

The Council then recessed.

Attest:

Hallie McMiller  
City Clerk

Approved:

Tom Miller  
Mayor.

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, January 10, 1935.

The meeting was called to order at 10:35 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, 5; absent, none.

The reading of the Minutes was deferred.

Councilman Wolf offered the following resolution:

WHEREAS, in deed granted by The Austin Sewerage Company to the City of Austin, dated April 1, 1913, of record in the Deed Records of Travis County, Texas, in Volume 257, Page 264, mention is made of a grant or permit of certain parties to sewer rights by reason of an easement for sanitary sewer purposes over part of Block Number Sixty-two (62), Division "D", in the said City of Austin, conveyed by said deed to said City of Austin along with all other property of every kind and character, including all mains, laterals, connections, etc., then owned by said The Austin Sewerage Company; and,

WHEREAS, at the time of the erection of The Home of the Holy Infancy on the southwest part of said Outlot Number Sixty-two (62), Division "D", now owned by Most Reverend C. E. Byrne, Bishop of Galveston, it was discovered that a sewer traversed said property and at that time the sewer line then ending on San Antonio Street, immediately south of West Twenty-sixth Street, was extended to the north side of West Twenty-sixth Street, thence eastward to the street (Hume Place) extending northward over said Outlot No. 62 immediately east of the property conveyed to Joe A. Bauer and now owned by J. W. Saxon and wife, hereinafter mentioned, and that all sewer lines at that time connected to said line traversing the southwest corner of said Outlot No. 62 were connected to said new line, and said sewer traversing the southwest corner of said Outlot No. 62 was abandoned by the City; therefore,

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

THAT the City of Austin releases and relinquishes to the present owners any easement it has over the land in said Outlot No. 62, Division "D", in said City, now owned by J. W. Saxon and wife, and the land owned by Most Reverend C. E. Byrne, Bishop of the Catholic Diocese of Galveston, the easement hereby released extending from the east line of said property owned by said J. W. Saxon and wife conveyed by Geo. T. Hume and wife to Joe A. Bauer, by deed dated January 1, 1915, recorded in the Deed Records of said Travis County, Texas, in Volume 273, pages 117-118, and the west line of said street extending over said Outlot, said line being the west line of the driveway or passage ten (10) feet wide mentioned in said deed to Joe A. Bauer and thence extending westward across the southwest part of said Outlot No. 62 to the east line of Nueces Street.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford,

Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford 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 Waller Street, beginning at a point 20 feet west of and 17 feet north of the intersection of the east line of Waller Street and the south line of that portion of Willow Street which is east of Waller Street; thence in a northerly direction with the centerline of the gas main, which centerline shall be 20 feet west of and parallel to the east line of said Waller Street to a point that is 70 feet south of the south line of East 4th Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Sabine Street, beginning at a point 30 feet south of and 18 feet east of the intersection of the north line of East 4th Street and the west line of Sabine Street; thence in a northerly direction with the centerline of the gas main, which centerline shall be 18 feet east of and parallel to the west line of Sabine Street for a distance of 35 feet. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in Marathon Boulevard, beginning at a point on the City limit line of the City of Austin 8½ feet west of the east line of said Marathon Boulevard; thence in a southerly direction with the centerline of a gas main, which centerline shall be 8½ feet west of and parallel to the east line of Marathon Boulevard for a distance of 55 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 out 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report was read:

" Austin, Texas  
January 9, 1935.

Mr. Guiton Morgan  
City Manager  
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of Alton Howell for permission to construct, maintain, and operate a drive-in gasoline filling station, and to construct curbs, ramps, sidewalks, and driveways in conjunction therewith, which filling station is to be located at the southeast intersection of East 11th Street and East Avenue upon property known as Lot 20 of Fred Carleton's Subdivision of Outlot 1, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is locally known as 1011 East Avenue, and has been leased by the owner, Mrs. Ida M. Schulze, to the said Alton Howell, and we hereby advise that the following conditions exist:

On December 20, 1934, the City Council of the City of Austin passed an ordinance changing the Use designation of various lots in the aforesaid Fred Carleton's Subdivision, including the said Lot 20 in the change, from "A" Residence District to "C" Commercial District.

A storm sewer inlet exists at the southeast intersection of East Avenue and East 11th Street.

