

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 15, 1943

The City Council convened in Regular Session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 15, 1943, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of July 7, 1943, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Clyde Montgomery, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, State License No. K99-204, Motor No. AA-873925, recommended for approval by the Acting City Manager et al., was submitted. Councilman Alford moved that the license be granted, subject to cancellation of Taxicab License No. 9 heretofore issued to Frank Sconci, in accordance with the written request of said Frank Sconci for cancellation of same. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Mrs. Walter Lee Carter, colored, 1021 1/2 East 11th Street, for a license to operate as a taxicab a 1940 Model Hudson automobile, Motor No. 4173208, State License for 1942, N26086, for 1943, FD1815, recommended for approval by the Acting City Manager et al., was submitted. Councilman Alford moved that the license be granted to replace Taxicab License No. 49 heretofore issued to Walter Lee Carter, colored, now deceased. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Eugene Bromond Mays, Jr., 1601 East 7th Street, for a taxicab driver's permit, recommended for approval by the Acting City Manager et al., was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of James Arthur Smith, 1702 Singleton Avenue, for a taxicab driver's permit, recommended for approval by the Acting City Manager et al., was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis:

(RESOLUTION)

WHEREAS, J. F. Johnson is the Contractor for the repair of a building located at 710-12 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lot D, Block 83 of the Original City of Austin, Travis County, 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 J. F. Johnson, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Congress Avenue to a point 6 feet east of the west curb line to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 42 feet to a point; thence in a westerly direction and at right angles with the centerline of Congress Avenue to the southeast corner of the above described property.

2. That the above privileges and allotment of space are granted to the said J. F. Johnson , 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 lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(3) That "No Parking" signs shall be placed on the street side of the barricades.

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

(5) 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.

(6) 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.

(7) 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 barricades, sidewalk, materials, equipment, and other obstructions shall be removed not later than August 1, 1943,

(8) 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.

(9) 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.

(10) 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.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), 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 or abuse 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 Gillis, the foregoing resolution was adopted by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "no," none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

(RESOLUTION)

WHEREAS, W. A. Brooks is the Contractor for the alteration of a building located at 605 San Jacinto Street, and desires a portion of the alley space on Lot K, Block 67, 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 W. A. Brooks, the boundary

of which is described as follows:

ALLEY WORKING SPACE

BEGINNING at the northwest corner of the above described property and thence in a northerly direction and at right angles to the centerline of the alley; thence in an easterly direction and parallel with the centerline of said alley approximately 40 feet to a point; thence in a southerly direction to the northeast corner of the above described property.

2. That the above privileges and allotment of space are granted to the said W. A. Brooks, 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 "No Parking" signs shall be placed on the alley side of the barricades.

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

(4) 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.

(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 August 14, 1943.

(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 (\$1,000.00), 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 or abuse 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 Alford, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a private boat dock

on the property leased by Marion Fowler as described in the Travis County Deed Records and known as part of the Walsh Estate, on the shore of Lake Austin, and hereby authorizes the said Marion Fowler to construct, maintain, and operate this private boat dock subject to same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire, and health regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Marion Fowler has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(RECOMMENDATIONS ATTACHED)

" Austin, Texas
June 15, 1943

Mr. Walter E. Seaholm
Acting City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have reviewed the plans and have considered the application of Marion Fowler, lessee of a piece of property abutting Lake Austin, known as part of the Walsh Estate, and listed in the Travis County Deed Records, for permission to construct an addition and maintain a private boat dock projecting out into Lake Austin approximately 50 feet.

I recommend that Marion Fowler be granted permission to construct an addition and maintain a private boat dock subject to the following conditions:

(1) That nothing but creosoted or cedar piles and heavy iron bolts be used in the construction of this pier, dock or wharf.

(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares, and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

(3) That no structure shall extend into Lake Austin more than fifty (50) feet beyond normal high water or more than one-third the distance from shore to shore at point where structure is located.

