

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 16, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 16, 1941, at 10:40 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 October 9, 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 resolution was introduced:

(RESOLUTION)

Statement

The City Council of the City of Austin has been notified by the Lower Colorado River Authority that the Authority is negotiating with representatives of the United States Government and representatives of private interests for the location, probably within ten miles of the City of Austin, of a large industrial plant for the processing and production of magnesium, a highly important commodity in the National Defense Program.

The Authority has informed the City that it has tentatively agreed to furnish electric power and energy for such a plant, but must do so in compliance with and subject to the provisions of a lease and agreement dated February 5, 1938, entered into by and between the City of Austin and the Authority, under the terms of which the Authority may not distribute or sell power or electric energy within the limits of the City of Austin or within the zone lying within ten miles of the corporate limits of the City, except in certain instances requiring a waiver on the part of the City of Austin of its right to sell and distribute electric energy and power within such zone.

With its vast generating capacity, the Lower Colorado River Authority is fully equipped to furnish adequate power and energy for the operation of such a plant, and it is deemed advisable and beneficial, not only to the City of Austin, but to the Nation as well, that every aid be given to the location, development and operation of such a plant because of its importance in the National Defense Program and its permanent value to the prosperity and security of the country as a whole, and to assist the Authority in its commendable endeavor to bring to this area valuable industry and key projects for the safety of the American people; therefore,

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

That the City of Austin will, pursuant to appropriate formal requests in accordance with the terms of the contract of February 5, 1938, waive the City's right to distribute and sell power and electric energy to the proposed magnesium plant, in the event such plant should be located within ten miles of the corporate limits of the City, and in waiving its right to sell such power and energy, the City of Austin will willingly yield to the Lower Colorado River Authority the right to sell and distribute electric energy and power to the proposed magnesium processing plant within the ten mile zone described in such contract.

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

Councilman Alford moved that the application of Ivan Lee Harris, 209 East 13th Street, for a taxicab license 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.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (a) 114.06 ACRES OF LAND OUT OF THE D. J. GILBERT SURVEY, THE JAMES P. DAVIS SURVEY AND THE GEO. W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, BEING FURTHER IDENTIFIED AS THE AUSTIN MEMORIAL PARK PROPERTY CONVEYED TO THE CITY OF AUSTIN BY E. P. GRAVENS AND OTHERS BY DEED DATED MAY 27, 1941; (b) 148 ACRES OF LAND OUT OF THE WILKINSON SPARKS SURVEY AND THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, BEING SEPARATE TRACTS OF LAND OWNED BY THE CITY OF AUSTIN AND THE UNIVERSITY OF TEXAS, THE CITY PROPERTY HAVING BEEN ACQUIRED FROM EMMETT SHELTON BY TWO SEPARATE DEEDS, AND THE UNIVERSITY OF TEXAS PROPERTY HAVING BEEN CONVEYED TO THE UNIVERSITY BY GEORGE W. BRACKENRIDGE BY DEED DATED JUNE 17, 1910; AND (c) ALL THAT LAND AND PROPERTY KNOWN AS THE LAKE AUSTIN METROPOLITAN PARK SITUATED ON THE NORTH BANK OF THE COLORADO RIVER ABOUT SEVEN MILES ABOVE THE TOM MILLER DAM, ALL OF WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE BODY OF THIS ORDINANCE, AND WHICH SAID ADDITIONAL TERRITORY IN EACH INSTANCE LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

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

The Mayor then announced that the ordinance had been finally passed.

The following resolution was introduced by Councilman Wolf:

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 southeast corner of the intersection of East 1st Street and Navasota Street, which property is known as a portion of Lot 1, Block 1, Outlet 34, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Raymond Johnson to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways 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 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 Raymond Johnson has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

Austin, Texas
October 16, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Raymond Johnson for permission to construct, maintain and operate a drive-in gasoline filling station upon property owned by the applicant, which property is situated at the southeast corner of the intersection of East 1st Street and Navasota Street, being known as Lot 1, Block 1, Outlet 34, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be built is designated as "C" Commercial District, as shown upon the Zoning maps of the City of Austin.

Storm water drainage facilities do not exist adjacent to this property, therefore it will be necessary to construct a storm sewer drain from the filling station to the nearest City storm sewer or to construct a seep well upon the property of the applicant into which waste oil and floor washing

water from the filling station may be drained.

We recommend that Raymond Johnson be granted permission to construct, maintain and operate a drive-in gasoline filling station and to build curbs, sidewalks and driveways in conjunction therewith upon the above described property 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 City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department 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 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.

(3) That the grades of the station shall be such that no waste oils or water 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 at the expense of the applicant, or shall be concentrated into a seep well located upon the property of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) All filling station improvements, pumps, 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 City Engineer's file Number 2-6-259.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-6-259, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Signed) J. E. Motheral
City Engineer

" J. C. Eckert
Building Inspector. "

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 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 SALINA STREET from a point 544 feet south of Rosewood Avenue southerly 48 feet, the centerline of which gas main shall be 6½ feet west of, and parallel to, the east property line of said Salina Street.