We recommend that Alton Howell be granted permission to construct, maintain, and operate said drive-in gasoline filling station, and to construct curbs, ramps, sidewalks, and driveways in conjunction therewith upon the above described property subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City's streets.
- (3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.
- (4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-412.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-412, and shall be of the pre-moulded type.
- (6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral, City Engineer.

" J. C. Eckert, Building Inspector. "

Councilman Gillis then offered the following resolution:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the southeast intersection of East 11th Street and East Avenue, which property is owned by Mrs. Ida M. Schulze and is known as Lot 20 of Fred Carleton's Subdivision of Outlot 1, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and being locally known as 1011 East Avenue,—and hereby authorizes Alton Howell to construct, maintain, and operate a drive-in gasoline filling station, and to construct curbs, ramps, sidewalks, and driveways in conjunction therewith upon the above described property, subject to the same's being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and 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 proper police, traffic, and fire regulations; and the right of revocation is retained if,

after hearing, it is found by the City Council that the said Alton Howell has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford 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 THIRTY-SEVENTH STREET, beginning at a point  $13\frac{1}{2}$  feet south of and  $13\frac{1}{2}$  feet west of the intersection of the north line of West 37th Street and the east line of Oakmont Boulevard;

Thence in an easterly direction with the centerline of said gas main, which centerline shall be  $13\frac{1}{2}$  feet south of and parallel to the north line of said West 37th Street, to a point that is 85 feet east of the east line of Oakmont Boulevard.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in WEST THIRTY-EIGHTH STREET, beginning at a point  $13\frac{1}{2}$  feet south of and  $13\frac{1}{2}$  feet west of the intersection of the north line of West 38th Street and the east line of Oakmont Boulevard;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be  $13\frac{1}{2}$  feet south of and parallel to the north line of said West 38th Street, to a point that is 118 feet west of the west line of Oakmont Boulevard;

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in OAKMONT BOULEVARD from West 37th Street to West 38th Street, the centerline of which gas main shall be  $13\frac{1}{2}$  feet west of and parallel to the east line of said Oakmont Boulevard;

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  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 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis moved to rescind the certain resolution passed by the City Council at its regular meeting of December 20, 1934, accepting the bid of F. O. Youmans for the furnishing and installing of all materials and labor necessary in the construction of certain water mains, for the aggregate sum of \$146,259.40, based upon unit prices given in said bid, and directing the City Manager to enter into contract with said F. O. Youmans for such purposes, subject to approval of the Federal Emergency Administration of Public Works, as same appears of record in Minute Book No. 14, Page 618. The motion was seconded by Councilman Alford and the same carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Engineering Staff was read:

" Austin, Texas  
January 9, 1935.

Docket No. 4870  
Project No. 593  
Water Line Extension.

Hon. Mayor and City Council  
Austin, Texas.

Gentlemen:

We submit herewith tabulation of bids received and opened at 2:00 P. M., December 19, 1934, on the "Water Line Extension," P. W. A. Docket No. 4870, Project No. 593. Nineteen (19) bids were received and tabulated, as indicated on attached tabulation.

It is the recommendation of the Engineering Staff that the following bids:

Installation -	F. O. Youmans Houston, Texas.	\$ 30,302.90
Pipe -	U. S. Cast Iron Pipe & Foundry Co., Burlington, N. J.	104,069.53
Fittings -	Tips Engine Works- Heierman Industries Inc. Austin, Texas.	3,920.00
Valves -	Rensselaer Valve Co., Troy, N. Y. Agent, Walter Tips Co., Austin, Texas.	3,475.30
Fire Hydrants -	Columbian Iron Works, Chattanooga, Tenn. Agent, John O. Ross Hdw. Co., Austin, Texas.	2,067.12
Goosenecks -	Mueller Co., Decatur, Ill.	<u>179.50</u>
		\$144,014.65

being the lowest and best bids for furnishing and installing of all materials and labor necessary in the construction of certain water mains, as set forth in the plans and specifications of that project, as indicated by the unit prices set forth in their proposals, be accepted.

