

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 14, 1945
10:30 A.M.

Council Chamber, City Hall

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

Roll call

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

Present also: Walter E. Seaholm, 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 June 7, 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.

Mr. C. O. KELLEY came before the Council and requested that he be authorized to succeed to the Operator's Permit now held by a certain Negro taxicab owner if and when same is cancelled by said owner. Applicant was referred to the Office of Defense Transportation.

The application of HIRSH DRUG STORE NO. 1, 2700 Guadalupe Street, by J. C. Adams 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

Mesdames J. T. EAVES and LYMAN J. BAILEY came before the Council and complained of failure on the part of the owner to comply fully with the order for removal of the trailer camp at 1402 East 2nd Street. The matter was referred to the City Attorney for attention.

The application of the IRON FRONT BAR, 403-405 East 6th Street, 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 RAYMOND G. LEDESMA, 1615 East 5th Street, for a license to operate as a taxicab a 4-door Plymouth sedan, 1942 Model, Serial No. 11399955, Motor No. P14-2553, State License No. FT 3799, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted in accordance with regulations of the Office of Defense Transportation relating to discharged veterans. The motion carried by the following vote:

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

The application of VIRGIL FRANKLIN HAMBY, 3405 Gonzales 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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, it is the desire of the City of Austin to accomplish the establishment, location, building and maintenance by the United States of America of a hospital near said City; and

WHEREAS, the duly authorized officers of the United States of America have indicated a decision to establish, locate, build and maintain such a hospital on two tracts of land in the James P. Wallace League, situated northeasterly from said City of Austin, in Travis County, Texas, described as follows:

FIRST TRACT: One hundred and three and fifteen one-hundredths (103.15) acres of land out of the James P. Wallace League located in Travis County, State of Texas, about two (2) miles north of the City of Austin, and described by metes and bounds as follows, to-wit:

BEGINNING at the N.W. corner of the Charles Compton Homestead Tract, which is also the northwest corner of the second tract herein conveyed;

THENCE S. $60\frac{1}{2}^{\circ}$ E. with the N. boundary line of said Compton tract 1036 varas to the N. E. corner of the same on the west line of the Austin and Dessau County Road at a post for corner;

THENCE N. 30° E. 562 varas with the W. line of said road to the S. E. corner of the James E. Lucy Tract, a post for the N. E. corner of this 103.15 acre tract;

THENCE N. 60° W. 1020 varas with the James E. Lucy S. line to a post for the N.W. corner of this 103.15 acre tract, the

same being the N. E. corner of a 73-acre tract at one time sold to Sloss;

THENCE S. $31\frac{1}{2}^{\circ}$ W. with the E. line of said 73-acre tract 572 varas to the place of beginning, containing one hundred and three and fifteen one-hundredths (103.15) acres of land, and being the same tract described in a Deed recorded in Book 243, pages 269-270, of the Travis County, Texas, Deed Records, hereby referred to.

SECOND TRACT: Containing two hundred (200) acres of land, exclusive of the right of way of the Austin and Northwestern Railroad, also a part of said James P. Wallace League in Travis County, Texas, and a part of which is known as the Compton place and more particularly described as follows, to-wit:

BEGINNING 507.5 varas north $31^{\circ}10'$ east from the southeast corner of the James Lensing tract out of said League, and being also the N. W. corner of a tract of 106.8 acres of land conveyed by George W. Walling, Jr., et al, to L. L. Campbell;

THENCE north $31^{\circ}10'$ east 98.25 varas to a stone set in the ground on the east bank of Waller Creek for a corner of Lensing's tract;

THENCE south $59-3/4^{\circ}$ east 160 varas to another corner of Lensing's tract, a stone set in the ground;

THENCE parallel with a line of Bois d'Arc hedge north $30^{\circ}40'$ east $211\frac{1}{2}$ varas to the northeast corner of Lensing's tract;

THENCE north $31\frac{1}{2}^{\circ}$ east crossing the Austin & Northwestern Railroad at 453 varas, 775 varas to a stone set in the ground;

THENCE south $59-3/4^{\circ}$ east 1039.4 varas to the corner on west line of a lane;

THENCE with the said west line of said lane south $30^{\circ}10'$ west crossing a branch at 1041 varas, 1088.05 varas to the southeast corner of this tract; and being also the northeast corner of the said tract of 106.8 acres conveyed to said L. L. Campbell;

THENCE north $59-3/4^{\circ}$ west with the north line of said 106.8-acre tract 1204.6 varas to the place of beginning, and being the same tract described in a Deed recorded in Volume 171, pages 191-192, of the Travis County, Texas, Deed Records, hereby referred to;

and

WHEREAS, the City Council of the City of Austin, Texas, has agreed to and on behalf of said City to compensate and reimburse the United States of America for the cost of the site on which such hospital will be established, located, built and maintained, together with the necessary and convenient grounds and lands for its uses in connection with such hospital; and

WHEREAS, it has become necessary for the United States of America to institute proceedings in the United States District Court for the Western District of Texas, Austin Division, to condemn the lands above described, and such adjoining lands as may be necessary for such uses; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, sitting in regular session, with a quorum being present and acting:

THAT the City of Austin, Texas, binds and obligates itself to deposit in the Registry of the United States District Court of the Western District of Texas, Austin Division, a sum of money equal to the amount estimated by the Officers of the United States of America as the reasonable and probable cost of the acquisition of the lands above described; and the City Manager of the City of Austin, Texas, is hereby authorized, ordered and directed to deposit such sum of money in the Registry of said Court immediately upon notice to him of the filing of such suit, and of the amount of such estimate to be deposited as above specified.

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 Bartholomew introduced the following ordinance:

AN ORDINANCE LEVYING TAXES FOR THE CITY
OF AUSTIN FOR THE YEAR 1945, AND DIRECT-
ING THE ASSESSMENT AND COLLECTION THERE-
OF.

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

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

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis, and same prevailed by the following vote:

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

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and same prevailed by the following vote:

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

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

The Mayor called up for its third reading the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT OF THAT CERTAIN PROPERTY FORTY-FIVE (45) FEET BY ONE HUNDRED THIRTY (130) FEET ABUTTING ON EAST 8TH STREET, AND BEING A PORTION OF OUTLOT 9, DIVISION "B" (UNPLATTED) IN THE CITY OF AUSTIN, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis and same prevailed by the following vote:

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

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

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:

- (1) A gas main in THORNTON ROAD from Bentley Street west 995 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said Thornton Road.

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

- (2) A gas main in WATERSTON AVENUE from a point 55 feet west of Essex Avenue westerly 164', the centerline of which gas main shall be 6.5 feet south of, and parallel to, the north property line of said Waterston Avenue.

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

- (3) A gas main in CONCHO STREET from East 11th Street north-erly 190 feet, the centerline of which gas main shall be 6.5 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.

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

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

ATTEST:

Glenn M. Keller
CITY CLERK

APPROVED

Tom Miller
MAYOR