

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 26, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Friday, September 26, 1941, at 10:45 A. M., with Mayor Tom Miller presiding, the meeting having been called by the Mayor for Friday instead of Thursday, the regular meeting day. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meeting of September 18, 1941, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; noys, none.

Representatives of the various taxicab companies, including the Owl, Moore, Lightsey, Yellow Cab, Patton's, Inc., Airline, Roy's, and others, came before the Council and requested that the Taxicab Ordinance be amended so as to provide for an increase in the minimum fare from 20¢ to 25¢, to enable them to meet the rise in prices and taxes.

Following a discussion of the matter, it was the sense of the Council that the aforesaid request be not granted, and that any increase in fares at the present time would have to be inaugurated by the taxicab companies themselves, as under the Ordinance they have the right to do.

Willie Ludwig, representing the Painters' Union, came before the Council and requested that the painting to be done at the City's Power House be given to organized labor. The matter was taken under advisement.

The following resolution was introduced by Councilman Alford:

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 EXPOSITION BOULEVARD from a point 27 feet north of Bowman Avenue to Greenlee Drive, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Exposition Boulevard.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (2) A gas main in GREENLEE DRIVE from Exposition Boulevard westerly 292 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 Greenlee Drive.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (3) A gas main in EAST 2ND STREET from Pedernales Street westerly 145 feet, the centerline of which gas main shall be 19 feet south of, and parallel to, the north property line of said East 2nd Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (4) A gas main in BOB HARRISON STREET from a point 45 feet west of San Bernard Street westerly 180 feet, the centerline of which gas main shall be 35 feet south of, and parallel to, the north property line of said Bob Harrison Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
- (5) A gas main in RED RIVER STREET from East 23rd Street to East $23\frac{1}{2}$ Street, the centerline of which gas main is 20 feet west of, and parallel to, the east property line of said Red River Street.
Said gas main described above shall have a covering 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 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 Alford, 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 Wolf:

WHEREAS, the City of Austin is the holder of the hereinafter described land and desires to construct and perpetually maintain a storm sewer in, upon and across said land; and

WHEREAS, for the purpose of making the location of said storm sewer definite and certain and for the further purpose of giving any future purchaser of said land from said City of Austin, or its successors or assigns, in the event the City of Austin should part with title to same, notice of the location of the hereinafter described storm sewer, and to make the easement granting same a covenant running with the land;

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

THAT a storm sewer be constructed in, upon, and across Lot 11, Block 14 of Broadacres, a subdivision of a portion of the George W. Spear League and being within the City of Austin, Travis County, Texas, according to a map or plat of said Broadacres of record in Book 3, at page 135, of the Plat Records of Travis County, Texas, which Lot 11, Block 14, and other property, was conveyed to the City of Austin by Sam G. McDonald and Lakeland Realty Corporation by deed dated March 8, 1941, being of record in Volume 665, at page 355, of the Deed Records of Travis County, Texas, the center line of said storm sewer to be constructed shall be four (4) feet north of, and parallel to, the south line of said Lot 11 and shall extend across the entire length of said lot.

BE IT FURTHER RESOLVED:

THAT the City of Austin reserves the right and same shall be a covenant running with the land should it be hereafter conveyed or sold by said City of Austin, or its successors or assigns, to hold said storm sewer perpetually, together with the rights and privileges at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said storm sewer and for making connection therewith, all upon the condition that said City of Austin, in the event it has parted title to said land, will at all times, after doing any work in connection with the construction or repair of said sanitary sewer, restore said premises to the condition in which same were found before said work was undertaken, and that in the use of said rights and privileges herein granted, the City of Austin will not create a nuisance or do any act that will be detrimental to said premises.

BE IT FURTHER RESOLVED:

THAT the City Clerk of the City of Austin is hereby authorized and directed to have a certified copy of this resolution duly recorded in the office of the County Clerk of Travis County, Texas.

