

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 2, 1945
11:00 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Bartholomew, Gillis, Mayor Miller - 3

Absent : Councilmen Alford and Wolf - 2

Present also: Walter E. Seaholm, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of July 26, 1945, were read, and on motion of Councilman Bartholomew, were adopted as read by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The application of MARGARET'S PLACE, 3019 Guadalupe Street, by Margaret Gifford, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The application of ROSEWOOD INN, 1510 Rosewood Avenue, by Eddie James, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The application of EL NEVA MONDA, 715 Red River Street, by Bonafaro Alba, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The application of EDGAR MEDEARIS, Star Route A, Box 26, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The application of LOUIS MARION SMITH, Route 4, Box 132F, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, City Manager of the City of Austin, be, and he is hereby, authorized and directed to execute a release of Lot 3, Block A, Eck Heights, in the City of Austin, from a judgment of foreclosure in Cause No. 48,728, styled City of Austin vs. C. C. Graves, et al, recorded in Volume 19, page 549, of the Minutes of the District Court of Travis County, Texas, it appearing to the Court that all taxes and costs owing to the City of Austin, as contained in said judgment, have been paid.

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

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby grants the Betty Lee Shop permission to install an automatic lift in Congress Avenue Alley, being on the west side of the building located at 109 East 9th Street, which property is known as the west 45 feet of Lots 6 and 7, Block 97, of the Original City of Austin, Travis County, Texas, and hereby authorizes the Betty Lee Shoe Shop to install and maintain said automatic lift, subject to the same's being installed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue a building permit for the installation of this automatic lift after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council

that the said Betty Lee Shoe Shop has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
August 2, 1945

Mr. Walter E. Seaholm
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Betty Lee Shoe Shop of Austin, Texas, for permission to install an automatic lift in Congress Avenue Alley, being on the west side of the building located at 109 East 9th Street, which property is known as the west 45 feet of Lots 6 and 7, Block 97, of the Original City, and we hereby advise that the following conditions exist:

This property is located in the Commercial District, as shown upon the zoning maps of the City of Austin.

This neighborhood is essentially a business area and the alleys are used mainly for unloading and receiving merchandise to the various business establishments adjacent to said alley and the lift or elevator mentioned above is for the purpose of elevating packages to the second floor of the above described building, which is now inaccessible through any other means.

We recommend that the Betty Lee Shoe Shop be granted permission to install and maintain said lift or elevator in the alley along the west side of the building located at 109 East 9th Street, subject to the following conditions:

That the proposed lift or elevator be erected at a point on the west wall of the building approximately 44 feet from the south line of East 9th Street. That said lift, when not in use, shall be so arranged that it will not extend beyond the west wall of said building more than 30" and not less than 16' above the pavement of the alley, and that the guides or rails upon which this lift is to operate be fastened to the wall in such manner that it will not create a hazard to any one using said alley. It is further understood that the use of this lift will be discontinued whenever it becomes a hazard or a nuisance.

Respectfully submitted,

(Sgd) J. E. Motheral , City Engineer

" J. C. Eckert, Building Inspector."

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

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

Councilman Gillis offered the following resolution, and moved its adoption:

(RESOLUTION)

WHEREAS, the Moore Construction Company is the contractor for the erection of a building located at 212 Trinity Street and desires a portion of the sidewalk and street space abutting Lots 7, 8, and 9, Block 16, 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 Moore Construction Company, 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 an easterly direction and at right angles to the centerline of Trinity Street approximately 14 feet east of the west curb line to a point; thence in a northerly direction and parallel with the centerline of Trinity Street approximately 112 feet to a point; thence in a westerly direction and at right angles to the centerline of Trinity Street to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Moore Construction Company, 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 January 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 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 (\$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.

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

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and 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 EAST 13TH STREET, from a point 129 feet west of Salina Street westerly 64 feet, the centerline of which gas main shall be 18 feet south of, and parallel to, the north property line of said East 13th Street.

