

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 12, 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, Mayor Miller - 3  
Absent : Councilmen Gillis and Wolf - 2

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.

Pursuant to notice by the Mayor, the meeting was held on Friday, instead of Thursday, the regular meeting day.

The minutes of the Regular Meeting of May 4, 1944, were read, and upon motion of Councilman Alford, were adopted as read by the following vote:

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

The written application of DR. ROBT. W. SHIPP for a change in zoning of the premises at 1502 Lavaca Street, from "C-1" Commercial District to "C-2" Commercial District, was received.

It was moved by Councilman Alford that the matter be referred to the Board of Adjustment for consideration and report, and that a public hearing on same be called for June 1 at 11:00 A. M. The motion carried by the following vote:

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

The written request of AMERICAN LEGION, TRAVIS POST NO. 76, for use of Zilker Park and Zilker Springs for their July Fourth celebration on July 2, 3, and 4, was received.

It was moved by Mayor Miller that the request be granted, and that the Acting City Manager be directed to notify said organization of the Council's action, and to confer with them regarding the concessions. The motion carried by the following vote:

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

The following report of the Board of Adjustment relative to certain amendments to the text of the Zoning Ordinance was received:

"Austin, Texas  
 May 3, 1944

Honorable Mayor and City Council  
 Austin, Texas

Gentlemen:

At a meeting held on April 25, the Board of Adjustment authorized me to submit to the City Council certain amendments to the Zoning Ordinance, as follows:

1. Section 18, Paragraph (e), Page 36, of the printed ordinance, change the last two words "as required" to "of three (3) feet."
2. Section 19, Paragraph (a), Page 38, of the printed ordinance, in the last line change the words "forty feet" to "forty per cent (40%)".

Amendment No. 1 is for the purpose of harmonizing the Zoning Ordinance with the Building Code, which requires a minimum side yard of three feet under the conditions in Section 18.

Amendment No. 2 is for the purpose of correcting a typographical error in the certified official copy in the records of the City Council in which the word "feet" was used instead of "per cent".

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kushne  
 Chairman. "

Councilman Alford moved that a public hearing on the proposed amendments to the Zoning Ordinance as recommended by the Board of Adjustment be called for Thursday, June 1, at 11:00 A. M. The motion carried by the following vote:

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

The application of COLLEGE INN SANDWICH SHOP, 920 Congress Avenue, for a wine and beer retailer's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of DEEP EDDY GROCERY STORE, 2315 Lake Austin Boulevard, for a beer permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of TONY SCONCI, 300 Congress Avenue, for a taxicab license covering a 4-door Chevrolet Sedan, 1942 Model, Motor No. BA374967, State License (1942) No. N23-112, State License (1944) No. FR9-806, duly approved by the Acting City Manager, to replace Taxicab Permit No. 60 cancelled by E. M. Powell, was received. Application granted -ayes 3;noes,none.

The application of MALLIE DEE MURPHY, 209 East 2nd Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of JASPER ELLIS SIMPSON, Star Route B, Box 109A, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of JIMMIE ROBBINS, 400 Pedernales Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

The application of M. J. RUMSEY, 207 Trinity Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

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

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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 EAST 2ND STREET from a point 89 feet east of Canadian Street easterly 102 feet, the centerline of which gas main shall be 25 feet south of, and parallel to, the north property line of said East 2nd 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, Mayor Miller.

Noes : None

Absent: Councilmen Gillis and Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank Rundell is the Contractor for the repairs to a building located at the rear of 2221-23 East 6th Street and desires alley space abutting Lot 7, Block 57, of the Original City of Austin, Travis County, Texas, during the repairs to 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:

THAT space for the uses hereinabove enumerated be granted to the said Frank Rundell, the boundary of which is described as follows:

Alley Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of the alley ten feet to a point; thence in a westerly direction and parallel to the centerline of the alley approximately 46 feet to a point; thence in a northerly direction and at right angles to the centerline of the alley to the southwest corner of the above described property.

THAT the above privileges and allotment of space are granted to the said Frank Rundell, 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, south and west 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 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 construction 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 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 May 20, 1944.

(6) 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.

(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 projects, 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 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.

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

Ayes : Councilmen Alford, Bartholomew, Mayor Miller.

Noes : None

Absent: Councilmen Gillis and Wolf.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller  
MAYOR

ATTEST:

Sharon M. Keen  
CITY CLERK