

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 13, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, November 13, 1941, at 10:30 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 November 6, 1941, were read, and upon motion of Councilman Gillis, were adopted as read 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 Ivan Lee Harris, 209 East 13th Street, for a taxicab license be granted, as recommended by the City Manager. 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, Louis Johns is the Contractor for the erection of a building located at 700-02 East Sixth Street, and desires a portion of the sidewalk and street space abutting Lot 9, Block 13, 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 Louis Johns, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at a point along the south property line, approximately 45 feet east of the west property line; thence in a southerly direction and at right angles with the centerline of East 6th Street to a point 14 feet south of the north curb line; thence in a westerly direction and at right angles with the centerline of East 6th Street, approximately 45 feet, to a point; thence at approximately a 45° angle to a point 16 feet west of the east curb line and the extended south line of the above described property; thence in a northerly direction and parallel with the centerline of Sabine Street, approximately 45 feet, to a point; thence in an easterly direction and at right angles with the centerline of Sabine Street to the west line of the above described property.

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

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

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

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

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

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(7) That 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 February 2, 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 projects, 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 One Thousand (\$1,000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise 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, Mayor Miller, and Councilman Wolf; nays, none.

A petition, signed by David Tisinger, et al., owners of adjacent property, asking that the alley through Block 10, Walsh Addition, Division "A", be vacated, was received. Councilman Gillis moved that the request be not granted, as it is not the purpose of the City to relinquish its rights in the premises; but that the City Manager be authorized to notify said petitioners that they may have temporary use of said alley until such time as the City may need same. The motion prevailed 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 Jesse David Phelan, 102 East 2nd Street, 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.

The City Manager submitted to the Council a deed from the Texas Fine Arts Association Holding Corporation, dated October 31, 1941, conveying Lots One (1) to Thirty-two (32), inclusive, of Block No. Two (2), Hyde Park Addition, upon which property is located the Elizabeth Ney Museum. Councilman Bartholomew moved that the City Manager be authorized and directed for and in behalf of the City of Austin to accept said deed. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The City Manager submitted to the Council bids received from the Capital Paper Stock Company and the Mayer Sales Company for the privilege of collecting waste paper in the streets, alleys, and sidewalks of the downtown district. It was the sense of the meeting that the City Manager be authorized and directed to thank said bidders for their bids, but to notify them that it is not the purpose of the City to grant any special rights in the matter, as the privilege asked for will be free to the public as long as same does not interfere with the operation of the City's Trash and Garbage Division.

It was moved by Councilman Alford that the application of John Pinkney Heath, 1007 Nueces 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.

It was moved by Councilman Alford that the application of Mervin Allan Wheeler, 4201 Post Road, for a taxicab driver's permit be granted, subject to a six months' probationary period, as recommended by the City Manager. 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:

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

THAT the City Manager be, and he is hereby, authorized and directed to execute and deliver in behalf of the City of Austin a quitclaim deed to Noel K. Brown, releasing and quitclaiming unto the said Noel K. Brown all right, title, interest, claim and demand of the City of Austin in and to Lot 24, Block 12F, in Fairview Park Addition to the City of Austin, Travis County, Texas, resulting from the accrual of any delinquent City taxes and from any and all tax suits heretofore brought by the City of Austin for the collection of taxes against said property.

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.

A petition, signed by Mr. and Mrs. A. E. Fahey, et al., protesting the proposed replacement of the white GGO Camp at Lake Austin Park with a negro personnel, was received. In this connection, Messrs. R. D. Sias and A. W. Turner, Field Supervisor and Superintendent of said Camp, respectively, appeared and were heard on the matter. Following the discussion, it was the sense of the meeting that the matter be held in abeyance.

The following resolution was introduced by Councilman Wolf:

WHEREAS, Rapp Brothers, Super Hi-Tone Cleaners, acting by and through C. E. Rapp, has presented to the City Council of the City of Austin a request for permission to construct, maintain, and operate a steam line, 3/4" to 1" in diameter, across Congress Avenue Alley at a location approximately 50 feet south of the south line of East 7th Street within the City of Austin, Travis County, Texas; and

WHEREAS, the City Engineer has recommended that said installation be approved, and the City Council of the City of Austin has reviewed and considered said recommendation; therefore,

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

THAT Rapp Brothers, Super Hi-Tone Cleaners, acting by and through C. E. Rapp, be, and the same is hereby, permitted to install a steam line, 3/4" to 1" in diameter, across Congress Avenue Alley at a location approximately 50 feet south of the south line of East 7th Street within the City of Austin, Travis County, Texas.

The construction, maintenance, and operation of the aforesaid steam line shall be carried out at the expense of the applicant and under the direction and supervision of the City Engineer of the City of Austin, or his duly authorized representative, and shall be placed in a cast iron conduit,

the minimum diameter of which conduit shall be 4 inches and shall have a minimum cover of 30 inches, and shall be so constructed that said steam line may be repaired and maintained without ever disturbing any of the sidewalk area or alley pavement now in place, and in the acceptance of this permit the said Rapp Brothers, Super Hi-Tone Cleaners, assume all damages which may occur to public or private property by virtue of this steam line's being placed across Congress Avenue Alley at the location above described.

It is further understood that any damages whatsoever caused to existing utilities during the course of construction, maintenance, or operation of said steam line shall be paid for by the applicant above named.

Upon motion of Councilman Wolf, 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:

WHEREAS, City of Austin taxes were assessed in the name of Mrs. J. M. Bruck, for the years 1937 and 1938 on Lots 1 and 2, Block 2, Outlot 72, Division "D", Brown Addition, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$177.11; and for non-payment of same at maturity, penalty in the sum of \$8.85 has been assessed, and interest in the sum of \$32.92 has accrued, making the total amount of taxes, penalty and interest \$218.88; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.85 and one-half of the interest in the sum of \$16.46; therefore,

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

THAT the aforesaid penalty in the sum of \$8.85 and one-half of the interest in the sum of \$16.46 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 \$8.85 and one-half of the interest in the sum of \$16.46, 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, Mayor Miller, and Councilman Wolf; nays, none.

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:

Hallie M. Kellan
City Clerk