

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 24, 1938.

The City Council of the City of Austin, Texas, met in regular session at the regular meeting place at the City Hall in said City on February 24, 1938, at ten o'clock a. m., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mr. Jack Key, owner of property at 34th Street and Wabash Avenue, appeared before the Council in the matter of a wood yard at said location. After some discussion, it was the sense of the Council that Mr. Key secure a petition signed by the surrounding property owners asking that the zoning of said property be changed to "C" Commercial District, and that he execute an agreement that said premises would not be used as a wood yard in the future and that all wood would be removed therefrom immediately.

The application of Mr. John Quist for a change in the zoning of Lot 1, Block 1, Oakmont Addition, located at 1800 West 35th Street, from "A" Residence District to "C" Commercial District and Second Height and Area District was received and referred to the Board of Adjustment for recommendation.

Councilman Alford offered the following 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 COLE STREET southerly 80 feet from a point 174 feet south of the south line of East 30th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Cole Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in MARATHON BOULEVARD southerly 211 feet from a point 109 feet south of the south line of West 45th Street, the centerline of which gas main shall be 8½ feet west of and parallel to the east line of said Marathon Boulevard.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in WERNER AVENUE south 255 feet from a point 158 feet south of the south line of Concordia Avenue, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Werner Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in HARRIS BOULEVARD from Northwood Road northerly 174 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Harris Boulevard.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in EAST 44TH STREET easterly 116 feet from a point 161 feet east of the east line of Caswell Avenue, the centerline of which gas main shall be 22 feet south of and parallel to the north line of said East 44th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in HARTFORD ROAD across Ethridge Avenue intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the

east line of said Hartford Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in ETHRIDGE AVENUE across Hartford Road intersection, the centerline of which gas main shall be 8½ feet south of and parallel to the north line of said Ethridge Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in HOLLYWOOD AVENUE southerly 259 feet from a point 64 feet south of the south line of Concordia Avenue, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Hollywood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in HARRIS BOULEVARD from West 30th Street to West 32nd Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Harris Boulevard.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in WEST 31ST STREET from Harris Boulevard west 67 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 31st Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in WEST 32ND STREET from Mills Avenue to Harris Boulevard, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 32nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in MILLS AVENUE from West 32nd Street northerly 30 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Mills Avenue.

Said gas main described above shall have a covering of not less than 2½ 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 out 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, W. C. Moore is the owner of property situated north of Barton Springs Road and east of South 1st Street, which property is now used as a sand and gravel pit;

and

WHEREAS, in the operation of said sand and gravel pit it becomes necessary to use a drag line for the purpose of excavating said sand and gravel and in so using said drag line necessary anchorage for same must be provided and the said W. C. Moore has made application to the City Council of the City of Austin for permission to construct certain guy wires and poles in South 1st Street opposite the above described sand and gravel pit; and

WHEREAS, he proposes to construct said guy wires and poles in a manner satisfactory to the City Engineer of the City of Austin and in such a manner that same will not interfere with the traffic on said South 1st Street after same has been opened for traffic north of Barton Springs Road; and

WHEREAS, a plan has been presented showing the proposed location of said guy wires and poles but said plan does not have sufficient data shown thereon to permit of a complete check of structural details of said anchorage arrangement; therefore

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

THAT W. C. Moore is hereby permitted to construct certain guy wires and poles in, upon and across South 1st Street adjacent to the west side of his property, the same's being a portion of the Isaac Decker League, and being within the City of Austin, Travis County, Texas, which property is located east of South 1st Street and north of Barton Springs Road, but permission is granted subject to said guy wires and poles being constructed in accordance with plans and specifications prepared and approved by the City Engineer of the City of Austin and under the supervision and direction of the City Engineer of the City of Austin or his duly authorized representatives, and the said W. C. Moore is hereby put upon notice that the permit is of a temporary nature and the right of revocation is retained by the City Council of the City of Austin, and that such guy wires and poles permitted by this resolution shall be moved at the expense of said W. C. Moore or his assigns at any time that such removal may be ordered by the City Council of the City of Austin within thirty (30) days after notice of removal has been made in writing as ordered by the City Council of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

It was moved by Councilman Alford that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Olin James Crow, 1310 Brazos Street; Edward Frank Wadley, 609 West 9th Street; and Milton E. Wolander, 500 San Antonio Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf, 5; nays, none.

