

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 3, 1938.

The City Council of the City of Austin, Texas, met in regular session at the regular meeting place at the City Hall in said City on March 3, 1938, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The Minutes of the regular meeting of January 20, the special meeting of January 24, the regular meeting of January 27, the special meeting of January 29, the regular meeting of February 3, February 10, February 17, and February 24 were read and upon motion of Councilman Alford were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford introduced the following resolution:

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

THAT the sum of \$150.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing one Sundstrand adding machine to be used in the Accounting Division.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford introduced the following resolution:

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

THAT the sum of \$300.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing one manganese steel, screw-door safe with time lock.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford moved that upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the taxicab driver's permit issued to Andy Bowman of 95 Rainey Street, be revoked. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Charles Andrew Cantwell, rear 3211 King Street, Dalworth C. Ebner, 2211 Canterbury Street, and Joe Jurgajtis, 3304 East 5th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis introduced the following resolution:

WHEREAS, Brown & Root are the Contractors for the erection of a building located at 710 Colorado Street and desire a portion of the sidewalk, street and alley space abutting Lots 7 and 8, Block 71, 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 Brown & Root,

the boundary of which is described as follows:

Sidewalk, Street and Wley Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 8th Street 10 feet; thence at an angle of 30° to a point 16 feet north of the new south curb line; thence in an easterly direction and parallel with the centerline of West 8th Street 94 feet to a point; thence at an angle of 45° to a point 16 feet east of the west curb line of Colorado Street; thence in a southerly direction and parallel with the centerline of Colorado Street 128 feet to a point; thence at an angle of 30° to a point south of the southeast corner of the above described property; thence in a westerly direction and parallel with the centerline of the alley 92 feet to a point; thence in a northerly direction and at right angles to the centerline of the alley 6 feet to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Brown & Root, 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 West 8th Street, Colorado 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.

(1a) That the Contractor shall construct a fence within the boundary line of his work space in the alley; such fence shall be at least 8 feet high, substantially braced and anchored and shall be covered solidly with boards.

(2) That the Contractor shall construct on the west end of his work space on West 8th Street and at the intersection of West 8th Street and Colorado Street and at the south end of the Colorado Street work space substantial gates, 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 these gates to warn pedestrians and vehicles of approaching trucks. These gates are 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.

(4a) "No Parking" signs will be placed on the east curb of Colorado Street from the northwest corner of the Motoramp building northward to the intersection of West 8th Street and Colorado Street.

(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 waters.

(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 November 1, 1938.

(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 Fifteen Thousand (\$15,000.00) Dollars, 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 or persons 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, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf introduced the following resolution:

WHEREAS, Bowen Construction Company is the Contractor for the erection of a building located at 808-10-12 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 3, Block 98, 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 Bowen Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Congress Avenue 12 feet east of the west curb to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue 45 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said

Bowen Construction Company, 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 outside of the space hereby allotted on 808-810-812 Congress Avenue 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 is permitted to construct in the center of his working space on Congress Avenue 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 held 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 September 1, 1938.

(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 space 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 project, 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 Ten Thousand Dollars (\$10,000.00), 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 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, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

"Austin, Texas
March 3, 1938

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of R. W. Brydson, owner of property situated at the northwest corner of the intersection of West 37th and Guadalupe Streets, the same being Lot 1, Block 6, of Buddington Subdivision, within the City of Austin, Travis County, Texas, for permission to remodel a drive-in gasoline filling station now being operated at the above location, and we hereby advise that the following conditions exist:

The property upon which this filling station is located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin:

A filling station is now being operated at the above described location and the said R. W. Brydson wishes to remodel said filling station and incident to the remodeling of this filling station it will be necessary to move the gasoline pumps from their present location to a new location not closer than 10 feet from the property lines.

This filling station is equipped with facilities to take care of waste oils and water.

We recommend that R. W. Brydson be granted permission to remodel this filling station and to move the pumps to new locations, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the Ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-199.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-199 and shall be of the pre-moulded type.

(6) That before use of said station the owner shall apply to the Building Inspector

for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector. "

(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 situated at the northwest corner of the intersection of West 37th and Guadalupe Streets, which property is owned by R. W. Brydson and is designated as Lot 1, Block 6, of Buddington Subdivision, within the City of Austin, Travis County, Texas, and hereby authorizes the said R. W. Brydson to remodel his drive-in gasoline filling station, subject to the same's 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 R. W. Brydson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion of Mayor Miller, the City Manager was instructed to have the Legal Department, in collaboration with the City Plan and Zoning Commissions, prepare an ordinance for presentation at the next regular meeting, zoning the newly acquired territory.

The following resolution was submitted:

WHEREAS, taxes have been assessed against D. P. Elam and have become delinquent, and penalties and interest duly assessed on Lots 19 and 20, Block "B", North 1/2 of Outlot 57, Free and Williams Subdivision, Division "O", Flat 20, in the City of Austin, Travis County, Texas, for various years, from the year 1925 to 1937, inclusive, and suit filed and judgment rendered together with a foreclosure of the City's tax lien on the aforesaid land; and

WHEREAS, in said suit, No. 47387, the Sheriff of Travis County, Texas, executed a tax deed to said City of Austin, conveying to the City of Austin all the right, title, and interest which the defendant had in and to said land; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to authorize a settlement of the taxes, penalties, interest and court costs, involved in said suit, for the sum of \$150.00, on condition that said amount be paid to the City Tax Assessor and Collector on or before March 31, 1938; therefore,

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

THAT the Tax Collector and Assessor is authorized and directed to accept said sum of \$150.00 in full payment of said taxes, penalties, interest and court costs, on condition that same be paid on or before March 31, 1938, and that on the payment of

said amount, the City Manager is authorized and directed to execute and deliver a quit-claim deed to said D. P. Elam releasing all the right, title, claims and interest which the City of Austin has on the aforesaid land by reason of the aforesaid judgment and Sheriff's deed.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Hallie McKee
City Clerk

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, March 3, 1938.

The City Council met in special session in the Council Chamber at the City Hall, in Austin, Texas, at 2:30 P. M., March 3, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; absent, none.

The meeting was called at the request of the Board of Trustees of the Austin Public Schools for the purpose of discussing with them the advisability of submitting a special election for the issuance of school bonds. All members of the School Board and Supt. A. N. McCallum were present.

A discussion of the need for a large building program for the city schools to keep pace with the rapid growth of the City was then entered into by those present, Mr. Louis Blendermann, Chairman of the Building Committee, submitting an itemized estimate of said proposed building program, totalling approximately \$750,000.

The legal opinion of Judge A. L. Love, City Attorney, relative to the proposed bond election was read.

Following the discussion, Mayor Miller moved that it was the sense of the meeting that action on the matter be deferred until the next regular meeting of the City Council, at which time an opportunity would be given all citizens to appear and be heard for or against the matter, and that in the meantime the Attorneys for the City and the School Board prepare the proper ordinance calling the election for presentation at said meeting. The motion carried by the following vote: Ayes, Councilmen Alford,