

REGULAR MEETING

Monday, January 6, 1947
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, January 6, 1947, at 7:30 P. M., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Manly, seconded by Mr. Worley.

COMMUNICATIONS FROM THE MAYOR

December 31, 1946.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis.

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mr. Frank J. Noll, Jr., the following ordinance:

APPROPRIATION ORDINANCE NO. 58, 1946

AN ORDINANCE transferring, reappropriating and reallocating the sum of Two Thousand (\$2,000.00) Dollars from a certain desig-

nated item and fund in the Fire Department of the Department of Public Safety to another designated fund in the same Division and Department; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,
Mayor

January 3, 1947

To the Honorable President and
Members of the Common Council
of the City of Indianapolis.

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mr. Frank J. Noll, Jr., the following ordinances:

APPROPRIATION ORDINANCE NO. 53, 1946

AN ORDINANCE ratifying, confirming and approving certain agreements executed in behalf of the City of Indianapolis on March 22, 1946, by and between the City of Indianapolis and the Federal Works Agency, Bureau of Community Facilities, wherein the City of Indianapolis by and through its Board of Public Health and Hospitals has made application for certain funds to be used in the preparation of plans for remodeling and additions to the City Hospital; providing for legal notice, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 54, 1946

AN ORDINANCE appropriating the total sum of Thirteen Hundred Twenty (\$1,320.00) Dollars from the anticipated, estimated and unappropriated 1947 balance of the Tuberculosis Prevention Fund to certain designated items and funds in the Department of Public Health and Hospitals for the purpose of increasing wages and salaries; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 55, 1946

AN ORDINANCE appropriating the total sum of Nineteen Thousand Nine Hundred Sixty-Four Dollars and Forty Cents (\$19,964.40) from the estimated, anticipated and unappropriated 1947 balance of the Sanitation Maintenance and General Expense Fund to certain designated items and funds in the Department of Public Sanitation, for the purpose of raising wages and salaries; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 56, 1946

AN ORDINANCE appropriating the sum of Two Hundred Forty (\$240.00) Dollars from the anticipated, estimated and unappropriated 1947 balance of the Department of Public Health and Hospitals General Fund to certain designated Items and funds in the Department of Public Health and Hospitals, for the purpose of raising wages and salaries; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 57, 1946

AN ORDINANCE amending General Ordinance No. 86, 1946, (relating to the Budget), as amended, so as to transfer, reappropriate and reallocate the sum of Eight Thousand Two Hundred Eighty (\$8,280.00) Dollars from a certain Item in the City Hospital Division of the Department of Public Health and Hospitals, 1947 Budget, to certain other designated Items in the same Fund, Division and Department Budget, for the purpose of increasing salaries; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,

Mayor

January 6, 1947.

To the Honorable President and Members
of the Common Council of the City
of Indianapolis.

Gentlemen:

Attached are copies of Appropriation Ordinance No. 1, 1947,

appropriating the sum of \$27,375.00 from the anticipated, estimated, unappropriated 1947 balance of the City General Fund to the Fire and Police Departments.

Yours very truly,

ROY E. HICKMAN,
City Controller

December 23rd, 1946.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

Submitted herewith is General Ordinance No. 1, 1947, establishing certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended; and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
WM. H. REMY, President.

January 3, 1947.

Honorable President and Members of the
Common Council of the City of Indianapolis.

Gentlemen:

Attached please find copies of General Ordinance No. 2, 1947, ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of the Mayor, as City, and the Russell B. Moore and Mark B. Owen, partners d/b/a Moore and Owen, of Indianapolis, as engineers, wherein said City has contracted with

said partnership for the preparation of plans and specifications for the construction of relief sewers in the area of said City which commonly referred as Broad Ripple, upon the terms, conditions and provisions provided in said contract and fixing a time when the same shall take effect.

The Board of Public Works and Sanitation respectfully recommend the passage of this ordinance.

Very truly yours,

EMANUEL B. WETTER,
BOARD OF PUBLIC WORKS AND SANITATION.

January 3, 1947.

Honorable President and Members of the
Common Council of the City of Indianapolis.

