

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 3, 1948

10:30 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller - 4

Absent : Councilman Thornberry - 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.

The Mayor laid before the Council the following communication:

"Austin, Texas
May 27, 1948

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

As each of you knows, I am a candidate for Congress from the Tenth Congressional District. It is my purpose to carry my candidacy into every community of the district, and for this reason, it will be impossible for me properly to discharge the responsibilities incumbent upon me as a member of the Austin City Council. I am unwilling to continue to hold any public position when the circumstances are such that I am not able to perform the duties of the office. The same reasons which impelled me to resign as District Attorney of Travis County in order to enter military service some years ago now require me to resign as a member of your honorable body. I, therefore, tender to you my resignation as a member of the City Council of the City of Austin effective immediately.

You may be sure that I have enjoyed working with each of you and that it is with regret that I am taking this action, but I believe you will agree that it is the proper course.

Respectfully submitted,

(Sgd) Homer Thornberry. "

It was moved by Councilman Johnson that in view of the above circumstances, the resignation of Councilman Homer Thornberry be accepted with regret. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

S. G. Garrett, represented also by his attorney Chas. Herring, together with other property owners on Saybrook Lane, appeared before the Council relative to their petition heretofore filed asking for the closing of said street between the south line of Enfield Road and the north line of Quarry Road. After considerable discussion, the matter was referred to the City Manager and the Director of Public Works to work out an agreement with the property owners for an easement in connection with the widening and deepening of the channel of Johnson Creek, in exchange for the closing of said street, the stakes to be set so that the property owners can know just what ground the easement covers.

Landon Bradfield submitted to the Council a request for the appointment of a citizens committee to act with the City Plan Commission and the Railroads in making a study of a railroad relocation plan similar to the New Orleans plan, whereby the City of Austin would acquire municipal ownership of the railroads, have them moved to the eastern part of the City, and a union station built, the cost of same to be paid for by revenue bonds of the City to be amortized over a period of years by rentals paid by the Railroads for use of these facilities; and submit its recommendations to the City Council, after which it could be determined whether the Missouri Pacific Railroad would be allowed to proceed with the building of its new station at Lamar Boulevard and Third Street.

Following a lengthy discussion of the matter, in which two citizens present expressed strong opposition to the plan, it was moved by Councilman Glass that a citizens committee, consisting of nine to eleven citizens, be appointed, without cost to the City, to study the railroad situation, with the understanding that action of the City Council on June 17 on the petition of the Missouri Pacific Railroad to build the new station be not blocked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

It was moved by Councilman Johnson, seconded by Councilman Bartholomew, that Councilman Glass be appointed mayor pro tem to succeed Councilman Thornberry resigned. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Miller

Noes : Councilman Glass

D. C. Ebner, on behalf of the Boys Club of Metz Playground, submitted a request for more playground equipment in the way of an adequate baseball diamond, tennis court, and a place to dance. The matter was referred to the City Manager and the Recreation Department to have the lights fixed and the other suggestions carried out if possible.

Following report of the City Attorney that deed restrictions on this property do not apply to commercial uses, Councilman Glass moved that the application of S. R. Fulmore, Agent, for change in zoning, from "A" Residence District, to "C" Commercial District, of property located on Shirley Avenue from south of Brentwood Street to Raymond and Canon Streets in Plaza Place be granted and the action of the Board of Adjustment on the matter be overruled; and the City Attorney be instructed to have the ordinance prepared. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Johnson 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 accept the services of Edwin C. Kreisle, Architect, to draw up plans and specifications for the building of a Fire Station Building to be located at 1605 Kinney Avenue, in the City of Austin, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Johnson 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 accept the services of the firm of Giesecke, Kuehne, and Brooks, Architects, Howard R. Barr, Associate, to draw up plans and specifications for the building of a Fire Station Building to be located at 2117 Hancock Drive, in the City of Austin, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Glass 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 WEST 49TH STREET across Shadyglade Court intersection, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 49th Street.

