

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 11, 1935

The meeting was called to order at 10:30 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.

The reading of the Minutes was dispensed with.

A committee from the Disabled Veterans of the World War, composed of Mrs. Bob Sehlis and others, requested the use of Barton Springs pavilion for a benefit dance to be given by their organization. The matter was referred to the Superintendent of Recreation to arrange a date that would not conflict with the American Legion's schedule, no charge to be made for the use of the pavilion.

Mesdames W. S. Jones and W. M. Jones presented a petition from the property owners and residents on Highland Avenue asking that said street be improved. The matter was referred to the City Manager and City Engineer to determine the advisability of placing a topping on said street.

The complaint of Mrs. Joe Harrell against the nuisance created by the E & E Sandwich Shop at No. 1007 Guadalupe Street was referred to the City Attorney.

D. L. Spinks presented a petition from property owners and tenants of the community west of Fort Prairie asking the immediate discontinuance of the city dump in that vicinity. The matter was referred to the City Manager and City Engineer for attention.

The application of Theo. P. Meyer for a change in the zoning of property owned by him, being about four acres out of the Dawson Estate, lying south of Barton Springs Road, from "A" Residence District to "C" Commercial District was referred to the Board of Adjustment for recommendation.

The request of A. H. Osburn that the 2" water main serving Palma Plaza in Enfield be replaced with a 6" main in order to furnish sufficient pressure to the residents of that street was referred to the City Manager to have the work done immediately.

A committee, composed of Horace Barnhart and others, came before the Council relative to the enactment of ordinances prohibiting radio advertising with loud speakers on the streets and the distribution of hand bills in automobiles. The City Attorney was directed to prepare an ordinance limiting radio advertising with loud speakers on the streets to two hours daily and an ordinance prohibiting the distribution of hand bills in automobiles, if same can be legally done.

The City Manager submitted a written statement showing a compilation of the reports of the Texas Public Service Company for the years 1931 to 1934, inclusive, A. T. Knies, Vice President and General Manager of the Texas Public Service Company, was present, and, following a discussion of the matter, was requested to apply for a reduction in the gate gas rate at the city limits.

The request of Rev. A. Pyburn, colored, for free lights at their tabernacle on Tillotson Campus during the convention of the Missionary Baptist Church to be held there from July 16 to 22, was referred to the City Manager to have same granted.

A letter from M. H. Goldsmith, complaining of sanitary conditions at Barton Springs, and a report from Jas. A. Garrison, Superintendent of Recreation, relative

to the matter, were read. Upon motion of Councilman Gillis, the City Manager was instructed to send copies of the report of Mr. Garrison to Messrs. M. H. Goldsmith, Jim Hart, and Brown Robbins.

The following reports of the City Manager were read:

"Austin, Texas
July 10, 1935

Honorable Mayor and City Council
City of Austin, Texas.

Gentlemen:

On Monday, July 8, in company with Mr. G. G. Wickline and Mr. D. H. Askew, Chief Bridge Engineer and Maintenance Bridge Engineer, respectively, of the State Highway Department, and Mr. J. E. Motheral, City Engineer, an inspection was made of Congress Avenue Bridge with particular reference to the abutments, piers and arches to ascertain, if possible, if the recent high water had resulted in any damage to this structure.

The unanimous opinion of the engineers making this inspection is that the bridge was not damaged and the structure itself is as strong and as sound as it was prior to the flood, and there is no necessity to question its safety.

Respectfully submitted,

(Sgd) Guiton Morgan
City Manager. "

"Austin, Texas
July 10, 1935

Honorable Mayor and City Council
City of Austin, Texas.

Gentlemen:

On July 10, in company with Mr. Marvin Nichols, Consulting Engineer of Fort Worth, and Walter Seaholm, Electrical Superintendent, an inspection was made of the Lake Austin Dam in order to make a preliminary report of its condition and to recommend such temporary work as may be necessary.

