

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 26, 1945
11:10 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Bartholomew, Gillis, Mayor Miller - 3
Absent : Councilmen Alford and Wolf - 2

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 July 18, 1945, were read, and on motion of Councilman Bartholomew were adopted as read by the following vote:

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

The application of WILLIAM MARTIN HOOVER, 4308 Avenue A, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

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

The application of the TRIANGLE GRILL, 2701 Guadalupe Street, by Robert Fowler and W. H. Filiere, for a wine and beer license, 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, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Alford and Wolf

The application of LA GLORIA CAFE, 1618 $\frac{1}{2}$ East 6th Street, by Eluterio Lopez, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

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

The application of The LUCIUS, 1300 South Congress Avenue, by H.E.Lucius, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

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

The following applications for licenses to operate private boats, duly approved by the Lake Austin Navigation Board, were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Martin, James O. - 3105 West Avenue	Wolverine, Outboard, 1942 Model, Johnson, 2-passenger
Soule, Horace, - 2102 West 35th St.	Myers, Spalti, Outboard, Champion, 5-passenger
Turner, Herbert E. 809 Avondale Road	Thompson, Outboard, 1940 Model, Fishing Boat, Evinrude, 4-passenger
Walz, Arthur - Rt. 5, Box 380	Home-made, Marine Plywood, Outboard, New, 5-passenger
Williamson, Aubrey 1819 Travis Hts. Blvd	Wolverine, Outboard, 1940 Model, "Abo-Doba" Evinrude, 5-passenger

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

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

The following applications for licenses to operate commercial boats, duly approved by the Lake Austin Navigation Board, were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Leet, Bill - - 2200 Robin Hood Trail	Farley, Inboard, 1937 Model, "Lake Austin Ferry", 12-passenger
Leet, Bill 2200 Robin Hood Trail	Chris Craft, Inboard, 1939 Model, "Lake Austin Ferry", 10-passenger
Bennett, W.W. c/o Bennett Boat Docks	Thompson, Duck Boat, 4 yrs old, 2-passenger
Bennett, W.W. "	Thompson, Duck Boat, 2-passenger
Bennett, W.W. "	Home-made, Sail, 5 yrs old, 5-passenger
Bennett, W.W. "	Home-made, Sail, 5 yrs old, 5-passenger
Bennett, W.W. "	Thompson, 2-passenger
Bennett, W.W. "	Thompson, Duck Boat, 2 yrs old, 2-passenger
Bennett, W.W. "	Old Town, Canoe, 5 yrs old, 2-passenger

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Bennett, W. W. c/o Bennett Boat Docks	Old Town Canoe, 2-passenger
Bennett, W. W. c/o " " "	Old Town Canoe, 4 years old, 2-passenger
Bennett, W. W. c/o " " "	Home-made, Row, 5 years old, 5-passenger
Bennett, W. W. c/o " " "	Home-made, Row, 5 years old, 5-passenger
Bennett, W. W. c/o " " "	Old Town Canoe, 5 years old, 2-passenger

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

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The following application for a commercial boat pilot's license, approved by the Lake Austin Navigation Board, was submitted:

Leet, William Clayton - 2200 Robin Hood Trail

Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

A petition signed by fifty-four residents of Park Place, asking that said street be closed at one end and through traffic diverted to a non-residential street; or, in lieu thereof, that a traffic light be installed at the intersection of Park Place, San Jacinto Boulevard, and Duval Street; slow signs at each end of Park Place; truck traffic re-routed; and speeding regulated. The matter was referred to the Police Department for a written report at the next regular meeting.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, City Manager of the City of Austin, be, and he is hereby, authorized and directed to enter into a contract with Eddie Lee, his wife, Marth Lee, and Reuben Hightower to purchase Lot No. 1, Block 18, Outlots 8, 9, 10, 11, 62, Division "B", Grandview Addition to the City of Austin, Texas, for the sum of \$590.00, to be paid in monthly payments of \$15.00 each, on the 1st day of each month, beginning on August 1, 1945, with interest on deferred payments at 6% per annum, upon receipt of which the City of Austin will convey its title to said property to the said Eddie Lee, his wife, Marth Lee, and Reuben Hightower.

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

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

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE CREATING AND DEDICATING A
UTILITY EASEMENT UPON A TRACT OF ONE
HUNDRED ACRES OF LAND WHICH WAS CONVEYED
TO THE CITY OF AUSTIN BY DEED RECORDED
IN VOLUME 668, PAGE 396, OF THE DEED
RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE
USE OF SUCH UTILITIES AS MAY OBTAIN EASE-
MENT FROM THE CITY OF AUSTIN; AND DECLAR-
ING AN EMERGENCY.