Upon motion of Councilman Wolf, 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 Wolf:

WHEREAS, heretofore, by dedication of a plat recorded in Volume 4, page 146-147 of the Deed Records of Travis County, Texas, easements for the construction and maintenance of utility guy wires were dedicated and granted to the City of Austin over certain areas in Tarrytown Oaks Addition to the City of Austin, including the areas hereinafter described; and

WHEREAS, it has become apparent that the City of Austin does not now need or desire said easements insofar as they pertain to the areas hereinafter described; therefore,

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

THAT the easements for the construction and maintenance of utility guy wires, so dedicated and granted, insofar as they pertain to the north 20 feet of the south 25 feet of the west 3 feet of Lot 59 and the north 20 feet of the south 25 feet of the east 3 feet of Lot 60, both in Tarrytown Oaks Addition to the City of Austin, Travis County, Texas, be and they are hereby perpetually vacated, and the City Manager is hereby authorized and directed to release and quitclaim, in the name of the City of Austin, to the respective owners of said Lots 59 and 60, and their respective heirs and assigns, all the right, title, interest, claim and demand of the City of Austin in and to said easements for utility guy wires insofar as they pertain to those portions of said lots, respectively, which portions are above described.

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

The City Manager submitted the following tabulation of bids received for the sale of the house and garage at 1523 Parkway:

"Austin, Texas
September 26, 1941

Memorandum to Mr. Morgan:

The bids received September 24, 1941, for the house and garage at 1523 Parkway were as follows:

	<u>House</u>	<u>Garage</u>
Maurine and Ada Maud Owens -	\$1205.00	-0-
Bryant F. Collins	1100.00	\$ 30.00
John A. Joseph	902.00	-0-
A. C. Bryant	821.00	-0-
O. L. Spurlin	600.00	\$ 61.00
D. D. Godwin	575.00	28.00
C. M. Doncho	350.00	-0-
R. Pearson	-0-	\$ 20.00

As shown above, the high bid for the house would be that of Misses Maurine and Ada Maud Owens and high bid for the garage that of O. L. Spurlin. However, Mr. Spurlin has a notation in his bid that he does not want the garage without the house. The next high bidder on the garage is Bryant F. Collins.

I recommend that the two high bids be accepted.

Yours very truly,

(Signed) J. E. Motheral
City Engineer.

Councilman Wolf moved that the bid of Maurine and Ada Maud Owens, in the amount of \$1205.00, for the house at 1523 Parkway, be accepted as the highest and best bid, in accordance with the recommendations of the City Manager and the City Engineer. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was the sense of the meeting that action be deferred on the bids for the garage.

Councilman Alford moved that the application of William Don Hughes, 505 East 11th Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Rudolph Lorentz Engbloom, 1300 Willow Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Herbert Emil Spiegelhauer, 5410 Woodrow Avenue, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Willie D. Overton, 2507 Diaz Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Ohlen Franklin Reeder, 2418 Fredericksburg Road, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew moved that the following applications for private boat licenses 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>
Bohls, D. W. - 4309 ¹ / ₂ Avenue F	Home-made, Row Boat, New, 4-passenger
Furr, M. R. - 3509 Wabash Avenue	Canoe, Home-made, 1940 Model, Evenrude, 2-passenger

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE TO PREVENT THE ABUSE OF CHARITY IN THE CITY OF AUSTIN; REGULATING THE SOLICITATION FOR ADVERTISEMENTS AND SUBSCRIPTIONS; REGULATING THE SOLICITATING OF FUNDS AND THE RAISING OF CONTRIBUTIONS OVER THE TELEPHONE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH BUT MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES EXCEPT IN CASE OF IRRECONCILABLE CONFLICT; DEFINING THE WORD "PERSON"; PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and laid over.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Gertrude Rowe for the year 1940, on 92' x 128', Outlot 20, Division "E", in the City of Austin, Travis County, Texas, said taxes being for the sum of \$195.68; and for non-payment of same at maturity, penalty in the sum of \$9.78 has been assessed, and interest in the sum of \$5.69, making the total amount of taxes, penalty and interest \$211.15; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$9.78; therefore,

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

THAT the aforesaid penalty in the sum of \$9.78 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 \$9.78 off

his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the interest, as aforesaid.

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 recessed at 11:25 A. M., subject to call of the Mayor.

Approved Tom Miller
Mayor

Attest:

Halle M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 2, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 2, 1941, at 10:30 A. M., 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 regular meeting of September 26, 1941, 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 report of the Board of Adjustment was received:

"Austin, Texas
October 1, 1941

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on September 25, 1941, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Miss Hannie E. Dawson, et al., property owner on Fredericksburg Road, requesting a change in the Use designation of the following described property:

All property fronting on Fredericksburg Road between
Gibson Street and Treadwell Street

from "C" Commercial and First Height and Area District to "A" Residence and First Height and Area District; and

WHEREAS, on September 25, 1941, the Board of Adjustment held a public hearing on the