

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 25, 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 C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mr. Ben W. Greig submitted a request in writing from the 111th Quarter Master Regiment asking that the City contribute the sum of Two Hundred Dollars per month for general upkeep and the building and equipping of locker and other rooms for said Regiment.

Upon motion of Councilman Bartholomew, action on the matter was deferred until the next regular meeting.

At the request of Carl H. Mueller, Project Superintendent of Austin-Travis County Sewing Room WPA Project, the City Council designated Wednesday, March 3, as "Sponsor's Day" for the purpose of affording the City Council and citizens of Austin an opportunity to inspect the work being done by said organization.

Councilman Bartholomew introduced the following resolution and moved that the City Council adopt said resolution by a rising vote and order the same incorporated into the minutes of this meeting and a copy sent to the family of the deceased. The motion carried unanimously.

WHEREAS, James P. Buchanan occupied a position of great power and influence in the National Congress. His recognized leadership was attained, not through political fortune or favor, but by dint of hard work, faithfully performed, with fine ability; and

WHEREAS, During the last four years of his service, Mr. Buchanan, as Chairman of the Appropriations Committee, was placed in a position of heavy responsibility, involving a great burden of labor. He was required to familiarize himself in detail with the fiscal problems of the country. To this important public service he gave the utmost of his strength, and ultimately his life. He has finished a distinguished public career; Therefore,

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

THAT the City of Austin and her people are proud to have been represented in the National Congress by James P. Buchanan. The Tenth Congressional District and its people have sustained an irreparable loss. On behalf of the City and the people of Austin, we extend to his family in their great bereavement our sincere sympathy.

Councilman Bartholomew submitted the following resolution and moved its adoption. The motion was seconded by Councilman Wolf and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none:

WHEREAS, It has come to the attention of the City Council that R. H. Knipping, Superintendent of the City Power Plant, has tendered his resignation to the City Manager for the purpose of accepting a position with a private corporation in another city; and

WHEREAS, By the resignation of Mr. Knipping, the city government has lost the valuable services of a highly-trained and very competent employee, and the City at large, a worthy citizen; Therefore,

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

THAT we, the members of said City Council, hereby express, individually and collectively, our very deep regret that Mr. Knipping has seen fit to sever his connection with our official family, and to move with his family from our midst; and we hereby wish for them much happiness and prosperity in their new location; and

BE IT FURTHER RESOLVED:

THAT this resolution be incorporated into the minutes of this meeting and a copy sent to Mr. Knipping and family.

It was moved by Councilman Wolf that the temporary taxicab permits issued to the following named persons be made permanent: H. I. Sites, Taxicab Permit No. 21; D. F. Samuel, Taxicab Permit No. 56; E. Owens, Taxicab Permit No. 57; Ben R. Parker, Taxicab Permit No. 58; D. F. Samuel, Taxicab Permit No. 59; F. R. Arnhamn, Taxicab Permit No. 60; D. F. Samuel, Taxicab Permit No. 62; Lightsey Cabs, Taxicab Permit No. 53; Lightsey Cabs, Taxicab Permit No. 54; Patton's, Inc., Taxicab Permit No. 55; J. E. Haire, Taxicab Permit No. 61; and J. P. Lopez, Taxicab Permit No. 40. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

It was moved by Councilman Wolf that Pattons, Inc., be granted permits for four additional taxicabs, and that Lightsey's be granted permits for two additional taxicabs. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of G. J. Wheeler of the Longhorn Taxicab Company for three additional taxicabs was received, and the application was denied on the ground that the quota for 20-cent taxicabs was filled.

It was moved by Councilman Alford that the following named persons be granted taxicab driver's permits: Earl Sommers, 1605 Willow Street; J. W. Thomas, Jr., 307 East Ninth Street; and Vernon Raines, 2708 Dam Boulevard. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A report of the Parking Meter Committee of the Retail Merchants Association, recommending that the installation of parking meters be further delayed because of the small demand for same by the merchants, was received and filed.

