

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 7, 1938.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; absent, Councilman Bartholomew, 1.

The Minutes of the regular and special meetings of March 3, the regular meetings of March 10, March 17, March 24, and March 31 were read, and upon motion of Councilman Wolf, 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 offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground conduits 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 underground conduits in the following streets:

(1) An underground telephone conduit in WEST LYNN STREET from West 12th Street to Enfield Road, the centerline of which conduit shall be 3 feet west of and parallel to the east line of said West Lynn Street.

(2) An underground telephone conduit in ENFIELD ROAD from West Lynn Street to Hartford Road, the centerline of which conduit shall be 6 feet south of and parallel to the north line of said Enfield Road.

THAT the work and construction of said underground conduits, including the excavation of the streets and the restoration and maintenance of said streets after said conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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:

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 LOWELL STREET from Whittier Street westerly 58 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north line of said Lowell Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in WHITTIER STREET from Lowell Street northerly 215 feet, the centerline of which gas main shall be 13½ feet east of and parallel to the west line of said Whittier Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in SPLITROCK AVENUE from Westover Road southerly 100 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Splitrock Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in UPSON STREET from West 7th Street northerly 181 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Upson Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in EAST 3rd STREET from Ohicon Street westerly 120 feet, the centerline of which gas main shall be 19 feet south of and parallel to the north line of said East 3rd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in LOWELL STREET easterly 64 feet from a point 122 feet west of the west line of Whittier Street, the centerline of which gas main shall be 13 feet south of and parallel to the north line of said Lowell Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is 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, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, A. W. Thielepape is the contractor for the alteration of a building located at 415-17 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 5, Block 42, of the Original City of Austin, Travis County, 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 A.W. Thielepape, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue 14 feet west of the south curb to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue 46 feet to a point; thence in an easterly direction to the southwest corner of the above described property.

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

(1) That the Contractor shall erect and maintain continuously in good condition

outside of the space hereby allotted 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 shall 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 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 plug 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 July 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 Five Thousand (\$5,000.00) 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 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 Alford offered the following resolution:

WHEREAS, Leslie F. Crockett is the Contractor for the demolishing and erecting of a building located at 104-06 West 5th Street and desires a portion of the sidewalk, street and alley space abutting Lot H, Block 55, of the Original City of Austin, Travis County, Texas, during the demolishing and erecting 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 Leslie F. Crockett, the boundary of which is described as follows:

Sidewalk, Street and Alley Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles with the centerline of West 5th Street to a point 12 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of West 5th Street, 35 feet to a point; thence at an angle of approximately 60° to a point 5 feet east of the southeast corner of the above described property; thence in a northerly direction and parallel with the centerline of the alley 45 feet to a point; thence in a westerly direction to the northeast corner of the property.

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

(1) That the Contractor shall construct a 4 foot walkway outside of the boundaries of the above described working space on the West 5th Street side, 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 shall construct a guard rail on the alley side within the boundary line along the alley line 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. The gate shall not 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 June 1, 1938.

(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 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 (\$5,000.00) 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 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 introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE PASSED APRIL 5, 1934, AS AMENDED ON APRIL 2, 1936, AND AS FURTHER AMENDED ON JUNE 4, 1936, ENTITLED "AN ORDINANCE DECLARING WHEN TAXES DUE THE CITY OF AUSTIN SHALL BECOME DELINQUENT, PROVIDING THAT SAME SHALL THEREAFTER BEAR INTEREST, ASSESSING A PENALTY FOR DEFAULT THEREAFTER, AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE."

The ordinance was read the first time, and upon motion of Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time, and upon motion of Councilman Gillis,

the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time, and upon motion of Councilman Gillis, the same was finally passed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

A petition from residents, asking that the name of the street known as Avenue L, which runs north from Eighth Street to Tenth Street, be changed to Patterson Avenue, was received.

