

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

East Avenue for the placing of steps to said building and the planting of shrubbery.

It was the sense of the meeting that this request be granted, without limitation as to time, subject, however, to there being no objections from neighboring property owners.

A committee from the Negro Chamber of Commerce came before the Council and asked that the City cooperate with them in the observance of National Negro Health Week by granting permission for a parade from the Capitol Grounds south on Congress Avenue to Sixth Street and thence east on Sixth Street to Rosewood Park; participation by a representative of the City Government in their broadcast over KNOW on Sunday, March 30, from 9:30 A. M. to 10:00 A. M.; and assistance by the Public Health Agencies of the City. It was the sense of the meeting that the request be granted.

The following resolution was introduced by Councilman Alford:

WHEREAS, heretofore on the 14th day of August, 1935, by instrument recorded in Volume 526, page 180, of the Deed Records of Travis County, Texas, Westenfield Development Company granted to the City of Austin a sanitary sewer easement in, upon and across certain land in the City of Austin, Travis County, Texas; and

WHEREAS, the City of Austin does not now need the easement across the land hereinafter described, which is a part of the property described in said easement; now, therefore,

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

THAT the City Manager be, and he is hereby, authorized and directed in the name of the City of Austin to release and quitclaim to the owners of the hereinafter described tract of land, their heirs and assigns, all the right, title, interest, claim and demand in and to the certain sanitary sewer easement in, upon, and across Lot 1, Block 2, of Westfield "A", a subdivision by R. Niles Graham, et al., of a portion of the George W. Spear League in Travis County, Texas, according to a map or plat of said Westfield "A" appearing in Book 3, page 107, of the Plat Records on file with the County Clerk of Travis County, Texas.

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

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, S. P. Tadlock, owner of Lot 7, Block 1, of La Prolle Place, which property abuts the west side of South Congress Avenue at a location south of West Live Oak Street, and being locally known as 2304 South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of South Congress Avenue 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-914, 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 S. P. Tadlock, owner of Lot 7, Block 1, of La Prolle Place, which property abuts the west side of South Congress Avenue at a location south of West Live Oak Street, and being locally known as 2304 South Congress Avenue, is hereby permitted to construct a commercial driveway across the west sidewalk area of South Congress Avenue 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-914, 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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 WEST 45TH STREET from Bellvue Avenue west 125 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said West 45th Street.

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

- (2) A gas main in BONHAM TERRACE from a point 394 feet south of Kenwood Avenue south 92 feet, the centerline of which gas main shall be 15 feet west of, and parallel to, the east property line of said Bonham Terrace.

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

- (3) A gas main in BOWMAN AVENUE from a point 175 feet east of Spring Lane westerly 105 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 Bowman Avenue.

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

- (4) A gas main in BURNET ROAD from a point 227 feet north of West 46th Street northerly 91 feet, the centerline of which gas main shall be 1 foot east of, and parallel to, the west property line of said Burnet Road.

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

- (5) A gas main in OXFORD AVENUE from a point 220 feet south of Dwyer Avenue southerly 105 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Oxford Avenue.

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

- (6) A gas main in SALINA STREET from a point 490 feet south of Rosewood Avenue southerly $5\frac{1}{2}$ feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of, and parallel to, the east property line of said Salina Street.

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

- (7) A gas main in WEST 10TH STREET from a point 97 feet west of Center Street westerly 64 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 West 10th Street.

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

- (8) A gas main in POST OAK STREET from Bouldin Avenue westerly 190 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 Post Oak Street.

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

- (9) A gas main in DORMARION LANE from a point 156 feet south of Indian Trail southerly to Windsor Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Dormarion Lane.

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 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.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, L. L. McCandless is the contractor for the alteration of a building located at 1516 Lavaca Street, and desires a portion of the sidewalk space abutting Lot 6, Block 38, 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 L. L. McCandless, 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 Lavaca Street to a point 4 feet west of the west curb line; thence in a northerly direction approximately 42½ feet and parallel with the centerline of Lavaca Street to a point; thence in a westerly direction and at right angles with the centerline of Lavaca Street to the northeast corner of the above described property .

2. THAT the above privileges and allotment of space are granted to the said L. L. McCandless, 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 shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damages 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 April 15, 1941.

(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 projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

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

Councilman Alford moved that the application of Clyde William Ellison, Route 2, Austin, 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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>
Lanier, C. M. - 1703 Dexter Street	Home-made, Outboard, 1941 Model, "Chris Craft", 12-passenger
Small, Clint, Jr. - - 4507 Cameron Road	Penn Yan, Outboard, 1941 Model, 5-passenger

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

The Mayor called up for its second reading, the following ordinance:

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 second time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY", PASSED BY THE CITY COUNCIL MAY 6, 1937, AND RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING A NEW ARTICLE VII REGULATING THE LICENSING AND OPERATION OF BICYCLES IN THE CITY OF AUSTIN; PROVIDING FOR A LICENSE FEE FOR BICYCLES AND PRESCRIBING CERTAIN PENALTIES FOR THE VIOLATION OF SAID ARTICLE VIII; AMENDING AND REPEALING CERTAIN SECTIONS OF SAID ORDINANCE TO CONFORM TO THE PROVISIONS OF ARTICLE VIII; REPEALING ORDINANCES INCONSISTENT WITH THIS AMENDATORY ORDINANCE, AND EXPRESSLY REPEALING ARTICLES 925, 926 and 927, TITLE XXXVI, CHAPTER VIII, OF THE REVISED ORDINANCES OF THE CITY OF AUSTIN OF 1908; PROVIDING A SEVERABILITY 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. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was then laid over for its second reading.

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

Approved: Tom Miller
Mayor

Attest:
Wallis M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 3, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, April 3, 1941, at 10:35 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 27, 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.

A committee from the Safety Council, composed of Ray Lee, Fred Leser, and others, came before the Council and extended an invitation to said Body to attend the meeting of said Safety Council on Friday, April 4, at 7:30 P. M., and to cooperate with them in their campaign to promote observance of the recently enacted State law fixing the maximum speed limit within the City limits of thirty miles.