

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 11, 1938.

The City Council met in regular session, at the regular meeting place in the City Hall, on Thursday, August 11, 1938, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman C. M. Bartholomew.

The reading of the Minutes was dispensed with.

The application of W. T. Caswell, for a change in the zoning of the northeast portion of Block 6, Buddington Addition, fronting on West 35th Street between Guadalupe and Fruth Streets, from "A" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District, was received. The matter was referred to the Board of Adjustment for recommendation, and a public hearing on same was called for Thursday, September 1, 1938.

A letter from Dr. Geo. W. Cox, State Health Officer, outlining the qualifications of Dr. B. J. Lloyd for the position of Health Director under the new City-County Health Plan, was read and referred to the City Manager for attention.

Councilman Alford offered the following resolution:

WHEREAS, Chas. Berrone is the Contractor for the erection of a building located at 718 Red River Street, and desires a portion of the sidewalk space abutting the south 25 feet of Lot A, Block 88, of the Original City of Austin, Travis County, Texas, during the erection 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 Chas. Berrone, the boundary of which is described as follows:

Sidewalk Working Space .

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Red River Street to a point 4 feet west of the west curb line; thence in a northerly direction 25 feet and parallel with the centerline of Red River Street; thence in a westerly direction to the northeast corner of the above described property.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the south, east, and north lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

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

(5) 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 water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk 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 November 1, 1938.

(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 use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) 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 Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis offered the following resolution:

WHEREAS, J. R. Blackmore is the contractor for the alteration of a building located at 124 West Sixth Street, and desires a portion of the sidewalk and street space abutting Lot D, Block 70, of the Original City of Austin, Travis County, 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:

Street and Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of West Sixth Street to a point 16 feet west of the east curb; thence in a northerly direction and parallel with the centerline of Colorado Street 153 feet to a point; thence in an easterly direction and at right angles with the centerline of Colorado Street to the west property line of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(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 in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) 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 water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) 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 December 1, 1938.

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

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) 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 Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford offered the following resolution:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the southeast corner of East 15th Street and San Jacinto Street, which property is owned by Emil Haenel, Jr., and is known as Lot 12, Block 170, of the Original City of Austin, Travis County, Texas, and being locally known as 301 East 15th Street, and hereby authorizes the said Emil Haenel, Jr., to construct, maintain, and operate a drive-in gasoline filling station, and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Emil Haenel, Jr., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

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

"Austin, Texas  
August 11, 1938

Mr. Guiton Morgan:  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Emil Haenel, Jr., for permission to construct, maintain, and operate a drive-in gasoline filling station at the southeast corner of East 15th Street and San Jacinto Street within the City of Austin, Travis County, Texas, which property is owned by the said Emil Haenel, Jr., and is known as Lot 12, Block 170, of the Original City of Austin, Travis County, Texas, and being locally known as 301 East 15th Street, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in East 15th Street adjacent to the above described property.

We recommend that Emil Haenel, Jr., be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the zoning ordinance, the filling station ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water,

or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-217.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-217, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral  
City Engineer

J. C. Eckert  
Building Inspector. "

Councilman Alford laid before the Council the following:

"Austin, Texas  
718 Harris Avenue  
August 8, 1938

To the Honorable Mayor  
and City Council  
Austin, Texas

Dear Sirs:

I hereby make application for a permit to construct, maintain, and operate a drive-in filling station on the northeast corner of my property known as Lot 'A', Block 13, Gypsy Grove Subdivision of Outlot 75, Division "D", which property faces east on Guadalupe Street and north on 31st Street, and is known locally as No. 3106 Guadalupe Street.

All City rules and regulations governing this type of construction will be complied with.

Yours truly,

(Sgd) R. E. Leigh "

"Austin, Texas  
August 11, 1938

Mr. Gulton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of R. E. Leigh, owner of Lot A, Block 13, Gypsy Grove Subdivision of Outlot 75, Division D, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the west side of Guadalupe Street and extends from West 31st Street to West 31st Street, for permission to construct, maintain and operate a drive-in gasoline filling station, and to construct curbs, ramps and sidewalks in conjunction therewith, as shown upon the plan hereto attached, marked 2-G-216, which plan is hereby made a part of the request and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in Guadalupe Street adjacent to the above described property.