A written opinion of the City Attorney, Judge A. L. Love, advising that public hearings duly advertised should be held on the zoning of newly acquired territory was received and ordered filed.

Upon motion of Mayor Miller, the City Manager was then instructed to confer with City Plan Commission and have ordinance prepared for the zoning of the newly acquired territory and the calling of public hearings thereon.

A written request from Mr. Louis Slaughter for the enforcement of the one-hour-parking regulations on Congress Avenue north of Tenth Street was received .

The Council instructed that parking meters at the following locations be included in the list of additional parking meters recommended by the Police Department to be

installed:

On the east side of Congress Avenue from Tenth Street to the Alley; and on the north side of East Ninth Street from Congress Avenue to the Alley;

and that the matter of parking meters for the south side of East Eleventh Street from Congress Avenue to Brazos Street be left open pending a conference of the City Manager with Mr. Julian Montgomery, State Highway Engineer; and that the question of parking meters for Tenth Street be left open.

Mayor Miller introduced the following resolution:

WHEREAS, the City of Austin entered into a contract and agreement with the Parkrite Corporation of Houston, Texas, on the 19th day of August, 1937, for the purchase of approximately 524 parking meters, and under the terms of said contract, the City of Austin was given an option to purchase additional meters at the same contract price; therefore

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

THAT the City Manager be and he is hereby authorized, directed and instructed to enter into a contract for and in behalf of the City of Austin with the Parkrite Corporation of Houston, Texas, for the purchase of approximately 231 additional parking meters at a price not to exceed \$30.83 net per meter, and provided that the Parkrite Corporation shall replace all defective meter heads on meters purchased under the original contract of August 19, 1937, and provided that the Parkrite Corporation shall replace the springs in all such meters and keep them in order for one year. The contract for the exercise of the City's option to purchase additional meters shall incorporate all the terms of the original contract.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING A CERTAIN ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS AND HIGHWAYS IN THE CITY OF AUSTIN; DEFINING CERTAIN WORDS AND PHRASES FOR THE PURPOSE OF THIS ORDINANCE; DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF AUSTIN; PROVIDING FOR THE INSTALLATION, OPERATION, MAINTENANCE, SUPERVISION, REGULATION AND CONTROL OF THE USE OF PARKING SPACES AND PARKING METERS AND THE INSTALLATION AND MAINTENANCE OF THE PARKING METERS; PROVIDING FOR THE COLLECTION OF REGULATORY AND INSPECTION FEES FOR THE USE OF PARKING METERS AND PARKING SPACES AND PROVIDING FOR THE DEPOSIT OF SUCH RECEIPTS WITH THE CITY MANAGER; PROVIDING FOR THE METHOD AND PURPOSE OF DISBURSEMENT OF SUCH RECEIPTS IN THE CONTROL AND PROMOTION OF TRAFFIC SAFETY AND THE HANDLING OF TRAFFIC ON THE STREETS OF THE CITY OF AUSTIN; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING A SAVING CLAUSE FOR VALID PORTIONS OF THIS ORDINANCE AND DECLARING THE INTENT OF THE CITY COUNCIL AND THE MAYOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE BUT ONLY TO THE EXTENT OF SUCH INCONSISTENCY AND OTHERWISE MAKING THIS ORDINANCE CUMULATIVE OF OTHER REGULATIONS GOVERNING THE SUBJECT OF THIS ORDINANCE, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE IS RECORDED IN BOOK "K" AT PAGES 281-285, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING TO SAID ORDINANCE A DEFINITION OF "LEGAL HOLIDAYS," AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and upon motion of Councilman Wolf, seconded by Councilman Gillis, the rule was suspended and the ordinance passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Wolf, seconded by Councilman Gillis, the rule was further suspended