

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 29, 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.

Upon motion of Councilman Alford, the reading of the minutes was dispensed with.

Mayor Miller announced that a joint meeting of the City Council and the School Board, to which the public is invited, would be held in the Council Chamber at the City Hall on Thursday, July 6, at 8:00 P. M., for a public discussion of the proposal of the School Board that the City appropriate the sum of SEVENTY THOUSAND DOLLARS (\$70,000.00) out of the Water and Light Fund, or other funds not otherwise appropriated, for the purpose of augmenting the School Fund for one year; the City to take over for the summer the recreational facilities of the schools, including the House Park Gymnasium, for night activities.

A committee of Congress Avenue business men, with D. M. Galloway as spokesman, came before the Council and asked for better police protection on Congress Avenue below Fifth Street to prevent this area from being designated as out-of-bounds by the military authorities. The matter was referred to the Chief of Police for attention, with instructions to employ additional policemen for this area if it is found necessary.

The application of EUGENE ROUNDTREE, 105 East 46th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, State License (1942) No. 881-225, (1944) No. FP9-902, to replace Taxicab Permit No. 18 cancelled by A. R. Thornton, 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

The application of ALFRED LOVELL, 603 Rio Grande Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1940 Model, State License (1942) No. N09-825, (1944) No. FRI-730, to replace Taxicab Permit No. 79 cancelled by Clyde Montgomery, 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 - 4
 Noes : None
 Absent: Councilman Wolf

The application of NEWT GARNER, JR., 300 Congress Avenue, for a license to operate as a taxicab a 4-door Buick Sedan, 1940 Model, State License (1942) No. N23-118, (1944) No. FRI-286, to replace Taxicab Permit No. 13 cancelled by Walter Owens, 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 - 4
 Noes : None
 Absent: Councilman Wolf

The public hearing on the change in zoning of the property known as the Johnson Tract on East Avenue and 38 $\frac{1}{2}$ Street, M. H. Crockett, owner, from "A" Residence District to "C" Commercial District, which was continued from the last regular meeting, was reopened.

Acting City Attorney Patterson then submitted his report on changing the zoning of said property to conform to a Community Center classification, recommending that a strip fifty (50) feet wide off the property of said M. H. Crockett adjoining the property of Bradfield and Brush on the north be reserved as residential, with deed restrictions limiting the use of same to residential or drainage purposes only.

The following persons then appeared and were heard:

M. H. CROCKETT, proponent, pleaded further for the change.

W. L. BRADFIELD and HARRIS BRUSH, opponents, pleaded further for denial of the change.

HOWARD OSBURN, Secretary of the Austin Real Estate Board, submitted a resolution of said Board, commending the action of the City Plan Commission and the Zoning Board.

H. F. KUEHNE, C. A. SCHUTZE, and W. T. CASWELL, members of the City Plan Commission, spoke in support of the Zoning Board's recommendations.

A letter from ROBERT M. MCKINLEY indorsing the change was received and ordered filed.

Councilman Alford was excused from further attendance upon the meeting.

After a full and fair hearing of all persons for and against the change, it was moved by Mayor Miller that the Acting City Attorney be instructed to prepare an ordinance for passage at the next regular meeting changing the zoning of approximately Seven Hundred and Twenty (720) feet of the property fronting on East Avenue to conform to a Community Center classification, with deed restrictions in the strip to be reserved limiting the use of same to residential or drainage purposes only. The motion

carried by the following vote:

Ayes : Councilmen Alford, by Councilman Gillis, proxy; Bartholomew,
Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of the CHICKEN STAND, 3019 Guadalupe Street, for a wine and beer 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

Councilman Gillis 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 HACKBERRY STREET from a point 190 feet east of San Bernard Street easterly 98 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said Hackberry Street.

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

- (2) A gas main in EAST FIFTY-SECOND STREET from a point 224 feet west of Harmon Avenue easterly to a point 5 feet east of Harmon 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 52nd Street.

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

- (3) A gas main in HASKELL STREET from a point 237 feet east of Canadian Street easterly 96 feet, the centerline of which gas main shall be 20 feet south of, and parallel to, the north property line of said Haskell Street.

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

- (4) A gas main in KINNEY AVENUE from a point 75 feet north of Hether Street, northerly 48 feet, the centerline of which gas main shall be 20 feet east of, and parallel

to, the west property line of said Kinney Avenue.

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

- (5) A gas main in JEWELL STREET from a point 243 feet west of Bouldin Avenue westerly 95 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Jewell Street.

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

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

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

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

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

Ayes : Councilmen Bartholomew, Gillis, and Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

It was the sense of the Council that, in addition to the July Fourth holiday, Monday, July 3, also be observed as a holiday for city employes, except for those essential services necessary to be kept in operation.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1939 through 1943 were assessed in the name of Thomas Mess Miller on the West $64' \times 115'$ of Lots Three (3) and Four (4), the East 23 feet of Lot Two (2), and the West 23 feet of Lot Three (3), all in Block 105, in the Original City of Austin; and on the South $23' \times 160'$ of Lot 2(A) in Block 124, Original City of Austin;

and on Lots Seven and Eight, Block 25, Original City of Austin; and on Lot Nine (9), Block 17, Original City of Austin; and on Lot Two (2) Starkey Addition; and for the years 1941 through 1943 on one 1936 Packard Sedan; said taxes for said years being in the amount of \$2496.76, and for non-payment of same at maturity, penalty in the sum of \$124.86 has been assessed and interest in the amount of \$258.84 has accrued, making the total amount of taxes, penalties, and interest due \$2880.46; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$124.86 and one-half of the interest in the sum of \$129.42; therefore,

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

THAT the aforesaid penalty in the sum of \$124.86 and one-half of the interest in the sum of \$129.42 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 \$124.86 and said interest in the sum of \$129.42 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 1:20 P. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hallie McMiller
CITY CLERK