

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 17, 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

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.

Mr. Perry L. Jones presented a petition in writing for an extension of the city limits to include 40 acres of land, known as the WILLOW BROOK ADDITION. The matter was referred to the City Attorney to have the proper ordinance drawn.

Mr. Perry L. Jones presented a petition in writing, asking that the water contract entered into on August 26, 1941, between the City of Austin and E. R. Scheiffer and wife, Jeannette Scheiffer, and later assigned to Perry L. Jones, be rescinded and declared of no further force and effect, and in consideration of the City of Austin's being relieved of any and all liability under said contract, the said City of Austin pay to Perry L. Jones, present holder of said contract, the cash sum of \$1279.00. Councilman Wolf moved that Petitioner's request be granted. The motion carried by the following vote:

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

Noes : None

Mr. Horace H. Shelton came before the Council and submitted a petition in writing that the City Council rescind its action of last week in denying a wine and beer permit to W. L. Turner and Britt P. Kinsey, owners of the Post Office Cafe, and grant said license in order to undo the injustice done

the said Britt P. Kinsey on his alleged war record. The matter was taken under advisement, pending a further report on the matter by the said Horace P. Shelton at the next regular meeting.

Mr. Paul O. Simms came before the Council and submitted an offer to sell the City of Austin Lot 5, Block 17, Christian & Fellman Addition, for right-of-way for the proposed highway on East Avenue, and that a 30-day option be taken by the City. It was the sense of the Council that the said Paul O. Simms proceed with having the abstract prepared.

Kenneth R. Lamkin, Attorney for E. H. Givens, owner, and Story Frazier, lessee, of the property at 1904 East 12th Street, came before the Council and requested permission to withdraw his clients' application for a change in zoning of said property from "C-1" Commercial to "C-2" Commercial, in order to submit an amended application covering all of the north side of the block if same can be secured. The request was granted.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING
HETHER STREET AS SHOWN ON A PLAT OF WEST END
ADDITION OF RECORD IN BOOK 1, PAGE 105, PLAT
RECORDS OF TRAVIS COUNTY, TEXAS; 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 : Councilmen Bartholomew, Glass, 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 : Councilmen Bartholomew, Glass, 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, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

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

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

(RESOLUTION)

WHEREAS, Fulcher and Burgher are the contractors for the erection of a building located at 2612 Guadalupe Street, and desire a portion of the sidewalk and street space abutting Lots K and L, Outlot 62, Division "D", of the

Original City of Austin, Travis County, Texas, during the 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 space for the uses hereinabove enumerated be granted to said Fulcher and Burgher, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 27th Street approximately 14 feet north of the south curb line to a point; thence in a westerly direction and parallel with the centerline of West 27th Street approximately 110' to a point; thence in a southerly direction and at right angles to the centerline of West 27th Street to the north line of the above described property.

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street approximately 6 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street approximately 100 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Fulcher and Burgher, 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 25 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 obstructions of any such storm waters.

(8) 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.

(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 July 1, 1947.

(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 projects, 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 (\$5,000.00), 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, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

Mayor Miller laid before the Council 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 V, SECTION 34(a) and (b) OF SAID ORDINANCE RELATING TO ONE-WAY STREETS AND ADDING WEST 27TH STREET ONE-WAY WEST FROM GUADALUPE STREET TO NUECES STREET; 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 ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry.
Noes : Councilman Wolf

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description of Boat</u>
Stone, Fred C., III, 601 Elmwood Place	Thompson, Sail Boat, "Southern Cross", 6-passenger
Lastinger, W. T., 4104 Bradwood Road	Converted, Inboard, Austin, 5-passenger

Councilman Bartholomew moved that the applications be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of REX THORNTON BYRD, 1010 West 24th 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf
Noes : None

The application of ALBERT MELVIN ROUTH, Driskill Hotel, 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: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf
Noes: None

The application of EDWARD VERNER BURKLUND, 919 West Lynn 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of RICHARD DUNN SMITH, 2606 South 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of GENE BUSH RICH, 1606 San Jacinto 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of ROGER LEE DENNETT, 1710 Alameda Drive, 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of JESSE EMANUEL SCHEUMACK, 72 Chicon 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of MARVIN MARK HAGOOD, 301 West 21st 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of JOSEPH HEWITT RODDY, 2614 Wichita 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of JAMES CORNELIUS IRWIN, Box 139, Route 4, 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 : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry, and Wolf

Noes : None

The application of OPHAL NEWEL MOORE, 507 West 38th Street, for a license to operate as a taxicab a 4-door Pontiac Sedan, 1942 Model, Motor No. PKA12672, State License No. FX-8682, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of M. M. HAGOOD, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1940 Model, Engine No. 3571490, State License No. HN-4415, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of C. L. HARRIS, 5253 Dallas Highway, for a license to operate as a taxicab a Ford Fordor, 1942 Model, Engine No. 18-687466, State License No. HN-4161, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of SABATINO SCONGI, 5300 Avenue H, for a license to operate as a taxicab a 4-door Chevrolet, 1942 Model, Motor No. BA-164273, State License No. 3187, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of SYLVESTER HINTON, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1942 Model, Factory No. BA-109885, State License No. HN-4295, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of the SILVER FOX DISTRIBUTING COMPANY, INC., 412 Chicon Street, by C. O. Harris, Branch Manager, Branch Distributors Beer License, for beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of the GAY PAREE, 1711-B East 12th Street, by F.A.Brown, for a wine and beer permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of SCHOONERVILLE, 2920 Guadalupe Street, by Nazib Nauffel, for a wine and beer permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

Councilman Thornberry moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to JEAN DOUGLAS WEEKS, 3710 Tom Green Street, be revoked. The motion carried by the following vote:

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

Noes : None

Councilman Thornberry moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to LONNIE NORMAN PANNELL, 1204 East 1st Street, be revoked. The motion carried by the following vote:

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

Noes : None

Mayor Miller called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TWENTY-SEVEN AND THIRTY-FIVE ONE-HUNDREDTHS (27.35) ACRES OF LAND, BEING OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

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

Noes : None

The ordinance was then laid over for its third reading.

Mayor Miller called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TWO HUNDRED THIRTY-SEVEN AND SEVEN ONE-HUNDREDTHS (237.07) ACRES OF LAND, BEING OUT OF THE D.J.GILBERT SURVEY NO. 8, THE C. J. STROTHER SURVEY NO. 611, THE ALBERT SILLSBEE SURVEY NO. 1, AND THE DAVIS SURVEY, ALL IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

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

Noes : None

The ordinance was then laid over for its third reading.

The City Manager was instructed to advertise for bids in Sunday's papers on public works projects, totaling approximately \$648,000.00, covering sanitary sewers, storm sewers, and 60 blocks of paving; said bids to be received on November 5.

The City Manager submitted a memorandum from the City Attorney, advising that the Attorney for the Country Club had informed the City Attorney that the Board of Directors of the Country Club, at a meeting held on October 16, had approved the contract to purchase, between the City of Austin and the Directors of the Country Club, and had asked that the formal signing of the contract be delayed until the return of said Country Club's Attorney to the City.

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:

Lucia McKeen

City Clerk