(4) That every structure shall be equipped with proper lights which show all around the horizon for night use, and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

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

The written application of John W. Stayton for a change in the zoning of the property at 609 Frazon Street from "C-Commercial" District to "C-2- Commercial" District was received. Mayor Miller moved that the matter be referred to the Board of Adjustment for consideration and recommendation; and that a public hearing on same be called for August 5. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following applications for licenses to operate private boats, recommended for approval by the Lake Austin Navigation Board, were submitted:

Name and Address of ApplicantDescription of Boat

Arnhamn, F. R. -

Thomson, Outboard, 1940 Model,
V-Bottom, Evinrude, 3-passen-
ger

Forrest, Mrs. Floyd M. - 907 W. 22nd Street

Thomson, Row Boat, New, 2-passen-
ger

Gaston, Billy Dick - 3200 Hemphill Street

Home-made, Outboard, 1940 Model,
Hydroplane, Johnson, 2-passen-
ger

Greathouse, E. M. - 1215 Newton Street

Home-made, Outboard, Skiff, 1943
Model, Sea King, 4-passenger

Mitchell, Albert - 1809 Nueces Street

Factory-built, Assembled by Ap-
plicant, Kayak, 1943 Model,
Paddle Boat, "Surd", 1-passe-
nger

Pirie, Mrs. J. E., Jr.-3200 Guadalupe Street

Owner-built, Outboard, Canvas,
1940 Model, "Water Witch",
Sears-Roebuck, 2-passenger

Quinn, Reed - 2807 Salado Street

Home-built, 1-Class M. Racing
Hydroplane, 1939 Model,
Evinrude, 1-passenger

Stephens, J.C. - 3515 Bonnie Road

Century, Inboard, Open Launch,
1939 Model, 6-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

WHEREAS, by Minute No. 20006 of the State Highway Commission, dated June 9, 1943, a copy of which is attached hereto and made a part for all intents and purposes, the Texas Highway Commission sets out certain responsibilities and duties to be performed by the Texas Highway Commission and the City of Austin pertaining to the highway development in the vicinity of the City of Austin;

WHEREAS, it would be to the benefit of the City of Austin to accept the duties and responsibilities of the State Highway Commission as set forth in said Order No. 20006 and beneficial to the City of Austin to accept the duties and responsibilities of the City of Austin as set forth in Minute Order No. 20006;

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

THAT the duties and responsibilities of the City of Austin, as set forth in said Minute Order No. 20006, are hereby acknowledged and accepted, and the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized to proceed immediately and diligently with right of way procurement on Project No. 1, as set forth in said Minute Order No. 20006, and is further authorized to carry out the other terms, conditions, and obligations of the City of Austin as set forth in said Minute Order No. 20006.

(MINUTE ORDER ATTACHED)

"Minute No. 20006
June 9, 1943

In TRAVIS COUNTY, as a matter of establishing mutually with the City of Austin the initial general phases of highway development in the vicinity of Austin between U.S. Highway No. 81 on the north and U. S. Highway No. 290 on the east, giving proportionate weight to intra-city and inter-city traffic, previous authority for construction is reiterated and new authority for construction is stated as follows, these being common increments of various plans for the further future traffic development within this area.

1. Construction of grading, drainage structures, surfacing, and railroad grade separation is authorized, extending from a connection with U.S. Highway No. 81 north of Austin near its crossing of the Llano branch of the T. & N. O. Railroad, thence generally in a direct line to Montopolis Bridge, passing south of and adjacent to the Municipal Airport.

2. Construction of grading, drainage structures, and surfacing is authorized for a connection from the proposed route described under No. 1 above.

at or near the Municipal Airport, southerly to a connection with or along East Avenue, to a point at or north of Nineteenth Street.

3. Construction of grading, drainage structures, surfacing, and grade separation is authorized for a connection from the proposed route described under No. 1 above, at or near Montopolis Bridge, thence in a westerly direction across the railroad to a connection with existing east-west street facilities at or near the crossing of Chicon Street.

