

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 29, 1946
11:00 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf - 4

Absent : 1

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

The reading of the Minutes was dispensed with.

Mitchell Plummer, colored, representing the Negro Chamber of Commerce, came before the Council and asked for permission to have the "SHAFERS JUST FOR FUN SHOWS" show at Rosewood Park for the week of September 2-8.

Councilman Wolf moved that the request be granted, subject to compliance by said Shows with all regulations of the ordinance governing carnivals, and the furnishing of an indemnity bond to protect the City of Austin by reason such carnival's being held at Rosewood Park. The motion carried by the following vote:

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, at the request of the Board of Trustees of the Lutheran Concordia College, the City Council of the City of Austin on July 8, 1926, voted to designate as Concordia Avenue a fifty (50) foot street extending east from Red River Street to Cameron Road; and

WHEREAS, Concordia Avenue has been opened and used by the public only

from Cameron Road to the east boundary line of the Lewis Hancock tract consisting of approximately 27.11 acres; and

WHEREAS, no street has been acquired by the City of Austin dedicated or used, to extend Concordia Avenue from the eastern boundary of the Lewis Hancock tract to Red River Street; and

WHEREAS, the Lewis Hancock tract has been acquired by S. G. Garrett, who is undertaking to subdivide said Hancock property for the purpose of opening a subdivision in the City of Austin; and

WHEREAS, the said S. G. Garrett has requested that the designation of such street name be limited to the portion of said street opened and used as a public street; now, therefore,

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

That the public street designated Concordia Avenue be named and designated to the eastern limits only of the Lewis Hancock tract and that no portion of said street name be applied to any property lying in and being a part of the Hancock tract owned by S. G. Garrett.

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

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AUTHORIZING GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY, DEBTOR, TO CONSTRUCT, MAINTAIN AND OPERATE CERTAIN RAILWAY INDUSTRIAL TRACK IN, UPON AND ALONG WEST THIRD STREET IN THE CITY OF AUSTIN, SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

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

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

Noes : None

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

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

Noes : None

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

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

Noes: None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Volume 466, page 114, of the Deed Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as W. B. Anthony's Subdivision, a subdivision of a portion of Outlots 12 and 28, Division "O", of the Government Outlots within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which alleys herein referred to is 20 feet in width, and being the alley one-half block north of, and parallel to, East 2nd Street and extending from Pleasant Valley Road westerly one block, and another alley herein referred to is 15 feet in width, and being the alley one-half block north of, and parallel to, East 3rd Street, and extending from the said Pleasant Valley Road westerly one block; and

WHEREAS, all the owners of the property abutting the above two alleys have requested the City Council of the City of Austin to close said alleys; 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 certain alley 20 feet in width which is one-half block north of, and parallel to, East 2nd Street, and extending from Pleasant Valley Road westerly one block, and also that certain alley 15 feet in width which is one-half block north of, and parallel to, East 3rd Street, and extending from Pleasant Valley Road westerly one block as referred to above, be closed and vacated, except the City of Austin hereby retains utility easement rights in, upon, and across the said two alleys.

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

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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 to execute on behalf of the City of Austin a quitclaim deed to Bob Austin of the County of Travis, State of Texas, conveying a tract or parcel of land 15.38 feet wide extending along the east side of Tract No. 3 of the Lou H. Hill Subdivision of a 90-acre tract of land out of the James P. Wallace Survey, Travis County, Texas, as shown by map

or plat of said Subdivision recorded in Plat Book 3, page 54, of the Plat Records of Travis County, Texas, said strip 15.38 feet wide being situated between the west line of Bennett Avenue and the east line of said Tract No. 3 of the Lou H. Hill Subdivision.

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Harold L. Robinson, M. D., has made application in writing for permission to operate a doctor's office and clinic for human beings only on the south part of Lots 1 and 2, Block 104, of the Original City of Austin, Travis County, Texas, the same being the northeast corner of the intersection of West Avenue and West 8th Street, and locally known as 801 West Avenue, and is located in a "B" Residential District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore

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

THAT permission for the maintenance of a doctor's office and clinic for human beings only be granted to Harold L. Robinson, 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 and all building code provisions be complied with in the operation and maintenance of such building.

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

Councilman Thornberry 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 for and in behalf of the City of Austin with Bascom Giles, W. H. Bradfield and G. H. Brush for the pavement of Parkwood Road,

Crestwood Road, and that certain unpaved portion of Ardenwood Road, in Delwood Subdivision No. 1, in the City of Austin, Texas, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part of this resolution for all purposes.

(Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

WHEREAS, Bascom Giles, W. H. Bradfield and G. H. Brush, all of Travis County, Texas, are the owners of Delwood Subdivision No. 1 in the City of Austin, Texas, as shown by a map of said subdivision recorded in Plat Book _____, at page _____, of the Plat Records of Travis County, Texas; and

WHEREAS, the owners of said property have made application to the City of Austin and requested the City to participate in the improvement and pavement of certain streets in said subdivision, to wit: Parkwood Road, Crestwood Road and a certain unpaved portion of Ardenwood Road; now, therefore,

KNOW ALL MEN BY THESE PRESENTS:

That Bascom Giles, W. H. Bradfield and G. H. Brush, owners of Delwood Subdivision No. 1 in the City of Austin, Texas, for and in consideration that the City of Austin participate in the pavement of certain streets will at their own expense make all necessary excavations, lay a four inch (4") compacted gravel or crushed stone base, install necessary storm sewer pipes and inlets in and across Parkwood Road, Crestwood Road and that certain unpaved portion of Ardenwood Road, and install all curbs and gutters prior to the beginning of any paving on said streets, all such work to be done by the owners according to lines and grades established by the Director of Public Works of the City of Austin and subject to his approval.

The owners further agree to pay to the City of Austin forty cents (40¢) per square yard for approximately eleven thousand (11,000) square yards of paving on said streets, a total of Three Thousand Eight Hundred and Eighty Dollars (\$3,880.00) of which sum Bascom Giles agrees to pay Three Thousand Two Hundred and Eighty Dollars (\$3,280.00) and W. H. Bradfield and G. H. Brush agree to pay Six Hundred Dollars (\$600.00), such payments to cover cost of paving only. Payments shall be made to the City of Austin on demand.

For and in consideration of the improvements by the owners of said streets and the payment of the sums named above, the City of Austin agrees to pave approximately eleven thousand (11,000) square yards of street surface on said streets after completion of the excavations, placement of the base, installation of curbs and gutters and storm sewer pipes and inlets in and across said streets, and after the shaping of the subgrade has been completed as provided herein and payment of Three Thousand Eight Hundred and Eighty Dollars (\$3,880.00) has been made to the City of Austin.

It is mutually agreed by and between the owners and the City of Austin that all material used and all work done under this contract shall conform to specifications and lines and grades established under the supervision of the Director of Public Works in accordance with the specifications attached hereto and made a part of this contract for all purposes.

WITNESS the hands of the parties hereto, on this ____ day of August, 1946.

Bascom Giles

W. H. Bradfield

G. H. Brush

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

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

The application of WILLIAM F. CRIDER, 2011 Alta Vista, for license to operate as a taxicab a Lincoln-Zephyr Sedan, 1937 Model, Motor No.9021113, State License No. FY-907, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of WELDON BUCK, 1504 West 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of MILTON AMES PATTERSON, 1616 Holly Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of JACK EDWARD NUNLEY, 2802 Rio Grande Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of WILLIAM D. PATTON, Route 3, Box 314C, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

The application of DEWITT MOSS, 400 $\frac{1}{2}$ East 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

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

Noes : None

Councilman Bartholomew moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to JOHN CARL LYDA, 403 West 16th Street, be revoked by reason of the failure of the said John Carl Lyda to notify the Police Department of the revocation of his chauffeur's license, but continued to drive his taxicab. The motion carried by the following vote:

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, for many years it has been the practice of the City of Austin with respect to real estate subdivisions within the corporate limits of the City to require the subdivider at his own expense to install acceptable water and sewer systems and to construct streets and drainage systems; and

WHEREAS, in consideration of the development provided by such subdivisions, it has been the policy of the City of Austin to make refunds to the subdivider on the cost of such water and sewer systems only, based upon the growth and actual building improvements within the subdivisions, and such refunds have been on the basis of five times the revenue from the sale of water from such water lines and \$100.00 for each connection to said sewer systems; and

WHEREAS, during World War II there were very few subdivision developments, and for a number of years prior to the War the number of subdivisions each year was few compared to present development and the costs of water and sewer installations relatively low; and

WHEREAS, since V-J Day in August, 1945, there have been more than twenty (20) subdivisions actually developed and contracts entered into between the subdivider and the City under the policy heretofore governing refunds; and