It was the sense of the meeting that, in view of the facts represented by the report of the Retail Merchants Association, and the further fact that the installation of parking meters has been declared unconstitutional in some states and constitutional in others, no action be taken on the matter at this time.

Councilman Bartholomew went on record as favoring the installation of parking meters, but unwilling to vote for same until the constitutionality of the matter was established.

Mr. Whaley, representing the Dual Parking Meter Company, was present and assured the City Council that his Company fully appreciated the Council's responsibility in the matter, and that whatever action was taken would be satisfactory to his Company.

The Mayor announced 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 property consisting of Lots 1, 2, 3, and 4, 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 of record in Plat Book 3, page 218 of the Plat Records of Travis County, Texas, said Lots 1 and 2 being owned by W. T. Caswell, and 3 and 4 by the City of Austin, so as to change same from "A" Residence District to "B" Residence District.

No one appearing to protest the proposed change, Councilman Wolf moved that the City Attorney be instructed to prepare an ordinance authorizing the same. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller nominated the following as members of the Parks and Recreation Board for a term of two years, beginning January 1, 1937, and ending January 1, 1939:

Dr. Goodall Wooten
E. C. Tharp
Mrs. Noyes D. Smith
Gillespie Stacy
Hilliare F. Nitschke

The nominations were confirmed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford 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 TRINITY STREET from East 10th Street north 63 feet, the centerline of which gas main shall be 25 feet west of and parallel to the east line of said Trinity Street.

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

(2) A gas main in TRINITY STREET from East 10th Street south 148 feet, the centerline of which gas main shall be 26 feet east of and parallel to the west line of said Trinity Street.

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

(3) A gas main in EAST TENTH STREET across Trinity Street, the centerline of which gas main shall be 19 feet north of and parallel to the south line of said East 10th Street.

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

(4) A gas main in WEST TWENTY-SIXTH STREET from San Gabriel Street to Leon Street, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said West 26th Street.

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

(5) A gas main in EAST TWENTY-NINTH STREET from Dancy Street east 68 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 29th Street.

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

(6) A gas main in DANCY STREET southerly from a point 33 feet north of the north line of East 29th Street to a point 30 feet south of the south line of East 29th Street, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Dancy Street.

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

(7) A gas main in NEWTON STREET from West Mary Street to West Milton Street, the centerline of which gas main shall be 8½ feet west of and parallel to the east line of said Newton Street.

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

(8) A gas main in NEWTON STREET from West Milton Street north 134 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said Newton Street.

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

(9) A gas main in WEST MILTON STREET from Newton Street westerly approximately 1½ blocks to a point 152 feet west of the west line of Roma Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West Milton Street.

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

(10) A gas main in ROMA STREET from West Milton Street north 176 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east line of said Roma Street.

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

(11) A gas main in DANCY STREET from East 28th Street to East 29th Street, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Dancy Street.

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

(12) A gas main in EAST TWENTY-EIGHTH STREET from Dancy Street east 118 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 28th Street.

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

(13) A gas main in MAUFRAIS STREET south 108 feet from a point 85 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Maufrais Street.

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

(14) A gas regulator pit, size 7'x9' in WEST FORTY-FOURTH STREET, the center of which regulator pit shall be 15 feet south of the north line of West 44th Street and 10 feet west of the west line of Alice Avenue.

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, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, M. B. Braswell is the Contractor for the construction of an addition to a store building located at 105 West Monroe Street and desires a portion of the sidewalk space abutting Lot 1, Block 22, Swisher Addition to the City of Austin, Texas, during the construction of the addition, 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 M.B. Braswell, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of Monroe Street for a distance of 4 feet to a point; thence in an easterly direction and parallel to the centerline of Monroe Street for a distance of 100 feet to a point; thence in a southerly direction and at right angles to the centerline of Monroe Street for a distance of 4 feet to the north line of the above described property; thence in a westerly direction along the north 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 M.B. Braswell 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, west and east lines 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 March 31, 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, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of

