

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 1, 1934.

The meeting was called to order with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

Upon motion of Councilman Gillis the regular order of business was suspended.

The request of the committee from the State Commission for the Blind for permission to place a concessions stand under the stairway entrance to the City Hall, to be operated by the blind, was approved and the matter was referred to the City Manager for attention.

The following recommendation of the City Manager was approved by general consent:

"Austin, Texas
October 26, 1934

MEMORANDUM TO THE CITY COUNCIL:

The matter of the opening of West 35th Street just east of West Avenue, requested by Mr. Seekatz, has been again investigated and, in view of the fact that West 35th Street does not continue west of West Avenue and the benefits of opening this short section of the street would be negligible as compared with the excessive cost based on Mr. Seekatz's figures presented at the last Council meeting, it is therefore my recommendation that unless the right-of-way can be obtained at not to exceed \$500.00 the City Council reject this proposal.

(Sgd) Guiton Morgan,
City Manager . "

The Council approved the recommendation of the City Manager that the recommendation of the Park Board, that the purchase of the sites offered for a playground north of 24th Street by a committee of citizens in that area be declined and that the ground owned by the City at 28½ Street and Shoal Creek be utilized for that purpose as soon as it is practicable to develop same, be approved; and took under consideration the matter of developing said tract as a playground and the building of a swimming pool and other improvements at Metz Playground in accordance with estimates furnished by the Recreation Department, as submitted by the City Manager.

Councilman Wolf moved that the City Manager be authorized to accept the offer of Joe Sandgarten for the purchase of Lot 4, Block 139, located at the corner of Eleventh and Red River Streets, for a consideration of \$2250.00. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, There exists within the corporate limits of the City of Austin a 40-foot street known as WOODLAWN STREET, the west line of which street is 762 feet east of and parallel to the east line of West Lynn Street, and which 40-foot street extends from the north line of West 10th Street to the south line of West 12th Street; and

WHEREAS, Said Woodlawn Street is a continuation northerly of Maufrais Street; and

WHEREAS, There exists within the corporate limits of the City of Austin a public way known as WOODLAWN BOULEVARD; and

WHEREAS, The existence of streets with duplicate or similar names results in great confusion among public records and causes much inconvenience and annoyance to people residing thereon as a result of irregular and erroneous delivery services; therefore

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

THAT that certain 40-foot street known in the past as WOODLAWN STREET, the west line of which street is 762 feet east of and parallel to the east line of West Lynn Street, and which street extends from the north line of West 10th Street to the south line of West 12th Street, shall be known and designated hereafter as MAUFRAIS STREET.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT OF A PORTION OF EAST FOURTH STREET LYING BETWEEN THE EAST PROPERTY LINE OF RED RIVER STREET AND THE EAST PROPERTY LINE OF SABINE STREET, IN THE CITY OF AUSTIN, TEXAS; CAUSING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS TO BE PREPARED AND FILED; CAUSING AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS TO BE PREPARED AND FILED; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR SUCH IMPROVEMENTS.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be suspended and the ordinance passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Bartholomew, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Bartholomew offered the following resolution:

WHEREAS, Carl Quick is the Contractor for the construction of a building located at 1501 San Jacinto Street and desires a portion of the sidewalk and street space abutting Lots 1 and 2, Block 55, Division "E" of the City of Austin, Texas, during the construction 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 Carl Quick, 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 an easterly direction along the north line of East 15th Street a distance of 92 feet; thence in a southerly direction and at right angles to the centerline of East 15th Street a distance of 4 feet; thence in a westerly direction and parallel with the centerline of East 15th Street a distance to a point 13 feet west of the east curb line of San Jacinto Street; thence in a northerly direction and parallel with the centerline of San Jacinto Street a distance of 100 feet; thence in an easterly direction and at right angles to the centerline of San Jacinto Street a distance to the east line of San Jacinto Street; thence in a southerly direction along the east line of San Jacinto Street to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail along the south boundary line of the working space in the 15th Street sidewalk area and shall construct a walkway protected on each side by guard rails within the working space on San Jacinto Street along the west

boundary line of said working space, such guard rails to be at least 4 feet high and substantially braced and anchored.

