

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 23, 1945

11:00 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Gillis, Mayor Miller - 3
Absent : Councilmen Alford and Wolf - 2

Present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

Upon motion, the reading of the minutes was dispensed with.

Mrs. May Yelderman, Attorney for Kathryn Terrell, appeared before the Council relative to her client's application for transfer, to her, of the taxicab license issued to Kermit Terrell, covering a 1941 Chevrolet automobile, State License (1942) No. N-21129, Motor No. AA802959, recommended for approval by the Acting City Manager. Councilman Bartholomew moved that the application be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Alford and Wolf

Mr. Chas. Thomas came before the Council and submitted an offer to sell the City the property at 410 West Avenue, for a consideration of \$12,000.00. The matter was referred to the Acting City Manager and the City Engineer for investigation, and Mr. Thomas was advised that he would be notified by Monday next whether or not his offer would be accepted.

A letter from the Austin Bros. Circus, by Harry A. Hammill, asking permission for said circus to show in Austin for two days, to wit, March 30 and 31, was received. The matter was referred to the Acting City Manager for reply.

A letter from the Travis County Registered Hereford Breeders Association, by L. J. Struhall, Secretary, requesting that an Agricultural Exhibit Hall be included in the City's postwar expansion program, was received. The Acting City Manager was instructed to write said Association that the

matter would be referred to the City's Postwar Planning Commission for consideration.

Councilman Bartholomew offered the following resolution, and moved its adoption:

(RESOLUTION)

WHEREAS, the Texas Roadside Development Program, a citizens' organization sponsored and advised by the State Highway Department, has for the past several years undertaken to encourage the improvement of properties adjacent to the highways; and

WHEREAS, the State Highway Department of the State of Texas has in the past undertaken to improve and beautify the roadsides of the highway system and has had unstinted public approval and support in such effort; and

WHEREAS, when peace is restored and Texas men and women in the service return home, we hope to make our peace-time State more attractive to them and to ourselves; Now, Therefore,

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

THAT the Mayor of the City of Austin issue a Proclamation to the citizens of the City of Austin and Travis County, Texas, and to the Chambers of Commerce, garden clubs, and various civic organizations, to inaugurate the planting and propagation of a selected indigenous tree and/or flowering shrub in the yards of homes in towns and along the highways, on public building grounds, and at entrances to the towns and cities, so that each town in the county may be identified as a city of oleander, redbud, wisteria, etc., depending upon its own choice, and thus reflect a uniform and pleasing motif as a living honor to Texas men and women in the service.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

- Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilmen Alford and Wolf

The application of ALFRED WESLEY MESSICK, 1405-B Guadalupe Street, for a taxicab driver's permit, recommended for approval by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

- Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilmen Alford and Wolf

It was moved by Councilman Gillis that the recommendation of the Chief of Police that the taxicab driver's permit heretofore issued to JOYCE WILLIAM BAKER, 204 East 26 1/2 Street, be revoked, be approved, and the permit revoked. The motion carried by the following vote:

- Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilmen Alford and Wolf

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY, " WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 18, OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller
 Noes: None
 Absent: Councilmen Alford and Wolf

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

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, DEFINING CERTAIN WORDS AND PHRASES FOR THE PURPOSE OF THIS ORDINANCE; DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF AUSTIN; PROVIDING FOR THE INSTALLATION, OPERATION, MAINTENANCE, SUPERVISION, REGULATION AND CONTROL OF THE USE OF PARKING SPACES AND PARKING METERS AND THE INSTALLATION AND MAINTENANCE OF THE PARKING METERS; PROVIDING FOR THE

COLLECTION OF REGULATORY AND INSPECTION FEES FOR THE USE OF PARKING METERS AND PARKING SPACES AND PROVIDING FOR THE DEPOSIT OF SUCH RECEIPTS WITH THE CITY MANAGER; PROVIDING FOR THE METHOD AND PURPOSE OF DISBURSEMENT OF SUCH RECEIPTS IN THE CONTROL AND PROMOTION OF TRAFFIC SAFETY AND THE HANDLING OF TRAFFIC ON THE STREETS OF THE CITY OF AUSTIN; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING A SAVING CLAUSE FOR VALID PORTIONS OF THIS ORDINANCE AND DECLARING THE INTENT OF THE CITY COUNCIL AND THE MAYOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE BUT ONLY TO THE EXTENT OF SUCH INCONSISTENCY AND OTHERWISE MAKING THIS ORDINANCE CUMULATIVE OF OTHER REGULATIONS GOVERNING THE SUBJECT OF THIS ORDINANCE, AND DECLARING AN EMERGENCY; " WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281 TO 286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 5 (c) OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

