

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 18, 1937.

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.

The Minutes of the regular meetings of November 4 and November 10 were read, and upon motion of Councilman Bartholomew, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, C. H. Toungate is the Contractor for the repair of an awning located at 616 East 6th Street and desires a portion of the sidewalk space abutting the East 22 feet of Lot 3, Block 64, of the Original City of Austin, Texas, during the repair of the awning, 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 C.H.Toungate, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street to the curb line of East 6th Street; thence in a westerly direction and parallel to the centerline of East 6th Street for a distance of 22 feet; thence in a northerly direction and at right angles to the centerline of East 6th Street to the southwest corner of the above described property; thence in an easterly direction along the north line of East 6th Street to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail at least 4 feet high and substantially braced and anchored around the above described working space.

(2) That the Contractor shall in no way obstruct 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 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 22, 1937.

(6) 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.

(7) 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.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1,000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person by reason of the exercise of the privileges granted to 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, J. R. Blackmore is the Contractor for removing the front wall damaged by fire on the building located at 808-10-12 Congress Avenue and desires a portion of the street and sidewalk space abutting Lot 3, Block 98, of the Original City of Austin, Texas, during the removal of the front wall damaged by fire on the said 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:

Street and Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue to a point 19 feet east of curb; thence in a southerly direction 46 feet and parallel with the centerline of Congress Avenue to a point; thence in a westerly direction and at right angles with the centerline of Congress Avenue to the southeast corner of the above described property; thence along the east line of said property to the point of beginning.

2. THAT the above privileges and allotment of space are granted to the said J. R. Blackmore, 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, along the north, east and south boundaries of said working space 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 weed 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. The section of the working space on the north and south sides on the sidewalk between the property line and the curb shall be solidly covered with boards to a height of 8 feet substantially braced and anchored.

(2) That the Contractor shall construct at the south end of his working space

a substantial gate which shall be kept covered 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.

(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 and on the curb for a distance of twenty feet south of the south barricade.

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

(6) 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.

(7) 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.

(8) 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 March 31, 1938.

(9) 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.

(10) 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.

(11) 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.

(12) 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 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholemew, 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 SALINA STREET across Pennsylvania Avenue intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Salina Street.

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

(2) A gas main in EAST 40TH STREET from Becker Avenue west 12 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north line of said East 40th Street.

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

(3) A gas main in BECKER AVENUE from East 40th Street south 208 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Becker Avenue.

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

(4) A gas main in CLARKSON AVENUE from Bennett Avenue north 59 feet, the centerline of which gas main shall be 18 feet east of and parallel to the west line of said Clarkson Avenue.

Said gas main described above shall have a covering of at least 2½ feet.

(5) A gas main in BENNETT AVENUE from Clarkson Avenue south 50 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Bennett Avenue.

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

(6) A gas main in AVONDALE ROAD westerly 144 feet from a point 34 feet west of the west line of Travis Heights Boulevard, the centerline of which gas main shall be 29 feet south of and parallel to the north line of said Avondale Road.

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

(7) A gas main in SPEEDWAY from 43rd Street southerly 136 feet, the centerline of which gas main shall be 30 feet east of and parallel to the west line of said Speedway.

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

(8) A gas main in WALLER STREET from Juniper Street south 26 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Waller Street.

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

(9) A gas main in WALLER STREET from Juniper Street north 16 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east line of said Waller Street.

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

(10) A gas main in JUNIPER STREET from Waller Street easterly 74 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north line of said Juniper Street.

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

(11) A gas main in CLERMONT STREET across Waller Street intersection, the centerline of which gas main shall be 17 feet south of and parallel to the north line of said Clermont Street.

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

(12) A gas main in BOULDIN AVENUE across West Elizabeth Street intersection, the centerline of which gas main shall be 18 feet east of and parallel to the west line of said Bouldin Avenue.

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

(13) A gas main in SINCLAIR AVENUE from West 46th Street to West 47th Street, the centerline of which gas main shall be 9 feet west of and

parallel to the east line of said Sinclair Avenue.

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

(14) A gas main in WEST 47TH STREET from Sinclair Avenue to Upper Georgetown Road, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 47th Street

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

(15) A gas main in RAMSEY AVENUE across West 47th Street intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue.

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

(16) A gas main in ROSEDALE AVENUE across West 47th Street intersection, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Rosedale Avenue.

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

(17) A gas main in WALLER STREET, beginning at a point 103 feet south of the south line of Lambie Street and 15 feet west of the east line of Waller Street; thence in a southeasterly direction angling 45° to the centerline of Waller Street to a point 111½ feet south of the south line of Lambie Street and 7½ feet west of the east line of Waller Street; the purpose of this assignment being to permit the construction of only enough gas main to get out from under the proposed area of Waller Street to be paved.

Said gas main described above shall have a covering of at least 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of W. R. Smith, owner of the west 10' of Lot 6, and all of Lot 7, Block 166, of the City of Austin, located adjacent to the Brackenridge Hospital Nurses' Home, for a change in the zoning of said property from "B" Residence District to "C" Commercial District, was received and referred to the Zoning Board of Adjustment for recommendation.

It was moved by Councilman Alford that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Geo. H. Rogers, Sergeant of Police, Traffic Division: Louis Rector Lancaster, Route 1, Box 637; and Malcolm Oren Sherrill, 3907½ Alice Avenue. The motion carried by the following

vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN 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 SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and upon motion of Councilman Wolf the rule was suspended and the ordinance was passed to its second reading 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 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, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

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

Upon motion, duly seconded and carried, the meeting was recessed at 11:00 A. M., subject to the call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McTeer
City Clerk