

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 6, 1946
10:50 A. M.

Council Chamber, City Hall

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

Roll call

Present: Councilmen Alford, Bartholomew, Mayor Miller and Councilman
Wolf
Absent: None

Present also were Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The Mayor offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an election was held in the City of Austin, Texas, on the 3rd day of June, 1946, pursuant to an order made and entered by the City Council on April 18, 1946, at which election there was submitted to the qualified voters of said City for their action thereon the names of candidates for nomination as Councilman to fill a vacancy in the City Council created by the resignation on March 7, 1946, of Simon Gillis, the candidates having previously filed as required by law being S. B. Price and Homer Thornberry; and

WHEREAS, the City Council of the City of Austin has this day canvassed the official returns of said election, as made and reported by the officers of said election, of the various voting wards of said City, and has found said returns to show the following results of said election:

<u>Ward</u>	<u>S. B. Price</u>	<u>Homer Thornberry</u>
East 1st	8	243
West 1st	14	141
West 2nd	10	57
2nd Ward - A	7	8
2nd Ward - B	5	31
2nd Ward - C	17	91
3rd Ward - A	10	58
3rd Ward - B	15	57
3rd Ward - C	29	118
4th Ward - A	7	96
4th Ward - B	21	117
4th Ward - C	15	80

Ward	S. B. Price	Homer Thornberry
4th Ward - D	11	41
4th Ward - E	7	25
4th Ward - F	7	28
5th Ward - A	9	38
5th Ward - B	14	58
6th Ward	7	26
6th Ward - A	0	12
7th Ward - A	8	20
7th Ward - B	4	38
Total	225	1383

Now, Therefore,

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

THAT as determined by said canvass of the returns of said election Homer Thornberry is declared to be the nominee of the qualified voters of the City of Austin to fill the vacancy in the City Council created by the resignation of Simon Gillis on March 7, 1946.

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

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, at an election held in the City of Austin on the 3rd day of June, 1946, Homer Thornberry, a citizen of Austin, was nominated by a majority vote of the qualified voters of the City of Austin, as Councilman to fill a vacancy in the City Council created by the resignation on March 7, 1946, of Simon Gillis; and

WHEREAS, the said Homer Thornberry is qualified to serve as a Councilman and a member of the City Council of the City of Austin in accordance with the provisions of Article IV and other pertinent portions of the Charter of the City of Austin; Now, Therefore,

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

THAT Homer Thornberry be nominated and elected a Councilman and a member of the City Council of the City of Austin, Texas, for the remainder of the unexpired term of Simon Gillis, who resigned the office of Councilman on March 7, 1946.

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

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

Thereupon Mayor Miller declared Homer Thornberry duly elected as a member of the City Council. The oath of office was then administered Councilman Thornberry by City Attorney O'Quinn.

Councilman Thornberry upon taking his seat as Councilman expressed his appreciation to the citizens of Austin for the confidence placed in him in electing him to the office of City Councilman, and pledged his cooperation to the City Council.

Councilman Thornberry then introduced the following resolution:

(RESOLUTION)

WHEREAS, after fifteen years of faithful and unselfish public service to the citizenship of Austin, the Honorable Simon Gillis has retired from the City Council of Austin; and

WHEREAS, his entire public and private life has been characterized by his rugged honesty and integrity, a zealous championship of the rights of the individual citizen, without concern for such citizen's station in life, and, above all, a rigid and fearless adherence to his great principles and ideals regardless of personal or political consequences; and

WHEREAS, the citizens of Austin are deeply indebted to Mr. Gillis for the valuable contributions he has made to the progress and upbuilding of this City; and

WHEREAS, his presence on the City Council will be sorely missed, Now, Therefore,

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

THAT the members of the City Council express to Simon Gillis on behalf of the citizens of Austin their love and affection for him, their lasting and heartfelt gratitude for his loyalty, devotion and tireless work in their behalf with the commendation, "Well done, thou good and faithful servant", and their wish for him and his loved ones health and happiness always; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr and Mrs Simon Gillis.

This resolution was adopted unanimously by a standing vote.

Judge Ben Powell was called on and he stated that he had known Councilman Thornberry for a number of years, in fact he had been a member of Judge Powell's law firm after graduation from law school, and he had found him to be a very fine young man in every respect, and a tireless worker and a young man with the courage of his convictions. Judge Powell stated that he believed Councilman Thornberry was the kind of young man that a city needs on its Council and that Austin was fortunate in having him.