and the ordinance passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Wolf, the ordinance was finally passed, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE REQUIRING THE OWNER, OCCUPANT AND PERSON IN CONTROL OF ANY PREMISES WITHIN THE CITY OF AUSTIN UNDER PRESCRIBED CIRCUMSTANCES TO INSTALL PLUMBING FIXTURES AND CONNECT SUCH FIXTURES WITH A PUBLIC SANITARY SEWER; DEFINING WASTE MATTER WHICH SHALL ENTER AND BE CARRIED AWAY THROUGH THE SANITARY SEWERS AND MAKING IT UNLAWFUL FOR A PERMIT TO ISSUE FOR CONNECTION WITH A SANITARY SEWER UNLESS THE APPLICANT FOR SUCH PERMIT HAS OBTAINED PERMISSION TO TAP THE WATER MAIN AT THE SAME PREMISES, AND MAKING IT UNLAWFUL FOR SUCH SEWER CONNECTION TO BE MADE WITHOUT THE ISSUANCE OF PROPER PERMIT; MAKING IT UNLAWFUL FOR THE BUILDING INSPECTOR TO ISSUE A PERMIT FOR THE ERECTION OF ANY BUILDING OR FOR THE STRUCTURAL ALTERATION THEREOF UNTIL APPLICANT FOR SUCH BUILDING PERMIT HAS OBTAINED A SEWER CONNECTION PERMIT WHERE THE PREMISES QUALIFY FOR SUCH CONNECTION AS PROVIDED IN SECTION I; AND WHERE SUCH PREMISES DO NOT QUALIFY FOR SAID CONNECTION MAKING IT UNLAWFUL FOR THE BUILDING INSPECTOR TO ISSUE A PERMIT FOR THE ERECTION OR STRUCTURAL ALTERATION OF A BUILDING UNTIL THE APPLICANT PRESENTS A CERTIFICATE FROM THE CITY HEALTH OFFICER AS TO THE BEST METHOD AVAILABLE OTHERWISE FOR DISPOSAL OF ALL SEWAGE ON SAID PREMISES; MAKING IT UNLAWFUL TO CONNECT WITH A SANITARY SEWER UNTIL PLUMBING HAS BEEN INSPECTED BY THE PLUMBING INSPECTOR AND PROHIBITING APPROVAL BY THE PLUMBING INSPECTOR OF ANY CONNECTION WHICH DOES NOT PROVIDE ONE OR MORE TOILETS FOR EACH BUSINESS OR RESIDENCE STRUCTURE ON THE PREMISES; MAKING IT UNLAWFUL TO OCCUPY A NEW BUILDING OR STRUCTURALLY ALTERED BUILDING UNTIL A CERTIFICATE OF OCCUPANCY HAS ISSUED SHOWING COMPLIANCE WITH THIS ORDINANCE; MAKING IT UNLAWFUL TO PERMIT SEWER CONNECTIONS TO BECOME CLOGGED OR TO PLACE IN SEWER ANY SUBSTANCE WHICH MIGHT CAUSE CLOGGING OR TO PERMIT OVERFLOW WATER AND CERTAIN DRAINS INCLUDING DRAINS FROM AIR-CONDITIONING UNITS TO FLOW INTO A PUBLIC SEWER; REQUIRING OWNERS OF FLOOR DRAINS TO SIGN A RELEASE BEFORE CONNECTING WITH A SANITARY SEWER; PROHIBITING THE CONNECTION OF EXHAUST PIPES FROM STEAM BOILERS WITH SANITARY SEWER; PRESCRIBING CATCH BASINS FOR CERTAIN PLUMBING AND PROHIBITING THE DISCHARGE OF STRONG ACIDS, ALKALIES, OILS AND TAR IN A SEWER; PROHIBITING THE CONSTRUCTION OR MAINTENANCE OF CESSPOOLS AND SURFACE TOILETS WHERE SEWER CONNECTIONS ARE AVAILABLE AS DESCRIBED IN SECTION I, AND PRESCRIBING METHODS FOR DISCONTINUANCE OF SUCH CESSPOOLS AND TOILETS; PROHIBITING THE DISCHARGE OF VOLATILE LIQUIDS IN A SANITARY SEWER; REQUIRING THE INSTALLATION OF GREASE TRAPS IN CERTAIN BUSINESS HOUSES, MAKING IT UNLAWFUL TO CONSTRUCT A GREASE TRAP OR SAND TRAP IN A PUBLIC STREET OR ALLEY, AND PRESCRIBING INSPECTION OF GREASE TRAPS BY THE CITY ENGINEER; DEFINING PUBLIC SEWER AND PUBLIC SANITARY SEWER, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING AN ORDINANCE PASSED FEBRUARY 20, 1914, AND RECORDED IN ORDINANCE BOOK "F", PAGES 531-534, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN AND ALL AMENDMENTS THERETO, BUT MAKING CUMULATIVE OF THIS ORDINANCE ALL ORDINANCES OR PARTS THEREOF RELATING TO SEWERS AND DRAINS, SEWER CONNECTIONS AND DEFINITIONS OR NUISANCES, AND PRESCRIBING A SAVING CLAUSE FOR THE PROVISIONS OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was suspended and the ordinance passed to its second reading, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was suspended and the ordinance passed to its third reading, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the ordinance was finally passed, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A petition from Willie Johnson, et al., residents in the vicinity of 1011 East Eleventh Street, indorsing the application of Leon Johnson for a Wine and Beer Permit at said location, was received and filed, and upon motion of Mayor Miller, the matter was referred to Councilmen Gillis and Wolf and the City Manager as a committee for further investigation.

