

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 23, 1935.

The meeting was called to order with Mayor Tom Miller presiding at 11:30 A. M. Roll call showed the following members present: Councilmen C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman Chas. F. Alford, 1.

The reading of the Minutes of the last regular meeting was deferred.

Councilman Gillis offered the following resolution:

WHEREAS, Anton Kutalek, owner of the south one-half of Block B of Raymond's Addition, in Outlot 2, Division "Z" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property fronts on the north side of West 6th Street at a location west of Ruiz Street and being locally known as 1010 West 6th Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the north side of West 6th Street adjacent to the above described property, the new curb of which setback will be 8 feet north of and parallel to the established north curb line of said West 6th Street, thereby lessening the traffic hazard at this location by creating a greater width of travelway on West 6th Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

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

THAT Anton Kutalek, owner of the south one-half of Block B of Raymond's Addition, in Outlot 2, Division "Z" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property fronts on the north side of West 6th Street at a location west of Ruiz Street and being locally known as 1010 West 6th Street, is hereby granted permission to set the curb back from the established curb line on West 6th Street adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-586 and is made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on West 6th Street shall be carried out in accordance with the accompanying plan marked 2-C-586 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-586.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, T. A. Martin, acting by and through C. A. Maufrais, has made application to

the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of South Congress Avenue within the City of Austin, Travis County, Texas, at a location north of Academy Drive, which driveway is to be constructed at a location known as 1101 South Congress Avenue as shown upon the plan hereto attached marked 2-C-585, which plan is a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT T. A. Martin, acting by and through C. A. Maufrais, is hereby granted permission to construct a commercial driveway across the east sidewalk area of South Congress Avenue at a location north of Academy Drive, which driveway is to be constructed at a location known as 1101 South Congress Avenue, subject to the construction of concrete ramps, curbs, driveways and expansion joints as shown upon the plan marked 2-C-585, which plan is hereby made a part of this resolution and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, Rex D. Kitchens is the Contractor for the demolition of the present building and the construction of a commercial building located at 722 Brazos Street and desires a portion of the sidewalk and street space abutting the east 120 feet of Lot 7, Block 84, of the Original City of Austin, Texas, during such construction work, 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 Rex D. Kitchens, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the northeast corner of the above described lot; thence in a southerly direction along the east line of said lot a distance of 46 feet; thence in an easterly direction and at right angles to the centerline of Brazos Street a distance to a point 5 feet east of the west curb line of Brazos Street; thence in a northerly direction and parallel to the centerline of Brazos Street a distance to a point in the south line of East 8th Street; thence in a northwesterly direction a distance to a point in the west line of Brazos Street 10 feet north of the south curb line of East 8th Street; thence in a westerly direction and parallel with the centerline of East 8th Street a distance of 120 feet; thence in a southerly direction and at right angles to the centerline of East 8th Street a distance to the south line of East 8th Street; thence in an easterly direction along the south line of East 8th Street to the place of the beginning.

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

(1) That the Contractor shall construct a 4-foot walkway in East 8th Street and in Brazos Street along the curb lines and within the above described working spaces, such walkway to be protected on each side 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 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 is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) 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 August 31, 1935.

(7) 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.

(8) 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.

(9) 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 resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, T. A. Johnson is the Contractor for the construction of a warehouse located at 312 East 4th Street and desires a portion of the sidewalk, street and alley space abutting Lots 3 and 4, Block 40, of the Original City of Austin, Texas, during the construction 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 T. A. Johnson, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE.

Beginning at the southeast corner of the above described Lot 4; thence in a southerly direction and at right angles to the centerline of East 4th Street a distance of 25 feet; thence in a westerly direction and parallel with the centerline of East 4th Street a distance of 46 feet; thence in a northerly direction and at right angles to the centerline of East 4th Street a distance to the north line of East 4th Street; thence in an easterly direction along the north line of East 4th Street to the place of the beginning.

ALLEY WORKING SPACE

Beginning at the northeast corner of the above described Lot 4; thence in a northerly direction and at right angles to the centerline of the alley traversing said Block 40 a distance of 8 feet; thence in a westerly direction and parallel with the centerline of said alley a distance of 60 feet; thence in a southerly direction and at right angles to the centerline of said alley a distance to the south line of said alley; thence in an easterly direction along the south line of said alley to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail around the sidewalk and street working space and around the alley working space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall not place guard rails, store material or otherwise use the alley space opposite the alley entrance to the building immediately north of the alley working space in such a way as to prevent entrance to or exit from such building with trucks or automobiles.