The Mayor then stated that Councilman Alford was present for the first time in several months, his absence having been caused by a serious illness. The Mayor also said that Councilman Alford had served as an official of the City of Austin longer than anyone else.

Councilman Alford then left the meeting.

Dr. John Frederick appeared before the Council and stated that he was appearing in the interest of the "Air-Co-op", an organization composed of 150 students and members of the faculty of the University of Texas who had formed a co-operative flying group. This organization is vitally interested in flying and have planes which they have been housing at the Browning Airport but the lease on this airport has expired and the organization is compelled to find another place for the housing of their planes. Dr. Frederick wanted to know if the City would allow the "Air-Co-op" to place T-hangars on the Municipal Airport on a lease agreement plant, or would the City be willing to build the hangars and lease them to the Co-op. The Mayor instructed the City Manager and the Director of Public Works to investigate this request and make their recommendations to the Council as to how this problem could be worked out.

A representative of the Plumbers organization stated that he had been informed that the Council would discuss the amended Plumbing Ordinance. The City Attorney stated that he would probably have the ordinance ready for the next Council meeting.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Eugene McGuire, of Travis County, Texas, for the purchase by the City of gravel from a certain 198.21 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, being the same land described at Volume 382, Page 62, of the Deed Records of Travis County, Texas, to which reference is here made, which contract shall be substantially in accordance with the terms of the attached form of contract.

THAT the City Clerk be and she is hereby authorized and directed to place a copy of the contract attached hereto in the permanent files of her office together with the original of the executed contract, without the necessity of recording the contents of either of same in the Minutes of the City Council.

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

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

Councilman Bartholomew offered the following resolution and moved its adoption:
 (RESOLUTION)

WHEREAS, by virtue of judgments and orders of sale in Cause No. 13,459 and Cause No. 14,274, in the District Court of Travis County, Texas, the City of Austin acquired at tax sale the property hereafter described, and all taxes involved in said suits have long since been paid; Now, Therefore,

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

THAT Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized and directed in behalf of the City to execute a QUITCLAIM DEED to L. J. Leudecke, quitclaiming to the said L. J. Leudecke all right, title and interest of the City of Austin in Lots 3 and 4, Block 6, Glen Ridge Addition in the City of Austin, Travis County, Texas.

Motion prevailed by the following: Ayes: 4; Noes: None; Absent: Clm. Alford.

Mayor Miller 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 ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY RE-ENACTING ARTICLE III, SECTION 12-(b) OF SAID ORDINANCE RELATING TO THE LOCATION OF STOP SIGNS AND ADDING A NEW INTERSECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

Councilman Bartholomew 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 CONCORDIA AVENUE from East 37th Street westerly 50 feet, the centerline of which gas main shall be 12.5 feet south of and parallel to the north property line of said Concordia Avenue.

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

(2) A gas main in EAST THIRTY-SEVENTH STREET from Concordia Avenue northerly 533 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said East 37th 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 THIRTY-FOURTH STREET from Kern Ramble to Chestnut Avenue, the centerline of which gas main shall be one foot north of and parallel to the south property line of said East 34th Street.

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

(4) A gas main in CHESTNUT AVENUE from a point 143 feet south of East 34th Street north to Clarkson Avenue, the centerline of which gas main shall be 7.5 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.

(5) A gas main in CLARKSON AVENUE from Chestnut Avenue northerly 205 feet, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said Clarkson Avenue

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

(6) A gas main in WILLBERT ROAD from a point 40 feet south of East 40th Street northerly 83 feet, the centerline of which gas main shall be 17 feet south of and parallel to the east property line of said Willbert Road.

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

(7) A gas main in EAST FORTIETH STREET from a point 28 feet west of Willbert Road easterly 174 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north property line of said East 40th Street.

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

(8) A gas main in EAST FORTY-EIGHTH STREET from a point

308 feet west of Harmon Avenue westerly 165 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 48th Street.

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

(9) A gas main in AVENUE D from a point 46 feet south of West 46th Street northerly 276 feet, the centerline of which gas main shall be 12 feet east of and parallel to the west property line of said Avenue D.

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

(10) A gas main in WILSHIRE BOULEVARD from a point 71 feet east of Wildwood Road east of Lullwood Road, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Wilshire Boulevard.

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

(11) A gas main in LULLWOOD ROAD from Wilshire Boulevard to Ardenwood Road, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said Lullwood Road.

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

(12) A gas main in ARDENWOOD ROAD from Lullwood Road easterly 468 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Ardenwood Road.

