

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.

The Council accepted the invitation, and assured the committee of their cooperation in the matter.

The City Attorney was instructed to begin at once on preparation of proceedings for annexation of the Bradfield and Brush, the Fatterson, and the Giles tracts, and the Board of Equalization, to pass on valuations for same; the property remaining undeveloped to be assessed on an acreage basis.

The matter of installing lights and paving of streets leading to the Fish Hatchery was referred to the City Manager for attention.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN PORTIONS OF EAST 31ST STREET AND OF BREEZE TERRACE AND ALL OF A CERTAIN PARK LOCATED IN FOREST HILLS SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RELINQUISHING CONTROL OF SAID PORTIONS OF SAID STREETS AND SAID PARK BY THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its second 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 second time and Councilman Wolf moved that the rules be further 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.

The following resolution was offered 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 COLLEGE AVENUE from a point 450 feet north of Oltorf Street southerly 72 feet, the centerline of which gas main shall be 20 feet west of and parallel to, the east property line of said College Avenue.

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

- (2) A gas main in GEORGETOWN ROAD from North Loop Boulevard northerly 500 feet, the centerline of which gas main shall be 3 feet east of, and parallel to, the west property line of said Georgetown Road.

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

- (3) A gas main in HACKBERRY STREET from San Bernard Street easterly 157 feet, 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 2½ feet.

- (4) A gas main in EAST 11TH STREET from a point 103 feet east of Navasota Street easterly 35 feet, the centerline of which gas main shall be 22 feet south of, and parallel to, the north property line of said East 11th Street.

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.

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.

It was moved by Councilman Alford that the application of Mrs. Helen Miles, 306 Congress Avenue, for a Taxicab License 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.

It was moved by Councilman Bartholomew 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>
Crockett, Jno. A. - 1109 Nueces Street	Home-made, Outboard, 2 years old, Johnson, 3-passenger
James, W. L. - Rt. 3, Box 300, Austin, Texas	Dumpy Runabout, 1941 Model, "Gasoline" Sea King, 6-passenger
Jones, Chas. L. - 2115 Clifton Street	Home-made, Outboard, New, Water Witch, 4-passenger
Sandberg, O. A. - 603 East 42nd Street	Home-made, Outboard, 3 years old, Johnson, 3-passenger
Skaloud, Chas. J. - 1710 Fredericksburg Road	Home-made, Outboard, 4-passenger
Thiele, A. F. - 1606 San Antonio Street	Paddle Boat, 5 years old, 3-passenger
Via, Robert S. - 4413 Ramsey Avenue	Home-made, Outboard, 3 years old, 4-passenger

The motion prevailed 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, J. F. Johnson is the Contractor for the erection of a building located at 1108-10-12 Lavaca Street, and desires a portion of the sidewalk and street space abutting on part of Lot D, Block 134, 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 J. F. Johnson, the boundary of which is described as follows:

Street and Sidewalk Working Space

BEGINNING at the northwest corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 12th Street to a point 6 feet north of the south curb line; thence in an easterly direction and parallel with the centerline of West 12th Street to the extended east line of the above described property; thence in a southeasterly direction and at approximately 45° angle to a point 15 feet east of the west curb line of Lavaca Street and the extended north line of the above described property; thence southerly and parallel with the centerline of Lavaca Street approximately 90 feet to a point; thence in a westerly direction and at right angles with the centerline of Lavaca Street to the southeast corner of the above described property

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

(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 April 1, 1942.

(10) 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.

(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 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 granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and 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.

The following resolution was introduced by Councilman Alford:

WHEREAS, the City Council has seen fit during past years to postpone the penalty on current taxes from April 1 until June 1; and

WHEREAS, it appears to the City Council that such a procedure in 1941 applicable to the 1940 taxes is advisable; therefore,

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

THAT the 5% penalty on 1940 taxes which are payable in 1941 be postponed until midnight of June 1, 1941. The postponement of said penalty does not waive the prescribed 6% interest charges, as all unpaid 1940 taxes will be charged 6% interest in accordance with the City Charter.

The City Manager and the City Tax Assessor and Collector are hereby authorized and instructed to act in accordance with this resolution.

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 written offer of David J. Pickle, Agent for Dr. Wooten, to sell the City approximately forty (40) acres of land, located between Shoal Creek and the Bull Creek Road and extending from 37th Street north to, and adjoining, the property of the State Colored Deaf, Dumb & Blind Institute, for a consideration of \$400 per acre, said tract of land to be used for park purposes, was received; and the matter was taken under advisement.

The Mayor laid before the Council, for its second reading, 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 VIII 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 second time and amended. Councilman Wolf then moved that the rules be suspended and the ordinance, as amended, 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.

Cecil Cabaniss, representing the Junior Chamber of Commerce, extended an invitation to the Council to attend a barbecue to be given by the Junior Chamber of Commerce at Zilker Park on Wednesday, April 9, at 7:00 P. M.

It was moved by Councilman Alford that the application of Marshall P. Windham, 803 Nile 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, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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:

Hallie M. Keller  
City Clerk

AFTERNOON SESSION:

April 3, 1941.

The City Council convened in recessed session at 3:00 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

The Council reached an agreement with the Directors of the Austin Memorial Park Association to purchase the physical plant of the Austin Memorial Park Association - Memorial Park - which is to include all of the acreage included in the cemetery, together with the permanent improvements and all personal property used in connection with the cemetery and belonging to the Association, the consideration to be \$56,000 in cash. The date of the sale is to be as of April 3, and any lots sold will be sold either by the City or under the supervision and direction of the City, pending the examination of the title and actual closing of the deal. The Association will continue to maintain the cemetery, including a watchman and caretaker, repairs and maintenance until the deal is actually closed. The abstract has already been prepared and sent to Mr. John Gracy and Mr. Eddie Cravens and is now on Mr. Gracy's desk at the Capital National Bank. Mr. Gracy has agreed to deliver the abstract to the City Attorney either today or tomorrow and the City Attorney was instructed to proceed with the examination of the title at once and to close the deal without any unnecessary delay.

The foregoing agreement was unanimously adopted by the City Council - Councilman Bartholomew casting his vote in favor of same by telephone.

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie M. Keller  
City Clerk