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

- (2) A gas main in SHADYGLADE COURT from West 49th Street northerly 179 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Shadyglade Court.

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

- (3) A gas main in EAST 32ND STREET from Dancy Street westerly 192 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 32nd Street.

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

- (4) A gas main in GROVER AVENUE from a point 267 feet south of North Loop Boulevard southerly 90 feet, the centerline of which gas main shall be 5.5 feet west of and parallel to the east property line of said Grover Avenue.

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

- (5) A gas main in ZENNIA STREET from a point 253 feet west of Guadalupe Street westerly 27 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Zennia Street.

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

- (6) A gas main in CONNELLY STREET from East 46th Street northerly 194 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Connelly Street.

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

- (7) A gas main in HILLVIEW ROAD, from Warren Street southerly 192 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Hillview Road.

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

The Texas Public Service Company is further 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 franchise granted to said Company by the City of Austin.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Leslie F. Crockett is the Contractor for the erection of a building located at 818 West 6th Street, and desires a portion of the sidewalk and street space abutting part of Lot 9, Block G, Raymond Subdivision, in the 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 Leslie F. Crockett, 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 a southerly direction and at right angles to the centerline of West 6th Street to a point 8 feet north of the centerline of said street; thence in an easterly direction and parallel to the centerline of West 6th Street approximately 50 feet to a point; thence in a northerly direction and at right angles to the centerline of West 6th Street to the southeast corner of the above described property.

2. That the above privileges and allotment of space are granted to the said Leslie F. Crockett, 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 obstruction of any such storm water.

(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 October 1, 1948.

(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 (\$5000.00), 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, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

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

<u>Owner</u>	<u>Description</u>
Robertson, R. E. - 1704 West 34th Street	Home-made, Fishing, 1948 Model, "El Capitan", Sea King
Shelley, George P. - 1700 West Avenue	Lyman, Outboard, 1948 Model, Johnson, 8-passenger
Turnbow, James W. - 3001 Bridle Path	Home-built Mead Kit, Outboard, 1940 Model, 4-passenger

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

The application of Sam R. Wood for change in zoning, from "A" Residence District to "C" Commercial District, of 150'x291', Section 189, Mary Howard tract, located in the 4800 block of Burnet Road, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

The application of W. P. Connelly, L. G. Dement, Mrs. W.H.Dement, O. F. Henderson, and Forest Hausman, Administrator of the Estate of L. D. Hausman, Sr., Deceased, by Arthur Bagby, Attorney, for change in zoning, from "A" Residence District to "C" Commercial District, of their respective properties, to-wit: Lots 1 to 14, inclusive, Block 1; Connelly Addition; one-half acre of J. P. Wallace Survey No. 57, Abstract 789; one-half acre of J. P. Wallace Survey, No. 57, Abstract 789; Lot 6 and south one-half of Lot 5, Block 5, Ridgetop Fourth Addition; and 1.76 acres, Outlot 17, Division "C"; all located in the 4500 and 4600 blocks of East Avenue, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

Councilman Johnson introduced 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, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM ITS PRESENT CLASSIFICATION TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON A CERTAIN TRACT OF LAND LYING BETWEEN THE PRESENT EASTERN CITY LIMITS LINE, EAST FIRST STREET, PLEASANT VALLEY ROAD, AND LYONS ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson 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, Johnson, Mayor Miller
 Noes : None

The ordinance was read the second time and Councilman Johnson 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, Johnson, Mayor Miller
Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

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

Action on the application of W. W. Patterson and Lem Scarbrough for a change in zoning, from "A" Residence District to "C" Commercial District, of property located on the west side of Duval Street north and south of East 51st Street, now pending, was deferred to the next regular meeting.

