

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 29, 1934.

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

The Minutes of the last regular meeting were read, and upon motion of Councilman Gillis, were adopted, as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

M. S. Huls, representing the Travis County Welfare Board, came before the Council and asked that the City assist in deporting indigent Mexican families who wished to return to Mexico by furnishing transportation for same to the border. In this connection, a letter from the Consul General of Mexico was read. The matter was taken under advisement.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE AMENDING SECTION 1 OF AN ORDINANCE REGULATING THE KEEPING, LICENSING, RUNNING AT LARGE, IMPOUNDING AND SALE OF DOGS, AND FIXING AS A POLICE REGULATION A TAX AGAINST DOGS KEPT WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance passed to its second reading. The motion was adopted 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 Alford moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion was adopted 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 Alford moved that same be finally passed. The motion was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A letter from H. M. Phillips, Secretary Sheep & Goat Raisers Association of Texas, asking that the City pass an ordinance regulating the sale of wool, was read and referred to the City Attorney for consideration.

Councilman Alford moved that the application of B. J. Dzerzanowski, 309 Crockett Street, for license to operate as a taxicab a Buick Sedan, 1928 Model, Factory No. 2051386, State Highway License No. 952-654, be granted. The motion was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis moved that the application of E. R. Daniels, 2106 East 1st Street, for license to operate as a taxicab a Chevrolet Coach, 1928 Model, Factory No. 4659655, State Highway License No. 951-752, be granted. The motion 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:

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

THAT the sum of \$2.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding to Willie J. Stark, cigarette license paid by him for the year 1934 on January 8, 1934, as evidenced by License Receipt No. 6265.

Upon motion of Councilman Alford 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:

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

THAT the sum of \$120.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying to Roy L. Rather the City's portion of rent for the months of January, February, and March, 1934, on building at 301 West 6th Street, occupied by National Re-employment Service.

Upon motion of Councilman Gillis, 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, 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 SPLIT ROCK AVENUE from Westover Road northerly approximately 98 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east line of said Split Rock Avenue. Said gas main described above shall have a cover of not less than 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.

Upon motion of Councilman Gillis, 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, The Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in SOUTH CONGRESS AVENUE from East Live Oak Street northerly approximately one-half block, the centerline of which pole line shall be 10 feet west of and parallel to the east line of said South Congress Avenue.

(2) A telephone pole in EAST LIVE OAK STREET, the centerline of which telephone pole shall be 8 feet south of and 10 feet east of the intersection of the north line of said East Live Oak Street and the east line of South Congress Avenue.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager .

Upon motion of Councilman Gillis, 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, J. W. Whatley is the Contractor for the alteration of a building located at 515 East 6th Street and desires a portion of the sidewalk and street space abutting the west 23 feet of Lot 6, Block 60, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said J. W. Whatley, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the northwest corner of the above described lot; thence in a northerly direction and at right angles to the centerline of East 6th Street a distance to a point seven feet north of the south curb line of East 6th Street; thence in an easterly direction and parallel with the centerline of East 6th Street a distance of 23 feet; thence in a southerly direction and at right angles to the centerline of East 6th Street a distance to the south line of East 6th Street; thence in a westerly direction along the south line of East 6th Street to the place of the beginning.

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

(1) That the Contractor shall construct a walkway within the above described working space along the north line of such working space for a temporary period during the lowering of the awning on the building. During such time as the walkway is not maintained in the street a protected passageway shall be maintained on the sidewalk. Guard rails and fences shall 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 April 30, 1934.

(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.

Upon motion of Councilman Gillis, 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, J. R. Blackmore is the Contractor for the construction of a building located at 122 East 7th Street and desires a portion of the sidewalk space abutting the east one-half of Lot 12, Block 84, of the Original 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 J. R. Blackmore, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at the southeast corner of the above described lot; thence in a westerly direction along the south line of such lot a distance of 8 feet; thence in a southerly direction and at right angles to the centerline of East 7th Street, a distance of 5 feet; thence in an easterly direction and parallel with the centerline of East 7th Street, a distance of 13 feet; thence in a northerly direction and parallel with the centerline of Brazos Street a distance of 20 feet; thence in a westerly direction and at right angles to the centerline of Brazos Street a distance to the west line of Brazos Street; thence in a southerly direction along the west line of Brazos Street to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail around the outer boundaries of the above described space, such guard rail 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 April 30, 1934.

(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.

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

The Mayor ordered recorded in the Minutes of this date the following resolution, which was adopted by the City Council at its meeting of the 15th instant:

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

THAT the sum of \$1500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of building a grandstand at House Park, in the City of Austin, Texas.

Mayor Miller moved that the resolution be amended by adding the words: "this appropriation to be null and void unless the Austin Athletic Council reimburse the City of Austin for its pro rata part of the cost of the project, amounting to \$750.00." The motion 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 ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith", IN THE PARTICULARS STATED HEREIN.