

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 17, 1944

10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4
Absent : Councilman Wolf - 1

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 August 10, 1944, were read, and on motion of Councilman Alford, were adopted as read by the following vote:
Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

The Reverend S. L. Davis, Colored, came before the Council and submitted an offer to buy Lots Four (4) and Five (5), Block Three (3), Outlot 34, Division "B", located at 2108-2110 East 12th Street, the City having tax title to said property, for a cash consideration of \$300.00, or \$400.00 on time, said property to be used for religious purposes.

After a discussion of the matter, the Council agreed to sell said property to the said Reverend S. L. Davis for a cash consideration of \$500.00, and to give the said Reverend S. L. Davis until September 15 next to accept this offer.

The application of M. LARKIN for a Package Store permit at 105 East 6th Street, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Fred Adams, owner of Lot 4, Outlot 61 in Division "B" of the Government Outlots in the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of Rosewood Avenue and Lawson Lane, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of Rosewood 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-973 and made a part hereof; and

WHEREAS, said request and plan have been reviewed and considered by the City Council of the City of Austin; therefore,

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

THAT Fred Adams, owner of Lot 4, Outlot 61 in Division "B" of the Government Outlots in the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of Rosewood Avenue and Lawson Lane, is hereby permitted to construct a commercial driveway across the south sidewalk area of Rosewood 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-973, which plan is hereby attached and 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Holland Page is the Contractor for the alteration of a building located at 903 East 11th Street and desires a portion of the sidewalk and street space abutting part of Lots 12 and 13 of the Fred Carleton Sub-division in the City of Austin, 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 Holland Page, the boundary of which is described as follows:

597

Sidewalk and Street 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 East 11th Street to a point 3 feet south of the south curb line of East 11th Street; thence in an easterly direction and parallel to the centerline of East 11th Street approximately 60 feet to a point; thence in a southerly direction and at right angles to the centerline of East 11th Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Holland Page, 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 west, north 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 is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

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

(4) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(6) 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.

(7) 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.

(8) 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 November 1, 1944.

(9) 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.

(10) 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.

(11) 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.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) 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 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 same.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(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:

A gas main in SANTA MARIA STREET from a point 141 feet east of Prowse Lane easterly 47 feet, the centerline of which gas main shall be 7-1/2 feet south of, and parallel to, the north property line of said Santa Maria Street.

Said gas main described above shall have a covering of not less than 2-1/2 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.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(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 a piece of property abutting the west side of Lake Austin between the mouth of Bee Creek and the Austin Yacht Club, known as Lot No. 18 of the Lake Shore Addition, as recorded in the Deed Records of Travis County, Texas, and hereby authorizes B. G. Gillaspay, owner of the said property, 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 and slips 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 B.G. Gillaspay has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
August 16, 1944

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

Dear Sir:

I, the undersigned, have reviewed the plans and considered the

application of B. G. Gillaspay, owner of a piece of property abutting the west side of Lake Austin between the mouth of Bee Creek and the Austin Yacht Club, known as Lot No. 18 of the Lake Shore Addition, as recorded in the Deed Records of Travis County, Texas, for permission to construct and maintain a private boat dock projecting out into Lake Austin approximately 50 feet beyond the normal high water level of the Lake. This boat dock will consist of a rock wall on three sides approximately two feet above water level and will be filled in with earth to form said dock.

I recommend that B. G. Gillaspay be granted permission to construct and maintain said private boat dock subject to the following conditions:

(1) 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.

(2) 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, and not nearer than ten (10) feet to the side property or lease line.

(3) 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,

/s/ J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of MERVIN ASH for a change in zoning of Lots 1, 2, 3, and 4, Block 10, Gypsy Grove Addition, a subdivision of parts of Outlots Nos. 75 and 76 of the City of Austin, and $44\frac{1}{2}$ feet off the south end of Lots 1, 2, and 3, Block 9, Gypsy Grove Addition, said property being located at the northeast corner of the intersection of King Street and 32nd Street, from "A" Residence District to "B" Residence District, was received. The matter was referred to the Board of Adjustment for consideration and report.

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1934, 1937, and 1938 were assessed in the name of Mrs. May T. Tödner on personal property and on the East 46 feet of Lot 21, Block 7, Outlot 5, Silliman Subdivision, in the City of Austin, Travis County, Texas; said taxes for said years being

in the amount of \$137.67, and for nonpayment of same at maturity, penalty in the sum of \$6.88 has been assessed and interest in the amount of \$58.30 has accrued, making the total amount of taxes, penalties, and interest due \$202.85; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$6.88 and one-half of the interest in the sum of \$29.15; Therefore,

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

THAT the aforesaid penalty in the sum of \$6.88 and one-half of the interest in the sum of \$29.15 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$6.88 and said interest in the sum of \$29.15 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:10 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Hallie M. Miller
CITY CLERK