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

(2) A gas main in DANCY STREET from East 32nd Street northerly 404 feet, the centerline of which gas main shall be 7½ feet east of, and parallel to, the west property line of said Dancy Street.

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

(3) A gas main in NEWTON STREET from Milton Street southerly 187 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said Newton Street.

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

(4) A gas main in RABB GLENN STREET from Ann Arbor Avenue easterly 150 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said Rabb Glenn Street.

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

(5) A gas main in LEONA STREET from a point 125 feet north of East 12th Street northerly 64 feet, the centerline of which gas main shall be 18 feet west of, and parallel to, the east property line of said Leona 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 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:

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

THAT the City Manager be, and he is hereby, authorized, in consideration of the payment to the City of Austin of Four Hundred Dollars (\$400.00) cash by Emil Barbier, a bachelor, of Travis County, Texas, to execute a special warranty deed of conveyance, conveying to the said Emil Barbier, free of all taxes owing or to become owing to the City of Austin for the current year and all the prior years, but subject to any taxes which may be owing to taxing units other than the City of Austin, and any claims resulting therefrom the following described property, situated in Travis County, Texas, to wit:

Lots 8, 9, 10, and 11, in Block "E", of the J.E. Bouldin Addition to the City of Austin.

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, at Sheriff's sale, made by virtue of an order of sale issued under a judgment of foreclosure of the City's tax lien against the property hereinafter described, the City of Austin purchased the following described property situated in the City of Austin, in Travis County, Texas, to wit:

Lots 8, 9, 10, and 11, in Block "E", of the J. E. Bouldin Addition to the City of Austin;

and

WHEREAS, the period provided by law for the redemption of such property has expired, and the records of the Tax Assessor and Collector reflect that taxes, penalty, and interest are now owing to the City of Austin on such property; and

WHEREAS, said property has been sold by the City of Austin, free of all taxes owing or to become owing to the City of Austin for the current year, and all prior years, to Emil Barbier, of Travis County, Texas, for a consideration of \$400.00; now, therefore,

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

THAT the City Tax Assessor and Collector be, and he is hereby, authorized and directed to have all said taxes, penalty, and interest against the property hereinabove described, for the current year and all prior years, charged off his rolls, upon the payment of the consideration above recited; to pay out of such consideration all court costs which may be due by reason of the judgment and Sheriff's sale above mentioned; and to issue to said purchaser a tax certificate showing such property to be free of all taxes up to and including the current year.

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:

WHEREAS, City of Austin taxes were assessed in the name of Dewey Morris for the years 1919 through 1941, on Lot 9, Block D, J. E. Bouldin Addition to the City of Austin, Travis County, Texas, said taxes being for the sum of \$73.50; and for non-payment of same at maturity, penalty in the sum of \$3.48 has been assessed, and interest in the sum of \$43.05 has accrued, making the total amount of taxes, penalty and interest \$120.03; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$3.48, and one-half of the interest in the sum of \$21.55; therefore,

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

THAT the aforesaid penalty in the sum of \$3.48 and one-half of the interest in the sum of \$21.55, are 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 \$3.48 and one-half of the interest in the sum of \$21.55 off his rolls, and to issue to the party entitled to receive the same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

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 Mrs. J. B. Moore, for the years 1939 and 1940, on Lot 5, Outlot 21, Division "E", and a 1936 Chevrolet Sedan, all in the City of Austin, Travis County, Texas, said taxes being for the sum of \$242.57; and for non-payment of same at maturity, penalty in the sum of \$12.12 has been assessed, and interest in the sum of \$13.93 has accrued, making the total amount of taxes, penalty and interest \$268.62; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.12; therefore,

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

THAT the aforesaid penalty in the sum of \$12.12 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 \$12.12 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.

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

Councilman Alford nominated O. P. Bonner as Clerk of the Corporation Court, to succeed Fred A. Griffith, resigned; such appointment to become effective October 22, 1941. The nomination was seconded by Councilman Gillis, and the same was confirmed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford then moved that the thanks of the City Council be extended to the said Fred A. Griffith for his services as Clerk of the Corporation Court. The motion was seconded by

Councilman Gillis, and the same prevailed 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 11:10 A. M., subject to call of the Mayor.

Approved Tom Miller
Mayor

Attest:
Wallis M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 23, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 23, 1941, at 11:15 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 October 16, 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; nays, none.

Councilman Alford 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>
Brown, T. Nelson - 2505 Bridle Path	Home-made, Sail, New, Cat. 2-passenger
Simms, Walter E. Jr.- 405 East 7th Street	Home-made, Inboard, 1937 Model, "Judy", Star, 6-passenger
Shriver, J. W. - 1416 Newfield Lane,	Dixie, Clinker, Outboard, 1939 Model, "Shriver Special", Johnson, 6-passenger
Sturdivant, Richard-1007 West 5th Street	Home-made, Outboard, 1941 Model, "Fee Wee", Evinrude, 1-passenger

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

Councilman Alford moved that the following application for a commercial boat license 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>
Arnold, Jim - Route 2, Box 156	Home-made, Outboard, one year, Johnston, 7-passenger

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