Gentlemen:

Attached please find copies of General Ordinance No. 3, 1947, ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of its Mayor as City, and Pierce and Gruber, Structural Engineers wherein the City has contracted Pierce and Gruber for the preparation of plans and specifications for the construction of two bridges in the City of Indianapolis, Indiana, one of which is to be constructed at the intersection of Central Avenue and the Indiana Central Canal and the other over said Canal at College Avenue, upon the terms, conditions and provisions provided in said contract and fixing a time when the same shall take effect.

The Board of Public Works and Sanitation respectfully recommend the passage of this ordinance.

Very truly yours,

EMANUEL B. WETTER,
BOARD OF PUBLIC WORKS AND SANITATION.

January 3rd, 1947.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

Submitted herewith is General Ordinance No. 4, 1947, authorizing and empowering the Board of Public Safety of Indianapolis, Indiana, to have one (1) 1942 Chrysler automobile appraised by appraisers appointed by the Judge of the Circuit Court and to sell same for not less than its appraised value and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,
WM. H. REMY, President,

January 3rd, 1947.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

Submitted herewith is General Ordinance No. 5, 1947, establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,
WM. H. REMY, President.

January 6, 1947.

Honorable President and Members
Common Council of the
City of Indianapolis.

Gentlemen:

Attached hereto are twenty copies of General Ordinance No. 6, 1947, an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary,
CITY PLAN COMMISSION.

COMMUNICATIONS FROM CITY OFFICIALS

At this time those present were given an opportunity to be heard on General Ordinances Nos. 124, 142, 143, 144, 145, 146, 147, 148, 149, 150, 1946 and Special Ordinance No. 13, 1946.

Mr. Kealing asked for recess. The motion was seconded by Mr. Manly, and the Council recessed at 8:15 P. M.

The Council reconvened at 9:50 P. M., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Election, to whom was referred General

Ordinance No. 124, 1946, entitled

AN ORDINANCE increasing the number of taxicabs,
beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

WM. A. BROWN, Chairman
MAX WHITE
R. C. DAUSS
HERMAN E. BOWERS
A. ROSS MANLY

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 142, 1946, entitled

AN ORDINANCE authorizing the purchase of equipment for the
Fire Department,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 143, 1946, entitled

AN ORDINANCE authorizing the purchase of radio equipment for Police Radio Division,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 144, 1946, entitled

AN ORDINANCE establishing 2 loading zones,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
OTTO H. WORLEY
WM. A. BROWN

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Election, to whom was referred General Ordinance No. 145, 1946, entitled

AN ORDINANCE establishing a zone for public parking,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WM. A. BROWN, Chairman
MAX WHITE
HERMAN E. BOWERS
R. C. DAUSS
A. ROSS MANLY

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 146, 1946, entitled

AN ORDINANCE prohibiting and regulating smoking in certain
places,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Health, to whom was referred
General Ordinance No. 147, 1946, entitled

AN ORDINANCE establishing the rates of taxicab fares,

beg leave to report that we have had said ordinance under consider-

ation, and recommend that the same be held for further consideration.

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
A. ROSS MANLY
OTTO H. WORLEY
WILLIAM A. BROWN

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on City Welfare, to whom was referred
General Ordinance No. 148, 1946, entitled

AN ORDINANCE establishing taxicab license fees,

beg leave to report that we have had said ordinance under consider-
ation, and recommend that the same be held for further consideration.

MAX WHITE, Chairman
WILLIAM A. BROWN
A. ROSS MANLY
LUCIAN B. MERIWETHER
HERMAN E. BOWERS

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Works, to whom was referred
General Ordinance No. 149, 1946, entitled

AN ORDINANCE regulating taxicabs requiring their owners or
operators to keep them in continuous service,

beg leave to report that we have had said ordinance under consider-

ation, and recommend that the same be held for further consideration.