The superstructure on the old portion of the Dam on the west end was entirely washed away and approximately 150 feet of the superstructure on the west end of the new section was also carried away by the accumulation of drift and the resultant water pressure during the recent flood when the superstructure on the new part tore loose a considerable amount of the deck slab on the crest and down-stream faces thereby exposing the buttresses underneath and causing an open overflow to result throughout this rip of about 150 feet. It is not definite at this time whether this has had any material weakening effect on the Dam structure itself, nor is it certain how much damage would result from this condition in the event of another large rise on the river. It appears to be certain, however, that some steps should be taken to replace the reinforced concrete slab of the deck and it appears that approximately \$20,000 would be involved in this work. The deck, or rather the superstructure, should not be replaced, as a year or more ago the City seriously considered removing this and the destruction of this by the flood has actually been a benefit to the Dam and has made it more stable and safe than heretofore.

If possible to secure a PWA Grant for this work, it would reduce the cost to the City, and we are preparing the necessary data for the PWA application and upon completion of soundings, both up and down stream from the Dam, more definite information will be available as to the immediate work necessary and the cost of same and as soon as possible this information will be furnished the Council.

Respectfully submitted,

(Sgd) Guiton Morgan
City Manager. "

"Austin, Texas
July 10, 1935

Honorable Mayor and City Council
City of Austin, Texas.

Gentlemen:

At the regular session of the 44th Legislature a law was passed, to become effective ninety days from the date of adjournment, cancelling all delinquent taxes for the year 1919 and prior years unless tax suits had been filed for their collection before the date on which this law would become effective. This period will expire on September 5.

On the City's books at the present time taxes amounting to approximately \$8,000

come under the provision of this law and will be barred from collection unless suits are filed immediately in order that the City maintain the right of collecting these taxes, if equitable. I believe the Council should issue the necessary instructions to provide for the immediate filing of suits to cover taxes in this category, and I am attaching a resolution to this effect.

Respectfully submitted,

(Sgd) Guiton Morgan
City Manager. "

Councilman Gillis moved that the City Attorney be instructed to proceed with the filing of tax suits as recommended in the foregoing report of the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, G. C. Seiders and A. C. Knippa, acting by and through Ernest Best, owners of a tract of land 150'x210' in Outlot 73, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the east side of Guadalupe Street and is situated approximately half way between West 30th Street and West 32nd Street within the City of Austin, Travis County, Texas, 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 east side of Guadalupe Street opposite a portion of the above described property, the new curb of which setback will be 4 feet east of and parallel to the established east curb line of Guadalupe Street, thereby lessening the traffic hazard at this location by creating a greater width of travelway on Guadalupe Street; and

WHEREAS, the said G. C. Seiders and A. C. Knippa, acting by and through Ernest Best, has also made application for permission to construct two 40-foot commercial driveways across the east sidewalk area of Guadalupe Street opposite a portion of the above described property; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway 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 G. C. Seiders and A. C. Knippa, acting by and through Ernest Best, owners of a tract of land 150'x210' in Outlot 73, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the east side of Guadalupe Street and is situated approximately half way between West 30th Street and West 32nd Street within the City of Austin, Travis County, Texas, is hereby granted permission to set the curb back from the established curb line on Guadalupe Street adjacent to a portion of the above described property and is also granted permission to construct two commercial driveways across the east sidewalk area of Guadalupe Street opposite a portion of the above described property.

Permission to construct said curb setback and commercial driveways 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-H-458, and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on Guadalupe Street shall be carried out in accordance with the accompanying plan marked 2-H-458 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-K-458.

(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 above 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, Epperson Brothers is the Contractor for the alteration of a building located at 606 Congress Avenue and desires a portion of the sidewalk and street space abutting the north one-half of Lot 2, Block 70, 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 Epperson Brothers, 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 an easterly direction and at right angles to the centerline of Congress Avenue a distance to a point 8 feet east of the west curb line of Congress Avenue; thence in a southerly direction and parallel with the centerline 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 Epperson Brothers, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct guard rails around all working spaces and shall maintain through the sidewalk working space an open walkway at least 5 feet wide adjacent to the curb line and protected on each side by guard rails. All guard rails shall be 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 rails.

