

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 9, 1942.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 9, 1942, at 10:40 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 July 2, 1942, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis offered the following resolution:

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

" THAT the City of Austin hereby waives any claim it has or may have against the owner or owners of the building or buildings located on that certain triangular portion of land off of the north side of a street now known as East Live Oak Street, as shown upon the map or plat of Swisher Subdivision of a portion of the Isaac Decker League in Travis County, Texas, according to a map or plat of said Swisher Subdivision of a portion of the Isaac Decker League in Travis County, Texas, according to a map or plat of said Swisher Subdivision recorded in Book 1, page 2, of the Plat Records of Travis County, Texas, for any real or supposed encroachment on said triangular tract consisting of 1624 square feet of land up to the line established for said East Live Oak Street. The 1624 square feet of land referred to above is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set at the intersection of the east line of South Congress Avenue and the north line of East Live Oak Street, same being the southwest corner of a tract of land conveyed to D. McKenzie by Wirt A. Scott, et ux, by deed dated October 25, 1913, of record in Volume 261, page 173, of the Deed Records of Travis County, Texas;

THENCE along the south line of the said McKenzie tract, same being the north line of East Live Oak Street, S. 60°27' E. 334.52 feet to an iron stake, same being the southeast corner of the said McKenzie tract of land;

THENCE along the prolongation of the east line of the said McKenzie tract of land S. 18°59' W. 9.81 feet to an iron stake in the north line of East Live Oak Street, same being the southwest corner of a tract of land conveyed to Joseph D. Franzetti, et ux, by C. E. Spurlin by deed dated May 14, 1932, of record in Volume 380, at page 427, of the Deed Records of Travis County, Texas;

THENCE N. 58°48' W. 336.48 feet to the place of beginning.

But the City of Austin does not relinquish any right, title, or interest, or any claim of right, title, or interest, in and to all or any portion of said tract of land hereinabove described. "

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

Mr. T. B. Warden, Chairman of the Scrap Rubber Drive, requested permission of the Council to have motorcycle officers lead the parade on Friday, July 10th, at 5:15 P. M.; and to have the air-raid sirens blown on this occasion. The Council instructed the Acting City Manager to grant the request.

The Council further instructed the Acting City Manager to donate the rubber mats in the Municipal Building, and such other articles of rubber as the City can spare, to the Scrap Rubber Drive.

Mr. Henry E. Jacobson, Manager, Levine's Department Store, 501 East 6th Street, petitioned the Council for two-hour parking restrictions on Neches Street adjacent to his place of business, in order to relieve traffic congestion. The matter was referred to the Chief of Police and the Traffic Department for their recommendations, which shall include, also, both sides of the block on Neches Street.

Mr. Jacobson further petitioned the Council for a traffic light at the intersection of 6th Street and Neches Street. Petitioner was informed that the request could not be granted, owing to regulations of the War Production Board.

The following applications for licenses to operate private boats were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Teich, Charles - 1706 Francis Avenue	Home-made, Row Boat, Two Years Old, 3-passenger
Morriss, Marvin- 3625 Lake Austin Boulevard	Home-made, Row Boat, New, 3-passenger

It was moved by Councilman Bartholomew that the applications be granted, subject to the approval of the Lake Austin Navigation Board. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis offered the following resolution:

" WHEREAS, Frank R. Rundell is the Contractor for the alteration of a building located at 724 Congress Avenue and desires a portion of the street space abutting the east 80 feet of Lot (I), Block 83, 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 Frank R. Rundell, the boundary of which is described as follows:

STREET WORKING SPACE

BEGINNING at a point opposite the northwest corner of the above described property; thence in a northerly direction to a point 12 feet north of the south curb line and at right angles with the centerline of West 8th Street; thence in an easterly direction and parallel with the centerline of West 8th Street approximately 60 feet to a point; thence in a southerly direction and at right angles to the centerline of West 8th Street to the south curb line; thence in a westerly direction to the point of beginning.

2. THAT the above privileges and allotment of space are granted to the said Frank R. Rundell, 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 north, west, and east sides of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(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 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 August 15, 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 Two Thousand Dollars (\$2000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claim 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 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, seconded by Councilman Gillis, that the Acting City Manager be authorized to accept a donation of \$500 from the Committee on Infantile Paralysis for installation of physiotherapy equipment at Brackenridge Hospital. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was the sense of the meeting that the proceedings on the renewal of the franchise of the Southwestern Bell Telephone Company be not started until the regular meeting two weeks hence.

Upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

Approved

*Tom Miller*  
MAYOR

Attest:

*Heidi McKelvey*  
CITY CLERK