

Pursuant to the oral request of J. W. Ezelle, District Manager of the Southwestern Bell Telephone Company, it was moved by Councilman Wolf that the City Attorney be instructed to prepare an amendment to the ordinance fixing telephone rates so as to provide for a party-line rate of \$2 to new subscribers, residence only, effective November 1st, not to exceed four telephones to the line, and only with the consent of subscribers whose lines are to be tapped; such amendment to be effective only during the national emergency. 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 11:50 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Walter M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 30, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 30, 1941, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of October 23, 1941, were read, and upon motion of Councilman Bartholomew, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis:

WHEREAS, C. H. Toungate is the Contractor for the alteration of a building located at 716 West 6th Street and desires a portion of the sidewalk space abutting the West 46 feet of Lot 1, Block 76, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said C. H. Toungate, the boundary of which is described as follows:

Sidewalk Working Space

No. 1. BEGINNING at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 6th Street to a point 6 feet north of the north curb line; thence in a westerly direction and parallel with the centerline of West 6th street approximately 46 feet to a point; thence in a northerly direction and at right angles to the centerline of West 6th Street to the southwest corner of the above described property.

No. 2. BEGINNING at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of West Avenue to a point 10 feet west of the east curb line; thence in a northerly direction and parallel to the centerline of West Avenue approximately 80 feet to a point; thence in an easterly direction and at right angles to the centerline of West Avenue to the west line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said C. H. Toungate, 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 east, south, and west lines of the above described No. 1 space, such guard rail to be at least 4 feet high and substantially braced and anchored; and that the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described No. 2 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 December 1, 1941.

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

The following resolution was introduced by Councilman Bartholomew:

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

WHEREAS, Mr. and Mrs. E. C. McClure, owners of Lot 5 and one-half of Lot 6, in Hillview Oaks within the City of Austin, Travis County, Texas, which property abuts the east side of Meadowbrook Drive, and being locally known as 1907 Meadowbrook Drive, has made application to the City Council of the City of Austin for permission to construct a brick sidewalk from the curb line to the property line on the east side of Meadowbrook Drive adjacent to the above described property; and

WHEREAS, said request has 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 Mr. and Mrs. E. C. McClure, owners of Lot 5 and one-half of Lot 6, in Hillview Oaks within the City of Austin, Travis County, Texas, which property abuts the east side of Meadowbrook Drive, and being locally known as 1907 Meadowbrook Drive, is hereby granted permission to construct a brick sidewalk from the property line to the curb line at the above described location, and said sidewalk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the brick shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the brick shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf 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 MARGRANITA CRESCENT, from Dormarion Lane to Winsted Lane, the center-line of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Margranita Crescent.

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

- (2) A gas main in MARGRANITA CRESCENT, from Bland Street to Winsted Lane, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of Margranita Crescent.

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

- (3) A gas main in WINSTED LANE from Oopo Avenue to Margranita Crescent, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Winsted Lane.

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

- (4) A gas main in BLAND STREET across Margranita Crescent intersection, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Bland Street.

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

- (5) A gas main in WEST ANNIE STREET from South 6th Street westerly 119 feet, the centerline of which gas main shall be 18 feet south of, and parallel to, the north property line of said West Annie Street.

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

- (6) A gas main in WEST 37TH STREET from a point 250 feet east of Oakmont Boulevard easterly 155 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of, and parallel to, the north property line of said West 37th Street.

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

- (7) A gas main in RALEIGH AVENUE from Bridle Path southerly 201 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 Raleigh Avenue.

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

- (8) A gas main in ROBINHOOD TRAIL from Bridle Path to Clearview Drive, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Robinhood Trail.

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

- (9) A gas main in BRIDLE PATH from Raleigh Avenue to Robinhood Trail, the centerline of which gas main shall be  $11\frac{1}{2}$  feet south of, and parallel to, the north property line of said Bridle Path.

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

- (10) A gas main in EAST AVENUE from a point 196 feet south of East 49th Street, southerly 109 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 East Avenue.

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, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis:

WHEREAS, J. F. Johnson is the Contractor for the alteration of a building located at 611 Congress Avenue and desires a portion of the street space abutting a part of Lot 3, Block 69, of the Original

City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said J. F. Johnson, the boundary of which is described as follows:

Street Working Space

BEGINNING at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 6 feet east of the east curb line of Congress Avenue; thence in a southerly direction and parallel to the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest 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 express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than 1-inch material and extending from the sidewalk to the underside of the present awning, substantially braced and anchored, and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricade, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use three parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(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 December 1, 1941.