The following memorandum was submitted by the City Manager:

" June 2, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Mr. Perry Jones is developing the Willowbrook Subdivision and among other things, he will be required to build a culvert across a creek in the subdivision on Chestnut Avenue. We have designed and planned two different structures for him; one, a creosoted timber culvert, and the other, a standard concrete culvert, and he has secured informal bids on each of the structures. On the wooden culvert, he received a low bid of \$2,358.00; on the concrete culvert, the low bid was \$6,234.58.

Mr. Jones, in a letter to the City, has proposed that he pay \$3,100.00 towards the construction of a permanent concrete culvert and that the City advertise for bids and pay the remainder of the cost.

It is our opinion that the expenditure of approximately \$3,000.00 by the City to secure a permanent culvert instead of the wooden structure that would have to be maintained and periodically rebuilt by the City would be advantageous, and we recommend that Mr. Jones' proposition be accepted and that the City supplement his funds and construct the concrete culvert.

(Sgd) J. E. Motheral. "

Councilman Bartholomew moved that the City Manager be authorized to call for bids on the construction of a concrete culvert in accordance with the foregoing recommendations of the Director of Public Works. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The City Manager submitted the following memorandum:

" June 1, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

There is considerable area in South Austin on Thornton Road and Bentley Street and in the adjoining areas in which approximately 30 houses are located that we cannot serve with sanitary sewers at the present time. About 3300 l.f. of sewer line will be required in this system at an estimated cost of \$15,000.00.

Although we did not include this project in our 1948 program, we would like to construct sewers in this area and delete from our program the Brazos Street extension that we had contemplated and had included in our 1948 budget. It does not appear likely that the Driskill Hotel remodeling will be done during this calendar year, and until that is completed or some other construction is added in that area, our present system will handle it.

(Sgd) J. E. Motheral . "

It was the sense of the Council that the above recommendations of the City Manager and the Director of Public Works be approved, and that they be authorized to proceed with the work as outlined.

It was moved by Councilman Bartholomew, seconded by Councilman Johnson, that the Tax Assessor and Collector of the City of Austin be authorized and directed to remove from the tax rolls of the City of Austin the assessment against the improvements on the north 25' of Lot 23 and all of Lot 24, Block 3, Hyde Park Annex, Plat 210, Item 22, for the years 1937 through 1945, in view of the fact that said improvements did not exist during that period, as shown by signed affidavits of A. Y. Neans and John A. Jekel. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The City Manager submitted the following memorandum:

" June 1, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

With further reference to the weed-cutting maintenance program in Lake Austin, we wish to suggest that a paddle-wheel type barge be constructed with a pick-up screen attachment for the cutting and disposing of weeds in the channels used for boating.

The cost of this type of operation for the remainder of the year would be approximately as follows:

Salary and Wages -	\$2,100.00
Other Services -	225.00
Materials and Supplies -	250.00
Maintenance -	325.00
Equipment -	<u>3,665.00</u>
Total -	\$6,560.00

More than half of the above amount will be capital expenditure for equipment that can be used from year to year; the maintenance and operation figures are for a six-month period.

It is believed that we can construct and equip a barge and be in operation within 30 to 40 days.

(Sgd) J. E. Motheral. "

Councilman Bartholomew moved that the City Manager and the Director of Public Works be directed first to submit the plans for the construction of the barge for consideration by the Council. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

It was moved by Councilman Glass that the City Manager be authorized and directed to extend the contract with the Austin Baseball Club, Inc., for lease of a certain tract of land in Butler Park for use as a baseball field, known as Disch Field, for another five years, at \$1000.00 per year, with no alteration in the provisions of the contract. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

F. F. Tieken, 3000 East Avenue, came before the Council relative to the sale of his property to the City for right-of-way for interregional highway, stating that he wanted \$10,500.00 for the property and the City had offered him \$8,371.00, and that he would settle for \$8,750.00, and if he could retain the house and move it, would take \$2000.00 less. He further stated that he would lose six large oak trees and if the house were moved it would have to be redesigned to fit another lot. He also asked that he be allowed to live in the house formerly owned by Gus Chales until he can get his house moved. The matter was taken under advisement by the Council for an inspection of the property.

