

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 17, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, December 17, 1942, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Acting City Manager Seaholm, Acting City Attorney Randle, City Engineer Motheral, and Chief of Police Thorp.

The Minutes of the regular meeting of December 10, 1942, were read, and upon motion of Councilman Alford were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The appeal of Lacy James Crenshaw, colored, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. No action was taken.

The appeal of Ellis Powell, by Ayres K. Ross, as spokesman, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. It was moved by Councilman Gillis that, upon the recommendation of Chief of Police Thorp, the said Ellis Powell be granted a probationary permit for a period of thirty days. The motion lost by the following vote: "ayes," Councilman Gillis; "nays," Councilmen Alford and Bartholomew; present but not voting, Mayor Miller.

Mesdames Farley and Sloan, representing the Patriotic Mothers Service, submitted a request for free water and light service at their rummage shop. It was the sense of the meeting that said organization be granted a half rate, the same as other patriotic organizations doing war work.

The application of James Gordon Cox, Route 2, Box 420K, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Ernest William Becker, 1506 Hether Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of George Knox, colored, 2202 Pennsylvania Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Ernest Alvin Barnard, 1003 West 14th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Edward Bell, colored, 2002 East 9th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of John Wesley Canon, 2003 Bergman Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Fred Oliver Jones, colored, 1021½ East 11th Street, for a license to operate as a taxicab a 1939 Model Deluxe Ford, Motor No. 4877947, State License No. F67-676, duly approved by the Acting City Manager, et al., conditioned upon applicant's rendering such vehicle for 1942 taxes, was submitted. Councilman Bartholomew moved that the application be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of George Knox, colored, 1021½ East 11th Street, for a license to operate as a taxicab a 1939 Model Buick, Motor No. 43698295, State License No. N19-397, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Emmett Jackson, colored, 1709 East 12th Street, for a license to operate as a taxicab a 1937 Model La Salle Sedan, Title No. 726797, Motor No. 2245414, State License No. 51-440, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

(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:

A gas main in CASWELL AVENUE from a point 174 feet south of East 51st Street southerly 100 feet, the centerline of which gas main shall be 15 feet west of, and parallel to, the east property line of Caswell Avenue.

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, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis introduced the following resolution:

(RESOLUTION)

WHEREAS, Pitts Ice Company, acting by and through W. L. Rankins, owner of Lot 10, Block 1 of Riverside Addition, which property is situated at the southwest corner of the intersection of Chalmers Avenue and East 1st Street within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Chalmers Avenue adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-0-955, and made a part hereof; 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 the Pitts Ice Company, acting by and through W. L. Rankins, owner of Lot 10, Block 1 of Riverside Addition, which property is situated at the southwest corner of the intersection of Chalmers Avenue and East 1st Street within the City of Austin, Travis County, Texas, is hereby permitted to construct a commercial driveway across the west sidewalk area of Chalmers Avenue 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 2-0-955, which plan is hereby attached and 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, and Mayor Miller; "nays," none; Councilman Wolf absent.

A. T. Knies, Chairman of the Austin Defense Recreation Council, presented an invitation to the City Council and the Acting City Manager to attend the Christmas party to be held at the Recreation Center in the Driskill Hotel on Saturday, December 19, at 7:00 P. M., the Mayor to make a short address, and the Acting City Manager to turn on the Christmas lights. The invitation was received with thanks.

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

APPROVED:

Tom Miller.
MAYOR

ATTEST:

Helen M. Keller
CITY CLERK

NIGHT SESSION OF THE CITY COUNCIL:

December 17, 1942

The City Council reconvened at 7:30 P. M., in the Council Chamber at the Municipal Building, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Bartholomew, Gillis, and Mayor Miller; absent, Councilmen Alford and Wolf.

There were present also: Acting City Manager Seaholm; Acting City Attorney Randle; Acting City Health Officer Wood; and a large delegation of citizens, composed of Mrs. G. B. Ballerstedt, President of the Council of Presidents of the Parent-Teacher Associations, representatives from the Winn, Pease, Robt. E. Lee, and University Junior High School Parent-Teacher Associations; the American Association of University Women; the milk and ice cream dealers; and others.

The Mayor stated that the meeting was called for a general discussion on the milk situation; and the recent action of the City Council authorizing the sale of Grade Three milk, and repealing the provision of the Milk Ordinance that requires the use of Grade A milk in the manufacture of ice cream. He then contrasted conditions at the time the Milk Ordinance was passed in 1937, when the supply was plentiful, with the present acute shortage; and further declared that the recommendation for Grade Three milk had come from the health authorities and not from the City Council, the Council having agreed, however, to furnish such additional inspectors as may be needed in this connection.

The meeting was then thrown open for discussion, which was, substantially, as follows:

Mesdames Tom Johnson and Marion Fowler stated that their principal concern was proper pasteurization, having been informed that some of the pasteurization plants have dilapidated equipment and cannot insure the purity of milk going into the manufacture of ice cream.

In reply to the foregoing statement, Dr. Harold Wood, Acting City Health Officer, declared that in the manufacture of ice cream, in order to obtain a good mix, the milk has to be pasteurized at such a high temperature that no disease-producing bacteria can survive, and that it is then kept below freezing at all times so that no bacteria can reproduce itself.

Taylor Glass, milk and ice cream dealer, declared that the pasteurization equipment in Austin is equal to any in the State; that canned milk is ungraded milk; that butter is not made from Grade A milk, but from ungraded milk; and that much of the cheese is not even pasteurized.

At this point, the Mayor brought up the matter of a case recently filed in a Justice Court by a State inspector for violation of the Milk Ordinance, and declared that he, the Mayor, had asked for its dismissal on the ground that it was unfair to prosecute one man for a violation that was being committed by others; that he then called a meeting of the milk and ice cream dealers and put them on notice that any violation hereafter would bring such a severe penalty they could not continue to operate under it.

Dr. O. T. Williams, Professor of Bacteriology of the University of Texas, stated that ungraded milk is milk produced without the equipment required for graded dairies, but that it is as safe as either Grades A or B, and that proper pasteurization kills all disease-producing bacteria and does not diminish its wholesomeness either; that it cannot be claimed that any milk is absolutely safe, as contamination has been traced to Grade A milk, and also to certified milk. He further declared that pasteurized milk is absolutely safe for ice cream. When asked if he would recommend that the sale of ice cream to the schools be stopped, replied that from the standpoint of safety, he would not; but that from the standpoint of food value, he might, as the nutritional content might be so lowered as to justify it. He declared further that pasteurization instead of cleanliness was not being advocated by any of the dairymen, Dr. Wood, or him, and that, in his opinion, ungraded, pasteurized milk is as safe as graded milk.

Mr. Caldwell, representing Heep's Dairies, pointed out that all milk dealers are getting double inspection now - by the Army and by the City.

Dr. V. M. Ehlers, State Sanitary Engineer, declared that the program being carried out was sound; that improvements could be made, but that there was a limit now to the money that could be put into production lines. He disagreed with the statement made that disease cannot be contracted from ice cream, and cited the records of the State Health Department as proof. He quoted the Standard Milk Ordinance as stressing the safe-guarding of production, forty per cent of the milk consumed being raw milk. He declared that Austin has A-1 inspectors and excellent pasteurization plants, with the exception of one, which is needing repairs badly and which the Parent-Teacher Association, he declared, can assist in getting these necessary repairs by sending a petition to the War Production Board for priority on materials. He further stated that the Surgeon General of the United States Army had notified the various State Health Departments that in order to increase the Nation's milk supply to meet the demand a second grade of milk would have to be used; that that grade is Grade Three that the City Health Officer has recommended, and which is really Grade A except for the equipment used in its production. He then asked the cooperation of the local Parent-Teacher Association in his state-wide program (1) to get more milk produced by encouraging the farmers; (2) to get more inspectors, not only in Austin, but also in other towns; (3) to increase the production of milk in Texas and get more inspectors over the State to keep a closer check on pasteurization plants; (4) to send a petition to the War Production Board for priority on materials for repairing this dilapidated plant in Austin; and (5) to train men to fill the gaps at the pasteurization plants.

The Mayor further declared that the dairymen had offered to pay half of the salary of inspectors for the pasteurization plants, and that whenever the Acting City Health Officer requests the City Manager for an appropriation for this purpose, the City Council will vote it.

Following the discussion, in which everybody was given an opportunity to participate, it appeared to be the consensus of opinion of those present that the action of the City Council relative to the milk problem be approved.

Upon motion, seconded and carried, the meeting was recessed at 10:30 P. M.

APPROVED

Tom Miller
MAYOR

ATTEST:

William M. Keller
CITY CLERK

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, December 23, 1942

The City Council convened in recessed meeting, at the regular meeting place in the Council Chamber at the Municipal Building, on Wednesday, December 23, 1942, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: W. E. Seaholm, Acting City Manager; Gibson R. Randle, Acting City Attorney; and R. D. Thorp, Chief of Police.

Mrs. F. R. Arnham, representing the Owl Taxicab Company, came before the Council and requested that, as a means of conserving tires and gasoline, and in line with the recommendations of the Office of Defense Transportation, enforcement of those certain provisions of the Taxicab Ordinance which prohibit the taking on of passengers except through calls received at the terminals, and from more than one address on any one call, be suspended for the duration of the war. The matter was taken under advisement for discussion with the Police Department and a probable public hearing.

In compliance with request submitted by Messrs. John Harrison, President, and Horace Barnhart, Secretary, respectively, of the Retail Merchants Association, Council indorsed the movement to designate Saturday, December 26, as MAROON DAY, in honor of the Austin High School football team.

The appeal of Gus Witcher Riffe, by Ayres K. Ross, spokesman, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. It was moved by Councilman Alford that the said Gus Witcher Riffe be granted a probationary taxicab driver's permit to February 1, 1943, with the stipulation that he report to the Chief of Police. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The appeal of Ellis Powell, by Ayres K. Ross, spokesman, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. It was moved by Councilman Alford that the said Ellis Powell be granted a probationary taxicab driver's permit to February 1, 1943, with the stipulation that he report to the Chief of Police. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The appeal of Vernon Lee McConico on his application for a taxicab driver's permit, which had been recommended for denial, was heard. No action was taken on the matter.

The appeal of Lacy James Crenshaw on his application for a taxicab driver's permit, which had been recommended for denial, was heard. No action was taken on the matter.

The application of James Robert Ledbetter for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Gillis moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Bert Ross for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Gillis moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Clifton Ray Burd for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Gillis moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Fred G. Jones, colored, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Gillis moved that the application be granted.

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

The application of A. C. Franklin, colored, for a taxicab driver's permit, which had been duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Ben H. Williams, colored, for a taxicab driver's permit, which had been duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Elmer Terrell, colored, for a taxicab driver's permit, which had been duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The appeal of Daniel W. Byars on his application for a taxicab driver's permit, which had been recommended for denial, was heard. It was moved by Councilman Alford that the said Daniel W. Byars be granted a probationary permit to February 1, 1943, with the stipulation that he report to the Chief of Police. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew:

(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 GUADALUPE STREET one foot south of West 5th Street Alley northerly 1.5 feet, the centerline of which gas main shall be 1 foot east of, and parallel to, the west property line of said Guadalupe Street.

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

- (2) A gas main in WEST 5TH STREET ALLEY, Guadalupe Street west 20 feet, the centerline of which gas main shall be 1/2 foot north of and parallel to the south property line of said West 5th Street Alley.

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

- (3) A gas main across WEST 5TH STREET ALLEY at a point 20 feet west of , and parallel to, the west property line of Guadalupe Street.

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

- (4) A gas main in WEST 5TH STREET ALLEY from a point 20 feet west of Guadalupe Street westerly 138 feet, the centerline of which gas main shall be 1/2 foot south of, and parallel to, the north property line of said West 5th Street Alley.

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

In accordance with published notice thereof, the public hearing on the tentative budget of the City of Austin for the year 1943 was duly opened at 11:00 A. M. No taxpayer or other interested citizen appeared to participate in such hearing.

T. B. Warden, Assistant Coordinator for Defense Activities, submitted his report on the Scrap Metal Drive, showing total collections amounting to \$4,178.89; \$2,460 of said amount to be apportioned to the War Recreation Council, and the remainder to the public schools.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Lillian M. Keller
CITY CLERK