EDWARD R. KEALING, Chairman
HERMAN E. BOWERS
R. C. DAUSS
WILLIAM A. BROWN
MAX WHITE

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 150, 1946, entitled

AN ORDINANCE increasing the number of taxicabs to 475,

beg leave to report that we have had said ordinance under consider-
ation, and recommend that the same be held for further consideration.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., January 6, 1947.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Law and Judiciary, to whom was referred
Special Ordinance No. 13, 1946, entitled

AN ORDINANCE annexing certain contiguous territory,

beg leave to report that we have had said ordinance under consider-

ation, and recommend that the same be passed.

OTTO H. WORLEY, Chairman
WILLIAM A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 1, 1947.

AN ORDINANCE appropriating the total sum of Twenty-Seven Thousand Three Hundred Seventy-Five (\$27,375.00) Dollars from the estimated, anticipated and unappropriated 1947 balance of the General Fund of the City of Indianapolis, Indiana, and appropriating and allocating same among certain designated funds in the Fire Department, Department of Public Safety and the Police Department, Department of Public Safety, according to 1947 Budget Classification for the purpose of providing additional salaries for certain firemen and policemen and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the total sum of Twenty-Seven Thousand Three Hundred Seventy-Five (\$27,375.00) Dollars be and the same is hereby appropriated from the estimated, anticipated and unappropriated 1947 balance of the General Fund of the City of Indianapolis, Indiana, and appropriated and allocated in the respective amounts hereinafter set out to the respective funds indicated in the Fire Department, Department of Public Safety and the Police Department Division of Public Safety, according to the 1947 Budget Classification, for additional salaries for firemen and policemen, hereby provided for, to-wit:

Fund No. 11, Salaries and Wages, Regular
24 Privates, 1st year men, increased from \$2100
to \$2400 ----- \$7,200.00

Total Fire Fund No. 11 -----	\$7,200.00
Fund No. 11, Salaries and Wages, Regular	
26 Probationary Police increased from \$2100 to \$2400 -----	\$ 7,800.00
90 Probationary Police (5½ mos.) increased from \$2100 to \$2400 -----	12,385.00
Total Police Fund No. 11 -----	\$20,175.00
TOTAL ADDITIONAL APPROPRIATION ---	\$27,375.00

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and with all laws pertaining thereto.

Which was read for the first time and referred to the Committee on Public Safety.

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE NO. 1, 1947.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That, for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis, with ingress and egress for passengers, materials and merchandise coming to or going from such premises,—such owners or occupants having complied with all provisions of law relating to same and the Board of Public Safety, after due investigation thereof, having recommended the establishment of same,—the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

Beginning at a point 15 feet east of the first alley west of North Capitol Avenue and extending east 25 feet on the south side of West 13th Street.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Health.

By the Board of Public Works and Sanitation:

GENERAL ORDINANCE NO. 2, 1947.

AN ORDINANCE ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, as City, and the Russell B. Moore and Mark B. Owen, partners, d/b/a Moore and Owen, of Indianapolis, Indiana, as engineers, wherein said City has contracted with said partnership for the preparation of plans and specifications for the construction of relief sewers in the area of said City which commonly referred as Broad Ripple, upon the terms, conditions and provisions provided in said contract and fixing a time when the same shall take effect.

WHEREAS, heretofore, on the 20th day of December, 1946, the City of Indianapolis, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, entered into the aforementioned contract with Moore and Owen, a partnership, which contract is in the following words and figures, to-wit:

CONTRACT FOR ENGINEERING

THIS AGREEMENT made and entered into on this 20th day of December, 1946, by and between the City of Indianapolis, Indiana, acting by and through its Board of Public Works and Sanitation, hereinafter called the "City," and Russell B. Moore and Mark B. Owen, Partners, doing business under the firm name and style of Moore & Owen, of Indianapolis, Indiana, hereinafter called the "Engineers,"

WITNESSESS THAT:

WHEREAS, the City is proposing to construct relief sewers in the

area in said City which is commonly referred to as Broad Ripple and which area lies between the White River-Fall Creek water shed, on the south, and White River and 63rd Street, on the north, principally within sub-districts 4 and 5 as described and as generally recommended by the Engineers in the preliminary report on the "relief for the System of Sewers in the Upper White River-Broad Ripple Water Shed," which report was submitted to the City on March 29, 1946, and which relief sewers so to be constructed are sometimes referred to herein as "the project," and

WHEREAS, the City desires to obtain the engineering services required in the preparation of all plans, specifications, and estimates of cost which will be needed in order to enable the City to proceed with the performance of such work and undertake the construction of the required sewers, and

WHEREAS, the Engineers are qualified and prepared to perform the services required by the City in the preparation of all such plans, specifications and estimated of cost and the parties have agreed for the performance of such work by the Engineers under the terms and conditions herein stated:

THEREFORE, IT IS AGREED by and between the parties that the City shall employ the Engineers, and hereby does employ the Engineers, to perform the professional services specified herein and agrees to pay for such services the amount herein stated. The services of the Engineers under this Contract shall be:

1. The Engineers will make all necessary field surveys, studies and investigations required for the proper selection of routes for, and the proper design of, the required relief sewers, and shall advise with the City through its Engineering Department with respect to, and shall determine, the most advantageous routes and design of all required work and structures.
2. The Engineers shall prepare detailed plans, profiles, specifications and estimates of cost in accordance with the determinations reached under Paragraph 1, above, for such sewers and shall submit all such plans, profiles, specifications and estimates of cost to the Board of Public Works and Sanitation and to the proper State and Government Agencies for approval by such Agencies. After the approval of such plans and specifications, at least six (6) complete

sets of the approved plans, profiles, specifications and estimates will be delivered by the Engineers to the City. The originals of such plans and profiles, or tracing cloth reproductions of such originals, shall be delivered to the Department of Engineering.

In full satisfaction for the services of the Engineers above described, the City agrees to pay to the Engineers a sum equal to three percent (3%) of the estimated construction cost of the project, not including land, rights-of-way, or engineering costs, but said sum shall not exceed Twenty-five Thousand (\$25,000.00) Dollars. One-half of said payment shall be made within fifteen (15) days after the delivery to the City of the plans, specifications and estimates of cost so to be prepared by the Engineers and approved as provided in Paragraph 2 above and delivered to the City, and the other half of said payment shall be made within thirty (30) days after the City receives a sum of money equal to one-half of the aforementioned payment from the Federal Government.

The City hereby represents and covenants that all conditions precedent to its right and capacity to execute and perform this agreement, and to pay the compensation to the Engineers herein provided, have been discharged and that the funds for such payment are available to the City for use in satisfying such obligation.

SPECIAL COMMITMENT OF ENGINEERS

The Engineers hereby further commit themselves, without any corresponding commitment on the part of the City, to hold available to the City a sufficient staff to perform, in the event the City elects to proceed with the construction of the project and so requests, all the appropriate services of an engineer incident to the following matters:

1. The preparation of advertisements for bids and instructions to bidders.
2. The tabulation and analysis of all bids received and the preparations of a report and recommendation with respect to such bids.
3. The supervision and the laying out of all work undertaken in accordance with the plans and specifications supplied by the Engineers.

4. The preparation of all additional working drawings required in the course of the work.
5. The inspection, as provided below, of workmanship and materials in the course of the work to determine compliance with prescribed standards.
6. The preparations of monthly estimates of work completed in the course of the construction.
7. The making of a final inspection of all completed construction to assure full compliance with the plans and specifications.
8. After the completion of the construction of the project, the Engineers shall revise and correct the original plans and profiles, as furnished to the Department of Engineering under paragraph 2 of the foregoing portion of the contract, and show therein all facilities and structures as finally constructed.

Throughout the active construction period, the Engineers will furnish a full-time Engineer, who shall be a registered professional engineer, to serve, under the direction of the Engineers, in the inspection of all materials and equipment installed on the project, in the inspection of all workmanship, and in the preparation and maintenance of complete construction and progress reports. It is recognized that the inspection of materials to be made by any such Resident Engineer shall be field inspections and not such as require laboratory tests. Any laboratory tests shall be made only at the direction or request of the City and at the City's expense.

