

The meeting was then recessed.

Approved: Tom Miller  
Mayor

Attest:

Harris M. Kellan  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 20, 1941

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, March 20, 1941, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; absent, Councilman Gillis.

The Minutes of the regular and recessed meetings of March 13, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Mr. Howard Osburn appeared before the Council and requested that the line of Pecos Street between Cherry and Poplar Streets be shifted fifteen feet east in order that a large live oak tree on the west side may be on the property of his client. After some discussion, the matter was referred back to the said Howard Osburn to find out if adjacent property owners on the north and south would be willing to the shifting of said street through their property in order to avoid a jog in the street created thereby.

Mr. Carl Feuerbacher appeared before the Council and registered a complaint against his being required to put up a bond as Master Electrician while working as Journeyman Electrician, stating that he did not object to paying the license fee for Master Electrician, but did object to the expense of a bond. A hearing on a proposed amendment to the Electrician Ordinance in this particular was set for Thursday, March 27th.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, J. F. Johnson is the Contractor for the repair of a building located at 620-622 Congress Avenue and desires a portion of the sidewalk space abutting Lot 6, Block 70, of the Original City of Austin, Travis County, Texas, during the repair 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. F. Johnson, the boundary of which is described as follows:

Sidewalk Working Space

That the Contractor be permitted to occupy that space of the public way extending from the building line on the southeast corner to the northwest corner of the above described property and projecting out over the sidewalk to the curb line

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

(1) That the Contractor erect suitable support of not less than 4"x4" material set close to the building on the inside and close to the curb on the outside to receive a roof supported by not less than 2"x8" material, to be covered on top by not less than 2" material. This shed or awning shall be constructed so as to be portable from place to place along the building so as to afford ample protection to the public passing under same from the danger of falling stone or other materials.

(2) 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.

(3) 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 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 April 20, 1941.

(4) 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.

(5) 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.

(6) 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.

(7) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), 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 or abuse 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.

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

The following resolution was introduced by Councilman Alford:

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 HACKBERRY STREET across San Bernard Street intersection, the centerline of which gas main shall be 13½ feet south of and parallel to the north property line of said Hackberry Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in EAST ELIZABETH STREET across Nickerson Street intersection, the centerline of which gas main shall be 20 feet north of, and parallel to, the south property line of said East Elizabeth Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in JEWELL STREET from a point 195 feet west of Bouldin Avenue westerly 47 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said Jewell Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in NORTH LOOP BOULEVARD from Roosevelt Avenue to Grover Avenue, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said North Loop Boulevard.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (5) A gas main in NORTH LOOP BOULEVARD from Grover Avenue to Aurora Drive, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said North Loop Boulevard.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (6) A gas main in NORTH LOOP BOULEVARD from Aurora Drive to Sunshine Drive, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said North Loop Boulevard.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

- (7) A gas main in NORTH LOOP BOULEVARD from Sunshine Drive to Georgetown Road, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said North Loop Boulevard.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  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 desired. 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.

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

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, the Austin Allright Parking Company, acting by and through Spencer J. Scott, lessee from J. M. West of Lots 5 and 6, Block 109, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West 9th Street and Colorado Street within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of West Ninth Street and across the west sidewalk area of Colorado Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveways, which plan is hereto attached marked 2-C-913, and made a part hereof; and

WHEREAS, said plan and request have been reviewed and considered by the City Council of the City

of Austin; therefore

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

THAT the Austin Allright Parking Company, acting by and through Spencer J. Scott, lessee from J. M. West of Lots 5 and 6, Block 109, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West 9th Street and Colorado Street, is hereby permitted to construct a commercial driveway across the north sidewalk area of West 9th Street and a commercial driveway across the west sidewalk area of Colorado Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-913, 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.

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

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or 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:

A telephone pole line in GREENLEE DRIVE from Spring Lane to Winsted Lane, the centerline of which pole line shall be 8 $\frac{1}{2}$  feet north of, and parallel to, the south property line of said Greenlee Drive

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.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, the Austin Mattress and Carpet Cleaning Company, acting by and through Roy G. Elsey, Secretary and Treasurer, lessee from Hilliare F. Nitschke of Lot 7, Block 25, Rosedale G, a subdivision within the City of Austin, Travis County, Texas, which property is situated on the west side of Burnet Road at a location north of West 46th Street, has made application to the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Burnet Road adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-C-911 and made a part hereof; and

WHEREAS, said plan and request have been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT the Austin Mattress and Carpet Cleaning Company, acting by and through Roy G. Elsey, Secretary and Treasurer, lessee from Hilliare F. Nitschke of Lot 7, Block 25, Rosedale G, a subdivision within the City of Austin, Travis County, Texas, which property is situated on the west side of

Burnet Road at a location north of West 46th Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Burnet Road adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-911, 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.

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

Councilman Alford moved that the application of F. L. Miller, 1405 West Fifth Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Alford moved that the application of J. Wilson Spann, 504 West 17th Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Bartholomew moved that the following applications for licenses to operate private boats on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Milstead, E. L. - 809 Edge Cliff	Lyman, Outboard, 6-passenger
Wallace, Glenn - 1904 Lake Austin	Home-made, Row, "Bass", 2 years, 3-passenger

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

The written application of J. C. King, James E. Dye, and Calcasieu Lumber Company, owners of property at 4311 Alice Avenue, 4308-4310 Alice Avenue, and 4312-4314 Alice Avenue, respectively, for a change in zoning, from "A" Residence District to "C" Commercial District, of the property located on both sides of Alice Avenue in the 4300 block, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

Messrs. Bradfield and Brush appeared before the Council and submitted a written application for an extension of the city limits to include Wilshire Wood Section 1, or a further extension to include all of their tract, the Patterson tract recently purchased by the City for an extension of the Airport, and the Bascom Giles tract. The matter was taken under advisement.

