

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting
March 24, 1949
10:30 A. M.

Council Chamber, City Hall

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

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent: None

Present also: Gulton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; R. D. Thorp, Chief of Police.

Group of citizens from the Brykerwoods area appeared regarding a playground for this section. Crispi Wood was the spokesman for this group. The location suggested by Mr. Wood is three acres located between Oakmont and 29th street and Mohle Drive and bounded by the railroad track on the west. This is the land that Polio, Inc. is to receive from Murray Graham, developer of Brykerwoods, as a site for a playground and buildings for the treatment of persons suffering from polio.

Murray Graham, representing Polio, Inc., was present and stated that if the City would be willing to trade this land for another site that would be satisfactory to this organization. After discussing this matter at length, Councilman Glass moved that the City Manager be instructed to have the property involved and any property that Polio might want to trade for appraised by the Committee composed of Rickey Key, L. Theo Bellmont and Howard Bull and report back to the Council of their findings. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Pursuant to published notice thereof, the public hearing on the application of E. C. McCLURE and LEM SCARBROUGH to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lots 9, 10, 11, 12, Block 19, Highland Addition,
located at 5209 and 5211 Eilers Avenue, in the City
of Austin, Travis County, Texas,

was duly opened.

No one appeared to protest this change.

W. W. Patterson, Attorney for the applicants, appeared for the change.

The Council deferred action on this matter until March 31st so that Councilman Long, and any other members of the Council who cared to do so, could go out and look at this location before voting.

Pursuant to published notice thereof, the public hearing on the application of MRS. HELEN ATTAL to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lot 1, Block 2, Division A, S. & L. M. Robinson Addition, located at 801 East Avenue, Austin, Texas,

was duly opened.

A number of property owners adjacent to this location appeared to protest, but when it was explained to them that this was a change to "C" Commercial and not "C-1" Commercial, and that intoxicating liquors could not be sold there, they were agreeable to the change.

Councilman Glass moved that the recommendation of the Board of Adjustment be sustained and the change, from "A" Residence District to "C" Commercial District, of Lot 1, Block 2, Division A, S. & L. M. Robinson Addition, located at 801 East Avenue, Austin, Texas, be GRANTED, and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Pursuant to published notice thereof, the public hearing on the application of MR. & MRS. W. C. LEAR to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

100x161.8' of Lots 1 and 2, Jones-Sedwick Subdivision, located at the southwest corner of West 31st street and Lamar Boulevard, and 100'x114' out of the Unplatted Spear League located at the northeast corner of West 31st street and Lamar Boulevard, Austin, Texas,

was duly opened.

No one appeared to protest this change. Mr and Mrs Lear, the proponents, appeared in their behalf.

Councilman Long moved that the recommendation of the Board of Adjustment be sustained and the change, from "A" Residence District to "C" Commercial District, of 100x161.8' of Lots 1 and 2, Jones and Sedwick Subdivision, located at the southwest corner of West 31st street and Lamar Boulevard, and 100x114'

out of the Unplatted Spear League located at the northeast corner of West 31st street and Lamar Boulevard, Austin, Texas, be GRANTED, and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following application for a change in zoning be referred to the Board of Adjustment for consideration and recommendation:

W. E. Thompson, 3000 Breeze Terrace, change from "A" Residence District to "C" Commercial District, the property located at 807, 809 and 811 Capitol Court street, Austin, Texas.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Several property owners on Pressler Street, between 6th and 9th streets, appeared and discussed their drainage problems. The Council advised these parties that it would be impossible for the City to install the storm sewer that would be required to correct this trouble because it is a natural drain for a large area, and the developer of this addition built these houses without taking care of the drainage and without consulting the City as to what could and would be done. However, if the citizens would buy the pipe needed to help drain the back of their lots, the City would install it without charge and such installation would relieve some of the drainage problems.

"Bow" Williams appeared and complained about the unfair way in which the City insurance premiums had been prorated.

Mr. O. Ashley appeared and complained about the condition of the street in the 3200 block of Lamar Boulevard caused by the careless way in which the paving contractor was handling the work on this street.