In the event the City requests the performance of the services set out above in connection with the construction of said project, the City shall pay to the Engineers in full satisfaction of their fee for such services an aggregate sum equal to five percent (5%) the actual cost of construction of the entire project less the amount paid the Engineers under the foregoing parts of this contract as the fee for the preparation of plans and specifications for the project. Said aggregate amount shall be paid in monthly installments as the construction work is performed, with each such installment being in proportion to the work completed during the previous month.

At the request of the City, the Engineers shall provide one or more inspectors, whose qualifications shall be satisfactory to the

Engineers and to the City Civil Engineer, who shall inspect and observe all construction work in progress. The amount to be paid by the City to the Engineers for the services of each such inspector during the period of his employment and assignment to this project shall be determined and agreed upon by the parties of this contract at the time of the employment and assignment of each such inspector.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed, IN DUPLICATE, by their duly authorized representatives and agents on the date first above written.

BY /S/ Blain H. Miller
/S/ Joseph B. Wade
/S/ Gideon W. Blain
Board of Public Works & Sanitation

ATTEST: CITY OF INDIANAPOLIS, INDIANA

Emanuel B. Wetter,
Executive Sec'y. of said Board.

APPROVED:

December 20, 1946.

Mayor, City of Indianapolis.

Section 1. That the foregoing contract made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, and approved by the Mayor, and the Moore and Owen, a partnership, in consideration of the premises mentioned in said contract, the same be and is hereby in all things satisfied, confirmed and approved in accordance with the terms, conditions and permission hereof.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Finance.

By the Board of Public Works and Sanitation:

GENERAL ORDINANCE NO. 3, 1947.

AN ORDINANCE ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, as City, and Dean E. Pierce, Clarence E. Gruber, Walter M. Beam and Tino J. Poggiani, partners, d/b/a Pierce and Gruber, structural engineers, of Indianapolis, Indiana, as engineers, wherein said City has contracted with said partnership for the preparations of plans and specifications for the construction of two bridges in the City of Indianapolis, Indiana, one of which is to be constructed at the intersection of Central Avenue and the Indiana Central Canal and the other over said Canal at College Ave., upon the terms, conditions and provisions provided in said contract and fixing a time when the same shall take effect.

WHEREAS, heretofore, on the 20th day of December, 1946, the City of Indianapolis, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, entered into the aforementioned contract with Pierce and Gruber, structural engineers, a partnership, which contract is on the following words and figures, to-wit:

CONTRACT FOR ENGINEERING SERVICES

THIS AGREEMENT made and entered into on this 20th day of December, 1946, by and between the City of Indianapolis, Indiana, acting by and through its Board of Public Works and Sanitation, hereinafter called the "City" and Dan E. Pierce, Clarence E. Gruber, Walter M. Beam and Tino J. Poggiani, Partners, doing business under the firm name and style of Pierce and Gruber, Structural Engineers, Indianapolis, Indiana, hereinafter called the "Engineers,"

WITNESSETH THAT:

WHEREAS, the City is proposing to construct two bridges in the City of Indianapolis, one of which is to be constructed over the Indiana Central Canal, owned and operated by the Indianapolis Water Company, at Central Avenue and the other over said Canal at College Avenue; and

WHEREAS, the City desires to obtain the engineering services re-

quired in the preparation of all detail plans, drawings, tracings, specifications, estimates of cost which will be needed in order to enable the City to proceed with the performance of such work and undertake the construction of the aforementioned bridges; and

WHEREAS, the Engineers are qualified and prepared to perform the services required by the City in the preparation of all such plans, drawings, tracings, specifications, estimate of cost and they agree to perform such work under the terms and conditions hereinafter set forth;

NOW, THEREFORE, it is agreed by and between the parties hereto, that the City shall and does hereby employ the Engineers to perform the professional services specified herein and agrees to pay for such services the amount hereinafter stated.

