

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 18, 1937

The meeting was called to order at 11:00 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 special meeting of February 5 and the regular meeting of February 11 were read and upon motion of Councilman Gillis 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 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: Howard Thayer Washburn, Summit Street; John Griffith Tittle, 2007 Wichita Street; Ben O. Griffin, 1406 San Jacinto Street; and Wilbur Wilson Swinney, 704 East 13th 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 Alford moved that the taxicab driver's permit issued to Whit Willeford, 801 Patterson Avenue, on January 21, 1937, be revoked, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. 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 offered the following resolution:

WHEREAS, B. M. Spears is the Contractor for the construction of a building located at 1706 South Congress Avenue and desires a portion of the sidewalk space abutting the south one-half of Lot 2, Block 27, Swisher Addition, in 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 B. M. Spears, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of South Congress Avenue for a distance of 12 feet to a point; thence in a northerly direction and parallel to the centerline of South Congress Avenue for a distance of 25 feet to a point; thence in a westerly direction and at right angles to the centerline of South Congress Avenue for a distance of 12 feet to the east line of the above described property; thence in a southerly direction along the east line of the above described property to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the north, east, and south sides 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 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 15, 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 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, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered 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 HARTFORD ROAD from Enfield Road to Windsor Road, the centerline of which pole line shall be 8 feet east of and parallel to the west line of said Hartford Road.

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 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 Wolf 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 WEST SIXTEENTH STREET east 77 feet from a point 131 feet east of the east line of Pearl Street, the centerline of which gas main shall be 21 feet north of and parallel to the south line of said West 16th Street.

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

(2) A gas main in HACKBERRY STREET from Leona Street west 225 feet, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said Hackberry Street.

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

(3) A gas main in LYNN STREET from Riverview Street north 62 feet, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said Lynn Street.

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

(4) A gas main in RIVERVIEW STREET from Lynn Street east 51 feet, the centerline of which gas main shall be 7½ feet north of and parallel to the south line of said Riverview Street.

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

(5) A gas main in CONCHO STREET from East 7th Street to East 8th Street, the centerline of which gas main shall be 10 feet west of and parallel to the centerline of said Concho Street.

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

(6) A gas main in EAST EIGHTH STREET from Concho Street to Comal Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said East 8th Street.

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

(7) A gas main in COMAL STREET from East 8th Street north 237 feet, the centerline of which gas main shall be 22 feet east of and parallel to the centerline of said Comal Street.

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

(8) A gas main in WEST ELIZABETH STREET from Bouldin Avenue to South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said West Elizabeth Street.

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

(9) A gas main in RAMSEY AVENUE north 373 feet from a point 135 feet south of the south line of West 43rd Street, 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 cover of not less than 2½ feet.

(10) A gas main in WEST JOHANNA STREET from Newton Street to Eva Street, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said West Johanna Street.

Said gas main described above shall have a cover 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.

The application of Mrs. Amanda E. Williamson for a change in the zoning of her property at 1502 East Avenue, being legally described as Lot 7, Block 68, Division "E", from "B" Residence District to "C" Commercial District, was received and referred to the Zoning Board of Adjustment for recommendation.

Councilman Wolf offered the following resolution:

WHEREAS, the City of Austin desires to purchase a certain tract or parcel of land in the City of Austin, Travis County, Texas, and being parts of Lots 1 and 2, in Block 10, of Westfield "A", a subdivision by R. Niles Graham et al of a part of the George W. Spear League in said County, said land being described by metes and bounds in a deed from Westenfield Development Company, of date February 5, 1937; and

WHEREAS, the Westenfield Development Company, a corporation, and the owner of the aforesaid land, has constructed and is maintaining a public swimming pool on said land, together with the accessories and appurtenances thereto; and

WHEREAS, in the further development of the City's municipal parks and playgrounds, the City Council deems it advisable and desires to secure and maintain said swimming pool, accessories and appurtenances as a part of its system of public parks and playgrounds, and to purchase said property; and

WHEREAS, the Westenfield Development Company has furnished an abstract of title to said lands showing good title in fee simple thereto, and has furnished a receipt or certificate from the Assessor and Collector of Taxes of Travis County, Texas, showing there are no delinquent taxes on said land up to and including the year 1936; and

WHEREAS, said Westenfield Development Company has agreed and covenanted to convey said land above described to the City of Austin for and in consideration of the sum of \$4260.00, and the further consideration of the City conveying to it by special warranty deed Lot 20, of Shoal Creek Boulevard Lots, a Subdivision of portions of Outlots 28, 29, and 42, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Shoal Creek Boulevard Lots as shown in Plat Book 3 at page 218 of the Plat Records of Travis County, Texas; now, therefore,

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

THAT Guiton Morgan, City Manager of the City of Austin, is hereby authorized and directed to pay the sum of \$4260.00 to said Westenfield Development Company, and to convey to said Company, in the name of and on behalf of the City of Austin, the

above described Lot 20, in Shoal Creek Boulevard Lots on the condition that said Westenfield Development Company execute its warranty deed to said City of Austin to said Lots 1 and 2, in Block 10, as hereinabove fully described.

BE IT FURTHER RESOLVED:

THAT the sum of \$4260.00 be and the same is hereby appropriated out of the Parks and Playgrounds Funds for the purpose of paying said Westenfield Development Company for the aforesaid property, and that warrant issue therefor, payable to said corporation, in accordance with the terms of the purchase contract between said corporation and the City of Austin; and that as further consideration for the aforesaid property, Gilton Morgan, City Manager of the City of Austin, is hereby authorized and directed to convey to said Westenfield Development Company, in the name of and on behalf of the City, said above described Lot 20, in Shoal Creek Boulevard Lots, if and when said Westenfield Development Company executes its warranty deed to said City of Austin, to the aforesaid Lots 1 and 2, in Block 10, as hereinabove fully described.

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 11:45 A.M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McMiller
City Clerk