Very truly yours,

ENGINEERING STAFF

By (Sgd) Walter E. Seaholm  
J. E. Motheral  
O. G. Levander  
Albert R. Davis  
Tom O. Green. "

Councilman Gillis then offered the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works, and the provisions of the City Charter of the City of Austin, Texas,

proposal for bids for the various works under P.W.A. Docket No. 4870, Eng. Ref. No. 593, was duly advertised to be received by the City Manager and to be opened at 2 o'clock P. M. Wednesday, December 19, 1934, at the City Hall in the City of Austin, Texas; and

WHEREAS, at said time and place said bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the certain persons and firms as noted below were respectively the lowest and best bidders for the work designated under Docket No. 4870, Eng. Ref. No. 593, to wit, respectively, the installing of all materials and labor necessary in the construction of water mains, and the furnishing of all materials therefor, and that said bids were regular and proper in all particulars; therefore,

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

1. THAT the bid of F. C. Youmans, of Houston, Texas, to do all the work and furnish all necessary superintendents, labor, machinery, equipment and tools and necessary materials except pipe, fittings, valves, fire hydrants and goosenecks, as specified, in the construction of said water mains, for the aggregate sum of \$30,302.90, be and the same is hereby accepted;

2. THAT the bid of United States Pipe & Foundry Company of Burlington, N. J., for furnishing cast iron pipe, as specified, for the construction of said water mains, in the aggregate sum of \$104,069.53, be and the same is hereby accepted;

3. THAT the bid of Tips Engine Works-Heierman Industries, Inc., Austin, Texas, for furnishing 40 tons special castings, as specified, and required in the construction of said water mains, for the aggregate sum of \$3920.00, be and the same is hereby accepted;

4. THAT the bid of Rensselaer Valve Co., of Troy, N. Y., for the furnishing of valves, as specified, in the construction of said water mains, in the aggregate sum of \$3475.30, be and the same is hereby accepted;

5. THAT the bid of Columbian Iron Works, Chattanooga, Tenn., for the furnishing of fire hydrants in connection with the construction of said water mains, as specified, in the aggregate sum of \$2,067.12, be and the same is hereby accepted; and

6. THAT the bid of Mueller Co., of Decatur, Ill., for the furnishing of goosenecks to be used in the construction of said water mains, as specified, in the aggregate sum of \$179.80, be and the same is hereby accepted;

It being understood that the bids hereinabove respectively accepted shall be subject to the approval of the Federal Emergency Administration of Public Works; and the City Manager in behalf of the City of Austin is hereby authorized and instructed to enter into contracts, respectively, with said persons and firms for such purposes, subject to the approval of the Federal Emergency Administration of Public Works.

The resolution was read and upon motion of Councilman Gillis, seconded by Councilman Alford, the same was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following communication from the State Highway Department was read:

"Austin, Texas  
January 8, 1935.

Mr. Guiton Morgan  
City Manager  
City of Austin  
Austin, Texas.

Dear Sir:

This is to advise that the following Minute was passed by the State Highway Commis-



sion on December 19, accepting the proposal of the Austin City Council to furnish right-of-way from the end of South Congress Avenue through the LaPrelle Place to the Austin City Limits:

"WHEREAS, in Travis County, the Austin City Council has made a proposal whereby they will obtain 100' right-of-way on State Highway No. 2, from the end of the 90' pavement on South Congress Avenue through LaPrelle Place to the present construction on State Highway No. 2, at the Austin City Limits, thereby eliminating two right angle turns, which are very dangerous, and

WHEREAS, the Austin City Council also proposed to install curb lighting similar to that recently installed on South Congress Avenue; and

WHEREAS, this proposal is made on condition that the State Highway Department will construct a 70' pavement from the end of the present pavement on South Congress Avenue to the Austin City Limits;

It is, THEREFORE, ordered by the State Highway Commission that this proposal be accepted contingent upon the location being approved by the State Highway Engineer; this work to be done as a municipal project. "

Yours truly,

Gibb Gilchrist  
State Highway Engineer

By (Sgd) T. H. Webb,  
Assistant State  
Highway Engineer. "

Councilman Gillis then announced that he had secured options on the necessary right-of-way for the extension of South Congress Avenue through the La Prella Place to connect with State Highway No. 2, totalling approximately \$29,800.00, said amount being about one-half of the original estimate of the cost of such right-of-way.

Councilman Wolf moved that a vote of thanks be extended to Councilman Gillis for his untiring efforts in securing said right-of-way and to the property owners in the La Prella Place for their liberal cooperation in the matter. The motion carried.

The Minutes of the regular meeting of December 20th, 1934, the special meeting of December 31, 1934, and the regular meeting of January 3, 1935, 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, 5; nays, none.

There being no further business, Councilman Gillis moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 11:30 A. M.

Approved:

Tom Miller  
MAYOR.

Attest:

Helen McKee  
City Clerk