It was moved by Councilman Glass that Fisher A. Tyler be appointed as Judge of the Corporation Court of the City of Austin to succeed E. L. Bauknight, who was appointed temporarily to fill the vacancy caused by the resignation of Benton Coopwood. The motion carried by the following

vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of GARVIN JOHNSON, Colored, 1204 Cotton Street, for a license to operate as a taxicab a 1939 Model Cadillac Sedan, Factory No. 6292952, State License No. JE-5320, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of EUGENE JOE JORDAN, 1504 Newfield Lane, for a license to operate as a taxicab a 1946 Model 4-door Oldsmobile, Motor No. 624340, State License No. BB-5943, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of MELVIN M. STEVENSON, 110 East Johanna Street, for a license to operate as a taxicab a 1941 Model Chevrolet Sedan, Motor No. AA-191860, State License No. JD-2570, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of EUGENE HAYS CHISHOLM, P. O. Box 249, Elgin, Texas, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of EMMETT THOMAS VESTAL, JR., 4414 Burnet Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of BERNARD HAROLD BJORUM, 4512 Avenue D, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

It was moved by Councilman Bartholomew that the taxicab driver's permit issued to BOBBIE WILLIAMS, 1210 Taylor Street, being Permit No. 940, be revoked, upon the recommendation of the Chief of Police. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

There being no further business upon motion, seconded and carried,
the meeting was then recessed, subject to call of the Mayor.

APPROVED:

Tom Miller

MAYOR

ATTEST:

Hallie McKeen

CITY CLERK

AFTERNOON SESSION OF THE CITY COUNCIL:

Austin, Texas
June 3, 1948

The City Council reconvened at 2:30 P. M., with Mayor Miller presiding, and all members present.

Present also: Guiton Morgan, City Manager; W. E. Seaholm, Director of Utilities; A. E. Hancock, Electrical Inspector; and a large group of electricians.

The Mayor announced that the first business before the meeting would be consideration of the pending amendment to the Electrical Ordinance defining the word, "Dwelling", which was passed to its second reading at the last regular meeting and laid over for a public hearing.

Ed Grimmer, Master Electrician, submitted a petition, signed by nineteen bonded electricians, asking that the installation of non-metallic wiring be permitted in apartments without regard to the number of occupancies, except within Fire Zone No. 1, or where metal-cased wiring is required by the National Electric Code.

The question of permitting the use of romax as a substitute for conduit in the installation of electrical wiring in apartments of more than six occupancies was then discussed, pro and con, at length. Ten of the electricians present expressed opposition to the change, and protested against an alleged violation of the Electrical Ordinance by the Electrical Department in permitting same.

A request by the smaller contractors that two additional members be added to the Electrical Board to represent them was submitted, and the names of Ed Grimmer and Marcus Loftis were suggested.

It was then moved by Councilman Glass that two additional members, a Master Electrician and a Journeyman Electrician, be added to the Electrical Board, and that the City Attorney be instructed to prepare an amendment to the Electrical Ordinance providing for same. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

It was then moved by Councilman Glass that Ed Grimmer, Master Electrician, and Marcus Loftis, Journeyman Electrician, be appointed as members of the Electrical Board, the appointments to be effective upon passage of the amendment. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