The services of the Engineers under this contract shall be as follows:

1. The Engineers will make all necessary field surveys, studies and investigations required for the proper location of the proper design of, and the proper survey for foundation of each of the aforementioned bridges, and shall advise with the City through its Engineering Department with respect thereto, and shall determine the most advantageous locations, foundation and design of all required work and structures.
2. The Engineers shall prepare completely detailed plans, profiles specifications and estimates of cost in accordance with the determinations reached under Item 1, above, for each of the aforementioned bridges and shall submit all such plans, profiles, specifications and estimates of cost to the Board of Public Works and Sanitation and to the proper State and Government agencies for approval by said Board and such agencies. After the approval of such plans and specifications, at least six (6) complete sets of the approved plans, profiles, specifications and estimates of cost will be delivered by the Engineers to the City. The originals of such plans and profiles, or tracing cloth reproductions of such originals, shall be delivered to the Department of Engineering.
3. Prepare advertisements for Bids and instructions to bidders.

4. Tabulate and analyze all Bids received and prepare a report and recommendation with respect to each Bid.

In full satisfaction for services of the Engineers above described, the City agrees to pay to the Engineers a sum of money equal to four and three-fourths (4¾) per cent of the estimated cost of each of the aforementioned bridges, not including land, rights-of-way, or engineering costs, but said sum shall not exceed **Five Thousand Five Hundred Six Dollars (5,506.00)** for the College Avenue Bridge and **Three Thousand Nine Hundred Dollars (\$3,900.00)** for the Central Avenue Bridge.

One (1) per cent of the estimated cost shall be paid upon completion of the surveys, the preliminary investigation studies and the preliminary general plan.

One and one-quarter (1¼) per cent of the estimated cost shall be paid additional when working or contract plans and specifications are sixty-five (65) percent completed.

Two and one-half (2½) per cent of the estimated cost shall be paid additional after the plans, specifications and estimates of cost are prepared by the Engineers and approved as provided in Item 2, above, and delivered to the City, said payment to be made within thirty (30) days after the City receives from the Federal Works Agency the final payment of a total sum of money equal to the aforementioned payments.

SPECIAL COMMITMENT OF ENGINEERS

The Engineers hereby further commit themselves, without any corresponding commitment on the part of the City, to hold available to the City a sufficient staff to perform, in the event the City elects to proceed with the construction of the aforementioned bridges and so requests, all the appropriate services of an Engineer incident to the following matters:

5. Supervise and lay out all work undertaken in accordance with the plans and specifications approved and accepted by the City.
6. Prepare all additional working drawings required in the course of the work.
7. Inspect, as provided below, the workmanship and materials

used in the course of the construction to ascertain whether such work is in compliance with the prescribed standards.

8. Prepare monthly estimates of work completed in the course of the construction.
9. Make final inspection of all completed construction to secure full compliance with the plans and specifications.
10. After the completion of the construction of the bridges, the Engineers shall revise and correct the plans and profiles furnished the Engineering Department for the purpose of showing all changes, modifications, revisions, if any there were made, during the course of construction.

Throughout the active construction period, the Engineers will furnish a registered professional Engineer to make inspection of all materials and equipment used in the construction of the aforementioned bridges, to make inspection of all workmanship, to complete construction and progress reports, to assist in a correct interpretation of the plans and specifications and to safe-guard the City against defects and deficiencies on the part of the contractor.

The Engineers shall provide one or more clerks of the work, whose qualification shall be satisfactory to the Engineers and to the City Civil Engineer, who shall inspect and observe all construction work in progress. The amount to be paid by the City to the Engineers for the services of each clerk during the period of employment and assignment to this project shall be determined and agreed upon by the parties to this contract at the time of the employment and assignment of each such clerk.

In the event the City requests the performance of the services set out above in connection with the construction of said bridges, the City shall pay to the Engineers, in addition to any sum paid under Paragraph 3 of Section 10, above, concerning the clerk or clerks of the work, in full satisfaction of their fee for such services an aggregate sum of money equal to seven and one-half (7½) per cent of the actual cost of construction of each bridge less the amount paid the Engineers under the foregoing parts of this contract as the fee for preparation of plans and specifications for each of said bridges. Said aggregate amount shall be paid in monthly installments as the construction work is performed, with each such installment being in proportion to the work completed during the previous month.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed in triplicate, by their duly authorized representatives and agent on the date first above written.

CITY OF INDIANAPOLIS
BOARD OF PUBLIC WORKS
AND SANITATION.

