

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 18, 1938.

The City Council met in regular session, at the regular meeting place in the City Hall, on Thursday, August 18, 1938, at 10:30 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; absent, none.

The Minutes of the regular meetings of July 7 and July 14 were read, and, upon motion of Councilman Gillis, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Vermont Marble Company is the Contractor for the repair of a building located at 610-12 Brazos Street, and desires a portion of the sidewalk space abutting Lot B, Block 69, of the Original City of Austin, Texas, during the repair 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 Vermont Marble Company, 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 Brazos Street to a point 4 feet west of the east curb line of Brazos Street; thence in a northerly direction and parallel to the centerline of Brazos Street for a distance of 35 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Vermont Marble Company, 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 east line 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 provide a suitable means for ingress and egress from the walkway on the Brazos Street working space to the entrance of the Nolle Office Building, which passageway must be covered and kept clear at all times.

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

(4) 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 sewer.

(5) 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.

(6) 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 September 15, 1938.

(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 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.

(9) 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.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), 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; 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 WEST 10TH STREET from Maufrais Street to Nathan Street, the centerline of which gas main shall be 19 feet south of and parallel to the north line of said West 10th Street.

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

(2) A gas main in WEST 10TH STREET from Nathan Street easterly 71 feet, the centerline of which gas main shall be 22 feet south of and parallel to the north line of said West 10th Street.

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

(3) A gas main in MAUFRAIS STREET across West 10th Street intersection, 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 covering of not less than 2½ feet.

(4) A gas main in NATHAN STREET across West 10th Street intersection, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Nathan Street.

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

(5) A gas main in BRIDLE PATH westerly 388 feet from a point 559 feet west of the west line of Elton Lane, the centerline of which gas main shall be 1-1/2 feet south of and parallel to the north line of said Bridle Path.

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

(6) A gas main in McDONALD AVENUE from West 46th Street northerly 57 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east line of said McDonald Avenue.

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

(7) A gas main in MAYBELLE AVENUE northerly 80 feet from a point 129 feet south of the south line of West 45th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Maybelle Avenue.

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

(8) A gas main in EAST 20½ Street easterly 45 feet from a point 72 feet east of the east line of Oldham Street, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said 20½ Street.

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

(9) A gas main in KERBEY LANE from West 32nd Street southerly 71 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Kerbey Lane.

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

(10) A gas main in WEST 32ND STREET from Kerbey Lane easterly 20 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 32nd Street.

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

(11) A gas main in BONNIE ROAD westerly 80 feet from a point 285 feet west of the west line of Courtland Lane, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Bonnie Road.

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

(12) A gas main in COURTLAND LANE from Bridle Path southerly 65 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Courtland Lane.

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

(13) A gas main in MAUFRAIS STREET southerly 61 feet from a point 222 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 covering of not less than 2½ feet.

(14) A gas main in PROSPECT AVENUE from Tillotson Avenue northerly 85 feet, the centerline of which gas main shall be 6½ feet east of and parallel to the west line of said Prospect Avenue.

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

Councilman Gillis introduced 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, Dr. E. B. Crowder and wife, owner of Lot 1 of Westenfield #1, a subdivision within the City of Austin, Travis County, Texas, which property is located at the northeast corner of the intersection of Enfield Road and Hopi Trail and being locally known as 3004 Enfield 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 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 Dr. E. B. Crowder and wife, owner of Lot 1 of Westenfield #1, a subdivision within the City of Austin, Travis County, Texas, which property is located at the northeast corner of the intersection of Enfield Road and Hopi Trail, and being locally known as 3004 Enfield Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line 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; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, A. D. Bolm, owner of Lots 10 and 13, of Outlot 38, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of Guadalupe Street and West 16th Street, 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 West 16th Street and to set the curb back from the established curb line on the east side of Guadalupe Street at the above described location, thereby relieving traffic conditions by creating a greater width of travelway on West 16th Street and on Guadalupe Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setbacks 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 A. D. Bolm, owner of Lots 10 and 13, Outlot 38, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the southeast corner of Guadalupe Street and West 16th Street within the City of Austin, Texas, to set the curb back from the established curb line on the south side of West 16th Street, and to set the curb back from the established curb line on the east side of Guadalupe Street at the above described location:

Permission to construct the above described curb setbacks 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-C-756, and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on West 16th Street and on Guadalupe Street shall be carried out in accordance with the accompanying plan marked 2-C-756, and that all such widened area, 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-C-756.