All present having been fully and fairly heard on the matter, the Mayor then called up, for its second reading, the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING REGULATORY MEASURES PERTAINING TO ELECTRICAL WORK IN THE CITY OF AUSTIN; CREATING AN ELECTRICAL BOARD AND PROVIDING FOR APPOINTMENT OF ITS MEMBERS, AND FIXING THE DUTIES AND POWERS OF SAID BOARD; PROVIDING FOR APPEAL FROM THE DECISIONS OF SAID BOARD; PROVIDING FOR THE ISSUANCE OF LICENSES TO MASTER ELECTRICIANS, BUILDING OWNERS, SIGN MANUFACTURERS, MOTION PICTURE OPERATORS, REPAIR SERVICES, EQUIPMENT MANUFACTURERS, SPECIALIZED SERVICES AND MAINTENANCE ELECTRICIANS, AND FOR THE REGISTRATION OF JOURNEYMAN ELECTRICIANS; PROVIDING FOR FEES, BONDS AND THE KEEPING OF RECORDS, AND FOR THE REVOCATION OF LICENSES AND CERTIFICATES; PROVIDING FOR ELECTRICAL INSPECTORS AND PRESCRIBING THE DUTIES AND POWERS OF SAID OFFICERS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR ELECTRICAL WORK AND THE INSPECTION THEREOF, AND FIXING THE FEES FOR SUCH INSPECTION; PROMULGATING RULES AND REGULATIONS TO GOVERN ALL ELECTRICAL WIRING, CONSTRUCTION, INSTALLATION, ALTERATIONS, REPAIRS, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING APPARATUS AND FIXTURES; REGULATING THE OPERATION OF MOTION PICTURE PROJECTORS AND MAINTENANCE OF MOTION PICTURE PROJECTION BOOTHS; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY", PASSED BY THE CITY COUNCIL MARCH 1, 1939, AND RECORDED IN BOOK "K", PAGES 460-486, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING THE DEFINITION OF THE WORD "DWELLING" IN SECTION 1(c) OF SAID ORDINANCE; AND SUSPENDING THE RULE REQUIRING THIS ORDINANCE TO BE READ ON THREE SEPARATE DAYS.

The ordinance was read the second time and Councilman Glass 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, Johnson, Mayor Miller

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

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

Councilman Johnson 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 P.S. Mangum for the laying of certain water mains, sanitary sewer mains, and other pipes in Forrest Hills "A" Addition, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and P. S. Mangum, of Travis County, Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Forrest Hills "A" Addition on the streets and at the locations described as follows:

Six-inch (6") cast iron water main or equivalent in Chestnut Avenue, from East 32nd Street north approximately 320'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Forrest Hills "A" Addition on the streets and easements at the locations described as follows:

Sewer main in Chestnut Avenue, from East 32nd Street north approximately 250'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of One Thousand Dollars (\$1,000.00) when completed, of which cost the sum of Seven Hundred Dollars (\$700.00) is estimated to be the cost of the water lines and the sum of Three Hundred Dollars (\$300.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of One Thousand Dollars (\$1,000.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbured for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said P. S. Mangum has executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk

P. S. Mangum

Approved:

Director of Utilities

Director of Public Works

City Attorney

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Glass 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 W.L. Bradfield and G. H. Brush for the laying of certain sanitary sewer mains and other pipes in Pemberton Heights Addition, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and W. L. Bradfield and G. H. Brush, both of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Pemberton Heights Addition on the streets and easements at the locations described as follows:

Sanitary sewers in Ethridge Avenue, from Hartford Road to Jefferson Street; in Hartford Road, from Windsor Road to Townes Lane.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eleven Hundred and Fifty Dollars (\$1150.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service to him, agrees to deposit the sum of Eleven Hundred and Fifty Dollars (\$1150.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin, after the work is completed, will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the sewer mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said sewer lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said sewer mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Ahstin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said W. L. Bradfield and G. H. Brush have executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
W. L. Bradfield_____
G. H. Brush

Approved:

Director of Utilities_____
Director of Public Works_____
City Attorney

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the records of the Tax Department of the City of Austin show an assessment valuation of \$240 covering improvements on Lot 4, Outlot 29, Division B, Chernosky #5 Subdivision, for the years 1945 and 1946, assessed against M. E. Chernosky; and

WHEREAS, it appears that said improvements were erroneously assessed on said lot for said years; Therefore,

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

That the Tax Assessor and Collector be and he is hereby authorized and directed to adjust his records by removing from the assessment records for the years 1945 and 1946 said assessed valuations of \$240 for each of the two years.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____
MAYOR

Attest:

CITY CLERK