

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 27, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room, at the Municipal Building, on Thursday, June 27, 1940, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Gillis, Mayor Miller, and Councilman Wolf; absent, Councilmen Alford and Bartholomew.

The Minutes of the regular meeting of June 20, 1940, were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

A petition, signed by G. H. Mayes and W. E. Mayberry, abutting property owners, asking that Lawton Avenue be vacated, was submitted by Mrs. G. H. Mayes. The matter was referred to the City Manager and the City Engineer for attention.

The following resolution was submitted by Councilman Gillis:

WHEREAS, A. J. Raif, acting by and through L. J. Valentine, agent, owner of property out of Block 27 of Swisher Addition to the City of Austin, Travis County, Texas, which property is situated on the west side of South Congress Avenue at a location north of Annie Street and being locally known as 1716 South Congress Avenue, has made application to the City Council for permission to construct a commercial driveway across the west sidewalk area of South Congress Avenue adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-C-380 and made a part hereof; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT A. J. Raif, acting by and through L. J. Valentine, agent, owner of property out of Block 27 of Swisher Addition to the City of Austin, Travis County, Texas, which property is situated on the west side of South Congress Avenue at a location north of Annie Street and being locally known as 1716 South Congress Avenue, is hereby permitted to construct a commercial driveway across the west sidewalk area of South Congress Avenue adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-380, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision 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.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, Frank Barron, Inc., is the contractor for the alteration of a building located at 317 Congress Avenue and desires a portion of the sidewalk space abutting Lot G, Block 97, of the Original City of Austin, Travis County, Texas, during the alteration 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 Frank Barron, Inc., the boundary of which is described as follows:

Sidewalk Working Space

BEGINNING at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue to a point 5 feet east of the east curb line; thence in a northerly direction and parallel to the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the northwest corner of the above described property.

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

(1) That the Contractor will erect within the above described working space a solid fence built of not less than 1 inch material extending from the sidewalk to the underside of the present awning substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricade, and at all times that material is being delivered to the building or taken away, a watchman will be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces in the delivery of materials during construction work.

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

(3) That provisions 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 water.

(4) 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.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk 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 August 1, 1940.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection of installation of additional barriers or safeguards if the conditions demand it.

(7) 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.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), 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.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, Mrs. Angelo Franzetti, owner of a portion of Block 3, Outlot 36, Division "B", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is

situated at the northeast corner of the intersection of East 12th Street and Leona Street within the City of Austin, Travis County, Texas, 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 north side of East 12th Street at the above described location and to build a commercial driveway in conjunction therewith; and

WHEREAS, a plan has been prepared showing the location of said curb setback and commercial driveway, which plan is hereto attached marked 2-C-879, and made a part hereof; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT Mrs. Angelo Franzetti, owner of a portion of Block 3, Outlot 36, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the northeast corner of the intersection of East 12th Street and Leona Street, is hereby granted permission to set the curb back from the established curb line on the north side of East 12th Street at the above described location and to build a commercial driveway in conjunction therewith.

Permission to construct the above described curb setback and commercial driveway 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-879 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on East 12th Street shall be carried out in accordance with the accompanying plan marked 2-C-879 and that all such widened areas, 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-879.
- (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.

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

The following resolution was introduced by Councilman Gillis:

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 KENWOOD AVENUE from a point 190 feet south of Algarita Avenue southerly 76 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said Kenwood Avenue.

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

- (2) A gas main in EAST 46TH STREET from East Avenue westerly approximately ¼ block, the centerline of which gas main shall be 15 feet north of and parallel to the

south property line of said East 46th Street

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

- (3) A gas main in EAST AVENUE from East 46th Street southerly 18 feet, the center-line of which gas main shall be 13½ feet west of and parallel to the east property line of said East 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, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf moved that Daniel Frank Pittman, 1709 Sabine Street, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf moved that Sidney Orwin Herring, 1404 West 45th Street, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

Councilman Wolf moved that Charles Theo. Toorenn, Jr., 2507 San Jacinto Street, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Alford and Bartholomew absent.

In accordance with published notice thereof, 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 following described property so as to change same from "A" Residential District and First Height and Area District, to "C" Commercial District and First Height and Area District:

All four (4) Corners of the intersection of South First Street and West Live Oak Street.

To amend the USE designation of the following described property so as to change same from "C" Commercial District and First Height and Area District, to "C-2" Commercial District and First Height and Area District:

Lots Nos. 31, 32, and 33, N. A. Ladd Addition to the City of Austin, Texas, said property facing Lower Georgetown Road and Capitol Court Street.

To amend the USE designation of the following described property so as to change same from "A" Residence District and First Height and Area District, to "B" Residence District and

**First Height and Area District:**

Being No. 2620 Salado Street, fronting 104 feet on Salado Street, with a depth of 171 feet to San Pedro Street, and being a through lot in Outlet No. 64, Division "B" of the City of Austin, Texas.

