

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 21, 1946

11 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Absent: Councilman Gillis

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; James A. Garrison, Director of Safety; and R. D. Thorp, Chief of Police.

Pursuant to public notice given in the local newspaper, the proposal of the City Council to amend the Zoning Ordinance in the following particulars came up for public hearing:

- (1) To amend the USE designation of the following described property so as to change the same for "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, towit:

A portion of 4.139 acre tract out of Outlot 17, Division "C", City of Austin, Travis County, Texas, being located at the Northeast corner of Airport Boulevard and East 45th Street and fronting 409.51 feet and 29.82 feet respectively on said streets.

- (2) To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, towit:

A .4709 acre tract out of Outlot 18, Division "C", City of Austin, Travis County, Texas, being so located as to front 232.83 feet on East 45th Street, 281.80 feet on Airport Boulevard and 155.59 feet on East Avenue.

- (3) To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, towit:

Lots 15 and 16, Block E, and Lots 1, 2 and 3, Block C, and property located on the Northeast corner of East Avenue and Airport Boulevard, and fronting 195 feet and 300 feet respectively on said streets, all being located in Austin, Travis County, Texas, and in a proposed Delwood Subdivision by Bascom Giles, as shown by a preliminary plat on file with the City Planning Commission.

There being no one to protest these changes, upon motion made by Councilman Wolf, duly seconded, that the recommendations of the Zoning Board of Adjustment be sustained and the above described property be changed from "A" Residence, First Height and Area to "C" Commercial, First Height and Area District, the same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The City Attorney was then instructed to prepare an ordinance covering these changes and present same to the Council.

The City Manager reported that four bids had been received on Lot 8, Shoal Creek Boulevard Lots Addition, same having been duly advertised in the daily newspaper, and that the bid of R. E. Jamison in the amount of \$1001.50 was the highest bid received, therefore, he would recommend that this lot be sold to Mr. Jamison.

Councilman Bartholomew submitted the following resolution and moved its adoption:

(RESOLUTION)

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 in behalf of the City of Austin a warranty deed to R. E. Jamison conveying Lot 8, of the Shoal Creek Boulevard Lots Addition, for cash consideration of One Thousand One Dollars and Fifty Cents (\$1001.50).

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

A group of business men from the section of Congress Avenue, between 2nd and 4th streets, appeared before the Council and complained about a group of young boys who have been molesting their customers and citizens passing along on the sidewalk in front of their places of business, and also entering their business establishments and damaging their property. These men stated that the Police Department had not given them the proper protection and they would have to close their places of business - drug stores and restaurants - before the regular closing time because of this gang of hoodlums, and they were appealing to the Council for help. After a lengthy discussion, these men were assured that they would be given additional protection and the Police Department would

do everything within their power to have these boys, some of whom are juveniles, punished for these crimes and the gang broken up. The Chief of Police was instructed to put additional policemen on this beat and to give these citizens protection.

Mr. Henry Cain, representing the Veterans of Foreign Wars, appeared before the Council and requested permission to display a car, which will be given away during a carnival sponsored by the Veterans of Foreign Wars, April 27 thru May 4, on the street, preferably in front of the Austin Hotel, 7th and Congress Avenue. The Chief of Police was instructed to work out a location for the car.

The application of Gordon Fulcher for a change in the zoning of the East one-half of the block, between 17th and 18th streets, on San Antonio street, from "B" Residence to "C" Commercial; also all of the property not now so zoned on the east side of San Antonio Street, from 19th street to 16th street, as "C" Commercial, Third Height and Area District, was referred to the Zoning Board of Adjustment for consideration and recommendation.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON ALL OF BLOCK 129 OF THE ORIGINAL CITY OF AUSTIN; AND ORDERING A CHANGE IN THE USE MAPS, SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

The Mayor then announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A PORTION OF TRACT DESCRIBED AT VOLUME 256, PAGES 613-615, DEED RECORDS, TRAVIS COUNTY, TEXAS; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT, ON A CERTAIN 1.41 ACRE TRACT KNOWN AS LOIS THRASHER TRACT, IN AUSTIN, TRAVIS COUNTY, TEXAS, AND SHOWN ON SECTION MAP 270, CITY TAX RECORDS; AND ORDERING A CHANGE IN THE USE MAPS, SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Gillis

The Mayor then announced that the ordinance had been finally passed.

The application of Horace Worth Platt, 3802 South 1st street, for a taxicab operator's license, duly approved by the City Manager, was submitted. Upon motion of Councilman Alford, duly seconded, the license was approved, and the motion prevailed by the following vote:

Ayes:	Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	Councilman Gillis

The application of George E. Overstreet, 201 E. 1st street, for a taxicab operator's license for a 2-door, 1940 Chevrolet, Motor No. 5kh04-15546, License FT 4769, was submitted. Because of his police and traffic record, the Chief of Police and the City Attorney did not approve this application. After appealing to the Council, Mr. Overstreet was told to talk to the Chief of Police and the City Attorney and if they would approve his application for a 90-day probationary period, the Council would grant the license.

