

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 20, 1945
11:00 A.M.

Council Chamber, City Hall

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

Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4
Absent : Councilman Wolf - 1

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

The reading of the minutes was dispensed with.

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the USE designation and the Height and Area designation of the following described property so as to change same to "D" Industrial District and Third Height and Area District, to-wit:

All the property not now zoned "D" Industrial and "E" Heavy Industrial lying in the area bounded on the north by Lyons Road, on the east by Springdale Road to East 5th Street, and the City limits from East 5th Street to East First Street, and on the west by Pleasant Valley Road,

was duly opened at the appointed hour.

A large number of property owners appeared to protest the change in zoning on the grounds that they were people of moderate incomes and had bought and built homes there thinking it would remain residential, and that a change to "D" Industrial would ruin the value of their property as such, and would compel them to sell out and move.

After a full and fair hearing, in which all present were given an opportunity to be heard, both for and against the proposed change, Mayor Miller declared that he thought the change was to all-embracing at this time and

should be made as specific demand for same arises, and moved that a rehearing on a change to "D" Industrial of the area from First to Fifth Streets only be called for October 11, at 11:00 A. M. The motion carried by the following vote:

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

A petition signed by residents of Govalle, submitted by H. M. Hornsby, Sr., asking for bus service for that locality, was received. The matter was referred to the City Manager, with instructions to notify the Austin Transit Company that the City wants that area given bus service.

The Mayor then declared that the City proposes to spend approximately \$90,000.00 for a sewer system for Govalle, and to build a playground there also.

Skinny Pryor, representing a number of patrons of Zilker Springs swimming pool, came before the Council and requested that the plans for the new bath house at Zilker Springs provide for at least twenty private dressing rooms. The matter was referred to the City Manager and the Engineers to grant the request if it can be economically done.

A petition signed by property owners adjacent to 1004-6-8 West 25 $\frac{1}{2}$ Street, protesting against the use of this property as a horse lot, submitted by Dr. Elizabeth Paterson, was received. The matter was referred to the City Manager to see that the zoning regulations are enforced.

Messrs. Joe Carrington and A. E. Dickey, representing the Wholesale Milk Producers Association, came before the Council and protested against the bringing of recombined milk into Austin to relieve the present shortage of milk, declaring that no emergency exists. Dr. J. M. Coleman, City Health Officer, was present also and declared that he objected to the sale of recombined milk except in case of an emergency, but that such emergency now exists. After considerable discussion, it was the sense of the Council that the matter be left entirely to the discretion of the City Health Officer.

A committee from the Travis County Water Control District No. 3, composed of J. P. Gibson, Attorney, and H. E. LITTLE and WALTER LINGO, came before the Council and asked for action on the proposal for the City to furnish water to said District. After considerable discussion, it was agreed that the City would lay the water line for the District in six months, or sooner, the District to pay the City the sum of Twenty Thousand Dollars (\$20,000.00) for same; and the matter was referred to the City Manager and the Engineers to work out the details.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, N. L. Schiller, M.D., has applied in writing for permission to erect a doctor's office and clinic for human beings on Lot 8, Block 177, of the Original City of Austin, Travis County, Texas, the same being on the southeast corner of the intersection of Nueces Street and West 15th Street, and since a number of doctors' offices and clinics are already established in this same neighborhood; therefore,

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

THAT permission for the erection and maintenance of a doctor's office and clinic for human beings only be granted to N. L. Schiller, M.D., with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.
2. That all setback regulations required in this zone be complied with in the erection of such building.

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

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

JNO. T. SMITH came before the Council and asked that the City Tax Assessor and Collector be authorized to sell certain lots on which taxes are delinquent at summary sale at the Court House door. The matter was referred to the City Attorney for legal opinion at the next regular meeting.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the alteration of a building located at 1009-1011 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lot 3, Block 123, of the Original City of Austin, Travis County, Texas, during the alteration 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 space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 16 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 42 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway,

the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within twenty-five feet of any corner street intersection.

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

(7) 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.

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

(9) 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 November 1, 1945.

(10) 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.

(11) 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.

