

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 9, 1944
10:45 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; Wm. Wolf, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the meetings of February 10, February 17, February 22, February 24, and March 1, 1944, were read; and upon motion of Councilman Alford were adopted as read by the following vote:

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

The appeal of J. W. DORAN for renewal of his taxicab driver's permit, which had been recommended for denial, was heard.

After considering the appeal, it was moved by Councilman Alford that the said J. W. Doran be granted a permit to drive a taxicab for a probationary period of ninety (90) days. The motion carried by the following vote:

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

Acting City Manager Seaholm submitted a tabulation of bids received for the purchase of property on Lamar Boulevard from 6th Street to 12th Street owned by the City.

After considering said bids, it was moved by Councilman Gillis that the following bids be accepted as the highest and best bids, subject to the following conditions: (1) that the taxes be pro rated as of date of delivery of deeds; (2) that any buildings now on the sidewalk space be allowed to stay there only for the life of the buildings; (3) that terms are cash, or credit acceptable to the City:

| <u>BIDDER</u> | <u>LOCATION</u> | <u>AMOUNT</u> |
|------------------------------|---------------------|---------------|
| Joe Dacy | 604 Lamar Boulevard | \$8,312.50 |
| Ben Powell | 608 Lamar Boulevard | 4,151.00 |
| Ben Powell | 812 Lamar Boulevard | 5,333.33 |
| Pearl Adkins | 704 Lamar Boulevard | 4,665.00 |
| A. H. Johns | 706 Lamar Boulevard | 3,652.75 |
| G. A. Baker | 708 Lamar Boulevard | 3,751.50 |
| Paul Simms for M. K. Hage | 606 Lamar Boulevard | 4,094.92 ; |

that the Acting City Attorney be instructed to prepare the necessary instruments confirming the sales; that the Acting City Manager be authorized to execute same and to return to the low bidders their certified checks. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf.

The appeal of THOMAS LEE SPOON for renewal of his taxicab driver's permit, which had been recommended for denial, was heard.

After considering the appeal, the Council, upon the recommendation of the Chief of Police, declined to grant the permit.

A committee from the AMERICAN LEGION came before the Council and requested permission to use the Old Incinerator Building, formerly occupied by the NYA, as a vocational workshop for disabled veterans of both World War I and World War II.

After hearing a report by the Acting City Manager that said building was being used by the City as a maintenance shop, it was agreed by the City Council that the City would either rent a building for the purpose requested, not to exceed Seventy-five Dollars (\$75.00) per month; or would erect a building for said purpose, the cost of same not to exceed Two Thousand Dollars (\$2,000.00); and the matter was then referred to the Acting City Manager and the City Engineer to work out the details with the committee.

The application of JOHN ANTHONY JOSEPH, 1305 East 6th Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1939 Model, Motor No. D11-144686, State License (1942) No. 55-737, (1944) No. FE-954, duly approved by the Acting City Manager, was submitted.

Councilman Bartholomew moved that the license be granted, there being a vacancy in the quota allowed by the Office of Defense Transportation. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf.

The application of EUGENE ROUNTREE, 411 East 7th 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 LEONARD CASS BURCH, 1405 Mohle Drive, 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 DOROTHY HELEN BRUNOLD, 709 Patterson Avenue, 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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the Acting City Manager is hereby authorized and directed, in behalf of the City of Austin, to execute a release to Ben C. Jones of any and all liens heretofore existing or now existing by reason of the herein-after mentioned judgment on Lots 18, 19, 20, and 21, Hyde Park No. 2, in the City of Austin, Travis County, Texas, in consideration of the payment of all taxes and court costs involved in tax suit No. 20260, City of Austin vs. Ben C. Jones, in the District Court of Travis County, Texas, in which judgment was rendered in favor of the City of Austin on the 16th day of May, 1903, and is recorded in Book 14, page 91, of the District Court Minutes of Travis County, Texas.

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

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 gas main in RIVERVIEW STREET from a point 66 feet east of Chalmers Avenue westerly 116 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of, and parallel to, the south property line of said Riverview Street.

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

- (2) A gas main in WEST EIGHTH STREET from Norwalk Lane easterly 155 feet, the centerline of which gas main shall be 7 feet south of, and parallel to, the north property line of said West 8th Street;

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

- (3) A gas main in BONNIE ROAD, from a point 223 feet west of Pecos Street westerly 138 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 Bonnie 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 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

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Texas Public Service Company has conducted a leakage survey on San Jacinto Boulevard from a point 19 feet north of the south line of East 10th Street to a point 23 feet north of the south line of East 11th Street; and

WHEREAS, numerous gas leaks were found which are hazardous to the general public; and

WHEREAS, the Texas Public Service Company has requested permission to cut the pavement in the aforementioned block at twelve-foot intervals in order to repair leaks at each bell joint, and also to cut the pavement and sidewalk area at all service locations in order to make the necessary repairs to their gas mains; and

WHEREAS, said Company has agreed to repair said street and sidewalk area in accordance with the direction of the City Engineer, and to pay all expenses incidental to the restoration of said pavement and sidewalk area; and

WHEREAS, said request has 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 the Texas Public Service Company be permitted to cut the pavement on San Jacinto Boulevard from a point 19 feet north of the south line of East 10th Street to a point 23 feet north of the south line of East 11th Street at twelve-foot intervals in order to repair leaks at each bell joint and also to cut the pavement and sidewalk area at all service locations in order to make the necessary repairs to their gas main.

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Texas Public Service Company has conducted a leakage survey on East 8th Street from the west line of San Jacinto Boulevard to a point 28 feet west of the east line of Brazos Street; and

WHEREAS, numerous gas leaks were found which are hazardous to the general public; and

WHEREAS, the Texas Public Service Company has requested permission to cut the pavement in the aforementioned block at twelve-foot intervals in order to repair leaks at each bell joint and also to cut the pavement and sidewalk area at all service locations in order to make the necessary repairs to their gas main; and

WHEREAS, said Company has agreed to repair said street and sidewalk area in accordance with the direction of the City Engineer, and to pay all expenses incidental to the restoration of said pavement and sidewalk area; and

WHEREAS, said request has 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 the Texas Public Service Company be permitted to cut the pavement on East 8th Street from the west line of San Jacinto Boulevard to a point 28 feet west of the east line of Brazos Street at twelve-foot intervals in order to repair leaks at each bell joint and also to cut the pavement and sidewalk area at all service locations in order to make the necessary repairs to their gas main.

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 proposal to extend Mount Calvary Cemetery was called for Thursday, March 16th, the next regular meeting.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of Harwood Stacy for the years 1928 through 1942, on personal property and on the following described real property located in the City of Austin, Travis County, Texas:

Lots 10 and 11, in Block 2;
 Lots 23, 24, 31 and part of 22, in Block 3;
 S. E. Triangle of Lot 7, in Block 9;
 Lot 9 in Block 16;
 Lots 25, 31, 33, 34 and 38, in Block 20;
 Lots 25, 26, and 27, in Block 21;
 Lot 7, in Block 23;
 Lots 16 and 17, in Block 27;
 Lots 19, 20, 21, 26, 27, 40, the S. $\frac{1}{2}$ and the W $\frac{1}{2}$ triangle of 22, the N. 28 feet of 25, part of 23 and the E $\frac{1}{2}$ of 41, in Block 28;
 Lots 22, 23 and 24, in Block 31;
 Lots 5, 11, 12 and the N. $\frac{1}{2}$ of 13, in Block 37;
 Lots 6, 8, 10, 12 and 13, in Block 38;
 Lots 3, 9, 10, 11, 12, 13, 15 and 19, in Block 39;
 Lots 7, 8, 9, 10, 12, 16, 17, 18, 21, 22, 23, 24, 40, 41, 43 and 46, in Block 40;
 Lots 14, 15, 17, and 18, in Block 42;
 Lots 3 and 18, in Block 43;
 Lots 7, 13, 19, 28 and the E $\frac{1}{2}$ of 18, in Block 44;
 Lots 10, 11, 12, 13, 14, 16 and 17, in Block 45;
 Lots 4, 9, and 17, in Block 47;

A Triangle of Lot 11, in Block 32;
 Lot 39, in Block 20;
 Lot 13, in Block 32;
 Lot 9, in Block 38;
 Lot 20, in Block 39;
 Lots 14 and 15, in Block 40;
 Lots 11, 12, and 13, in Block 46;
 Lot 10, in Block 47;

all of said property being in Travis Heights in the City of Austin, Travis County, Texas; and Lots 24, 25 and 26, Block 22, Highlands; and

WHEREAS, said taxes on said property amount to \$3,128.62, and for non-payment of same at maturity penalty in the sum of \$156.43 has been assessed, and interest in the amount of \$1,158.96 has accrued, making the total taxes, penalty and interest due \$4,444.01; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$156.43, and one-half of the interest in the sum of \$579.48; therefore,

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

THAT the aforesaid penalty in the sum of \$156.43, and one-half of the interest in the sum of \$579.48 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty and said interest 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 Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf.

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

APPROVED

Tom Miller
 MAYOR

ATTEST:

Halle M. Keller
 CITY CLERK