There being no protests against the proposed change in zoning of the property at all four corners of the intersection of South First and West Live Oak Streets, the hearing was continued to the next regular meeting and the City Attorney was instructed to prepare the necessary ordinance.

There being no protests against the proposed change in zoning of the property at the intersection of the Lower Georgetown Road and Capitol Court Street, being Lots 31, 32, and 33, N. A. Ladd Addition, the hearing was continued to the next regular meeting.

There were no protests against the proposed change in zoning of the property at 2620 Salado Street, the request for such change having been withdrawn by the applicant, Mrs. E. T. Miller, previous to the date of hearing.

Councilman Wolf moved that the following applications for licenses to operate private boats on Lake Austin be approved, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Biggs, R. H. - 1904 Binz, Houston, Texas	Special, Outboard, Racing, 1930 Model, "Typhoon," Evinrude, 2-passenger
Clark, Geo. F., Jr. - 214 Archway	Dixie, Outboard, Super Excello, 1940 Model, Evinrude, 8-passenger
Doggett, Lloyd A. - 2004 Speedway	Century, Outboard, 1940 Model, "Jeanie," Evinrude, 5-passenger
Game Fish & Oyster Commission	Chris-Craft, Open, 1935 Model, 6-passenger
Hart, Jerry O. - 8th and Brazos Streets (S.S.S. Jolly Roger, Applicant)	Lifeboat Clincher, Double Ender, "Private" 15-passenger
Hayes, D.W. - 2510 East 2nd Street	Ward's, Outboard, Runabout, 1940 Model, "Sea King," 6-passenger
Hughes, Thos. B. - Marshall Ford Dam	Sea King, Outboard, Runabout, 1940 Model, Johnson, 6-passenger
Keister, J.W. - 503 East 8th Street	Inboard, New, "Arkaron Trail," 4-passenger
Lindamood, Will O. - 3801 Speedway	Dixie, Outboard, Runabout, 1940 Model, Evinrude, 6-passenger
Mollberg, B.C. - 105 East 30th Street	Lyman, Outboard, 1940 Model, Johnson, 8-passenger
Stern, Sol - c/o Stern Grain Company	Home-made, Fishing Row Boat, 1938 Model, 3-passenger
Smith, Norman - 4515 Avenue G	Kayak, Row, 1940 Model, 2-passenger
Spillman, Alfred - Route 1, Box 512	Home-made, Outboard, 1939 Model, Evinrude, 5-passenger
Werkenthin, Max J. - 3500 Greenway	Century, Outboard, Sportsman, 1940 Model, "Pug," 5-passenger

The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Gillis, Mayor Miller, and Councilman Wolf; noys, none; Councilmen Alford and Bartholomew absent.

The City Manager submitted to the City Council a letter from W. E. Long, Manager of the Chamber of Commerce, dated June 17, 1940, transmitting the recommendations of the Travis County Highway Committee of the Austin Chamber of Commerce relative to a Master Highway Plan for highways in and around the City of Austin, together with maps and excerpts from the minutes of said Committee showing its recommendations, as approved by the Board of Directors of the Chamber of Commerce; and a resolution of the Commissioners Court of Travis County approving said Plan.

The Mayor then introduced the following resolutions:

WHEREAS, for several years the City of Austin, County of Travis, and the Chamber of Commerce

have been concerned with, and engaged in, a highway plan for Austin and vicinity; and

WHEREAS, the need for an orderly development of traffic routes and through traffic conditions is important to the control of traffic and the promotion of public safety; and

WHEREAS, the City Engineer's Office, working in connection with the City Plan Commission, has studied the problem of highway traffic planning in connection with the general development of a comprehensive city plan; and

WHEREAS, the State Highway Department has considered highway planning for Austin and vicinity and has prepared preliminary maps setting forth their ideas in connection therewith; and

WHEREAS, the City, in conjunction with the Commissioners Court of Travis County and the Highway Planning Committee of the Chamber of Commerce, has thoroughly analyzed said highway plan, and these three groups wish to submit to the State Highway Department certain alternate locations and proposals varying in detail but not in purpose from the plan of the State Highway Department; therefore

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

THAT the City Manager be, and is hereby, authorized and directed to report to the State Highway Commission that the locations of all highway connections, present and proposed, by the City Engineer and City Plan Commission, there concurred in by the Highway Committee of the Chamber of Commerce and the Commissioners Court of Travis County, are concurred in by the City Council of the City of Austin, and that he further request the State Highway Department to review said recommendations as indicated on the plan and to adopt as much thereof as in their judgment may be possible, to the end that all agencies concerned may coordinate their efforts for both planning and construction over the necessary period of years that it will take to accomplish the adequate completion of said plan.

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

A tabulation of bids received for supplies for Brackenridge Hospital for the year beginning July 1, 1940, was submitted by the City Manager.

Upon motion, seconded and carried, the meeting was recessed at 11:35 A. M., subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attent:

Hallie McLean  
City Clerk