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

Councilman Alford introduced the following resolution:

WHEREAS, Westenfield Development Company, a corporation acting by and through its President, Margaret Graham Crusemann, of Travis County, Texas, did on August 14, 1935, for and in consideration of \$1.00, grant to the City of Austin, a municipal corporation of Travis County, Texas, the right to construct and perpetually maintain a sanitary sewer, together with laterals, in, upon, and across all of Lot 5 north of the line that is 185 feet north of and parallel to the south line of Lot 5, all of which land is a portion of Westfield "A", a subdivision by R. Niles Graham, et al., of a portion of the George W. Spear League in Travis County, Texas, according to a map or plat of said Westfield "A" appearing of record in Book 3 at page 107 of the Plat Records of Travis County, Texas, said easement being recorded in Volume 526, pages 180-181 of the Deed Records of Travis County, Texas, to which record reference is hereby made for all pertinent purposes; and

WHEREAS, the aforesaid easement grants the City the privilege and the right to construct and maintain a sanitary sewer across a portion of Lot 5, Block 3, which portion consists of all of Lot 5, Block 3, which portion consists of all of Lot 5, Block 3, north of the line that is 185 feet north of and parallel to the south line of said Lot 5 of said Westfield "A"; and

WHEREAS, the easement across said Lot 5, Block 3, above described is not needed by the City of Austin for a sanitary sewer, and not now needed for any other purpose, and the present owners of the aforesaid land, to wit, Mrs. M. K. Lane, Mrs. Adelaide Shaw and Henry Viscardi, have requested the City to release said portion of said Lot 5, Block 3, from the easement granted as above set out; therefore,

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

THAT Guiton Morgan, City Manager, is hereby authorized and directed to execute a release of said easement as to said portion of said Lot 5, Block 3, which portion consists of all of Lot 5 north of the line that is 165 feet north of and parallel to the south line of said Lot 5, Westfield "A", to said Mrs. M. K. Lane, Mrs. Adelaide Shaw, and Henry Viscardi, their heirs and assigns.

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

Councilman Alford moved that a taxicab driver's permit be granted to Otto D. Herrera, 1207 Canterbury Street, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to wit:

To amend the USE District designation of the following described property so as to change same from "B" Residence District to "C" Commercial District:

Lots 1, 2, 3, and 4, Block "B", Statesman Hyde Park Addition, in the City of Austin, Texas; and

100 feet on west side of Duval by 125 feet on 43rd Street, out of southeast corner of Block 18, Hyde Park No. 1, in the City of Austin, Texas.

A group of property owners, composed of Mrs. Ella Jessen, Miss Johanna Hughes, J. W. Pierce, et al., appeared to protest the proposed change in zoning of the above described property, and also submitted the following protest in writing:

"Austin, Texas, August 8, 1938

TO THE HONORABLE MAYOR TOM MILLER
CITY MANAGER GUITON MORGAN
MEMBERS OF THE CITY COUNCIL OF AUSTIN, TEXAS,
AND TO THE ZONING BOARD OF THE CITY OF AUSTIN, TEXAS:

We, the undersigned property owners and taxpaying citizens in and near Hyde Park Addition and in the vicinity of 43rd Street and Duval Street in Austin, Travis County, Texas, do hereby protest against the erection of a business building at the corner of 43rd and Duval Streets, because:

1. The nature of this property is essentially residential.
2. It will reduce residence property values in this vicinity.
3. It will create a traffic hazard at the corner of 43rd and Duval.
4. It will be a general nuisance to adjoining residents.
5. The Council recognized the residential nature of this property by leaving a business directly across the street from this location as a non-conforming use.
6. We think that this would also increase the fire hazard to adjoining residential property.
7. There is no public demand for this change and it does not meet the approval of the people in this neighborhood.

Respectfully submitted,

Mrs. Ella Jessen, 400 E. 43rd Street -
Mrs. C. D. Oldham, 4200 Avenue H
A. S. Anderson, 4212 Avenue H
Mr. and Mrs. H. W. Zuch, 4305 Avenue H
Mrs. B. B. Arledge, 310 E. 43rd St.
J. W. Pierce, 4302 Duval Street

Mrs. Selma Hughes, 4215 Avenue H
Mrs. Edna L. Lott, 4204 Avenue H
Miss Lillian Carrington, 4308 Avenue H
Mrs. W. Angie Smith, 304-A, E. 43rd St.
Mrs. Mattie Traweek, 507 Park Boulevard
Miss Eula Payton, 502 Park Boulevard.