The ordinance was read the second time and Councilman Bartholomew moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Merritt, Schaefer & Brown, acting by and through Frank Merritt, has presented to the City Council of the City of Austin a request for permission to construct, maintain, and operate a steam line, 3/4" to 1" in diameter, across Congress Avenue Alley at a location approximately 124 feet north of the north line of East 6th Street within the City of Austin, Travis County, Texas; and

WHEREAS, the City Engineer has recommended that said installation be approved and the City Council of the City of Austin has reviewed and considered said recommendation; therefore,

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

THAT Merritt, Schaefer & Brown, acting by and through Frank Merritt, be, and the same is hereby, permitted to install a steam line 3/4" to 1" in diameter across Congress Avenue Alley at a location approximately 124 feet north of the north line of East 6th Street within the City of Austin, Travis County, Texas.

The construction, maintenance and operation of the aforesaid steam line shall be carried out at the expense of the applicant and under the direction and supervision of the City Engineer of the City of Austin or his duly authorized representative, and shall be placed in a cast iron conduit, the minimum diameter of which conduit shall be 4" and shall be so constructed that said steam line may be repaired and maintained without ever disturbing any of the sidewalk area or alley pavement now in place, and in the acceptance of this permit said Merritt, Schaefer & Brown assumes all damages which may occur to public or private property by virtue of this steam line's being placed across Congress Avenue Alley at the location above described.

It is further understood that any damages whatsoever caused to existing utilities during the course of construction, maintenance, or operation of said steam line shall be paid by the applicant above named.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Alford and Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C. Alba is the Contractor for the demolition and erection of a building located at 715 Red River Street, and desires a portion of the sidewalk space abutting the south 33 feet of Lots 6, 7, and 8, Block 89, of the Original City of Austin, Travis County, Texas, during the demolition and erection 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 the space for the uses hereinabove enumerated be granted

to said C. Alba, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence at right angles to the centerline of Red River Street to a point 6 feet east of the east curb line of Red River Street; thence in a northerly direction and parallel with the centerline of said street approximately 33 feet to a point; thence in an easterly direction and at right angles to the centerline of Red River Street to the northwest corner of the above described property.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the south, west, and north lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

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

(3) That provisions 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 such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) 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 July 1, 1945.

(6) 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.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building purposes, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Bartholomew moved that, upon the recommendation of the Acting City Manager, the firm of COX & SHEFFIELD be re-employed for the year 1945 to make monthly audits of the City's books, at a salary of \$1725.00 per year. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 1, Page 94, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as the Davis and Dawson Subdivision of a portion of the Isaac Decker League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 13 feet in width and traverses Block 8 of said Davis and Dawson Subdivision, and being the alley 1/2 block south of, and parallel to, West Live Oak Street, and extending from South 3rd Street to South 4th Street; and

WHEREAS, the owners of all the property abutting said alley between a point 231'-8" west of the west line of South 3rd Street and the east line of South 4th Street have requested the City Council of the City of Austin to close the above described portion of said alley; and

WHEREAS, said request 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 that portion of the alley in Block 8 of the Davis and Dawson Addition lying between a point 231'-8" west of the west line of South 3rd Street and the east line of South 4th Street be, and the same is hereby, permanently closed and vacated, except the City of Austin hereby retains the right to construct, maintain, operate and control all public utilities

in, upon, and across the above described portion of said alley.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilmen Alford and Wolf

Councilman Bartholomew offered the following resolution, and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has paid bonds amounting to \$413,500.00, together with matured interest coupons on its bonded debt, in the aggregate amount of \$227,458.75, as follows:

Year	Description	Bonds		Interest	Total
		Numbers	Amount	Coupons	
1910	School			\$ 1,000.00	\$ 1,000.00
1915	School	231-240	\$ 10,000.00	1,000.00	11,000.00
1915	Street, Bridge and Sewer	396-410	15,000.00	1,500.00	16,500.00
1915	Ridgetop School District			250.00	250.00
1916	Refunding	1037			
		1054-1065			
		1067-1092	39,000.00	5,438.75	44,438.75
1918	School	41-42	2,000.00	450.00	2,450.00
1918	Sewage Disposal Plant	126-130	2,500.00	1,875.00	4,375.00
1921	Hospital	19	1,000.00	720.00	1,720.00
1924	Incinerator	29-30	2,000.00	1,075.00	3,075.00
1924	School	127-136	10,000.00	18,500.00	28,500.00
1924	Water Filtration	138-148	11,000.00	7,925.00	18,925.00
1926	School	59-63	5,000.00	4,417.50	9,417.50
1928	Hospital	Jan. 1 36-38	3,000.00	2,720.00	5,720.00
1928	School	102-111	10,000.00	8,083.75	18,083.75
1928	Street Improvement	60-65	6,000.00	4,868.75	10,868.75
1928	Airport	26-27	2,000.00	2,200.00	4,200.00
1928	Fire Stations	26-27	2,000.00	2,030.00	4,030.00
1928	Parks and Playgrounds	26-27	2,000.00	2,197.50	4,197.50
1928	Hospital	Nov. 1		1,450.00	1,450.00
1928	Sanitary Sewer	16	1,000.00	425.00	1,425.00
1929	Street Improvement	5-1 158-173	16,000.00	19,356.25	35,356.25
1929	Sanitary Sewer	5-1 77-83	7,000.00	8,265.00	15,265.00
1929	Parks and Playgrounds	5-1 60-65	6,000.00	6,697.50	12,697.50
1929	Fire Stations	5-1 10	1,000.00	760.00	1,760.00
1929	Street Improvement	12-16 160-176	17,000.00	20,543.75	37,543.75
1929	Sanitary Sewer	12-16 49-53	5,000.00	5,890.00	10,890.00
1929	Parks and Playgrounds	12-16 42-45	4,000.00	5,035.00	9,035.00
1929	Abattoir	12-16 22-23	2,000.00	2,375.00	4,375.00
1931	Street Improvement	174-192	19,000.00	24,866.25	43,866.25
1931	Parks and Playgrounds	50-54	5,000.00	7,077.50	12,077.50
1931	Sanitary Sewer	26-28	3,000.00	3,491.25	6,491.25
1932	Library	34-37	4,000.00	5,750.00	9,750.00
1932	Fire Stations	12	1,000.00	1,925.00	2,925.00
1935	Public Market	23-25	3,000.00	2,060.00	5,060.00
1936	School	101-116	16,000.00	7,260.00	23,260.00
1936	Parks and Playgrounds	26-29	4,000.00	1,140.00	5,140.00
1937	Fire Stations	31--35	5,000.00	1,925.00	6,925.00

Year	Description	Bonds		Interest	Total
		Numbers	Amount	Coupons	
1938	School Refunding	26-30	\$ 5,000.00	\$ 1,200.00	\$ 6,200.00
1938	School	78-94	17,000.00	7,437.50	24,437.50
1939	School	62-77	16,000.00	6,585.00	22,585.00
1940	Hospital	56-74	19,000.00	7,602.50	26,602.50
1942	Airport	19-36	18,000.00	8,760.00	26,760.00
1934	Revenue - 4%	698			
		773-778			
		783-821	46,000.00	1,800.00	47,800.00
1936	Revenue - 3%	354-404	51,000.00	1,530.00	52,530.00
			<u>\$413,500.00</u>	<u>\$227,458.75</u>	<u>\$640,958.75</u>

and

WHEREAS, such payments of Bonds and Interest Coupons have been duly recorded on its bond registers and other books of account, and verified by the examination and audit of certified public accountants; therefore,

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

THAT the Acting City Manager be, and he is hereby, authorized and directed to destroy, or cause to be destroyed, by cremation in the City Incinerator, before witnesses, all such bonds and interest coupons having been fully recorded and verified as above stated.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hattie M. Keller
CITY CLERK