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

(13) A gas main in WEST JAMES STREET from a point 204 feet west of Bouldin Avenue easterly 49 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West James Street.

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

(14) A gas main in DUVAL STREET from a point 165 feet north of East 48th Street northerly 94 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west property line of said Duval street.

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

(15) A gas main in TOWNES LANE from Exposition Boulevard westerly 208 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Townes Lane.

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

(16) A gas main in LORRAIN STREET from a point 5 feet north of West 10th Street northerly 147 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Lorrain Street.

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

(17) A gas main in WEST TWENTY-NINTH STREET from a point 68 feet east of Oakmont Boulevard westerly 64 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 29th 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 Department of Public Works 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 franchises granted to said company by the City of Austin.

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Cochran, Horace B.	4203 Guadalupe street
Milam, Lewis Bartley	815 West 5th street
Stalnaker, Guy Zoll	Route 2, Box 169

Councilman Bartholomew moved that these permits be granted. The motion was duly seconded and same prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

The application of Adam and Elija Cordova, owners of El Veterano Cafe, 805 $\frac{1}{2}$ East 6th street, for a beer and wine permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that this permit be granted, which motion was duly seconded and prevailed by the following vote:

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

The application of S. Kopel, owner of Paramount Liquor Store, 819-A Congress Avenue, for a liquor permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that this permit be granted, which motion was duly seconded and prevailed by the following vote:

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

The following applications for boat licenses, duly approved by the City Manager, were submitted:

Holman, B. J.	2504 Hartford Road
Homade, Inboard,	6 passengers
Hoover, W. D.	1708 Willow street
Home made, Inboard,	2 passengers
Smith, A. G.	P. O. Box 428
Home made, Inboard,	4 passengers
Walthal, S. E.	815 West 6th street
Century, Outboard,	6 passengers

Councilman Wolf moved that these permits be granted, which motion was duly seconded and prevailed by the following vote:

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of Four Thousand Four Hundred and Fifty Dollars (\$4,450.00) be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the salary of a full-time caretaker and for other expenses incident and necessary to the operation of the Lake Austin Municipal Park for the year 1946.

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

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

The matter of the traffic and needed regulations on South Congress Avenue was discussed and the City Manager stated that it would be necessary to make certain amendments to the Traffic Ordinance and that this will probably be

ready for the next Council meeting.

The Mayor stated that he would like to have the Council, as soon as possible, make a survey of the city and acquaint themselves with the work which the City is now doing and what will be necessary to be done as soon as possible.

Councilman Bartholomew offered the following resolution and moved its adoption:

(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>
Manuel Martinez	1938, 1939, 1941	\$ 9.97
R. S. Mayhall	1936	.23
C. R. Scales	1939 thru 1941	133.16
East Avenue Grocery	1942	10.07
Gray Cleaners	1939	8.00
C. C. Miles	1939 thru 1941	25.98
T. F. Walker	1942	10.83
John Williams	1942 thru 1944	7.17
University Barber Shop	1933, 1934, 1935	61.22
Milton L. Morris	1928, 1931 thru 1934, 36, 38, 40 & 41	45.61
Frank B. Crawford	1929, 31, 33, 34, 35, 38 & 44	63.01
Chester L. Kooch	1932 thru 35, 37, 38, 40, 41, 42 & 44	36.37
I. Lown	1937, 1942 & 1943	17.97
Anna Lown	1942 thru 1944	5.19
Independent Oil Co.	1944	24.33
J. C. Cordell	1943 and 1944	.38
Lee Cordell	1939 & 1944	1.32
A. C. Baldwin & Sons	1943 & 1944	785.88
Lewis Hawkins	1941	.90
C. L. Daniel	1942	9.57
Roy R. Hendrickson	1941 thru 1943	16.99
Jerome Sneed	1944	18.74
W. F. Savage	1936, 37, 39 thru 43	33.76
H. E. Schmidt	1937, 38, 39 & 43	18.62
Clarence Rapp	1939 thru 1943	31.74
Fleet Taylor	1943	3.19
Pauline Morgan Stanton	1939	2.93

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; 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 authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

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

Ayes: Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Alford

There being no further business, upon motion of Councilman Wolf, seconded by Councilman Thornberry, the meeting recessed, subject to the call of the Mayor, at 11:40 A. M.

APPROVED

Tom Miller

Mayor

ATTEST:

Helen M. Allen

City Clerk