(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 September 16, 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 Dollars (\$5000.00), 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 alteration 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 Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, W. E. Randall is the Contractor for the alteration of a building located at 2358 Guadalupe Street and desires a portion of the sidewalk space abutting Lot 36, O/L 36, Division "D" of the 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 W.E.Randall, 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 Guadalupe Street a distance of 12 feet; thence in a southerly direction and parallel with the centerline of Guadalupe Street a distance of 22 feet; thence in a westerly direction and at right angles to the centerline of Guadalupe Street a distance to the west line of Guadalupe Street; thence in a northerly direction along the west line of Guadalupe Street to the place of the beginning.

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

(1) That the Contractor shall use the allotted space only during the removal of the present wood awning over the sidewalk and during such work shall block the area 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 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 July 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 One Thousand Dollars (\$1,000.00), 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 above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs and sidewalks of other materials; and

WHEREAS, Wofford R. Rathbone, owner of Lot 2, of Pease Estates, within the City of Austin, Travis County, Texas, which Lot 2 abuts the south side of Watchhill Road west of Pease Road, and being locally known as 1603 Watchhill Road, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line on the south side of Watchhill Road at the above described property; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT Wofford R. Rathbone, owner of Lot 2 of Pease Estates, a subdivision within the City of Austin, Travis County, Texas, which Lot 2 abuts the south side of Watchhill Road at a location west of Pease Road, and being locally known as 1603 Watchhill Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades as furnished by the Engineering Department of the City of Austin in order that said flagstone walk will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City street area shall be done by a bonded sidewalk contractor.

The 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, 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 EDGECLIFF TERRACE from Alta Vista Avenue west one block, the centerline of which gas main shall be 24 feet north of the south line of said Edgcliff Terrace.

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

(2) A gas main in WEST FORTY-FOURTH STREET, beginning at a point 15 feet south of and 7½ feet west of the intersection of the north line of West 44th Street and the east line of Ramsey Avenue;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 15 feet south of and parallel to the north line of said West 44th Street, to a point that is 113 feet east of the east line of Ramsey Avenue.

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

(3) A gas main in RAMSEY AVENUE, beginning at a point 7½ feet west of and 68 feet north of the intersection of the east line of Ramsey Avenue and the north line of West 44th Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 7½ feet west of and parallel to the east line of Ramsey Avenue to a point that is 140 feet south of the south line of West 44th Street.

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

(4) A gas main in RAMSEY AVENUE, beginning at a point 7½ feet west of and 8 feet south of the intersection of the east line of Ramsey Avenue and the north line of West 42nd Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7½ feet west of and parallel to the east line of Ramsey Avenue, to a point that is 118 feet north of the north line of West 42nd Street.

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

(5) A gas main in WEST FORTY-SECOND STREET, beginning at a point 7½ feet west of and 8 feet south of the intersection of the east line of Ramsey Avenue and the north line of West 42nd Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 8 feet south of and parallel to the north line of West 42nd Street, to a point that is 82 feet east of the east line of Ramsey Avenue.

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 Alford, Bartholomew Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf 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 in SPLITROCK AVENUE at a location approximately 50 feet north of the north line of Westover Road, the center of which pole shall be 14 feet west of the east line of Splitrock Avenue.

(2) One telephone pole in DAVIS STREET east of Red River Street, the center of which pole shall be 7½ feet north of the south line of Davis 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 Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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 Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 12:30 P. M.

Attest:

Hallie McKellar
City Clerk

Approved: Tom Miller
Mayor

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 19, 1935.

The meeting was called to order at 10:00 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.

The reading of the Minutes was dispensed with.

The request of C. L. Volz for street lights at the corner of 8th and Waller Streets and 7th and Waller Streets and for a culvert at 8th and Waller Streets was referred to the City Manager and City Engineer, respectively.

D. L. Spinks and Walter Roberts came before the Council relative to their protest against the city dump near Govalle. They were advised that the nuisance would be abated as quickly as possible.

Councilman Gillis 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