other materials; and

WHEREAS, E. E. Harris, owner of Lot 11, Block 4 of Edgemont, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of Westover Road at a location west of Harris Boulevard, being locally known as 1514 Westover Road, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line on the north side of Westover Road at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT E. E. Harris, owner of Lot 11, Block 4 of Edgemont, a subdivision within the City of Austin, Travis County, Texas, which property abuts the north side of Westover Road at a location west of Harris Boulevard, being locally known as 1514 Westover Road, is hereby granted permission to construct a flagstone walk from the curb line to the property line on the north side of Westover Road at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

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

Councilman Wolf offered the following resolution:

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

THAT the City Manager be, and he is hereby authorized to execute on behalf of the City of Austin the agreement between the City of Austin and W. C. Treadwell, the terms of which follow:

THAT this agreement, made and entered into by and between the City of Austin, a municipal corporation, acting by and through its City Manager, under the authority of its City Council, and W. C. Treadwell, a citizen of Travis County, Austin, Texas, WITNESSETH:

I, W. C. Treadwell agrees that he will lay and construct, at his own cost and expense, and in accordance with the plans, specifications and requirements, and under the supervision and subject to the approval of the City of Austin, a water pipe line, or water pipe lines, and appurtenances necessary and adequate to connect with the present water system of the City of Austin in Woodmont Avenue between John D. McCall Road and Sharon Lane; and in Sharon Lane between Woodmont Avenue and Griswold Lane in Westfield Addition, same lying at present outside of the corporate limits of the City of Austin, for the purpose of supplying said subdivision and streets with water service by the City of Austin; it being provided that all lines constructed under this agreement shall be laid on public streets and on designated county roads, and if any portion of said line or lines is required to be laid through private property, that a definite easement for right-of-way be secured sufficient for all utility space assignments; and in consideration for the benefits to be received by the said

W. C. Treadwell in the service of water from the water system of the City of Austin, W. C. Treadwell agrees upon the completion thereof to convey to the City of Austin the title to all of said line or lines lying in the public highways, roads and alleys, and in easements acquired for the purpose of laying said lines.

2. W. C. Treadwell agrees that immediately upon the completion of said line or lines, he will furnish the City of Austin authenticated original duplicates of all receipted bills, showing the reasonable and necessary expense, as having been theretofore mutually agreed by the parties hereto, in the laying and constructing of said water line, or water lines, which receipted bills shall be attached to this agreement and shall become evidence of the cost of such line or lines, for the purpose of any refund which may be made under the terms of this agreement.

3. It is agreed that if at any time within fifteen (15) years from the date of this agreement, Woodmont Avenue between John D. McCall Road and Sharon Lane, and Sharon Lane between Woodmont Avenue and Griswold Lane in Westfield Addition shall be included by annexation within the corporate limits of the City of Austin, W.C.Treadwell shall be entitled to be reimbursed by the City of Austin for the cost of such line or lines, as shown by the receipted bills hereinabove mentioned, such reimbursement to be without interest, and to be made upon the following terms: One (1) year after the first day of January of the year immediately following such annexation, the City of Austin will refund an amount equal to five (5) times the gross revenue received from water customers connected with said line or lines during such one (1) year period, and at the end of each subsequent year a similar amount will be so refunded until the total cost of such line or lines, less depreciation as hereinafter provided, shall have been refunded; provided that due allowance shall be made for depreciation of said line or lines from the date of completion to the date of annexation, as follows: On all lines under six (6) inches in size and on all appurtenances and accessories thereto, at the rate of five (5%) per cent for each year, and on all lines of six (6) inches or over in size and on all appurtenances and accessories thereto, at the rate of three (3%) per cent for each year, provided that the lines of six (6) inches or over are constructed of cast iron pipe, otherwise such lines shall bear the same rate of depreciation as herein fixed for lines under six inches in size.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved: _____

Tom Miller
Mayor

Attest:

Hallie McKeen
City Clerk