No other persons appearing to be heard, Councilman Wolf then moved that the

City Attorney be directed to prepare an amendment to the Zoning Ordinance, in accordance with the foregoing proposed change. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A group of laborers appeared before the Council to protest the employment of out-of-town men on the construction of the Tom Miller Dam to the exclusion of local men, and were advised to take the matter before the Colorado River Authority.

Councilman Alford introduced the following resolution:

WHEREAS, at the City Council meeting held July 21, 1938, certain resolutions were adopted pertaining to the Public Works Administration Docket Texas-1852-DS, which provides for the construction of an Incinerator for the City of Austin, and among these resolutions was a resolution adopting and specifying certain wage scales to be paid on said docket number; and

WHEREAS, it now appears that the State Department of Labor sets up a rate of \$1.50 per hour for plasterers instead of \$1.25 per hour scale as heretofore specified, and \$1.50 per hour for stone masons instead of \$1.25 per hour scale as heretofore specified, and \$1.37½ per hour for asbestos workers instead of \$1.00 per hour scale as heretofore specified; now, therefore,

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

THAT said wage scales as specified for Docket Texas-1852-DS, and as submitted to the Public Works Administration, be and are hereby amended to provide for wage scales as follows:

Plasterers	-	\$1.50 per hour	-	\$12.00-8 hour day
Stone Masons		1.50 " "		12.00 " " "
Asbestos Workers		1.37½ " "		11.00 " " "

and that the City Manager is hereby authorized and directed to furnish copies of this resolution to the Public Works Administration, and also to notify all prospective bidders of this resolution and to furnish specification addenda covering same, and to do such other things as may be necessary to comply with the regulations of the Public Works Administration, and to conform said wage scales throughout with the final approved wage scales as published by the State Department of Labor.

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

Councilman Wolf introduced the following resolution:

WHEREAS, in 1933, and on subsequent dates, the City of Austin filed with the Public Works Administration a tentative application providing for the installation of a Fire Alarm System for the City of Austin; and

WHEREAS, in 1938 the Public Works Administration approved said application, being Docket-Texas-1851-F, in the amount of \$75,000, of which the United States Government contributes \$33,750 as a grant; and

WHEREAS, after a thorough study of this project by the representatives of the State Fire Insurance Commission, it now appears that on the basis of this project the State Fire Insurance Commission will only allow a 1¢ reduction on the key rate of the City of Austin and this is conditional upon the approval of complete plans and specifications, and that in order to retain this reduction the City of Austin will be called on from year to year to increase the system, and without said increase the possible 1¢ reduction could be disallowed at any time, and the annual increase necessary to make these savings economically desirable are excessive; and

WHEREAS, the City of Austin now has in service three fire stations which are obsolete and one of which is very poorly located; now, therefore,

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

THAT the City Manager be, and he is hereby, authorized and directed to file with the Public Works Administration a request that this allocation of funds be transferred from the Fire Alarm System construction project to a project providing for the renovation and rebuilding of the City's fire stations located at the corner of West 10th and Blanco Streets, East 1st and Waller Streets, and 3002 Guadalupe Street; and that the plans for the rebuilding and construction of these stations include the necessary equipment customarily placed in all modern fire stations, and such other equipment as may be proper and in conformity with the regulations of the Public Works Administration. And the City Manager is further authorized and directed to execute on behalf of the City of Austin all documents and supporting papers necessary for such a request and to furnish such data as the Public Works Administration may require.

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

Mayor Miller nominated Dr. D. L. Dodd as City Health Officer to succeed Dr. Banner Gregg, resigned. The nomination was confirmed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

Approved: Tom Miller
Mayor

Attest:

Wallis McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 25, 1938.

The City Council met in regular session at the regular meeting place in the City Hall on Thursday, August 25, 1938, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. E. Bartholomew, Simon Gillis, Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

The reading of the Minutes was dispensed with.

A petition signed by contiguous property owners, asking for the opening and tarviating of Center Street from Sixth to 12th Streets, was received, and the matter was referred to the City Manager and the Engineering Department for study and report to the Council.

The following report of the Board of Adjustment was received and filed:

"August 20, 1938.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a resolution passed by the Board of Adjustment at a meeting on