The following resolution was introduced:

WHEREAS, taxes have been assessed against Henry Umschied and are delinquent on Lots 4 and 5, Block 27, Division "C" Northeastern, Plat 52, in the City of Austin, Travis County, Texas, as follows:

On said Lot 4 for the years 1934, 1935, 1936, and 1937, inclusive, and on said Lot 5 for the years 1935, 1936 and 1937, inclusive; and taxes have also been assessed

and are delinquent upon certain personal property, towit, automobiles, for the years 1929, 1930, 1932, 1934, 1935, 1936, and 1937, inclusive; all of which taxes are delinquent in the sum of \$44.89, and the penalty for non-payment at maturity, \$1.72, and the accrued interest on said taxes is \$4.36, making the aggregate of taxes, penalty and interest, \$50.97; and

WHEREAS, the City Council deems it equitable and advisable to remit said penalty in the sum of \$1.72 and 1/2 of said interest in the sum of \$2.18, total \$3.90, on condition that said taxes be paid within thirty days from this date; therefore,

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

THAT the aforesaid penalty in the sum of \$1.72 and 1/2 of said interest in the sum of \$2.18, total \$3.90, is hereby remitted on condition that said taxes be paid in full within thirty days from this date, and the Tax Assessor and Collector of the City of Austin is authorized and directed that if said taxes in the sum of \$44.89, together with \$2.18 interest thereon is paid within thirty days from this date, to charge said penalty, \$1.72, and \$2.18 of the interest on said taxes, off his rolls and to issue to said Henry Umschied a receipt in full on the payment of said taxes, together with \$2.18 interest thereon.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford brought before the Council the need of a new incinerator, to be placed on ground adjacent to the Sewage Disposal Plant; and of a reduction in the light rates affecting small commercial users. The matters were discussed at length, especially the light-rate reduction, but no action was taken; it being the sense of a majority of the Council that the only reduction possible in the near future in the light rates would be in Rate "A" of residential lighting but owing to the rapid growth of the City, the same was not possible at the present time.

Upon motion of Councilman Gillis, the City Manager was instructed to have a report prepared by W. E. Seaholm, Superintendent of the Electric Division, showing the benefits derived by the citizens of Austin in the way of free water and light for streets, traffic signal lights, parks, and schools.

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

Approved: Tom Miller
Mayor

Attest:

Walter McKellar
City Clerk