It is agreed in general that the Texas Highway Department will provide for the cost of grading, transverse drainage within the right of way, grade separations, pavement, sidewalks, curbs and gutters, as may be necessary. The State Highway Department will provide for maintenance of such portions of these projects as may lie outside the city limits of Austin.

The City of Austin, insofar as the length within the City of Austin is concerned on all three projects, agrees to provide all necessary right of way, clear of obstructions, and for the construction of such parallel underground drainage facilities as may be needed, as well as transverse drainage facilities outside of the right of way, and for utility adjustments, lighting, traffic control, and all other work behind the curb lines, all as necessary for a completed traffic facility, with the exception of the items of construction specifically hereinbefore made the responsibility of the State. The City of Austin will indemnify the State during and after construction against any and all liability or damage occasioned by or growing out of construction to be performed by the Texas Highway Department, and will provide for maintenance of that portion of these projects lying within the corporate limits of the City of Austin.

It is generally understood that Project No. 1 identified above will be completed at this time insofar as the necessary permissive authority may be obtained from the Federal Government, the balance thereof and projects numbered 2 and 3 above will be included in the first increment of work to be undertaken in the post war period, and the State Highway Engineer is authorized to complete the preparation of P.S. & E. for this work as soon as the availability of personnel will permit.

This order of the Texas Highway Commission is conditioned upon an acceptance passed officially by the governing body of the City of Austin, acknowledging and accepting the responsibility herein delegated to the City of Austin and agreeing to proceed immediately and diligently with right of way procurement on Project No. 1.

I, Helen Leonard, Chief Minute Clerk of the Texas Highway Department, do hereby certify that the above and foregoing is a true and correct copy of Minute No. 20006, dated June 9, 1943, as the same appears of record in the records of Official Minutes of the State Highway Commission of Texas.

Witness my hand and official seal this 10th day of June, 1943.

(SEAL)

(Sgd) Helen Leonard. "

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of Willie Mae Brown, for the years 1939, 1940, 1941, and 1942, on Lot 11, Block 24, Travis Heights, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$172.69, and for non-payment of same at maturity, penalty in the sum of \$8.63 has been assessed, and interest in the sum of \$18.64 has accrued, making the total amount of taxes, penalty and interest \$199.96; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.63 and one-half of the interest in the sum of \$9.32; therefore,

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

THAT the aforesaid penalty in the sum of \$8.63 and one-half of the interest in the sum of \$9.32 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$8.63 and one-half of the interest in the sum of \$9.32 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of John A. Jackson for the years 1932 through 1942 on merchandise, furniture and fixtures located in the City of Austin, Travis County, Texas, said taxes being for the sum of \$1248.11, and for non-payment of same at maturity, penalty in the sum of \$62.40 has been assessed, and interest in the sum of \$506.30 has accrued, making the total amount of taxes, penalty and interest \$1816.81; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$62.40 and a portion of the interest in the sum of \$406.30; therefore,

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

THAT the aforesaid penalty in the sum of \$62.40 and a portion of the interest in the sum of \$406.30 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$62.40 and a portion of the interest in the sum of \$406.30 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the balance of the interest, as aforesaid.

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

The following resolution was submitted:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of Mrs. Thelma Childress Hall for the years 1929 through 1933 and 1937 through 1942, on Lots 8, 9, 10, and 11, in Block F, Outlot 71, Division "C", in the City of Austin, Travis County, Texas, and on personal property (automobiles) for the years 1934, 1935, and 1937 through 1942, said taxes being for the sum of \$177.47, and for non-payment of same at maturity, penalty in the sum of \$8.87 has been assessed, and interest in the sum of \$65.81 has accrued, making the total amount of taxes, penalty and interest \$252.15; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.87 and one-half of the interest in the sum of \$32.90; therefore,

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

THAT the aforesaid penalty in the sum of \$8.87 and one-half of the interest in the sum of \$32.90 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$8.87 and one-half of the interest in the sum of \$32.90 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

William E. Keller
CITY CLERK