Goeth, Chairman, W. E. Long, and A. T. Knies, came before the City Council and asked that the Council indorse their efforts to secure a bridge across the Colorado River on the west side, preferably at Shoal Creek Boulevard, by proper resolution to the State Highway Commission.

Following considerable discussion, Mayor Miller offered the following resolution:

WHEREAS, during the past few years the City of Austin has increased rapidly in population and business, and is becoming increasingly important as the seat of government of the State of Texas; and

WHEREAS, each year additional agencies of the State and Federal Governments are located in Austin; and

WHEREAS, traffic conditions are requiring additional police supervision and regulation; therefore

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

THAT the State Highway Commission be advised that the following projects are necessary at this time to provide a master traffic control plan for the City of Austin, but that the City of Austin does not undertake to state to the State Highway Commission the relative importance or order in which these projects should be undertaken. The improvements needed at this time are as follows:

1. The construction of two additional bridges to be located about equally distant upstream and downstream from the present Colorado River Bridge, and the widening of the present bridge with the necessary approaches thereto to provide a highway location through the center of the city and alternate locations on each side of the business district for the purpose of providing orderly distribution of the flow of traffic.

2. A grade separation on East Fifth Street where the present connection of Highway 71 between the business district and the new Montopolis Bridge crosses the railroad, and road improvements where the City streets are not paved.

3. The necessary paving and construction work to provide adequate arteries of traffic approaching the two bridges mentioned in section 2 above.

4. Sufficient cross-connections between the three major north and south highway routes to provide adequate and easily accessible means of passage from one to the other, among which will be a grade elimination on West Mary Street.

In addition to the four definite recommendations, which are stated in general terms rather than going into details, there, of course, will be involved numerous detailed arrangements to be worked out and decided upon in formulating a comprehensive traffic plan.

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

THAT the Council hereby expresses to the State Highway Commission the appreciation

of the City of Austin for the projects which have been undertaken and constructed by the State Highway Department which have resulted in improving traffic conditions in Austin, and have benefited the traveling public, and the Council further expresses the hope to the State Highway Commission that this program will be continued as funds are available and as conditions will permit.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mr. Schrobenhauser, 5115 Avenue G, came before the Council and stated that he was favorable to the proposed annexation of his property to the City's boundaries, and asked that said property be served with larger water main. The matter was referred to the City Manager to have the work done as soon as possible.

The Mayor laid before the Council for its third reading the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE SALE OF MILK AND MILK PRODUCTS WITHIN THE CITY OF AUSTIN, DEFINING CERTAIN TERMS IN CONNECTION THEREWITH, PROHIBITING THE SALE OF ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS, AND PROVIDING PERMITS FOR PRODUCERS AND SELLERS OF MILK OR MILK PRODUCTS, AND PRESCRIBING THE LABELING AND PLACARDING OF CONTAINERS OF MILK AND MILK PRODUCTS; REQUIRING THE INSPECTION OF DAIRY FARMS AND MILK PLANTS FOR THE PURPOSE OF GRADING OR REGRADING, AND PROVIDING FOR THE EXAMINATION OF MILK AND MILK PRODUCTS AND THE GRADING OF SAME, AND PRESCRIBING RULES AND REGULATIONS AS A BASIS FOR SUCH GRADING, AND DEFINING GRADES IN CONNECTION THEREWITH OF MILK AND MILK PRODUCTS, AND PRESCRIBING THE CONSTRUCTION OF DAIRIES AND MILK PLANTS; PRESCRIBING THE GRADES OF MILK AND MILK PRODUCTS WHICH MAY BE SOLD WITHIN THE CITY OF AUSTIN; PRESCRIBING SUPPLEMENTARY GRADING AND AUTHORIZING REGRADING; REGULATING THE TRANSFER AND DIPPING OF MILK, THE DELIVERY OF CONTAINERS, THE HANDLING OF MORE THAN ONE GRADE OF MILK AND THE DELIVERY OF MILK AT QUARANTINED RESIDENCES; PROHIBITING THE SALE OR POSSESSION OF UNGRADED MILK OR MILK PRODUCTS; REGULATING THE SALE OF MILK AND MILK PRODUCTS DELIVERED FROM POINTS BEYOND THE INSPECTION LIMITS OF THE CITY OF AUSTIN; REQUIRING THE REGISTRATION OF AND REPORTS BY BUYERS AND SELLERS OF CREAM AND BUTTER FAT; REQUIRING THE NOTIFICATION OF DISEASE AND PRESCRIBING PROCEDURE WHEN INFECTION IS SUSPECTED; PRESCRIBING CONSTRUCTION RULES FOR FUTURE DAIRIES AND MILK PLANTS; FIXING A BASIS FOR ENFORCEMENT INTERPRETATION, PRESCRIBING PENALTIES, AND REPEALING ORDINANCES IN CONFLICT HEREWITH; STATING A SAVING CLAUSE FOR VALID SECTIONS; PRESCRIBING PERMIT FEES FOR SELLERS AND PRODUCERS OF MILK AND MILK PRODUCTS, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JULY 1, 1937, AND RECORDED IN BOOK "K" AT PAGES 201-215 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller announced that it was the sense of the meeting, after hearing the protests of the ice cream dealers against the provision of the Milk Ordinance regulating the manufacture and sale of ice cream, that the Milk Ordinance was a protective health measure and should stand as enacted, and that no change be made in the same.

Mr. R. L. Slaughter commended the Council on the passage of the Milk Ordinance, stating that he considered the same a wonderful health measure and desired to see it enforced.

The Mayor declared the hearing, called for this day on the proposal of the

City Council to amend the Zoning Ordinance in the following particulars, open:

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

The four quarter blocks extending from Fourteenth Street to the north line of the campus of the State Capitol and from the centerline of the block between Lavaca Street and Colorado Street to the centerline of the block between Brazos Street and San Jacinto Street, said property being more particularly described as follows: the northeast quarter of Block 158, the west one-half of Block 159, the east one-half of Block 160, and the northwest quarter of Block 161; all of said property being a part of the Original City, of the City of Austin, Texas.

No one appearing to protest the proposed change, the City Attorney was directed to prepare the necessary ordinance making the change effective.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: George Mike Lewis, 901 East 1st Street; Leonard Lee Merchant, 1966 East Avenue; Laurina Lee Porter, 1711 Willow Street; and Albert Salinas, 1620 East 4th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller laid before the Council for its first reading the following ordinance, which was introduced at the regular meeting of the City Council on June 24, 1937, and ordered published in accordance with the provisions of the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY DESIGNATED AS SECTION "A" OF A CERTAIN BOUNDARY EXTENSION PROGRAM OF THE CITY OF AUSTIN, AND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time, and upon motion of Councilman Wolf, seconded by Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Wolf, seconded by Councilman Alford, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Wolf, seconded by Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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The ordinance was read the first time, and upon motion of Councilman Alford, seconded by Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Alford,

seconded by Councilman Gillis, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Alford, seconded by Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the ordinance was finally passed by the following

vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller laid before the Council for its first reading the following ordinance, which was introduced at the regular meeting of the City Council on June 24, 1937, and ordered published in accordance with the provisions of the City Charter:

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The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller laid before the Council for its first reading the following ordinance, which was introduced at the regular meeting of the City Council on June 24, 1937, and ordered published in accordance with the provisions of the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY DESIGNATED AS SECTION "F" OF A CERTAIN BOUNDARY EXTENSION PROGRAM OF THE CITY OF AUSTIN AND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Schwartzer & Barron are the Contractors for the remodeling of a building located at 605-07 Brazos Street and desire a portion of the street, sidewalk and alley space abutting part of Lots 11 and 12, Block 68, of the Original City of Austin

during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said Schwartz & Barron, the boundary of which is described as follows:

Street, Sidewalk and Alley Working Space

Beginning at the northeast corner of the above described property; thence in a westerly direction and at right angles to the centerline of Brazos Street for a distance of 26 feet; thence in a southerly direction and parallel to the centerline of Brazos Street for a distance of 39 feet; thence in an easterly direction and at right angles to the centerline of Brazos Street to the southwest corner of the above described property; thence in a northerly direction to the point of beginning.

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of the alley between East 6th Street and East 7th Street for a distance of 5 feet; thence in an easterly direction and parallel to the centerline of said alley for a distance of 75 feet; thence in a northerly direction 5 feet to the southeast corner of the above described property; thence in a westerly direction to the point of beginning.

2. THAT the above privileges and allotment of space are granted to said Schwarzer & Barron, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space on Brazos Street, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway.

(2) The Contractor shall construct a fence within the outer boundaries of the above described working space in the alley and shall remove this fence at the earliest possible time.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rails.

(4) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any storm waters.

(5) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(6) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than November 1, 1937.

(8) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(9) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold

harmless the City of Austin from any claims for damages to any person by reason of the exercise of the privileges granted to the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space,

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following 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 GLENVIEW AVENUE southerly 214 feet from a point 24 feet south of the south line of West 29th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Glenview Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in EVA STREET southerly 65 feet from a point 67 feet south of the south line of West Monroe Street, the centerline of which gas main shall be 19 feet west of and parallel to the east line of said Eva Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in CHICON STREET from East 16th Street southerly 284 feet, the centerline of which gas main shall be 19 feet east of and parallel to the centerline of said Chicon Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in EAST 10TH STREET from Trinity Street easterly 156 feet, the centerline of which gas main shall be 19 feet north of and parallel to the south line of said East 10th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in ATTAYAO STREET from East 2nd Street to East 3rd Street, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Attayao Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in EAST 3RD STREET from Attayao Street westerly 160 feet, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said East 3rd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in WOOLDRIDGE DRIVE from Gaston Avenue northerly 375 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Wooldridge Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in WEST 24TH STREET across Jarratt Avenue intersection, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said West 24th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in WEST 24TH STREET across Hartford Road intersection, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said West 24th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

feet.

(10) A gas main in WEST 24TH STREET across Jefferson Street intersection, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said West 24th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in JEFFERSON STREET from West 24th Street northerly approximately 25 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Jefferson Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in HARTFORD ROAD across West 24th Street intersection, the centerline of which gas main shall be 25 feet east of and parallel to the west line of said Hartford Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(13) A gas main in WEST LIVE OAK STREET westerly 152 feet from a point 26 feet west of the west line of South 4th Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said West Live Oak Street.

Said gas main described above shall have a covering of not less than 2½ 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 City Engineering Department 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 out 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

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

THAT the City Manager be, and he is hereby, authorized to execute on behalf of the City of Austin the agreement between the City of Austin and the Westenfield Development Company, the terms of which follow:

THAT this agreement, made and entered into by and between the City of Austin, a municipal corporation, acting by and through its City Manager under the authority of its City Council, and the Westenfield Development Company, a corporation of Austin, Travis County, Texas, acting by and through its President, Mrs. Margaret Graham Crusemann, WITNESSETH:

1. Westenfield Development Company agree that they will lay and construct, at their own cost and expense and in accordance with the plans, specifications and

requirements, and under the supervision and subject to the approval of the City of Austin, a water pipe line, or water pipe lines, and appurtenances necessary and adequate to connect with the present water system of the City of Austin, Westenfield Addition No. 1, a subdivision of certain property owned by the said Westenfield Development Company, according to the map or plat of said addition of record in the office of the County Clerk of Travis County, Texas, in Plat Book No. 3 at page 202, same lying at present outside the corporate limits of the City of Austin, for the purpose of supplying said subdivision with water service by the City of Austin; it being provided that all lines constructed under this agreement shall be laid on public streets and on designated county roads, and if any portion of said line or lines is required to be laid through private property, that a definite easement for right-of-way be secured sufficient for all utility space assignments; and in consideration for the benefits to be received by the said Westenfield Development Company in the service of water from the water system of the City of Austin, the Westenfield Development Company agrees upon the completion thereof to convey to the City of Austin the title to all of said line or lines lying in the public highways, roads and alleys, and in easements acquired for the purpose of laying said lines.

2. The Westenfield Development Company agree that immediately upon the completion of said line or lines, they will furnish the City of Austin authenticated original duplicates of all receipted bills, showing the reasonable and necessary expense, as having been theretofore mutually agreed by the parties hereto, in the laying and constructing of said water line or water lines, which receipted bills shall be attached to this agreement and shall become evidence of the cost of such line or lines, for the purpose of any refund which may be made under the terms of this agreement.

3. It is agreed that if at any time within fifteen (15) years from the date of this agreement, Westenfield Addition No. 1 shall be included by annexation within the corporate limits of the City of Austin, the Westenfield Development Company shall be entitled to be reimbursed by the City of Austin for the cost of such line or lines, as shown by the receipted bills hereinabove mentioned, such reimbursement to be without interest, and to be made upon the following terms:

One (1) year after the first day of January, of the year immediately following such annexation, the City of Austin will refund an amount equal to five (5) times the amount of the gross revenue received from water customers connected with said line or lines during such one (1) year period, and at the end of each subsequent year a similar amount will be so refunded until the total cost of such line or lines, less depreciation as hereinafter provided, shall have been refunded; provided that due allowance shall be made for depreciation of said line or lines from the date of completion to the date of annexation, as follows: On all lines under six (6) inches in size and on all appurtenances and accessories thereto, at the rate of five per cent (5%) for each year, and on all lines of six (6) inches or over in size and on all appurtenances and accessories thereto, at the rate of three per cent (3%) for each year, provided that the lines of six (6) inches or over are constructed of cast iron pipe, otherwise such lines shall bear the same rate of depreciation as herein fixed for lines under six inches in size.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Harriet McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 12, 1937.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mr. W. F. Smith appeared before the Council relative to an adjustment of the delinquent taxes on Lot 1, Block 3, Penn Park. The matter was taken under advisement with the City Manager and Tax Department.

Mr. O. H. Cole, representing the Lightsey Cab Company, appeared before the Council and asked that said firm be granted an additional taxicab permit to replace the one cancelled several weeks ago. Mayor Miller moved that the permit be granted. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The petition of Albert Ferguson, 105 Neches Street, et al, protesting against the reopening of the beer joint and dance hall at 504 East First Street, known as the "Night Spot", was received and the matter was referred to the City Manager and Police Department for investigation.

The petition of Henry Brooks and wife asking that their property in Isherwood Heights, recently annexed to the City, be zoned as "C-2" Commercial District, was received and referred to the Zoning Board of Adjustment for consideration.

Councilman Alford offered the following 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