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

The written application of Roland R. Freund for a change in zoning of his property at 1311-1313 West 34th Street to "C" Commercial District, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The following resolution was introduced by Councilman Gillis:

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

THAT the sum of \$3100.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of constructing walks, curbs, and driveways at Brackenridge Hospital.

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

Councilman Alford moved that the application of Carl Bradley Eldridge, 1618 Navasota 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, and Mayor Miller; nays, none; Councilman Wolf absent.

A. W. Thielepape came before the Council and submitted a petition, signed by a number of citizens, asking that repairs be made to Barton Springs Road near the Missouri Pacific underpass to relieve the bad drainage condition existing there. The petition was received and ordered filed, and petitioner was advised by the City Manager that the work was already scheduled to be done within the next sixty days.

The written request of Mrs. Frank Finley, Chairman of the County Carnival to be sponsored by the Woman's City Federation for the benefit of the City-County Tuberculosis Sanatorium, that East 10th Street for a distance of approximately one-third of the block, be roped off for their street dance on Saturday night, November 1st, was received. Councilman Gillis moved that the request be granted, subject to the Traffic Department's working the matter out according to their best judgment - the blocking off, however, to extend no farther east than the alley between Congress Avenue and Brasos Street. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, the contractor for the construction of swimming pools for the East Avenue and Ramsey Park playgrounds has completed said contracts in accordance with requirements of the City of Austin subject to certain deductions as set out in the City Engineer's report attached hereto; and

WHEREAS, the City Council has considered said report; now, therefore,

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

THAT the City Manager be, and is hereby, authorized and directed to accept these swimming pools and accessory equipment in the name of the City of Austin and to pay to the contractor the final estimate now due and to release said contractor from the obligations of his performance bonds.

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

The following ordinance was introduced by Councilman Alford:

AN ORDINANCE AUTHORIZING AND FIXING THE RATE TO BE CHARGED BY THE SOUTHWESTERN BELL TELEPHONE COMPANY FOR FOUR-PARTY LINE RESIDENCE TELEPHONE SERVICE IN THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rules be suspended and 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, and Mayor Miller; nays, none; Councilman Wolf absent.

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

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

The Mayor then declared the ordinance finally passed.

The oral request of Ben Taylor that he be given another job with the City on work which he would be physically able to do, claiming to have sustained physical injury while in the employ of the Trash and Garbage Division, was heard. It was the sense of the meeting that the City had no legal responsibility in the matter, and same was referred to the City Manager for such disposition as he deems best.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Nick Linz for the years 1938, 1939, and 1940, on automobiles owned by him located in the City of Austin, Travis County, Texas, said taxes being for the sum of \$16.49; and for non-payment of same at maturity, penalty in the sum of \$.81 has been assessed, and interest in the sum of \$1.78 has accrued, making the total amount of taxes, penalty and interest \$19.08; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$.81 and a part of the interest in the sum of \$1.29; therefore,

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

THAT the aforesaid penalty in the sum of \$.81 and a part of the interest in the sum of \$1.29, 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 \$.81 and a part of the interest in the sum of \$1.29 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the balance of the interest, as aforesaid.

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

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of D. Rainey for the years 1932 through 1936, 1939, and 1940, on Lot 53, Enfield O; and personal property, all in the City of Austin, Travis County, Texas, said taxes being for the sum of \$396.13; and for non-payment of same at maturity, penalty in the sum of \$19.79 has been assessed, and interest in the sum of \$121.85 has accrued, making the total amount of taxes, penalty and interest \$537.77; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$19.79, and one-half of the interest in the sum of \$60.93; therefore,

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

THAT the aforesaid penalty in the sum of \$19.79 and one-half of the interest in the sum of \$60.93 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 \$19.79 and one-half of the interest in the sum of \$60.93 off his rolls, and to issue to the party entitled to receive the 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, Gillis, and Mayor Miller; nays, none; Councilman Wolf 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:

Wallis M. Kellan  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 6, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, November 6, 1941, at 10:25 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Alford.

The Minutes of the regular meeting of October 30, 1941, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Alford absent.

The following resolution was introduced by Councilman Bartholomew:

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: