

that, in spite of the very splendid showing made in said report, the City of Austin has furnished a tremendous amount of lighting and fire protection without cost.

City Manager Morgan was instructed to have said report published in full in the daily newspapers.

There being no further business, Councilman Gillis moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The Council then recessed at 11:40 A. M.

Attest:

Hallie McKeen
City Clerk

Approved: Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 24, 1935.

The meeting was called to order at 11:15 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

Upon motion of Mayor Miller, the reading of the Minutes was deferred.

A committee from the Southside Development Association submitted the following communication:

"Austin, Texas
January 23, 1935.

To the Honorable Mayor and
City Council of the City of Austin
Austin, Texas.

Gentlemen:

Whereas, at various meetings of the members of the Southside Development Association it has been ascertained that the majority of said members are in favor of having West Mary Street, from the intersection of Evergreen Avenue to the intersection of Congress Avenue, designated as a state highway and developed by proper road construction and underpass; therefore

At a called meeting of the Board of Directors of said association, the following resolution was passed:

'That the City Council of the City of Austin is hereby requested to consider the following facts:

'That there is a great need to relieve the peak load of traffic which is frequently found on Barton Springs Road; that the grade crossing on the Missouri-Pacific Railway on Mary Street should be eliminated and a railroad underpass provided; that the dangerous curve now existing at said crossing should also be eliminated; that a paved fire lane should be provided from South Congress to West South Austin; that a highway be provided from the mountain section of Travis County to Austin which will not be subject to the Colorado River overflows; that this connection will increase the hard-surface paving in Austin since the present highway is already paved; that South Congress Avenue was paved at a greater cost to the abutting property owners than most any other street in the City, and in order to reap the benefits of this investment that Mary Street designation should be seriously considered; that there has been frequent suggestion that another bridge across the Colorado River should be provided at a future date, and the most talked of location is at East Avenue, which is nearly opposite Travis Boulevard, and this with the Mary Street location would tend to

further distribute traffic whenever the East Avenue bridge project has materialized; that there is no east-west paved street through South Austin; therefore be it further

RESOLVED: That the City Council of the City of Austin is hereby requested by the Southside Development Association to consider the foregoing facts, and to lend its influence, and pass such resolutions as it may see fit, and submit a communication to the proper state authorities, previous to the final consideration of the state and federal authorities, requesting that Mary Street be designated as the highway connection between the Fredericksburg highway and Congress Avenue, and subject to improvement by the use of the money already appropriated for this particular project; and that the City Council is further requested to consider this an official communication from the Southside Development Association, and to place same in the minutes of the City Council.'

Yours very respectfully,

SOUTHSIDE DEVELOPMENT ASSOCIATION

By (Sgd) B. E. Howell, President. "

Supplementing their written communication, the committee requested the consideration of other streets in South Austin for the highway in the event Mary Street were rejected, stating that the cost of construction would be less than on Barton Springs Road and would be the means of bringing the trade from the Perdenales and surrounding territory to the merchants of South Austin.

After considerable discussion, the committee was advised to take the matter up with the State Highway Department and the Federal Government, said authorities having the final decision in the matter.

The committee was also advised by the Council that a number of streets in South Austin could be paved if the property owners would pay for the topping of same, the City agreeing to pay for the street intersections and the gravel base.

Councilman Wolf offered the following resolution:

WHEREAS, J. M. Odom is the Contractor for the remodeling of a building located at 622 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 6, Block 70, of the Original City of Austin during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point in the north line of the above described lot, 60' west of the N. E. corner of said lot; thence in a northerly direction and at right angles to the centerline of West 7th Street a distance to a point 10' north of the south curb line of West 7th Street; thence in a westerly direction and parallel with the centerline of West 7th Street a distance of 20'; thence in a southerly direction and at right angles to the centerline of West 7th Street a distance to the south line of West 7th Street; thence in an easterly direction along the south line of West 7th Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall use the street space for working and storage spaces, and shall use the sidewalk space only as a path of transfer of materials between building and storage and working space; that the sidewalk shall be left open and unobstructed, and the street space shall be bounded by a guard rail at least four (4) feet high, substantially braced and anchored.

