

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 14, 1944
11:00 A.M.

Council Chamber, City Hall

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

Roll call

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

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 December 7, 1944, were read, and on motion of Councilman Gillis, were adopted as read by the following vote:

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

The application of ROBERT M. VOIGHT, 2000 Garden Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of DIAMOND BAR, 322 East 6th Street, for a retailer's wine and beer license, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of CONGRESS DISTRIBUTING COMPANY, 501 East Avenue, by Hafiz Sab, owner, for a Distributor's Beer License, for wholesale purposes only, 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 Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE AND THE AMENDMENTS THERETO ENTITLED "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 52, OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON OCTOBER 10, 1940, AND IS RECORDED IN BOOK "L", PAGES 42-51, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND AMENDMENT THERETO PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON NOVEMBER 20, 1940, AND RECORDED IN BOOK "L", PAGES 62-65 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; BY ADDING TO ARTICLE IV, SECTION 1 (c) A PROVISION EXCLUDING THE EMPLOYEES OF THE FIRE DEPARTMENT FROM MEMBERSHIP IN THE RETIREMENT AND PENSIONING SYSTEM OF THE CITY OF AUSTIN; BY ADDING TO ARTICLE IX A PROVISION AUTHORIZING ALL EMPLOYEES OF THE FIRE DEPARTMENT TO WITHDRAW FROM THE RETIREMENT AND PENSIONING SYSTEM OF THE CITY OF AUSTIN AND AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE THE ACTING CITY MANAGER, TO REFUND ALL CONTRIBUTIONS MADE BY SAID EMPLOYEES IN FULL PAYMENT OF ALL RIGHTS IN AND TO SAID RETIREMENT AND PENSIONING SYSTEM AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

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

The ordinance was then read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance placed on its third reading. The motion carried by the following vote:

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

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

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

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the General Budget for the City of Austin, Texas, for the year 1945 has been prepared by the Acting City Manager, and was filed in tentative form with the City Clerk of the City of Austin on November 27, 1944, for public inspection; and

WHEREAS, the law requires that the City Council shall provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the City Council not less than fifteen days subsequent to the time such budget is filed; and that public notice shall be given that on the date of hearing, the budget prepared by the City Manager will be considered by the City Council; therefore,

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

THAT a public hearing on said General Budget of the City of Austin for the year 1945 will be held in the Municipal Building in the City of Austin, situated at the corner of Eighth and Colorado Streets in the City of Austin, at 11 o'clock, A. M., on the 21st day of December, 1944, and that adequate notice of such hearing be published in the newspaper.

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

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

A public hearing on the appeals of taxpayers from the action of the Board of Equalization for the year 1944 was called for Wednesday, December 20, at 8:00 P. M., in the Council Chamber at the City Hall.

A joint meeting of the City Council and the School Board was called for Thursday, December 21, at 8:00 P.M.

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

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 9'x7' gas regulator pit in JEFFERSON STREET, the centerline of the 7-foot axis to be 6 feet west of the east line of Jefferson Street and the centerline of the 9-foot axis to be 16 feet north of the north line of Preston Avenue.
- (2) A 5'x4' gas regulator pit in SAN SABA STREET, the centerline of the 4-foot axis to be $7\frac{1}{2}$ feet west of the east line of San Saba Street and the centerline of the 5-foot axis to be $13\frac{1}{2}$ feet south of the south line of East 2nd Street.
- (3) A 5'x4' gas regulator pit in EAST 7TH STREET, the centerline of the 4-foot axis to be 6 feet south of the north line of East 7th Street and the centerline of the 5-foot axis to be 15 feet east of the east line of Chicon Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

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

The application of E. M. POWELL, 300 Congress Avenue, for a license to operate as a taxicab a 1940 4-door Chevrolet Sedan, Motor No. 3143747,

State License (1942) No. 09-825, (1944) No. FR-1730, to replace Taxicab Permit No. 79 cancelled by Alfred Lovel, 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 Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None.

Absent: Councilman Wolf

A letter from MISS ELLA V. EVERETT asking that the Austin Transit Company be required to remove the bus stop from the curb on Congress Avenue at 19th Street and locate same on the University Campus at the intersection of Speedway and 19th Street, was received; and the matter was referred to the City Engineer for investigation and report at the next regular meeting.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:35 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Sharon McKeen
CITY CLERK