

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 2, 1944
11:15 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, Acting City Manager; J.E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R.D. Thorp, Chief of Police.

The minutes of the Regular Meeting of October 26, 1944, were read, and on motion of Councilman Gillis, were adopted as read by the following vote:

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

A. F. WHITE came before the Council and requested that some action be taken on the petition of property owners for the paving of San Marcos Street from 1st Street south to Taylor Street heretofore submitted, all of the abutting property owners, except one, having signed the petition.

After some discussion, Petitioner was advised to have the property owners make the necessary deposits covering their pro rata of the cost of such paving, and the City Council would take under consideration the matter of the paving abutting the property of the unsigned property owner.

The application of J. W. LONG, 1932-B, San Antonio, Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew 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

It was moved by Councilman Bartholomew that upon the recommendation of the Chief of Police, the appeal of GEORGE JOSEPH for reinstatement of his taxicab driver's permit revoked by the City Council on October 19, be

granted for thirty (30) days probation. The motion carried by the following vote:

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

The application of DINTY MOORE'S CAFE & BAR, 123 West 6th Street, for a Retailer's Wine and Beer License, duly approved by the Acting 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 FENTON'S NO. 2, 215 West 6th Street, for a Package Store License, duly approved by the Acting 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 LOUIS G. CAZARES, 705 East 6th Street, for a Package Store License, duly approved by the Acting 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 revised application of JAMES LEE for a change in zoning of the 2900 block of East 14th Street, from "A" Residence District to "C" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation.

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 EAST 53RD STREET from a point 325 feet east of Harmon Avenue easterly 69 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north line of said East 53rd Street.

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

- (2) A gas main in SOUTH 2ND STREET from a point 116 feet south of West Johanna Street southerly 105 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said South 2nd Street.

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

- (3) A gas main in WOODROW AVENUE from a point 5 feet north of North Loop Boulevard northerly 336 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Woodrow Avenue.

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

- (4) A gas main in EAST 14TH STREET from a point 4 feet west of Red River Street westerly 176 feet, the centerline of which gas main shall be 16 feet south of, and parallel to the north property line of said East 14th Street.

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

- (5) A gas main in EAST 12TH STREET from a point 14 feet east of Poquito Street easterly to Chestnut Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 12th Street.

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

- (6) A gas main in CHESTNUT AVENUE from East 12th Street northerly 135 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Chestnut Avenue.

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

- (7) A gas main in CHESTNUT AVENUE from East 12th Street southerly 300 feet, the centerline of which gas main shall be 12 feet west of, and parallel to, the east property line of said Chestnut Avenue.

Said gas main described above shall have a covering 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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. H. Hudson, owner of a portion of Block B, James E. Bouldin Estate in the Isaac Decker League within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of South First Street and Barton Springs Road, and being locally known as 601 Barton Springs Road, has made application to the City of Austin for permission to construct a commercial driveway across the west sidewalk area of South First Street and to construct two (2) commercial driveways across the south sidewalk area of Barton Springs Road adjacent to the above described property; and

WHEREAS, a map or plan has been prepared showing said commercial driveways, which map or plan is hereto attached marked 2-H-791, and made a part hereof; and

WHEREAS, said map and request have been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT J. H. Hudson, owner of a portion of Block B, James E. Bouldin Estate in the Isaac Decker League within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of South First Street and Barton Springs Road, and being locally known as 601 Barton Springs Road, is hereby permitted to construct a commercial driveway across

the west sidewalk area of South First Street, and to construct two (2) commercial driveways across the south sidewalk area of Barton Springs Road adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-H-791, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of 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

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, Acting City Manager of the City of Austin, be, and he is hereby, authorized and directed to enter into a contract with Dave Green and his wife, Sallie Mae Green, to purchase Lot 5, Block D, of the J. E. Bouldin Subdivision, City of Austin, for the sum of \$350.00, payable \$100.00 in cash and the balance in monthly installments of \$15.00 each, with interest on deferred payments at 6% per annum, upon receipt of which the City of Austin will convey its title to said Lot 5 to said Dave Green and his wife, Sallie Mae Green.

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

JOYCE WILLIAM BAKER appealed to the Council for reconsideration of its action on October 12 revoking his taxicab driver's permit. After some discussion, it was agreed that the said Joyce William Baker be granted a reinstatement of his taxicab driver's permit, subject to revocation upon the first violation of the law.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1938 through 1943 were assessed in the name of Mrs. Clara Olsson on Lots 7 and 8, Block 172, Original City, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$1,051.72, and for nonpayment of same at maturity, penalty in the sum of \$52.58 has been assessed, and

interest in the amount of \$193.63 has accrued, making the total amount of taxes, penalties, and interest due \$1,297.93; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$52.58 and one-half of the interest in the sum of \$96.81; therefore,

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

THAT the aforesaid penalty in the sum of \$52.58 and one-half of the interest in the sum of \$96.81 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 \$52.58 and said interest in the sum of \$96.81 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

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, the City of Austin taxes for the years 1939 and 1941 to 1943, both inclusive, were assessed in the name of Mrs. Maud M. Smith on the N. W. 64' x 100' of Lots 7 and 8, Block 103, Original City, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$276.69, and for non-payment of same at maturity, penalty in the sum of \$13.83 has been assessed, and interest in the amount of \$32.56 has accrued, making the total amount of taxes, penalties and interest due \$323.08; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$13.83 and one-half of the interest in the sum of \$16.28; therefore,

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

THAT the aforesaid penalty in the sum of \$13.83 and one-half of the interest in the sum of \$16.28 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 \$13.83 and said interest in the sum of \$16.28 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

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

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:50 A. M., subject to call of the Mayor.

APPROVED: Tom Miller
MAYOR

ATTEST:

Sharon M. Keller
CITY CLERK