Councilman Johnson offered the following ordinance and moved its adoption:

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, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY 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 LOT 1, BLOCK B, COLLEGE HEIGHTS, AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 4 AND 5,

N. A. LADD ADDITION, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

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

Councilman Bartholomew offered the following ordinance and moved its adoption:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; 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 Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

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 Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

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 Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following ordinance and moved its adoption:

AN ORDINANCE RETIFYING, CONFIRMING AND APPROVING CONVEYANCE OF CERTAIN PROPERTY BY THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Dr. A. Wayne Hodges has made application in writing for permission to operate a dentist clinic and office for human beings only, on Lot 2, Enfield "E" in the City of Austin, Travis County, Texas, the same being on the south side of Enfield Road and locally known as 1619 Enfield Road, and is located in a "B" Residence District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT permission for the operation and maintenance of a dentist's office and clinic for human beings only be granted to Dr. A. Wyane Hodges with the following conditions:

1. That this clinic be used in the general practice of dentistry and that no mental or psychiatric patients be housed in such clinic.
2. That all regulations required in this zone and all building code provisions be complied with in the operation and maintenance of such building.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Long 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 BLUFF STREET, from Fredericksburg Road westerly 118 feet, the centerline of which gas main shall be 14 feet north of and parallel to the south property line of said BLUFF STREET.

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

(2) A gas main in TONKAWA TRAIL, from a point 485 feet south of West 39 $\frac{1}{2}$ Street southerly 99 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 TONKAWA TRAIL.

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

(3) A gas main in EAST 7th STREET, from a point 92 feet east of Webberville Road easterly 241 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 7th STREET.

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

(4) A gas main in GREGORY STREET, from a point 193 feet east of Comal Street easterly 120 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said GREGORY STREET.

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

(5) A gas main in ALICE AVENUE ALLEY, from a point 60 feet north of West 39th Street northerly 60 feet, the centerline of which gas main shall be 5 feet east of and parallel to the west property line of said ALICE AVENUE ALLEY.

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

(6) A gas main in EAST 50th STREET, from Avenue H westerly 100 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 50th STREET.

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

(7) A gas main in JOE SAYERS AVENUE, from Koenig Lane southerly 153 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 JOE SAYERS AVENUE.

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

(8) A gas main in UPLAND DRIVE, from a point 29 feet south of Riverside Drive northerly 65 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 UPLAND DRIVE.

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

(9) A gas main in HARWOOD PLACE, from a point 220 feet west of Kenwood Avenue, easterly 260 feet, the centerline of which gas main shall be 25 feet south of and parallel to the north property line of said HARWOOD PLACE.

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

(10) A gas main in ALAMO STREET, from East 20th Street northerly 100 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 ALAMO STREET.

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

(11) A gas main in MAPLE AVENUE, from a point 118 feet south of East 17th Street southerly 126 feet, the centerline of which gas main shall be 16 feet west of and parallel to the east property line of said MAPLE AVENUE.

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

(12) A gas main in TILLERY STREET, from a point 190 feet north of East 5th Street northerly 108 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 TILLERY STREET.

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

(13) A gas main in EAST 17th STREET, from a point 9 feet west of Alamo Street easterly 54 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said East 17th Street.

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

(14) A gas main in ALAMO STREET, from East 17th Street southerly 153 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 ALAMO 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 Department of Public Works 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 franchises granted to said company by the City of Austin.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has no need for any sanitary sewer easement in, upon or across the property hereinafter described; and

WHEREAS, no future need by the City of Austin for such an easement can be foreseen; NOW, THEREFORE,

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 release and quitclaim unto the present owner of Lots 19 and 20, Block 1, Oakmont Heights, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, a sanitary sewer easement created by the deed executed by Noyes D. Smith on November 25, 1919, and recorded in Volume 384, page 419 of the Deed Records of Travis County, Texas.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson 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 approves as a filling station site the property located at the Northwest intersection of the Burnet Road and Hancock Drive, which property fronts 141.71 feet on Burnet Road and 199.06 feet on Hancock Drive, and is known as Lot 7, Block 10, Rosedown, a subdivision of a portion of the George W. Spear League, within the City of Austin, Travis County, Texas, and hereby authorizes the said Jack H. Key to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station 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 Jack H. Key has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex D. Kitchens is the Contractor for the erection of a building located at 118 East 8th Street and desires a portion of the sidewalk and street space abutting Lots 9, 10, 11 and 12, Block 97, 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 Rex D. Kitchens, 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 southerly direction and at right angles to the centerline of East 8th Street to a point 14' south of the north curb line; thence in an easterly direction and parallel with the centerline of East 8th Street approximately 160' to a point; Thence in an angle approximately 45° to a point 12 feet east of the west curb line where it meets the north line of the right-of-way of East 8th Street; thence in a northerly direction and parallel with the centerline of Brazos Street approximately 184 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the northeast corner of the above described property.