We recommend that R. E. Leigh be granted permission to construct, maintain, and operate said drive-in gasoline filling station, and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the zoning ordinance, the filling station ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-216.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-216, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector or for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral  
City Engineer

J. C. Eckert  
Building Inspector. "

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated on Lot A, Block 13, Gypsy Grove Subdivision of Outlot 75, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the west side of Guadalupe Street and extends from West 31st Street to West 31½ Street, which property is owned by R. E. Leigh, and hereby authorizes the said R. E. Leigh to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said R. E. Leigh has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

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

Councilman Gillis offered the following resolution:

WHEREAS, Rex Kitchens is the Contractor for the erection of a building located at 403-5 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lot 2, Block 42, of the Original City of Austin, Travis County, 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 Rex Kitchens, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue



to a point 4 feet east of the east curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue 46 feet to a point; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the northwest corner of the above described property.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the south, west and north lines of the above described space, such guard rail to 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 barricades.

(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 water.

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

(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 November 1, 1938.

(6) 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.

(7) That the use and enjoyment of the spaces herein granted, shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be repaired or replaced by the Contractor.

(9) 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 utilition 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 Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis offered the following resolution:

WHEREAS, Rex Kitchens is the contractor for the remodeling of a building located at 411-13 Congress Avenue, and desires a portion of the street and sidewalk space abutting Lot 4, Block 42, of the Original City of Austin, Travis County, Texas, 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 Rex Kitchens, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue to a point 16 feet west of the east curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue, 46 feet to a point; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the northwest corner of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

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

(6) That provisions 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 water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) 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 November 1, 1938.

(9) 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.

(10) That the use and enjoyment of the spaces herein granted, shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.



(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) 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 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 Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford offered the following resolution:

WHEREAS, Lewis Schnell, owner of Lots 1 and 2, Block 3, of the D. W. Bouldin Addition within the City of Austin, Travis County, Texas, which property abuts the east side of South First Street and extends southerly from West Monroe Street, and being locally known as 1603 South First 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 east side of South First Street and to build a commercial driveway adjacent thereto across the east sidewalk area of South First Street at the above described location; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway, which plan is hereto attached, marked 2-C-754, and made a part hereof 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 Lewis Schnell, owner of Lots 1 and 2, Block 3 of the D. W. Bouldin Addition within the City of Austin, Travis County, Texas, which property abuts the east side of South First Street and extends southerly from West Monroe Street, and being locally known as 1603 South First Street, is hereby granted permission to set the curb back from the established curb line on the east side of South First Street and to build a commercial driveway adjacent thereto across the east sidewalk area of South First Street at the above described location.

Permission to construct the above described curb setback and commercial driveway 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-754 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on South First Street shall be carried out in accordance with the accompanying plan marked 2-C-754 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-754.

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

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 gas main in EVA STREET northerly 50 feet from a point 152 feet north of the north line of West Mary Street, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Eva Street.

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

(2) A gas main in EAST 24TH STREET westerly 77 feet from a point 108 feet east of the east line of Cole Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 24th Street.

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

(3) A gas main in SWISHER STREET southerly 62 feet from a point 105 feet north of the north line of East 21st Street, the centerline of which gas main shall be 17 feet west of and parallel to the east line of said Swisher Street.

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

(4) A gas main in RAMSEY AVENUE from West 47th Street northerly 112 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue.

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

(5) A gas main in ROSEDALE AVENUE from West 47th Street southerly 62 feet, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Rosedale Avenue.

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

(6) A gas main in WEST 22½ STREET from Shoal Creek Boulevard easterly 260 feet, the centerline of which gas main shall be 16 feet south of and parallel to the north line of said West 22½ Street.

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

(7) A gas main in SHOAL CREEK BOULEVARD from West 22½ Street southerly 162 feet, the centerline of which gas main shall be 1 foot west of and parallel to the east line of said Shoal Creek Boulevard.

Said gas main described above shall have a covering 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 cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

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

The following communication from the City Manager was received:

"Austin, Texas  
August 10, 1938

Memorandum to

The City Council:

At the time the bonds for the new school improvement program were contemplated, it was tentatively determined that an increase of 10¢ in the tax rate would be required to meet the retirement obligations on an issue of \$750,000 bonds. These preliminary figures, however, were based on a 3% interest rate for the entire issue, and since the bonds have been sold for a net interest rate of 2.34%, which is less than 2-3/8%, and the large volume of building has added materially to the total assessed valuations, it appears that a 5¢ increase in the tax rate will be adequate to retire this issue, including the remaining one-half which may be sold during the fall of this year if the PWA expedites its approval of the school application.