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Birkner, Alfred	609 West 9th street
Calhoun, Garland A.	3507 McDonald
Griffin, James David	712 West Johanna
Lahman, Ollie B.	Route 2
Schnell, Alfred C.	1303 Trinity
Spradling, Henry G.	Route 2, Box 434A
Ward, Horace Ray	2201 College Ave.
Wheeler, Joel Andrew	1504 Garden

Upon motion of Councilman Wolf, duly seconded, the permits were granted, with the following vote prevailing:

Ayes:	Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	Councilman Gillis

Upon the recommendation of the Chief of Police and City Attorney, duly approved by the City Manager, the following taxicab operator's licenses were REVOKED:

Johnston, Joseph R.	License No. 154; also his driver's permit
Summers, O. A.	License No. 41 ;also his driver's permit

The following vote prevailed on the above revocation:

Ayes:	Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	Councilman Gillis

The application for a change in the ownership of the Varsity Cab Company's Taxicab Terminal Operator's license, from Wm. T. Haneline to M. E. Mathis, 409 West 14th street and L. E. Doyle, 205 East 51st street, duly approved by the City Manager, was submitted. Councilman Alford moved that this be approved and the same prevailed by the following vote:

Ayes:	Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	Councilman Gillis

The application of Audley McCormick and John R. McNiel, owners, for a wine and beer license for "Earl's Cafe", 2508 Guadalupe street, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted and the same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The following boat license applications were submitted:

Enquist, J. M.	1106 West 10th street
Moore, Charles Victor	2902 Rio Grande
Netherton, H. W.	
Shoudy, K. D.	2002 Scenic Drive
Starling, ROY	903 Edge Cliff
Wusterhausen, T. A.	610 East 5th street

Upon motion of Councilman Wolf, duly seconded, the licenses were granted, with the following vote prevailing:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Bartholomew moved that Messers Bob Armstrong and Armin Ritter be appointed as members of the Navigation Board to fill the expired terms of Chief John E. Woody and Mr. Gordon Fulcher. Their terms to start as of January 1, 1946. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute, to the present owners of the land involved, a release of an easement of right-of-way for an electric transmission and distributing line described in a deed executed by D. McColl and wife, Emma McColl, to the Texas Power and Light Company on March 2, 1929, and recorded in Volume 436, at page 164 of the Deed Records of Travis County, Texas, which easement, together with other easements, was transferred by Texas Power and Light Company to the Lower Colorado River Authority by deed dated August 31, 1939, recorded in Volume 623, at page 177, of the Deed Records of Travis County, Texas, and was transferred, together with other easements, by the Lower Colorado River Authority to the City of Austin by deed recorded in Volume 633, page 18 of the Deed Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Wolf submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of Fifty-five Dollars be and the same is hereby appropriated out of the General Fund not otherwise appropriated to pay for the adverse claim of Mrs. Jennie D. Dawson and the N. A. Dawson Estate, to Lots One (1) and Two (2) in Block 10, South Heights Addition and Lots One (1) to Six (6), inclusive, in Block W in the J. E. Bouldin Addition.

BE IT FURTHER RESOLVED that a warrant issue for such amount, payable to the City Tax Assessor and the Collector of the City of Austin, which warrant shall be applied to the payment of delinquent taxes now owing to the City of Austin by the N. A. Dawson Estate on any property of the Estate except that above described.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized to execute, for and in behalf of the City of Austin, a deed without warranty for and in consideration of the payment to the City of Austin of the sum of ONE THOUSAND DOLLARS (\$1000.00) by Fritz W. Bollman, Jr., of Travis County, Texas, conveying to the said Bollman Lot No. Two (2) in Block 169 in the City of Austin and all of Lot No. Three (3) in said Block 169, except the part thereof lying east of the west high bank of Waller Creek.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Wolf submitted the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized to release to W. M. Platt any and all liens fixed or created against Lot Eleven (11), Block 4, Outlot No. 36, Division "O" in the City of

Austin by reason of a judgment foreclosing the City's tax lien on such property, of record in Book 19 at Page 567 of the Minutes of the District Court of Travis County, Texas, entered on November 18, 1930, in Cause No. 48,990 in said Court, styled the City of Austin vs W. M. Platt, it appearing to the Council that all taxes and costs, chargeable against the said property and involved in said suit, have been paid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Oliver B. Street is the Contractor for the alteration of a building located at 404 East 6th Street and desires a portion of the sidewalk and street space abutting Lot C of 1, Block 66, 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 Oliver B. Street, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street to a point 4 feet north curb line; thence in a westerly direction and parallel with the centerline of East 6th Street approximately 23 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Oliver B. Street, 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 one-inch material and at least 8 feet in height (or 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 barricades, 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.

(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 damage 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 May 15, 1946.

(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 One Thousand Dollars (\$1,000.00) which shall protect, indemnify and hold harmless the City of Austin from any claims or 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf.