By /S/ Blain H. Miller,

President

ATTEST:

/S/ Emanuel B. Wetter,

Executive Secretary

/S/ Sherlie A. Deming,

Vice-President

APPROVED:

December 20, 1946.

/S/ Joseph B. Wade

Member

/S/ Gideon W. Blain

Member

Mayor

PIERCE AND GRUBER
STRUCTURAL ENGINEERS

By /S/ Dan E. Pierce

Partners

APPROVED:

/S/ C. E. Gruber

Section 1. That the foregoing contract made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, and approved by the Mayor, and Pierce and Gruber, Structural Engineers, a partnership, in consideration of the premises mentioned in said contract, the same be and is hereby in all things satisfied, confirmed and approved in accordance with the terms, conditions and permission hereof.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Finance.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 4, 1947.

AN ORDINANCE authorizing and empowering the Board of Public Safety of Indianapolis, Indiana, to have one (1) 1942 Chrysler automobile appraised by appraisers appointed by the Judge of the Circuit Court and to sell same for not less than its appraised value and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. The Board of Public Safety of Indianapolis, Indiana, be and the same is hereby authorized to petition the Judge of the Circuit Court to appoint three (3) disinterested freeholders of Indianapolis to appraise

“One (1) 1942 Chrysler, Saratoga, five passenger sedan, known as Police Car No. 2. Motor No. C36-8186, Serial No. 6763509.”

Section 2. The Board of Public Safety, by and through its Purchasing Agent, be and the same is hereby authorized to sell the Chrysler automobile described in Section 1 hereof, after advertising for bids according to law, to the highest bidder for a sum not less than the appraisal authorized in Section 1 hereof.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Works.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 5, 1947.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That, for the purpose of providing the owners or

INDIANAPOLIS LIB. IND. PLS.

occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises,—such owner or occupants having complied with the provisions of Section 26 of General Ordinance No. 96-1928, as amended relative to the establishment of passenger and/or loading zones, and the Board of Public Safety, after due investigation, having recommended the establishment of same, the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

“To begin at a point 20 feet south of the south sidewalk line of E. Ohio Street and extend south 25 feet on the west side of Delaware Street.”

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Parks.

By the City Plan Commission:

GENERAL ORDINANCE NO. 6, 1947.

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U2 or Apartment House District, A3 or 2400 Square Feet Area District, and H1 or 50 Feet Height District, so as to include the following described territory, to-wit:

“Beginning at a point, said point being the intersection of the center lines of Graham Avenue and East Sixteenth Street; thence east on and along the

center line of East Sixteenth Street a distance of one thousand thirty-two and seventy-one hundredths (1032.71) feet to a point; thence south a distance of one hundred ninety-five (195.0) feet to a point; thence east on a line parallel to the center line of East Sixteenth Street a distance of two hundred ninety-five (295.0) feet, more or less, to a point in the center line of North Arlington Avenue; thence south on and along the center line of Arlington Avenue a distance of four hundred eighty-five and thirty-four hundredths (485.34) feet to a point, said point being the intersection of the center line of North Arlington Avenue and the center line of East Fourteenth Street (also the present Corporation Limit of the City of Indianapolis); thence west on and along the center line of East Fourteenth Street a distance of thirteen hundred thirty-two and five-tenths (1332.5) feet, more or less, to the intersection of said center line of East Fourteenth Street and the center line of Graham Avenue; thence north on and along the center line of Graham Avenue a distance of six hundred eighty and thirty-four hundredths (680.34) feet, more or less, to the point of beginning."

Section 2. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U3 or Business District, A3 or 2400 Square Feet Area District, and H1 or 50 Feet Height District, so as to include the following described territory, to-wit:

"Beginning at a point, said point being the intersection of the center lines of East Sixteenth Street and North Arlington Avenue; thence south on and along the center line of North Arlington Avenue a distance of one hundred ninety-five (195.0) feet to a point; thence west on a line parallel to the center line of East Sixteenth Street a distance of two hundred ninety-five (295.0) feet to a point; thence north a distance of one hundred ninety-five (195.0) feet to a point in the center line of East Sixteenth Street; thence east on and along the

center line of East Sixteenth Street to the point of beginning."

