

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

July 18, 1945  
11:00 A. M.

Council Chamber, City Hall

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

## Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4  
Absent : Councilman Wolf - 1

The minutes of the Regular Meetings of July 5 and July 12, 1945, were read, and on motion of Councilman Alford, were adopted as read by the following vote:

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

The application of G. C. GROCERY, 1511 East 6th Street, by Joe Carlin, for a retail wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of the MEXICAN INN, 700 East 6th Street, by Joe Carlin, for a retail wine and beer license, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

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

The application of A. F. WHITE, Sr., for a change in zoning of the lot at 900 West Mary Street, to a "C" Commercial classification, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Alford introduced the following ordinance:

AN ORDINANCE REPEALING AN ORDINANCE  
WHICH WAS PASSED AND APPROVED BY THE  
CITY COUNCIL OF THE CITY OF AUSTIN,  
TEXAS, ON JUNE 6, 1940, RECORDED IN  
BOOK L, PAGE 12, OF THE ORDINANCE  
RECORDS OF THE CITY OF AUSTIN; AND  
DECLARING AN EMERGENCY.

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

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

The ordinance was read the second time and Councilman Alford moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote:

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

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

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

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. O. Jones is the Contractor for the alteration of a building located at 923 Congress Avenue, and desires a portion of the sidewalk space abutting Lot 6, Block 111, 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 the said J. O. Jones, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 10th Street to a point 5 feet south of the south curb line of said street; thence in a westerly direction and parallel with the centerline of East 10th Street approximately 60 feet to a point; thence in a southerly direction and at right angles to the centerline of East 10th Street to the north property line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. O. Jones, 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, north, 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 provisions shall be made for the normal flow of all storm waters in the gutters, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(3) 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.

(4) 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, 1945.

(5) 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.

(6) 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.

(7) 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.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), 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.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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 BRYAN STREET from a point 7 feet east of Swenson Avenue easterly 102 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said Bryan Street.

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

- (2) A gas main in EAST 8TH STREET from a point 133 feet west of Prospect Avenue easterly 107 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said East 8th Street.

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

- (3) A gas main in PENNSYLVANIA AVENUE from a point 120 feet east of Chicon Street easterly 684 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 Pennsylvania Avenue.

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

- (4) A gas main in EAST 12TH STREET, Chestnut Avenue easterly 732 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 12th Street.

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

- (5) A gas main in EAST 21ST STREET, Poquito Street to Coletto Street, the centerline of which gas main shall be 9 feet south of, and parallel to, the north property line of said East 21st Street.

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

- (6) A gas main in COLETO STREET, East 20th Street to East 21st Street, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Coleto Street.

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

- (7) A gas main in EAST 20TH STREET, Coleto Street easterly 89 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 20th Street.

Said gas main described above shall have a cover 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.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 1, page 112, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as South Heights, a subdivision of a portion of Block C, of the partition of the James E. Bouldin Estate out of the Isaac Decker League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which streets herein referred to is South 8th Street and the alley herein referred to is 20 feet in width and traverses Block 19 of said South Heights and being the alley one-half block east of, and parallel to, Fredericksburg Road; and

WHEREAS, the owners of all the property abutting said street and alley from West Gibson Street south one block have requested the City Council of the City of Austin to close the above described street and alley; 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 that portion of SOUTH 8TH STREET, and also that portion of the alley in Block 19 of South Heights, one-half block east of, and parallel to, Fredericksburg Road and extending from West Gibson Street south one block are hereby permanently abandoned, vacated, and closed.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, The City of Austin did exceptionally well in raising its quota for the Seventh War Loan, especially the E Bonds, which was done through the consistent work of a great many people, including the Travis County War Bond Committee, composed of E. P. Cravens, Frank W. Woolsey, Bob J. Lyles, Louis Novy, and Mrs. Naomi Moore; the American-Statesman, particularly Gordon Fulcher, Editor of the Austin American, and Buck Hood, Editor of the Austin Statesman; Paul Bolton, News Editor of KTBC Station; the 50-Club; and the Interstate Theatres, which put on the state-wide premiere; and

WHEREAS, The City of Austin has been a component part of this Bond Drive by buying \$1,260,000.00 of Bonds; now, therefore,

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

THAT the City Council hereby offers this special expression of appreciation to all engaged, from the top down to the workers in the field who covered the sale of the \$25 Bonds, for Austin's having exceeded its quota; and hereby further expresses its thanks to the Bond Committee and to those others named, and to the rank and file of the people of Austin for their patriotic subscriptions, which made it possible for Austin to have top rank.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Mayor Miller offered the following resolution and moved that same be adopted by a rising vote of the Council, which motion carried unanimously:

(RESOLUTION)

WHEREAS, Mrs. Clara Driscoll has departed this life after a long period of patriotic devotion and service to the State of Texas, and especially to the City of Austin, in her successful efforts and contributions for the conservation of the Alamo at San Antonio by preventing it from passing into commercial hands; her contribution of \$100,000 to Texas Federation of Women's Clubs for the completion of their building in the City of Austin, besides her active aid in promoting that enterprise; her donation of Laguna Gloria to the State Association of Fine Arts for a museum, Laguna Gloria having been her home during the time that she resided at Austin, and her continuous efforts in behalf of the State of Texas and the City of Austin have placed the State and the City of Austin under lasting obligations to Mrs. Driscoll; Now, Therefore,

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

THAT the Council give expression to appreciation of Mrs. Driscoll and her wonderful accomplishments, and also give expression of regret because of her passing away.

There being no further business, upon motion seconded and carried, the meeting was recessed at 12:10 P.M., subject to call of the Mayor.

APPROVE

*Tom Miller*  
MAYOR

ATTEST:

*Shelley M. Kellar*  
CITY CLERK