(12) 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), 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 Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of VETERANS TAXI COMPANY, by Joseph D. Coss and Tony Carnation, for a taxicab terminal operator's license at 4107 Guadalupe Street, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

Councilman Alford offered the following resolution and moved its adoption:

(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 ARPDAL STREET from Paramount Avenue westerly 189 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 Arpdale Street.

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

- (2) A gas main in BRADWOOD ROAD from a point 154' west of Wrightwood Road east to Wrightwood Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Bradwood Road.

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

- (3) A gas main in NORTH STREET from a point 114' east of Burnet Road west to Burnet Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said North Street.

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

- (4) A gas main in BURNET ROAD from North Street north 65', the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel, to the east property line of said Burnet Road.

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

- (5) A gas main in EAST 9TH STREET from a point 35' west of Swenson Avenue easterly 488', the centerline of which gas main shall be 7' north of, and parallel to, the south property line of said East 9th Street.

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

- (6) A gas main in MEREDITH STREET from a point 57' east of Matthews Drive easterly 55', the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Meredith Street.

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

- (7) A gas main in CHESTNUT AVENUE from a point 66' north of East 13th Street northerly 83 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Chestnut Avenue.

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

- (8) A gas main in RAINY STREET from a point 214' south of River Street southerly 85', the centerline of which gas main shall be 19 feet east of, and parallel to, the west property line of said Rainey Street.

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

- (9) A gas main in NELRAY BOULEVARD across Georgetown Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Nelray Boulevard.

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

- (10) A gas main in GEORGETOWN ROAD from Nelray Boulevard north to the city limits, the centerline of which gas main shall be $5\frac{1}{2}$ feet west of, and parallel to, the east property line of said Georgetown Road.

Said gas main described above shall have a cover 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.

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

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

The application of STATE CAFE, 504 Trinity Street, by Bob LaForte, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of CLIFFORD VINCENT BALL, 902 West Live Oak Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of EARL ARMSTRONG, 3004 South 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of JAMES LELAND GREEN, 713 Kinney Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of KENNETH CLEARY HILL, Chalmers Court No. 3, Apartment #8,* duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

*for a taxicab driver's permit,

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

The application of CYRUS AUDRY JENNINGS, 128 East Hutchison Street, San Marcos, Texas, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of FRANK BENNETT MORGAN, 1511 Canterbury Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of BOBBIE WILLIAMS, 1210 Taylor Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of JULIA ALMA FOSTER, 300 Congress Avenue, for a license to operate as a taxicab a 1941 Model, Pontiac Sedan, Factory No. 6-762591, State License No. FR-7482, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

Councilman Bartholomew introduced the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the need has developed for the construction of certain bridges within the City of Austin to provide a safer means of increasing vehicular and pedestrian traffic; and

WHEREAS, certain funds were appropriated by the City Council of the City of Austin in the 1945 budget for the construction of these bridges; therefore,

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

THAT the City Manager be and is so directed to prepare the necessary plans and specifications and advertise for bids for the construction of the following bridges:

Bridge over Johnson Creek at Indian Trail;
 Bouldin Creek at Mary Street;
 Bouldin Creek at Riverside Drive;
 16th Street between Chestnut Avenue and Maple Avenue;
 North Loop Boulevard at Chesterfield.

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

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

Councilman Gillis introduced the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$9,000.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of construction of a bridge over Waller Creek at 45th Street.

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

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

Councilman Alford introduced the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$80,000.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of construction of sanitary sewer systems in various sections of the City, including the southeast, southwest, north, west, and east areas.

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

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

JOSEPH D. COSS and TONY CARNATION appeared before the Council and requested an additional taxicab terminal license, at a location to be selected by them. The City Manager was authorized to have the license issued if the application, when submitted, meets with his approval.