I am, therefore, recommending that the tax rate for 1938 be tentatively set at this time at \$2.25 instead of \$2.30, which was contemplated at the time the bonds were voted, which will be divided as follows: General Fund, 85¢; School Fund, 60¢; Sinking Fund, 80¢.

The people of Austin voted these bonds with the expectation that the tax rate would be increased 10¢, and by being able to set the tax rate at only a 5¢ increase per \$100 valuation, the public will be saved approximately \$30,000 each year during the twenty year life of the bonds, or some \$600,000.

The City Council does not, of course, formally adopt the tax rate until December when the budget hearing is held and the tax roll is adopted, but in order for the Tax Department to have the tax forms printed and to prepare the roll between now and December, it is necessary that the rate be informally agreed upon at this time, and the amount above indicated apparently will be adequate.

Respectfully submitted,

Gulton Morgan  
City Manager. "

Mayor Miller moved that the tax rate for the year 1938 be tentatively set at \$2.25 per \$100 valuation in accordance with the foregoing recommendation of the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution:

RESOLUTION FIXING MINIMUM WAGE RATES  
ON INCINERATOR PROJECT 1852-DS

WHEREAS, a thorough investigation has been made of the hourly wage rates which are being paid in the City of Austin, Texas, which is the locality in which the proposed project (hereinafter referred to as "Project") is to be constructed by the City of Austin, to employees in each trade or occupation engaged in work of a nature similar to the work to be performed in the construction of said Project, and the prevailing hourly wage rates being paid in such locality to such employees for such work have been determined by the State Department of Labor, from whom this wage scale

was obtained; now, therefore,

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

THAT the following rates for the respective trades or occupations listed below shall be, and are hereby, fixed as the minimum hourly wage rates and have been determined in accordance with rates prevailing for work of a similar nature in the locality in which the project is to be constructed:

Attention is called to the fact that there must be paid on this project not less than the general prevailing rates of wages which have been established by the Owner as the following:

<u>Mechanic Workman or type of Laborer</u>	<u>General Prevailing Per Diem Wage Based on 8-hour Working Day</u>	<u>General Prevailing Hourly Rate</u>
Bricklayer	\$12.00	\$ 1.50
Marble Setter	12.00	1.50
Terrazzo & Tile Setter	12.00	1.50
Cement Finisher	10.00	1.25
Electrician	10.00	1.25
Lather	10.00	1.25
Plasterer	10.00	1.25
Plumber	10.00	1.25
Steam & Pipe Fitter	10.00	1.25
Stone Mason	10.00	1.25
Elevator Constructor	9.00	1.12 $\frac{1}{2}$
Acetylene Welder	8.00	1.00
Arc Welder	8.00	1.00
Asbestos Worker	8.00	1.00
Blacksmith	8.00	1.00
Boilermaker	8.00	1.00
Cable Splicer	8.00	1.00
Carpenter	8.00	1.00
Caulker (Building Opening)	8.00	1.00
Cork Layer	8.00	1.00
Glazier	8.00	1.00
Gas Fitter	8.00	1.00
Iron Worker:		
Doors and Windows	10.00	1.25
Metal Equipment	10.00	1.25
Ornamental	10.00	1.25
Structural	10.00	1.25
Rod	8.00	1.00
Machinist	8.00	1.00
Machine Setter	8.00	1.00
Millwright	8.00	1.00
Operators:		
Concrete Mixer	8.00	1.00
Dragline	8.00	1.00
Excavators	8.00	1.00
Hoisting	8.00	1.00
Motorized Equipment	8.00	1.00
Pile Driver	8.00	1.00
Painter	8.00	1.00
Roofer	8.00	1.00
Sheet Metal Worker	8.00	1.00
Stone Cutter	8.00	1.00
Granite Cutter	8.00	1.00
Engineer Excavation	8.00	1.00
4th Year Apprentices:		
Carpenter	7.00	.87 $\frac{1}{2}$
Boiler Maker	6.40	.80
Electrician	6.40	.80
Painter	6.40	.80
Plumber	6.40	.80
Sheet Metal Worker	6.40	.80
Steam & Pipe Fitter	6.40	.80
Powder Man	6.00	.75
3rd Year Apprentices:		
Carpenter	6.00	.75
Boiler Maker	5.60	.70
Electrician	5.60	.70
Painter	5.60	.70
Plumber	5.60	.70
Sheet Metal Worker	5.60	.70
Steam & Pipe Fitter	5.60	.70
Labor Foreman	5.20	.65
Pump Operator	5.20	.65
2nd Year Apprentices:		
Carpenter	5.00	.62 $\frac{1}{2}$
Boiler Maker	4.80	.60
Electrician	4.80	.60
Painter	4.80	.60
Plumber	4.80	.60
Sheet Metal Worker	4.80	.60
Steam & Pipe Fitter	4.80	.60
Air Compressor Operator	4.80	.60
Caulker - Pipe	4.80	.60

Mechanic Workman or type of Laborer	General Prevailing Per Diem Wage Based on 8-hour Working Day	General Prevailing Hourly Rate
Elevator Construction Helper	\$ 4.80	\$ .60
Handy Man	4.80	.60
Pipe Layer	4.80	.60
Mortar Mixer	4.40	.55
1st Year Apprentices:		
Boiler Maker	4.00	.50
Carpenter	4.00	.50
Electrician	4.00	.50
Painter	4.00	.50
Plumber	4.00	.50
Sheet Metal Worker	4.00	.50
Steam & Pipe Fitter	4.00	.50
Boiler Maker Helper	4.00	.50
Electrician Helper	4.00	.50
Painter Helper	4.00	.50
Plumber Helper	4.00	.50
Sheet Metal Helper	4.00	.50
Steam & Pipe Fitter Helper	4.00	.50
Air Hammer Operator	4.00	.50
Building Labor**	4.00	.50
Oilier & Greaser	4.00	.50
Pit Man	4.00	.50
Truck Operator	3.60	.45
Window Cleaner	3.60	.45
Water Proofer	3.60	.45
Common Labor	3.20	.40

\*\* Labor who delivers material to a mechanic as the last operation prior to installation, or assists the mechanics without using tools.

BE IT FURTHER RESOLVED:

That the foregoing list of trades or occupations includes to the best of our knowledge, all the classifications of employees who will be engaged in work on said Project other than executive, supervisory, administrative, clerical, or other non-manual workers as such.

BE IT FURTHER RESOLVED:

THAT there be transmitted with this resolution the substantiating data upon which the foregoing determination is based.

Councilman Wolf moved that the foregoing resolution be adopted. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf offered the following resolution:

WHEREAS, it has been determined that the assessment for taxes against the improvements on 3 acres, J. E. Bouldin Subdivision, Plat 118, in the City of Austin, Travis County, Texas, for the year 1936, now in the name of Addie and Jessie Roy, is excessive; and that same should now be corrected for said year; therefore,

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

THAT the assessment for taxes on said property for the year 1936 be, and the same is hereby, reduced and corrected from the present assessed value of \$1595.00 to \$1355.00; and that the City Assessor and Collector of Taxes is authorized and directed to make such change on the tax rolls;

BE IT FURTHER RESOLVED:

THAT the City Council, after hearing the matter and duly considering same, deems it just and equitable to remit all penalty on the taxes on said property for the years 1933, 1934, 1935, and 1936, amounting to the sum of \$6.59, and one-half of the interest on said taxes for said years, said one-half of the interest amounting to the sum of \$11.49; provided the taxes are immediately paid; therefore the said penalty and said one-half of the interest, in the amounts

aforesaid, are hereby remitted.

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

Councilman Wolf offered the following resolution:

WHEREAS, the improvements on Lots 4, 5, and 6, Block 1, Outlot 14, Division "D", Fruth Addition, to the City of Austin, Travis County, Texas, have been assessed against Mrs. Antonie Meyer for taxes for the years 1930, 1931, 1932, 1933, 1934, 1935, 1936, and 1937; and

WHEREAS, penalty for non-payment of said taxes at maturity has been assessed in the sum of \$13.31, and accrued interest amounts to the sum of \$64.08; and

WHEREAS, it is deemed equitable and advisable by the City Council to remit the full penalty in the sum of \$13.31 and one-half of said interest in the sum of \$32.04, on condition that said taxes be promptly paid; therefore

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

THAT the full penalty on said taxes in the sum of \$13.31 and said one-half of the interest on the taxes, \$32.04, are hereby remitted, and the Tax Assessor and Collector of the City of Austin, Texas, is hereby authorized and directed, on the receipt by him of the taxes on said property for the above mentioned years, in the sum of \$266.20, together with one-half of the interest thereon, to accept said payment in full settlement of the taxes, penalty and interest on the aforesaid property for the aforesaid years, and to issue on the payment thereof to the person entitled to same a receipt in full showing the full settlement of said matter, and is authorized and directed to charge off his tax rolls said penalty in the sum of \$13.31 and one-half of the interest in the sum of \$32.04.

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

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallen McKeen  
City Clerk