Mrs. J. W. McClendon appeared before the Council and reported a hazardous traffic condition at 16th Street and Shoal Creek Boulevard. The matter was taken under advisement for investigation.

The written application of W. T. Caswell for a change in zoning, from "A" Residence District to "C" Commercial District, of the property located on the north side of 29th Street adjoining Shoal Creek and described as 1.548 acres of land out of the Split Rock Addition, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE REGULATING THE PLACING OF PLANTS AND FENCES ON CERTAIN PORTION OF CORNER LOTS; REGULATING THE PLACING, MAINTAINING OR PERMITTING OF TREES AND PLANTS BETWEEN THE PROPERTY LINES AND CURB LINES OF PROPERTY ABUTTING ON STREETS; REGULATING THE PLACING, MAINTAINING OR PERMITTING OF TREES AND PLANTS NEAR FIRE HYDRANTS; REGULATING THE MAINTAINING OR PERMITTING OF TREE LIMBS OVERHANGING OR GROWING ABOVE THE AREA BETWEEN PROPERTY LINE AND CURB LINE OF PROPERTY ABUTTING ON STREET; MAKING IT DUTY OF CHIEF OF POLICE TO SERVE WRITTEN NOTICE ON CERTAIN PERSONS VIOLATING THE ORDINANCE; AUTHORIZING AND DIRECTING CITY MANAGER TO CAUSE REMOVAL, TRIMMING OR PRUNING OF CERTAIN TREES AND PLANTS, OR PARTS THEREOF, CONSTITUTING CERTAIN VIOLATIONS; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AUTHORIZING CITY MANAGER TO REMOVE TREES OR PLANTS FOUND BETWEEN OPPOSITE CURB LINES IN ANY STREET AND TO TRIM BRANCHES, LIMBS OR FOLIAGE OF ANY TREE OR PLANT OVERHANGING OR GROWING ABOVE AREA BETWEEN CURB LINES OF ANY STREET; DEFINING CERTAIN TERMS USED IN THE ORDINANCE; MAKING THIS ORDINANCE CUMULATIVE OF ALL OTHER ORDINANCES, EXCEPT SUCH ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; REPEALING SUCH CONFLICTING ORDINANCES OR PARTS THEREOF; AND EXPRESSLY REPEALING THAT CERTAIN ORDINANCE ON THE SAME SUBJECT, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON JANUARY 16, 1941, AND IS RECORDED IN ORDINANCE BOOK "L", PAGES 72-74; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY

The ordinance was read the first time, and Councilman Wolf moved that the ordinance be passed to its second reading and laid over; and that, in the meantime, a synopsis of same be published three times in the daily newspapers. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was then laid over for its second reading.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Bernard Tannebaum and S. Winetroub for the year 1939 on the southwest 115 feet of Lot 1, Outlot 60, Division D, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$303.08; and for non-payment of same at maturity, penalty in the sum of \$15.15 has been assessed, and interest in the sum of \$17.49, making the total amount of taxes, penalty and interest, \$335.72; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$15.15 and a portion of the interest in the amount of \$5.37; therefore

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

THAT the aforesaid penalty in the sum of \$15.15, and a portion of the interest in the amount of \$5.37, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$15.15, and a portion of the interest in the amount of \$5.37, off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and interest, as aforesaid.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of L. C. Parks for the years 1931 through 1939, on one (1) acres Lot A, Block 2, Outlot 60, Division B, R. A. Smith Subdivision, Plat 257, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$64.80; and for non-payment of same at maturity, penalty in the sum of \$3.24 has been assessed, and interest in the sum of \$13.64, making the total amount of taxes, penalty and interest \$81.68; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$3.24 and one-half of the interest in the amount of \$6.82; therefore,

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

THAT the aforesaid penalty in the sum of \$3.24 and one-half of the interest in the amount of \$6.82 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and



directed to charge said penalty in the sum of \$3.24 and one-half of the interest in the amount of \$6.82 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor, at 11:45 A. M.

Approved Tom Miller.  
Mayor

Attest:

Walter M. Kellar  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 27, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building on Thursday, March 27, 1941, at 10:25 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meeting of March 20, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The hearing on the proposed amendment to the Electrical Ordinance relative to the requirement of bond before issuance of license to Master Electrician was opened. A delegation of electricians was present. Those expressing their approval of the amendment were the following: Carl Feuerbacher, Pat Cain, and J. P. Coats. A protest against the amendment was submitted by Harry Bernhard.

Following the discussion, it was the sense of the meeting that the matter be referred to the Electrical Board for consideration and recommendation at the next regular meeting; and that, pending a decision on the matter, no penalty apply to Carl Feuerbacher by reason of the expiration of his bond.

Julius Velasquez appeared before the Council and protested against Negro taxicabs operating without bond or fixed schedule of fares. The matter was referred to the City Attorney for consideration.

E. W. Ludwig, representing the Hillcrest Baptist Church, appeared before the Council and asked permission to use the area in front of said church at the intersection of East 19 $\frac{1}{2}$  Street and