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

- (2) A gas main in CHESTNUT AVENUE, from a point 130 feet south of East 13th Street northerly 246 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 Chestnut Avenue.

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

- (3) A gas main in AVENUE F, from a point 82 feet north of East 44th Street northerly 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 Avenue F.

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

- (4) A gas main in EAST 9TH STREET from a point 64 feet west of Embassy Drive westerly 250 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet north of, and parallel to, the south property line of said East 9th 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, carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and the Lower Colorado River Authority entered into a Lease and Agreement dated as of the 5th day of February, 1938, pertaining to what is designated therein as the Austin Dam; and

WHEREAS, the City of Austin, acting through the City Council, is of the opinion that it would be beneficial to the City for the Authority to lower the water impounded by the Austin Dam a depth of 12 feet, and to maintain the water level in the Austin Lake for a period of not less than 5 days at said level or below, the City having determined that such would be to the best interests of the City from the standpoint of health in the community, from the standpoint of improving the recreational value of the lake, and other standpoints; and

WHEREAS, Article VIII of said Contract provides that the Authority agrees to so operate the Austin Dam to the end that the water level of the lake will not be lower than three feet below the crest of the dam except in cases of emergency; and it is the desire of the City that the Authority lower the water level of the lake more than three feet as set out hereinabove; therefore,

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

THAT, beginning Monday, August 6, 1945, and extending for a minimum period of five or six days thereafter, request is made and permission is hereby granted the Lower Colorado River Authority to lower the water in Lake Austin for a depth of 12 feet, for the purpose of cleaning out and destroying certain objectionable vegetation growing therein; it being understood that the said Lower Colorado River Authority will, as soon as the time granted herein for cleaning out said lake has elapsed, restore the water of said lake to its present level; and

BE IT FURTHER RESOLVED;

THAT the City Council hereby expresses its grateful thanks to the said Lower Colorado River Authority for their cooperation in cleaning out and beautifying the Lake and the Colorado River, and for the use of their water in so doing.

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

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

A written report of the Police Department on the petition of residents of Park Place, asking for elimination of certain traffic hazards on said street, was submitted by the City Manager.

After a discussion of the matter, the City Manager was instructed to have signs erected at each end of Park Place reading: "No trucks allowed, except for delivery purposes."

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE GRANTING AND DEDICATING A UTILITY EASEMENT UPON A TRACT OF ONE HUNDRED ACRES OF LAND WHICH WAS CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 668, PAGE 396, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE USE OF SUCH UTILITIES AS MAY OBTAIN EASEMENT FROM THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

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

Ayes : 4 ; Noes, none.

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

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE GRANTING TO TEXAS AND NEW ORLEANS RAILROAD COMPANY THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD SPUR TRACK IN, UPON AND ALONG ALEXANDRIA STREET; AND DECLARING AN EMERGENCY.

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

Ayes : 4 ; Noes, none.

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

Ayes : 4 ; Noes, none.

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

Ayes : 4 ; Noes, none.

Thereupon the Mayor declared that the ordinance had been finally passed.

Mayor Miller offered the following resolution and moved that the Council adopt the same by arising. The motion carried unanimously.

The Mayor announced that a meeting of the City Council had been called for Wednesday, August 8, at 8:00 P. M., for a public discussion on the proposed interstate highway on East Avenue, to which all citizens, and especially those on East Avenue, were invited to be present.

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1923 through 1943 were rendered in the name of S. R. Fulmore on personal property in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$173.32, and for non-payment of same at maturity, penalty in the sum of \$8.66 has been assessed, and interest in the amount of \$175.48 has accrued, making the total amount of taxes, penalty and interest due \$357.46; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.66 and one-half of the interest in the sum of \$87.74; therefore

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

THAT the aforesaid penalty in the sum of \$8.66 and one-half of the interest in the sum of \$87.74 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$8.66 and said interest in the sum of \$87.74 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

Upon motion, the resolution was adopted by the following vote:

Ayes: Councilmen Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilmen Alford and Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Wallis M. Keller
CITY CLERK