Noes: None

Absent: Councilman Gillis

Councilman Bartholomew submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 717 Colorado Street and desires a portion of the sidewalk and street

abutting the south 18 feet of Lot 8, Block 83, 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. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Colorado Street to a point 15 feet west of the east curb line; thence in a northerly direction and parallel to the centerline of Colorado Street approximately 20 feet; thence in an easterly direction and at right angles to the centerline of Colorado Street to the west line of Lot 8.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, 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 July 1, 1946.

(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 of, or all of said 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 Five Thousand Dollars (\$5,000.00) , which shall protect, indemnify and hold harmless the City of Austin from any claims or 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Wolf submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the contractor for the erection of a building located at 3110 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lots 1 and 2, Block 1, Outlot 75, Division D, Gipsy Grove Addition, of the 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 there for; therefore

fore

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. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

(a) Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel to the centerline of Guadalupe Street approximately 100 feet to a point; thence in a westerly direction and at right angles to the southeast corner of the above described property.

(b) Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 31 $\frac{1}{2}$ Street to a point 10 feet south of the north curb line; thence in a westerly direction and parallel to the centerline of West 31 $\frac{1}{2}$ Street approximately 150 feet; thence in a northerly direction and at right angles to the centerline of West 31 $\frac{1}{2}$ Street to the southwest corner of the above described property.

(2) THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1a) 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 the load.

(1b) That the Contractor shall construct a guard rail within the boundary line along the east, south and west 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 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 to not 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" sign 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 1, 1946.

(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.

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(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 Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Alford, Bartholomew, Mayor Miller, and Councilman Wolf.
Noes: 4 None
Absent: Councilman Gillis

Councilman Bartholomew presented the following resolution with the motion that it be adopted:

(RESOLUTION)

WHEREAS, Bank Building and Equipment Corporation is the Contractor for the demolition of a building located at 511 Congress Avenue and desires a portion of the sidewalk and street space abutting the north part of Lot 3, Block 56, of the Original City of Austin, Travis County, Texas during the demolition 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 Bank Building and Equipment Corporation, the boundary of which is described as follows:

Sidewalk and Street Working Space

(a.) 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 16 feet west of the east curb line; thence in a southerly direction and parallel with 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.

(b.) Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of the alley approximately 5 feet to a point; thence in a southerly direction and parallel with the centerline of the alley approximately 23 feet to a point; thence in a westerly direction and at right angles to the centerline of the alley to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Bank Building and Equipment Corporation, hereinafter termed "Contractor", upon the following express terms and conditions;

(1a) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear of the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close

to prevent sagging of the roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted 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.

(1b) That the Contractor shall construct a guard rail within the boundary line along the north, east and south 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 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 now 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 September 1, 1946.

(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

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 Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or 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 safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller, Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Wolf moved that the bid of Burke Matthews for the concessions at Zilker Springs and Deep Eddy, for the year 1946, in the amount of \$4,000.00 plus 15% of the gross profits over that amount, be accepted, and that the City Manager be instructed to enter into a contract with said Burke Matthews for these concessions. The motion, duly seconded, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller, Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Year</u>	<u>Amount Collected</u>
Haakell Adelman	1939 through 1944	\$ 23.98
Albert Dodson	1938, 1939, 1942, 1943, 1944	15.76
Fred Moore	1940	3.03
Gordon Neeley	1939 through 1944	78.01
Delmar Spell6	1939, 1940, 1942, 1943	7.78
Melvin Stewart	1942	2.13
C. H. Walling	1942 & 1943	12.72
A. P. Zoch	1941	.38
Max H. Bickler	1944	.64
J. Owen Carpenter	1940, 1941, 1942	9.33
Guajardo Grocery	1944	26.59
Pearl Hollis	1941, 1942, 1943, 1944	7.10
E. W. Lytle	1940 & 1944	16.13
W. L. Broadhurst	1944	8.21
Gillis Brown	1943	.60

E. M. Everton	1937	\$ 4.91
G. D. Riffe	1926, 1927, & 1932 through 1940	11.97
Lee Satterwhite	1933, 1939, 1940	22.35
E. H. Wainwright	1936, 1939, 1940, 1942, 1943	24.42
Llewellyn Rose	1944	5.19
J. Everett Kilburn	1934, 1935, 1944	2.58
W. E. Phillips	1936, 1937, 1939, 1942, 1943, 1944	45.82
Nathalie Flournoy	1942, 1943, 1944	6.50
Earl Dennis	1943, 1944	7.40
Helen D. Gibbons	1943, & 1944	13.55
W. G. Myers	1942	.25
Jack Conway	1944	7.25
Aaron Jones, Jr.	1944	3.39
Nicholas Medrano	1944	.73
Kelley's Green & White		
Shoe Shop	1944	4.96
N. D. Barker	1944	4.96
F. O. Cullen	1943 & 1944	2.27
H. A. Lea	1935, 1937, 1939, 1943, 1944	24.64
W. J. Madson	1941 through 1944	11.67

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, therefore,

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

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

There being no further business, upon motion, made and seconded, the meeting recessed, subject to the call of the Mayor, at 12:00 P.M.

APPROVED:

Tom Miller
 Mayor

ATTEST:

Helen K. Busche
 Acting City Clerk