

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 2, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building on Thursday, January 2, 1941, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The Minutes of the special meeting of December 19, 1940, and the regular meeting of December 24, 1940, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, Mrs. Ruby Rebman Leigh, owner of property situated on the north side of West 12th Street at a location west of Lamar Boulevard, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of West 12th Street adjacent to the above described property, as shown upon the plan hereto attached marked 2-H-730, which plan is hereby made a part of said request; and

WHEREAS, said request and plan have been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT Mrs. Ruby Rebman Leigh, owner of property situated on the north side of West 12th Street at a location west of Lamar Boulevard, is hereby permitted to construct a commercial driveway across the north sidewalk area of West 12th Street adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints, as shown upon the plan marked 2-H-730, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Gillis:

WHEREAS, John Bremond Company, acting by and through C. A. Maufrais, as agent, owner of Lots 1 and 2, Block 32, of the Original City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the north sidewalk area of East 3rd Street adjacent to the above described property situated on the north side of said East 3rd Street east of San Jacinto Street; and

WHEREAS, a map or plan has been prepared showing the location of said driveways, which map or plan is hereto attached marked 2-C-904, and made a part hereof; and

WHEREAS, said map or plan has been reviewed and considered by the City Council of the City of Austin; therefore,

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

THAT John Bremond Company, acting by and through C. A. Maufrais, as agent, owner of Lots 1 and 2, Block 32, of the Original City of Austin, Travis County, Texas, is hereby permitted to construct commercial driveways across the north sidewalk area of East 3rd Street adjacent to the above described property situated on the north side of said East 3rd Street east of San Jacinto Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the

plan marked 2-C-904, which plan is hereby made a part of this resolution; and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Bartholomew:

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 main in and upon the following streets:

- (1) A gas main in EAST 50TH STREET from Harmon Avenue easterly 470 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 50th Street.

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

- (2) A gas main in INDIAN TRAIL from a point 274 feet east of Dormarion Lane easterly 91 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Indian Trail.

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

- (3) A gas regulator pit at EAST 45TH STREET and RED RIVER STREET, the size of said pit to be 7'x9', the axis of the 9-foot length to be $4\frac{1}{2}$ feet south of, and parallel to, the north line of East 45th Street, and the axis of the 7-foot length to be 5 feet east of, and parallel to, the east line of Red River Street.

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 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.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Lightsey Cab Company, 112 East 7th Street, for a taxicab license be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Bartholomew that the following applications for licenses to operate private boats on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Scrivner, A. T. - 1408 West 13th Street	Home-made, Outboard, 1941 Model, Johnson, 2-passenger
Schoch, Eugene - 2212 Nueces Street	Home-made, Outboard, 1939 Model, Johnson, 4-passenger
Schutze, C.A., Jr- 1901 Red River Street	Home-made, Outboard, Rowboat, 1 year, Sea King, 6-passenger

The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. Roy C. McWilliams came before the Council and registered a complaint against his being required to pay for the cost of service wiring to his premises at 4227 Guadalupe Street in connection with certain electrical repair work at said premises. The matter was referred to the Acting City Manager and the City Electrician for attention.

The following resolution was introduced:

WHEREAS, in the District Court of Travis County, Texas, in Cause No. 41545, City of Austin vs. Andrew Freeman et al., judgment was rendered on the 1st day of June, 1926, in favor of the City of Austin for taxes, penalty and interest involved in said suit, together with foreclosure of the tax lien of the City of Austin on Lots 7, 8, and 9, in Block No. 4, Penn Park Subdivision, in the City of Austin, Travis County, Texas; and

WHEREAS, under said judgment an order of sale issued, and the hereinbefore described land was sold by the Sheriff of Travis County, Texas, to the City of Austin by deed dated November 4, 1926, recorded in Volume 404, pages 122-123 of the Deed Records of Travis County, Texas; and

WHEREAS, taxes have accrued on said property for the years 1906 through 1912, 1915, 1916, 1918, and 1920 through 1939, and on personal property assessed in the name of Andrew Freeman for the years 1927 and 1929, in the sum of \$257.59, and for non-payment of same at maturity, penalty in the sum of \$12.88 has been assessed, and interest in the sum of \$111.25; also interest has accrued on said judgment in the sum of \$34.50, and a filing fee of \$1.00 and court costs in said Cause No. 41545, and in cause No. 42960, in the sum of \$37.05 have accrued; making the total amount of taxes, penalty, interest, interest on judgment, filing fee and court costs in the sum of \$454.27; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.88, and one-half of said interest on said taxes in the sum of \$55.62, and one-half of the interest on said judgment in the sum of \$17.25, on the condition that the remaining amount be paid on or before the 10 day of January, 1941; therefore,

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

THAT the aforesaid penalty in the sum of \$12.88, and one-half of the interest on said taxes in the sum of \$55.62, and one-half of the interest on said judgment in the sum of \$17.25, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty and one-half of the interest off his rolls, and to issue to the party entitled to receive the same a receipt in full, upon the payment of said taxes, one-half of the interest due on said taxes, one-half of the interest due on the aforesaid judgment, the court costs and the filing fee, as aforesaid, upon the condition that these amounts are paid on or before the 10th day of January, 1941, and when said condition is met, the City Manager of the City of Austin is hereby authorized and directed to issue to the party entitled to receive same a quitclaim deed to said property, releasing and quitclaiming all the right, title, and interest which said City of Austin

acquired to said property by virtue of the aforesaid suit, the judgment foreclosing the City's tax lien thereon, and said Sheriff's deed.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of J. Talbot LaPrelle for the years 1936, 1937, 1938, and 1939, on Lots 11, 15, 16, 17, 19, and the south half of Lot 21; in Block 3, La Prella Place; Lots 1 and 2, Block 1, La Prella Place; Lots 3 through 13, La Prella Court; and Lots 10, 12, 14, and 20, in Block 2, La Prella Place; and City of Austin taxes were assessed in the name of J. Talbot La Prella for the years 1937, 1938, and 1939, on Lots 1-B, 2-B, 1-A, and 2-A, and Lot 6, all in Block 6, La Prella Place; Lots 3, 5, and 9, in Block 5, La Prella Place, Lot 5, in Block 4, La Prella Place, and Lots 14 and 26, Block 3, La Prella Place; all of said taxes being for the sum of \$556.78; and for non-payment of same at maturity, penalty in the sum of \$27.84 has been assessed, and interest in the sum of \$70.92 has accrued, making the total amount of taxes, penalty and interest, \$655.54; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$27.84 on the condition that the remaining amount be paid; therefore,

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

THAT the aforesaid penalty in the sum of \$27.84 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$27.84 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and interest, as aforesaid, in the sum of \$627.70.

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

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

Approved: Tom Miller
Mayor

Attest:

Helen McKellar
City Clerk