WHEREAS, there are an additional forty-seven (47) subdivisions now known to the City of Austin, but without contract agreements with the City, as being in the process of development and which have progressed to various stages leading to their official acceptance as subdivisions by the City; and there are four (4) additional subdivisions being developed which lie partially within and partially without the city limits; and it is manifest that other subdivisions will be developed in the course of the natural growth of Austin; and

WHEREAS, prior to the War a six (6) inch water line cost \$1.25 per foot complete in place and now costs \$1.85 per foot complete in place; and, similarly, a six (6) inch sewer line which previously cost 78¢ per foot now costs 98¢ per foot; and other water and sewer lines of different sizes have increased in like proportion; and

WHEREAS, the City Council is cognizant of the facts presented to it, covering increased costs and the unprecedented volume of subdivision development, and recognizes, on the basis of financial and other information presented to it by the City Manager and Department Heads of the City of Austin, that the City of Austin is no longer financially able to undertake the obligation of refunds on the basis heretofore financially possible; and the Council realizes that the credit of the City of Austin for such refunds in future years must not be impaired, and that the City of Austin can enter into only such refund contractual obligations which the City can meet without impairment of the services and operations of the City generally; now, therefore,

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 submit hereafter to the City Council, for ratification, refund agreements with subdividers of real estate subdivisions on the following basis:

(1) If the subdivider of necessity installs water lines only, at his own expense and in accordance with specifications and requirements of the City of Austin, the City will refund, within sixty (60) days following the close of each fiscal year, a sum equal to the total water revenues received by the City during the preceding fiscal year on sales to customers connected to the lines built by the subdivider; provided that the total of such annual refunds shall never exceed the amount expended by the subdivider for such construction; and, further provided, that no refund shall be made after ten (10) years from the date of any such contract.

(2) If the subdivider installs both water and sewer lines, at his own expense and in accordance with specifications and requirements of the City of Austin, the City will refund, within sixty (60) days following the close of each fiscal year, a sum equal to twice the total of water revenues received by the City during the preceding fiscal year on sales to customers connected to the water lines built by the subdivider, such refunds to cover both water lines and sewer lines installed; provided that the total of such annual refunds shall never exceed the amount expended by the subdivider for construction of water lines and sewer lines; and, further provided, that no refund shall be made after ten (10) years from the date of any such contract.

(3) The refund policy herein prescribed is applicable only to those subdivisions in the City of Austin approved by the City Planning Commission and conforming to all rules and regulations prescribed for subdivisions as such rules and regulations now exist or as the same may be amended by 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

Councilman Wolf introduced the following ordinance:

AN ORDINANCE PRESCRIBING SCHEDULES FOR CONNECTIONS WITH THE WATER SYSTEM AND THE FREE PUBLIC SANITARY SEWER SYSTEM OF THE CITY OF AUSTIN FOR RESIDENCE AND BUSINESS PROPERTY; AND REPEALING THE PROVISIONS OF ORDINANCES PRESCRIBING SCHEDULES 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 be passed to its second reading. The motion carried by the following vote:

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

Noes : None

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

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

Noes : None

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

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

Noes : None

Thereupon the Mayor announced that the ordinance had been finally passed.

Councilman Wolf moved that the City Manager be instructed to run an ad. in the American-Statesman giving public notice of how refunds are to be made to subdividers on water and sewer lines; and also what the charges hereafter will be for water and sewer connections to houses and business establishments, stating that such houses and business establishments as are under contract now may take advantage of the old charge if permits for such connections are taken out before October 1. The motion carried by the following vote:

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

Noes: None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the City contracts providing that as part of the consideration for conveyance to the City of Austin of easements for drainage ditch purposes by Ann Marie Wolff; Mercie P. Ramsey and Murray P. Ramsey; H. G. Linscomb and wife, Bertha Linscomb; Lena Woody; O. H. Perkins; Dora Jones and husband, Buck Jones; Dainty Lind and husband,

Arthur Lind; Joe Albert Davis and John Russell Davis; Lucky D. Stephens; Charles Wolf; and M. E. Chernosky, the City of Austin will place the dirt excavated from such easements on property of the respective grantors anywhere designated by such grantors within 200 feet of the point of excavation of such dirt.

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

The application of Story Frazier, colored, by Kenneth R. Lamkin, colored, attorney, for a change in zoning, from "C-1" Commercial District to "C-2" Commercial District of the property located at 1904 East 12th Street, was received and the matter was referred to the Board of Adjustment for consideration and recommendation.

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved:

Tom Miller
MAYOR

Attest:

Helene M. Keenan

City Clerk