(2) THAT the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than February 9, 1935.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, J. R. Blackmore is the Contractor for the alteration of a store front located at 714 Congress Avenue and desires a portion of the sidewalk space abutting the north one-half of Lot 4, Block 83, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. R. Blackmore, the boundary of which is described as follows:

Sidewalk Working Space.

Beginning at the northeast corner of the above described lot; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance to the west curb line of Congress Avenue; thence in a southerly direction along the west curb line of Congress Avenue a distance of 23 feet; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to the west line of Congress Avenue; thence in a northerly direction along the west line of Congress Avenue to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said J. R. Blackmore, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall maintain an open walkway along the sidewalk through the above described sidewalk space, such walkway to be at least 4 feet wide and to be protected from the spaces used during the alteration by guard rails at least 4 feet high

and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such walkway.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than February 15, 1935.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The request of A. H. Osburn, Agent for F. J. West, owner of the property at 820 West 12th Street, for permit to set the sidewalk back to allow for a ramp, eight to ten feet deep, in front of said property, was heard. The matter was referred to the City Manager and City Engineer for satisfactory adjustment before permit is granted, the City to retain the right to revoke same in the event the sidewalk placed on the property of said applicant should cease to be used for public purposes.

Councilman Alford offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

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

THAT the Southwestern Bell Telephone Company be, and the same is hereby, permitted to construct its pole lines in the following streets:

(1) One telephone pole on EAST THIRTIETH STREET at Robinson Street, the center of which pole shall be 10 feet north of the south line of East 30th Street.

(2) One telephone pole on EAST TENTH STREET at Ruiz Street, the center of which pole shall be 5 feet north of the south line of East 10th Street.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following 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 4" gas main in WEST FORTY-FOURTH STREET, beginning at a point 15 feet south of and 42 feet west of the intersection of the north line of West 44th Street and the west line of Rosedale Avenue;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 15 feet south of and parallel to the north line of West 44th Street, for a distance of 100 feet.

Said gas main described above shall have a cover of not less than 2½ 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 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 out 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.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the City Manager was read:

"Austin, Texas
January 23, 1935.

Hon. Mayor and City Council
Austin, Texas.

Gentlemen:

The following totals are taken from the tabulation of the bids received this

morning for the Third Street bridge at Waller Creek:

| | |
|-------------------|-------------|
| Edward T. Lorey - | \$ 7,495.45 |
| Rex D. Kitchens | 7,510.30 |
| Bretch Taulbee | 8,143.80 |
| Word & Worrell | 8,170.00 |
| J. C. Gilstrap | 8,312.50 |
| J. M. Odom | 9,053.50 |
| Grant Montgomery | 9,861.25 |
| Austin Bridge Co. | 12,766.30 |

As per Mr. Lorey's request before the bids were opened, \$1,000.00 has been added to his total, which was \$6,495.45.

The low bid is within \$100.00 of our final estimated cost, and I would recommend that the contract be awarded to Mr. Lorey.

Yours very truly,

(Sgd) Guiton Morgan,
City Manager. "

It was moved by Councilman Wolf, seconded by Councilman Gillis, that the recommendation of the City Manager as contained in the foregoing report be approved and the contract for the construction of the bridge over Waller Creek at 3rd Street be awarded to the said Edward T. Lorey, in the amount of \$7,495.45. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller nominated the following as members of the Parks and Recreation Board for a term of two years each, beginning January 1, 1935: Dr. Goodall Wooten, to succeed F. A. Dale resigned; B. C. Tharp; Mrs. Noyes D. Smith; Gillespie Stacy; and Hilliare F. Nitschke.

The nomination was confirmed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 12:15 P. M.

Approved: Tom Miller
Mayor.

Attest:

Hallie McMillan
City Clerk

** An estimate of the cost of paving East Fourth Street from the east property line of Red River Street to the east property line of Sabine Street, submitted by the City Engineer, was received and filed.