Councilman Gillis offered the following resolution:

WHEREAS, in Volume 246, at page 251, of the Deed Records of Travis County, Texas, there appears a map or plat of a subdivision known as Washington Heights, which subdivision is a portion of the George W. Spear League, within the City of Austin, Travis County, Texas; and

WHEREAS, the street bordering the east side of said Washington Heights is designated upon said map or plat as Avenue L; and

WHEREAS, the said Avenue L is approximately in line with the continuation of Patterson Avenue; and

WHEREAS, a majority of the people having their residences on said Avenue L have petitioned the City Council of the City of Austin to abandon the name Avenue L and adopt the name of Patterson Avenue for the street designated above; therefore

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

THAT that certain street known as Avenue L, shown upon the map or plat of Washington Heights, a subdivision of a portion of the George W. Spear League, within the City of Austin, Travis County, Texas, which map or plat of said Washington Heights is of record in Volume 246, at page 251, of the Deed Records of Travis County, Texas, be known and designated hereafter as Patterson Avenue.

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

In accordance with published notice thereof, the Mayor declared the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the "USE" designation of the following described property so as to change same from "A" Residence to "C" Commercial District: Lots Nos. 1, 2, 3, 4, and 5, in Block 14 of the Highland Addition;

To amend the "USE" designation of the following described property so as to change same from "A" Residence to "C" Commercial District: A 75 foot extension to the rear of the property owned by T. A. Martin fronting 94' on South Congress Avenue and an additional tract behind the present Magnolia Filling Station adjacent to said property, which tracts of land extend to a creek in the rear of the property.

No one appearing to protest the proposed changes, the City Attorney was instructed to prepare the proper amendment to the Zoning Ordinance making the changes effective.

Mr. R. L. Roberts, on behalf of the Building Trades Union, appeared before the Council to pledge their support in the School Bond election on April 8, and to thank the Mayor for his past kindnesses to them.

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: Stafford J. Davis, 4700 Depew Avenue; Thomas H. Hillman, 410 East 7th Street; and John Hughes, 511 West 6th Street; Jack Arnold Merritt, 1907 Manor Road; and Calvin Houston Phelan, 1606 East 6th Street. The motion carried by the following vote:

Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Mayor declared the week of April 11-16 as "Clean-Up Week" and urged our citizens to cooperate in every way possible with the City, the civic clubs, and Chambers of Commerce in cleaning up the City.

Councilman Alford offered the following resolution:

WHEREAS, the Board of Trustees of the Texas Wesleyan Academy, acting by and through August Free, its President, and H. W. Chalberg, its Secretary, owner of Blocks 46 and 47, of Christian and Fellman Addition within the City of Austin, Travis County, Texas, which Blocks 46 and 47 being the same property lying or situated between 23½ Street and 24th Street, and Swisher Street and East Avenue, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the south side of said East 24th Street, from Swisher Street to East Avenue, and to set the curb back from the established curb line on the west side of East Avenue, from 23½ Street to 24th Street, all as shown upon the map or plat hereby attached and made a part hereof, which map or plat bears the City Engineer's file No. 2-H-585; the curbs in their new locations will relieve the traffic conditions on East Avenue and on East 24th Street by allowing additional parking area, thereby creating a greater width of travelway on said East Avenue and 24th Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan 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 is hereby granted the Texas Wesleyan Academy, acting by and through August Free, its President, and H. W. Chalberg, its Secretary, owner of Blocks 46 and 47 of Christian and Fellman Addition within the City of Austin, Travis County, Texas, which Blocks 46 and 47 being the same property lying or situated between 23½ Street and 24th Street, and Swisher Street and East Avenue, to set the curb back from the established curb line on the south side of said East 24th Street, from Swisher Street to East Avenue, and to set the curb back from the established curb line on the west side of East Avenue, from 23½ Street to 24th Street.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-585 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on East 24th Street and on East Avenue shall be carried out in accordance with the accompanying plan marked 2-H-585 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-585.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the

direction of the City Engineer.

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, duly seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McKeenan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 14, 1938.

The meeting was called to order at 10:30 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 reading of the Minutes was dispensed with.

E. A. Murchison, President of the Board of Trustees of the Austin Public Schools, Members of the School Board, and Supt. A. N. McCallum came before the Council and expressed their thanks to the Council for the cooperation and services rendered in the passage of the recent school bond issue, and submitted a letter of thanks in the matter.

A petition from residents in the vicinity of Alameda Drive and Milam Place, asking for a street light at the intersection of said streets, was received and referred to the City Manager to have the matter attended to at once, if possible.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$3000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of widening West 8th Street from Congress Avenue to Lavaca Street.

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:

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

THAT the sum of \$3500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of widening Colorado Street from 7th Street to 9th Street.

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