The following resolution was submitted:

(RESOLUTION)

WHEREAS, delinquent taxes on personal property have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Sam Attal	1940, 1943	\$ 16.34
George Bendetti	1938-1942, 1944	28.03
Jack Bierce	1937-1942, 1944	24.97

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
F. H. Burkland	1931-1932	\$ 2.98
Allen H. Burton	1940-1941-1943	4.78
C. G. Curtis, Jr.	1941-1943	25.28
Aaron Frank	1940-1944	17.59
I. Frank	1939-1943	353.06
C. A. Glenn	1940-1943	5.78
E. B. Gober	1939-1943-1942	51.80
N. A. Grady	1944	.23
Marvin Henderson Miller	1944	4.41
R. A. Sherman	1937-1939	12.01
Ace High Liquor Store	1939-1942	83.97
Martin Beaty	1934-1936	11.03
Elmer C. Bengston	1931-1939-1942-1944	40.92
Philip O. Bengston	1942-1944	18.19
Blue Cross Veterinary	1941-1944	10.02
George W. Boner, Jr.	1941-1944	4.91
Max Davis	1931-1934, 1942, 1944	60.66
Davis Tavern	1942, 1944	38.80
F. E. Driskill	1937-1944	43.06
Oscar Free	1940-1944	13.04
F. P. Gerling	1937-1939, 1941, 1942, 1944	26.80
W.T. Glasscock	1936-1939, 1944	14.08
Florentine Gomez	1929-1934, 1936-1938, 1941-1944	11.34
Chester Granville	1940-1941	15.33
J. D. Grubbs	1940-1942	21.17
Joe Guerrero	1939, 1940, 1942, 1943	17.55
Calvin D. Guthrie	1938-1944	19.63
Mrs. Helen Miles	1941-1943	35.94
Belle Pendelton	1944	2.38
Mrs. A. M. Pendleton	1944	10.01
San Antonio Music Co	1944	13.91
Dr. C. David Thomson	1941-1944	29.43
Andres Castanon	1941, 1942, 1944	11.69
Herbert Fletcher	1934, 1936-1938, 1941-1944	34.64
E. L. Gabatz	1941-1943	19.56
Chalmers Freeman	1935-1937, 1939-1944	24.85
J.W. Gibson	1941-1944	16.96
K.V. Patterson	1942-1944	41.26
Barney Allen	1944	3.45
C.M. Barfield	1936-1939, 1942, 1943	60.19
Gladys & C.M. Barfield	1942	6.92
Mrs. C.M. Barfield	1940-1941, 1943	20.61
George Coleman	1931, 1933-1937, 1939-1944	5.25
Gary Evans	1941-1944	31.08
Rex Forster	1940, 1941, 1943	18.25
Rosendo Galenda	1939, 1940, 1944	5.04
Thomas B. Gartman	1940, 1941, 1944	5.37
P.B. Gray	1940	.65
Pablo Gomez	1939, 1943, 1944	.89
E.M. Greathouse	1938, 1940, 1936, 1942, 1943	34.48
J.D. Gibson	1944	2.03
W.J. Gregory	1938, 1939, 1941, 1942	17.05
Gregory Bros. Furn. Co	1939-1942, 1944	31.38
Ralph W. Von Rosenberg	1937, 1942, 1944	.83
Ralph Ballard	1934, 1940-1944	9.65

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Beasley, John D.	1940	\$ 7.01
Clyde Bradshaw	1935, 1936	1.38
Christianson & Leberman	1942, 1944	44.73
Terrell Cook	1938, 1939, 1941, 1942	9.70
G.G. Edwards	1943, 1944	15.19
Harold Eitze	1939, 1941-1944	36.48
D.L. Elsner	1942-1944	31.48
Helen Fagerquist	1942, 1943	16.44
F.E. Gatliff	1941-1944	8.40
Billie Green	1939, 1940, 1942-1944	19.88
G.O. Green	1937-1940	4.65
Henry Grant	1931, 1933-1936	16.70
Mrs. L. O. Graham	1938-1941, 1944	8.06
Great Southern Life Ins. Co.	1942, 1943	14.75
Abe Moore	1944	2.39
John H. Whitis, Jr.	1941, 1942, 1943, 1944	14.65

and

WHEREAS, all of said payments have been made on an equitable basis of adjustment of such taxes by authority of the City Council of the City of Austin; now, therefore,

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

That the Tax Assessor and Collector of the City of Austin be, and he is hereby, ordered and directed to cancel all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Upon motion, duly seconded, the resolution was adopted by the following vote:

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

There being no further business, upon motion, seconded and carried, the meeting was recessed at 1:40 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller
 MAYOR

ATTEST:

Glenn M. Keller
 City Clerk