Section 3. This ordinance shall be in full force and effect from and after its passage, approval of the Mayor and publication according to law.

Which was read for the first time and referred to the Committee on Law & Judiciary.

ORDINANCES ON SECOND READING

Mr. Dauss called for General Ordinance No. 143, 1946 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 143, 1946 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 143, 1946 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Manly called for General Ordinance No. 144, 1946 for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Worley, General Ordinance No. 144, 1946 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 144, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr.

Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Brown called for General Ordinance No. 145, 1946 for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Kealing, General Ordinance No. 145, 1946 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 145, 1946 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 146, 1946 for second reading. It was read a second time.

Mr. Dauss presented the following motion to amend General Ordinance No. 146, 1946:

Indianapolis, Ind., January 6, 1947.

Mr. President:

I move that General Ordinance No. 146, 1947, be amended by striking out—in paragraph “a” of Section 1, the word “and” after the word, “customers”—and inserting in lieu thereof the word, “or.”

R. C. DAUSS,
Councilman

The motion was seconded by Mr. Kealing, and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Not voting: Mr. Manly.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 146, 1946, As Amended, was ordered engrossed, a third time and placed upon its passage.

General Ordinance No. 146, 1946, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Not voting: Mr. Manly.

Mr. Worley called for Special Ordinance No. 13, 1946 for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Bowers, Special Ordinance No. 13, 1946 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 13, 1946 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

MISCELLANEOUS BUSINESS

Mr. Bowers read the following letter and instructed the

City Clerk to forward the letter with a certified copy of Resolution No. 10, 1946 by registered mail to the Citizens Gas and Coke Utility:

January 6, 1947.

Mr. Thomas L. Kemp,
General Manager
Citizens Gas & Coke Utility,
Indianapolis, Indiana.

Dear Mr. Kemp:

Pursuant to the resolution passed by the Common Council, December 16, 1946, to investigate certain operations of the city-owned Citizens Gas & Coke Utility, we now request answers to the following questions:

1. Since average gas rates in Indianapolis for 1945 seem to be considerably higher than charged by many Natural Gas Companies, what specific negotiations has the gas utility management made to obtain a supply of natural gas for Indianapolis.
2. What is the cost of additional or replacement coke ovens and appurtances purchased or being purchased since September 9, 1935.
3. Does the gas utility management intend to install additional or replacement coke ovens or to convert to natural gas as soon as a supply can be assured.
4. What was the cost of gas in the holder for the years 1940, 1945 and 1946 including depreciation and interest on production facilities.
5. How can present ratepayers benefit by paying gas rates so high as to provide both depreciation and retirement of serial bonds as well as plant additions.
6. What prevents permanent bonds financing such as private utilities use so that the present generation of ratepayers can have lower rates.
7. Did the directors resolve in 1935 at the time of the \$8,000.

000 bond issue to pay the City a sum equal to the amount of taxes which the Citizens Gas Company was then paying as a privately owned corporation.

Your reply to these questions for the information of the Common Council and the citizens of Indianapolis is requested to be delivered to the City Clerk of Indianapolis not later than January 16, 1947.

Very truly yours,
HERMAN E. BOWERS,

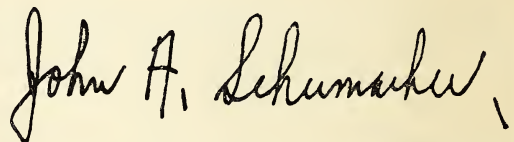
Chairman of Finance Committee.

HEB:MKB

On motion of Mr. Kealing, seconded by Mr. Bowers, the Common Council adjourned at 10:15 P. M.

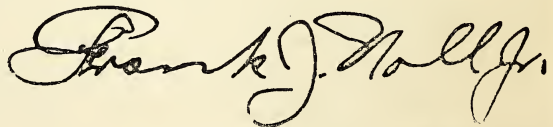
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 6th day of January, 1947, at 7:30 P. M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.



President

ATTEST:



City Clerk

(SEAL)