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 carried by the following vote:

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

The ordinance was then read the second time and laid over.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the alteration of a building located at 620 Congress Avenue, and desires a portion of the sidewalk and street space abutting the south 1/2 of Lot 6, Block 70, of the Original City of Austin, Travis County, Texas, during the alteration 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 J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue approximately five feet to a point; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately twenty-three feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express

terms and conditions:

- (1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least eight feet in height, substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade, for the delivery or removal of materials during construction work.
- (2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (3) That provisions shall be made for the normal flow of all storm water in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.
- (4) 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.
- (5) 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 August 1, 1945.
- (6) 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.
- (7) 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 utilities, or for other necessary public purposes.
- (8) 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 project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.
- (9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), 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, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

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 BRANCH STREET from a point 33 feet north of Juniper Street south to Juniper Street, the centerline of which gas main shall be 5 feet west of, and parallel to, the east property line of said Branch Street.

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

- (2) A gas main in JUNIPER STREET, Branch Street east 64 feet, the centerline of which gas main shall be 10 feet south of, and parallel to, the north property line of said Juniper Street.

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

- (3) A gas main in WATERSTON AVENUE, Essex Avenue easterly 318 feet, 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.

- (4) A gas main in EAST 51ST STREET, from a point 347 feet east of Harmon Avenue easterly 35 feet, the centerline of which gas main shall be 10 feet south of, and parallel to, the north property line of said East 51st Street.

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

- (5) A gas main in EILERS AVENUE from a point 265 feet south of East 51st Street southerly 100 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Eilers Avenue.

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

- (6) A gas main in MARTIN AVENUE from a point 32 feet south of East 54th Street northerly 82 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Martin Avenue.

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

- (7) A gas main in OXFORD AVENUE from a point 31 feet north of Ashby Street southerly 100 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Oxford Avenue.

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

- (8) A gas main in EAST AVENUE from a point 173 feet north of Ardenwood Road north to Crestwood Road Alley, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said East Avenue.

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

- (9) A gas main in CRESTWOOD ROAD ALLEY, East Avenue east to Municipal Airport, the centerline of which gas main shall be 5 feet south of, and parallel to, the north property line of said Crestwood Road Alley.

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

- (10) A gas main in EAST AVENUE EASEMENT, across Airport Boulevard, the centerline of which gas main shall be 5 feet east of the west property line of Municipal Airport.

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

- (11) A gas main in McCALL ROAD, stub across Windsor Road, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said McCall Road.

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

- (12) A gas main in WINSTED LANE, stub north across Windsor Road, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Winsted Lane.

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

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- (13) A gas main in EAST 3RD STREET, Medina Street easterly 138 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 3rd Street.

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

- (14) A gas main in EAST 49TH STREET ALLEY, Harmon Avenue westerly 185 feet, the centerline of which gas main shall be 5 feet south of, and parallel to, the north property line of said East 49th Street Alley.

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 Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilmen Alford and Wolf

The application of EDGAR MEDEARIS, 1208 East 11th Street, for a license to operate as a taxicab a Hudson Sedan, 1940 Model, Serial No. 4011856, Motor No. 9023766, State License No. FS9564, to replace License No. 91 cancelled, 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, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and 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 T. B. Marshall, Tax Assessor and Collector of the City of Austin, be, and he is hereby, authorized and directed to accept the sum of Fifty Dollars (\$50.00) from Enfield Realty and Home Building Company as settlement of a controverted personal property tax claim of the City of Austin against the said Company, and cancel the said tax upon receipt of the said sum of Fifty Dollars (\$50.00).

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

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The following resolution was introduced:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1934, 1935, 1937 thru 1944, were rendered in the name of Mrs. Hilma Mobley, on Lot 15, Block A, Outlot 3, Division "Z", Terrace Park and personal property, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$534.14, and for non-payment of same at maturity, penalty in the sum of \$26.70 has been assessed, and interest in the amount of \$160.26 has accrued, making the total amount of taxes, penalty and interest due \$721.10; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$26.70 and one-half of the interest in the sum of \$80.13; therefore,

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

THAT the aforesaid penalty in the sum of \$26.70 and one-half of the interest in the sum of \$80.13 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 \$26.70 and said interest in the sum of \$80.13 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

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

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

ATTEST:

Shirley M. Kellar
CITY CLERK

APPROVED

Tom Miller
MAYOR