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of the alley 6 feet to a point; thence in a southerly direction and parallel with the centerline of the alley approxi-

mately 184 feet to a point; thence in an easterly direction and at right angles to the centerline of the alley to the southwest corner of the above described property.

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

(1). That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted on East 8th Street and Brazos Street a substantial walkway at least 4 feet wide in the clear on 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 boards. The roof of said walkway shall be covered with a 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.

(2). That the Contractor shall construct in the alley a guard rail within the boundary lines along the north, west and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(3). 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.

(4). 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.

(5). That "NO PARKING" signs shall be placed on the street side of the barricades.

(6). 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.

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

(8). 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.

(9). 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.

(10). 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, 1950.

(11). 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.

(12). 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 utilities, or for other necessary public purposes.

(13). 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.

(14). 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 construction of a walkway and other safeguards during the occupancy of the space.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 405 West 22nd Street and desires a portion of the sidewalk and street space abutting on Lots 25 and 26, Outlot 22-1/2, Division D, in 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 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 for which is described as follows:

Sidewalk and Street 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 West 22nd Street

approximately 12 feet to a point; thence in a westerly direction and parallel with the centerline of West 22nd Street approximately 125 feet to a point; thence at an angle of approximately 45° in a southwesterly direction to a point 12 feet west of the east curb line where it intersects the south right-of-way of West 22nd Street; thence in a southerly direction and parallel with the centerline of San Antonio Street approximately 80 feet to a point; thence in an easterly direction and at right angles to the centerline of San Antonio Street to the west line 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:

(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, 1950.

(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 (\$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.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Long 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 approves the property situated on the north side of Justin Lane as a private gasoline plant, which property is owned by G. I. Distributing Company, and is designated as 1.477 acres out of the Richcreek 19-acre tract in the City of Austin, Travis County, Texas, and hereby authorizes the said G. I. Distributing Company to operate a private gasoline plant consisting of a 1000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated 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 an occupancy permit for the operation of this private gasoline plant 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 G. I. Distributing Company has failed and refused, and will continue to fail and refuse

to perform any such conditions, regulations and ordinances.

(Recommendations attached)

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Bartholomew moved that the following applications for taxicab Operator's Licenses, duly approved by the City Manager, be granted:

John Marshall, Jr. (col), 1900 East 22nd st., 4-door 1940 Chevrolet Sedan,
Motor No. 3200989, License No.
AK-8385.

Frank Morgan, 304 East 34th st., 4-door 1948 Chevrolet Sedan,
Motor No. FAA206212, License No.
KL-2220.

Herman Owens, 1311 West 6th st., 4-door 1947 Chevrolet Sedan,
Motor No. EAA503829, License No.
EL-9080.

Frank Youngblood, 98 $\frac{1}{2}$ San Marcos st., 4-door 1947 Hudson Sedan, Motor
No. 17144718, License No. JD-7801.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following applications for taxicab Driver's permits, duly approved by the City Manager, be granted:

David Eli Brown, 723B Robert E. Lee Road

Thos. L. Evers, 98 San Marcos

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following applications for beer and wine permits, duly approved by the City Manager, be granted:

General Distributor's Beer License

Nassour Distributing Co., Martin & Ferris Nassour, 906 East 5th street.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following application for a boat license, duly approved by the City Manager, be granted:

William Flynn, 2607 Wichita, Mercury V-bottom, Outboard

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has received competitive bids on four (4) high pressure heaters, four (4) low pressure heaters, and two (2) drip coolers, and two (2) evaporators; and

WHEREAS, the bid of Westinghouse Electric Corporation, San Antonio, Texas, has been found to be the lowest and best bid considering quality, price and date of delivery; Now, Therefore,

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 enter into a contract with Westinghouse Electric Corporation, San Antonio, Texas, for the purchase of our (4) high pressure heaters, four (4) low pressure heaters, and two (2) drip coolers, and two (2) evaporators, at a combined bid price of \$45,000.00.

(Bid tabulation attached)

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Mr. A. Sandlin, attorney, appeared and asked what the Council had decided to do about a claim of his client, Mrs. Ellis, who had fallen on the sidewalk in front of the McClellan Stores, 710-712 Congress Avenue.

Councilman Glass moved that the claim, upon the recommendation of the City Manager and the City Attorney be rejected, and the motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

There being no further business, upon motion of Councilman Johnson, the meeting recessed at 12:15 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller

Mayor

ATTEST:

Helen F. Busch
Acting City Clerk