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

(4) 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.

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

(6) 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 August 1, 1935.

(7) 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.

(8) 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.

(9) 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 resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, M. B. Braswell is the Contractor for the alteration of an awning located at 1114 East 1st Street and desires a portion of the sidewalk space abutting Lot 7, Block 3, Outlot 18, Division "O" of the City of Austin, Texas, during the alteration of the awning, 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 M.B. Braswell, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at the southeast corner of the above described lot; thence in a southerly direction and at right angles to the centerline of East 1st Street a distance to the north curb line of East 1st Street; thence in a westerly direction along the north curb

line of East 1st Street a distance of 20 feet; thence in a northerly direction and at right angles to the centerline of East 1st Street a distance to the north line of East 1st Street; thence in an easterly direction along the north line of East 1st Street to the place of the beginning.

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

(1) That the Contractor shall maintain an unobstructed walkway under the awning next to the building, such walkway to be at least 6 feet wide.

(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 May 29, 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 resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Gillis 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) An underground telephone conduit in EAST TENTH STREET ALLEY from Lydia Street west approximately 50 feet, the center of which underground conduit shall be 3 feet north of and parallel to the south line of said East 10th Street Alley.

(2) A telephone conduit in LYDIA STREET from East 10th Street Alley south approximately 40 feet, the centerline of which telephone conduit shall be 13 feet west of and parallel to the east line of said Lydia 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 resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf 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 gas main in SOUTH CONGRESS AVENUE, beginning at the dead end of an existing gas main, which dead end is 14 feet west of the east property line of South Congress Avenue and is located opposite residence No. 1011 South Congress Avenue;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 14 feet west of and parallel to the east line of South Congress Avenue, for a distance of 143 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 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 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 resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The resignation of G. J. Schlueter as a member of the Examining and Supervising Board of Plumbers was received and filed.

Councilman Wolf offered the following resolution:

WHEREAS, the City Council, prior to April 1, 1935, by resolution deferred the penalty date on 1934 taxes until June 1st; and

WHEREAS, at the present time there remains uncollected a substantial amount of 1934 taxes; therefore

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

THAT Friday, May 31, 1935, midnight, will be the latest date upon which City taxes for the year 1934 can be paid without the addition of a 5% penalty; and

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

THAT the City Manager and the City Tax Assessor and Collector be hereby directed and instructed to assess said 5% penalty on all taxes unpaid on and after June 1, 1935; and

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

THAT the City Attorney be and he is hereby instructed to prepare the necessary exhibits for the filing of suits for the collection of all delinquent taxes for the year 1932 and prior, and particularly with respect to taxes on cars, trucks and other motor vehicles.

The purpose of this resolution is to call attention to the public of the penalty date, which is to be rigidly enforced, and to further emphasize the fact that the large volume of delinquent taxes acts as a penalty to those taxpayers who are paying their taxes and are thereby making it possible for the City government to operate its various departments, and to call attention to the necessity of tax payments being made, particularly since a 15% reduction was made in the assessed valuation on improvements for the year 1933, being taxes payable in 1934, and a further 10% reduction in the tax rate for 1934, being taxes payable in 1935, and these two reductions have substantially reduced the income of the City for carrying on its needed services to the public and to continue these departmental services it is urgent and necessary that tax collections be increased.

Upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Thursday, May 30, being Memorial Day, it was moved by Councilman Wolf that the next regular meeting of the Council be held on Friday, May 31. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf moved that the City Manager be instructed to notify all owners of taxicabs who are delinquent in the payment of ad valorem taxes on such automobiles to appear before the Council at its next regular meeting and show cause why their licenses should not be revoked. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf moved that a hearing on the proposed repeal of the ordinance licensing and regulating wholesale fruit and vegetable dealers be called for the next regular meeting and the City Manager be instructed to notify such dealers to be present at such hearing. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

There being no further business, Councilman Bartholomew 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 1:30 P. M.

Attest:
Halle McKellar, City Clerk

Approved: Tom Miller.
Mayor.