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

(3) That provision 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 waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(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 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 February 1, 1935.

(7) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, 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 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following 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 HAMPTON ROAD, beginning at a point 20 feet south of and $19\frac{1}{2}$ feet east of the intersection of the north line of Harris Avenue, or East $34\frac{1}{2}$ th Street, and the centerline of Hampton Road;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be $19\frac{1}{2}$ feet east of and parallel to the centerline of Hampton Road, for a distance of 546 feet.

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 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 out 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The petition of property owners asking for the opening of the alley in the 1600 block between Garden and Holly Streets was referred to the City Manager and City Engineer for investigation, with instructions to have same opened if the cost is found to be reasonable.

The application of E. F. Haynie, 402 Deep Eddy Avenue, for license to operate as a taxicab a 2-door Lafayette Sedan, 1934 Model, Motor No. LE3227, State Highway License No. A98-370, was read. Councilman Gillis moved that the provision of the Taxicab Ordinance requiring that applications remain on file five days prior to being acted upon be waived and the license be granted. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Polk Shelton, Attorney, presented a petition from property owners on Evergreen Avenue protesting the recent change in the name of this street to Fredericksburg Road. Action on the petition was deferred until the next regular meeting in order that all interested citizens might be given an opportunity to be heard in the matter.

Mayor Miller laid before the Council the following resolution:

WHEREAS, Taxes are owing on Lots 5 and 6, Block 7, Outlot 46, Division "B", City of Austin, for the years 1928, 1929, 1930, 1931, 1932, and 1933, amounting in the aggregate to the sum of \$38.11, and certain penalties and interest have accrued on said taxes for said years; and

WHEREAS, After an investigation of the facts, it is deemed proper that said penalties and interest on said taxes should be remitted; therefore

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

THAT said penalties and interest on said taxes for said years are hereby remitted; provided that Luther Thompson, the present owner of said property, shall pay all of said taxes before November 15, 1934.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, A. W. Pettigrew owes City taxes on 93.63 by 175 feet, out of the N $\frac{1}{4}$ of Outlot 52, Division "D", City of Austin, for the years 1928, 1930, 1931, 1932, and 1933, amounting in the aggregate to the sum of \$747.13, on which taxes, interest and penalties have accrued for the various years mentioned; and

WHEREAS, After an investigation of the facts, it is deemed proper that said interest and penalties on said taxes should be remitted; therefore

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

THAT all penalties and interest on said taxes are hereby remitted and cancelled; provided that said A. W. Pettigrew shall pay all of said taxes before January 1, 1935.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis moved that the City Manager be instructed to notify the District Clerk to cancel the city attorney's fees on all suits for the collection of delinquent taxes owing the City of Austin now pending in the District Court of Travis County, or which may hereafter be pending in said court. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis then moved that the City Attorney be required to refund the sum of \$331.00 to the various defendants in delinquent tax suits collected on since May, 1931, being the amount of city attorney's fees collected on suits in violation of an agreement between the former City Council and City Manager that no such fees would be allowed subsequent to that date.

After considerable discussion, the roll was ordered called on the motion of Councilman Gillis and the vote was as follows: Councilman Gillis voting aye; Councilman Bartholomew voting no without any qualifications; Mayor Miller, Councilmen Alford and Wolf voting that all fees collected on such suits since May 1, 1933, be returned to the parties from whom same were collected, but that it was not within the province of the present Council to act upon matters happening prior to their incumbencies.

In this connection, Mayor Miller went on record as stating that, at his direction, no delinquent tax suits had been filed by the City Attorney since May 1, 1933, owing to general financial conditions and the fact that such taxes might be collected otherwise without imposing the heavy burden of court costs upon such taxpayers, and that at the beginning of his tenure in office he had advocated that it be the policy of the City that no city attorney's fees be allowed on delinquent tax suits collected subsequent to May 1, 1933.

There being no further business, Councilman Gillis moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed.

Attest:

Harrie McKee
City Clerk

Approved:

Tom Miller
Mayor.