

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 11, 1937.

The meeting was called to order at 11:20 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 meetings of February 18, February 25, and March 4 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,

The written request of Mrs. Beryman for an extension of the commercial zone on West 26th Street to include Lot No. 9, Block 51, Division "D" was referred to the City Manager, with instructions to look the situation over on the ground with Mr. Brown Robbins, Agent, and report to the Council.

The complaint of Mr. J. W. Saxon that his premises at 404 West 26th Street were being damaged by overflow waters from a storm sewer was referred to the City Manager and City Engineer for an investigation to determine what can be done to remedy the situation.

Mr. D. L. Spinks appeared before the Council and complained that by reason of the all-day parking of automobiles on Brazos Street between Seventh and Eighth Streets he was being denied ingress and egress to his cleaning and pressing establishment. The matter was referred to the City Manager to have an unloading and loading zone established at said place of business.

The Council took under advisement with the Police Department the application of H. I. Sites for permit to operate a taxicab for colored people.

It was moved by Councilman Alford that Charles R. Towers, 1906 Wichita Street, be granted a taxicab driver's permit. 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 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 EAST NINTH STREET from Comal Street easterly 220 feet, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said East 9th Street.

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

(2) A gas main in COMAL STREET from East 9th Street south 97½ 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.

(3) A gas main in HASKELL STREET from Lynn Street easterly 100 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Haskell 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 cut 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 Gillis offered the following resolution:

WHEREAS, Kelley Lumber Company is the Contractor for the construction of an awning at 217-19 Congress Avenue and desires a portion of the sidewalk space abutting the north 31.3 feet of Lot 5, Block 18 of the Original City of Austin, Texas, during the construction 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 Kelley Lumber Company, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue for a distance of 20 feet to a point; thence in a southerly direction and parallel to the centerline of Congress Avenue for a distance of 31.3 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property; thence in a northerly direction along the west 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 Kelley Lumber Company, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space along the west side of said working space, such walkway to be protected on each side by guard rails at least 4 feet high and substantially braced and anchored, and such walkway to have appropriate returns to the sidewalk.

(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, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mayor Miller introduced the following resolution, and moved its adoption by a rising vote. The motion carried unanimously:

"The late Dr. W. D. Yett, ex-Mayor of Austin, departed this life on March 6, 1937, having led a long and useful life.

Dr. Yett served as Mayor of the City of Austin from May 1, 1919, to July 1, 1926, serving the people of Austin as Mayor faithfully and well for a period of more than seven years.

During Dr. Yett's tenure of office as Mayor, many important public improvements were made, among which may be enumerated the erection of the water filtration plant, the construction of an incinerator for the disposal of the city garbage, making many improvements at Barton Springs, and greatly improving the streets of the City.

As Mayor of the City of Austin, Dr. Yett brought to bear natural ability, profound learning and conscientious thought, having the desire at all times during his incumbency to serve the City of Austin faithfully and well. No man ever questioned Dr. Yett's personal integrity, and he discharged the duties of his office with an eye single to the welfare of the citizens of Austin.

In the discharge of his duties as Mayor, Dr. Yett was considerate of the views and feelings of those associated with him in the discharge of his official duties, but having reached a conclusion as to his duty on any question, that duty was performed in accordance with his own convictions.

Dr. Yett's medical education and much experience as a trained physician peculiarly fitted him to deal with sanitary questions and all matters affecting the health of the people of Austin; therefore

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

THAT the City Council join with the people of Austin in deploring the death of Dr. W. D. Yett, and that in his death the people of Austin have suffered the loss of an able and valued citizen and one whose influence will be missed in the civic affairs of the City.

BE IT FURTHER RESOLVED:

THAT in token of our appreciation of the services of Dr. W. D. Yett, a copy of this resolution be entered in the minutes of the City Council, and that a copy of same signed by the members of the Council be furnished to Mrs. W. D. Yett, to whom and to the members of the family, we extend our heartfelt sympathy and sincere condolence.

Upon motion duly made and seconded, the Mayor was authorized to issue the following proclamation:

" WHEREAS, throughout the nation Girl Scout Birthday Week will be celebrated; and

WHEREAS, the Girl Scouts in Austin have grown from a very small group organized 14 years ago until now they number seven hundred; and

WHEREAS, these girls and their leaders are doing a wonderful work in our community which we should recognize; now, therefore,

I, Tom Miller, Mayor of the City of Austin, hereby proclaim the week from March 12 through March 18, "National Girl Scout Birthday Week" and ask that our citizens cooperate in every way possible in the work that this organization is doing by encouraging them to become leaders in our civic and social affairs, and to especially commend them for the splendid rehabilitation work they have accomplished during the depression. "

(Sgd) Tom Miller, Mayor.

Councilman Alford offered the following resolution:

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

THAT the sum of \$500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the City's part of the cost of the N. Y. A. work that is being done in Westenfield Swimming Pool.

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 12:15 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McHenry
City Clerk