

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 19, 1945
10:50 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: Walter E. Seaholm, Acting City Manager; J.E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of April 12, 1945, were read, and on motion of Councilman Alford were adopted as read by the following vote:

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

On motion of Mayor Miller, a page of the minutes of this meeting was ordered set apart and dedicated to the memory of our deceased President, FRANKLIN DELANO ROOSEVELT; and the City Council arose as a body and stood for a moment in honor of his memory.

The application of the LITTLEFIELD COFFEE SHOP, 108 East 6th Street, for a beer license, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew 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 JAMES ELDIA HAIRE, Capitol Hotel, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew 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 PVT. SIDNEY G. BRADY, Bergstrom Field, for a taxicab

driver's permit, duly approved by the Acting 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 JESSE ALLEN SMITH, 1217 Barton Springs Road, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew 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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and the J. B. Clardy Construction Company entered into a contract and agreement, dated the 23rd day of June, 1944, wherein the J. B. Clardy Construction Company agreed to make certain alterations and third floor addition to the Nurses Home at Brackenridge Hospital, Austin, Travis County, Texas;

WHEREAS, said contract called for liquidated damages should the Contractor fail to comply with said provisions thereof.

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

THAT no right or cause of action for liquidated damages under said above mentioned contract has arisen, and that any right or cause of action which the City has, or may have, for liquidated damages under the terms and provisions of said contract is hereby waived.

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 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 CONCHO STREET from East 10th Street southerly 266 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Concho Street.

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

- (2) A gas main in EAST 17TH STREET from Singleton Avenue easterly 141 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 17th Street.

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

- (3) A gas main in EAST 11TH STREET from a point 103 feet west of Rector Street easterly 71 feet, the centerline of which gas main shall be 8 feet south of, and parallel to, the north property line of said East 11th Street.

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

- (4) A gas main in JEWELL STREET from a point 26 feet east of South 5th Street westerly 100 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 Jewell Street.

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

- (5) A gas main in CANTERBURY STREET from a point 31 feet west of Llano Street easterly 96 feet, the centerline of which gas main shall be 19 feet south of, and parallel to, the north property line of said Canterbury Street.

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the Texas State Guard be given permission to use the City Park bounded on the north by Fifth Street, on the east by Guadalupe Street, on the south by Fourth Street, and on the west by San Antonio Street, for the purpose of maneuvers on Sunday, May 20, 1945, from 9:00 A. M. to 12:00 M.

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

Lethea Fugles submitted an oral request for a change in zoning of the property at 1159 Waller Street from "A" Residence District to "B" Residence District. The matter was referred to the Board of Adjustment for consideration and recommendation.

The following resolution was submitted:

(RESOLUTION)

On this 19th day of April, 1945, came on for consideration by the City Council of the City of Austin the matter of the valuation of the improvements on Lots 5 and 6, Block 1, Bluebonnet Hills Division, Plat 124, in the City of Austin; and

It appearing to the City Council that the said improvements were excessively valued for taxation for the years 1941 through 1944 and that the value of said improvements should be revised and modified for said years as follows:

For the year 1941	- - Assessed Value - - - - -	\$11,230.00
	Revised Value - - - - -	9,160.00
For the year 1942	- - Assessed Value - - - - -	\$12,165.00
	Revised Value - - - - -	9,865.00
For the year 1943	- - Assessed value - - - - -	\$10,770.00
	Revised value - - - - -	8,000.00

For the year 1944	- -	Assessed Value	- -	\$10,770.00
	- -	Revised Value	- -	8,000.00

and

It further appearing to the City Council that the said lots and improvements thereon were assessed for taxes for the years 1941 through 1944 in the name of Louis John, said taxes for said years being in the amount of \$850.72, and for non-payment of same at maturity, penalty in the sum of \$32.60 has been assessed, and interest in the amount of \$82.34 has accrued, making the total amount of taxes, penalties and interest due \$965.66; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$32.60 and one-half of the interest in the sum of \$41.17; now, therefore,

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

1. THAT the valuation of the said improvements for taxes for the years 1941 through 1944 be and the same are hereby modified, revised and reduced to \$9,160.00 for the year 1941; \$9,865.00 for the year 1942; and \$8,000.00 for each of the years 1943 and 1944; and that the Tax Collector of the City of Austin receive the taxes on said improvements on said modified valuation of said improvements but without any modification of the value of said Lots 5 and 6.

2. THAT the aforesaid penalty in the sum of \$32.60 and one-half of the interest in the sum of \$41.17 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$32.60 and said interest in the sum of \$41.17 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest as aforesaid.

Upon motion, the foregoing resolution was adopted by the following vote:

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1942, 1943 and 1944 were assessed in the name of A. A. Mundt Estate on personal property and the E. part of Lots 2 and 3 (87' x 203.85'), Blk. 5, O.L. 11, Division "2", Raymond Plateau, in the City of Austin, Travis County, Texas, said taxes for said years being in the amount of \$73.79, and for non-payment of same at maturity, penalty in the sum of \$2.46 has been assessed, and interest in the amount of \$4.68 has accrued, making the total amount of taxes, penalty and interest due \$80.93; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$2.46 and one-half of the interest in the sum of \$2.34; therefore

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

THAT the aforesaid penalty in the sum of \$2.46 and one-half of the interest in the sum of \$2.34 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$2.46 and said interest in the sum of \$2.34 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid 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

Noes : None

Absent: Councilman Wolf

IN MEMORIAM

WITH LOVE, ADMIRATION AND RESPECT,
 THE CITY COUNCIL IN BEHALF OF THE
 PEOPLE OF AUSTIN DEDICATE THIS PAGE
 TO THE MEMORY OF OUR GREAT PRESIDENT,
 FRANKLIN DELANO ROOSEVELT.

There being no further business, upon motion, seconded and carried,
the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller.
MAYOR

ATTEST:

Hallie M. Keller
CITY CLERK