

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 18, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, September 18, 1941, at 10:55 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meetings of September 4, and September 11, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. Geo. W. Tod, 1220 Parkway, came before the Council and complained of the inconvenience he was being subjected to by reason of the inconsistency in house numbers adjacent to his place. The matter was referred to the City Manager and the City Engineer to dispose of.

It was moved by Councilman Bartholomew that the following application for a private boat license be granted, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

Wolff, Howard - 3805 Speedway

Home-made, Snipe, Sail Boat, 4-passenger

The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf:

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 northwest corner of East 15th Street and San Jacinto Street, which property is owned by Continental Oil Company, and is designated as a portion of Outlot 54, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Continental Oil Company, acting by and through Frank Bettis, Assistant Division Manager, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, 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 the 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 Continental Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations
Attached)

"Austin, Texas
September 18, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Continental Oil Company for permission to construct, maintain and operate a drive-in gasoline filling station on their property in Outlot 54, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of East 15th Street and San Jacinto Street within the City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C-1" Commercial District, as shown upon the Zoning maps of the City of Austin.

Storm water drainage facilities exist adjacent to the above described property.

We recommend that the Continental Oil Company be granted permission to construct, maintain and operate a drive-in gasoline filling station and to build curbs, driveways and sidewalks in conjunction therewith 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 streets.

(3) That the grades of the station shall be such that no waste water or oils 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-A-186.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-A-186, 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. M. Motheral
City Engineer

" J. C. Eckert
Building Inspector. "

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, C. H. Toungate is the Contractor for the alteration of a building located at 302 West 15th Street and desires a portion of the sidewalk and street space abutting Lot 5, Block 38, 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 used 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 C. H. Toungate, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at the southwest corner of the above described property; thence in a southerly direction and at right angles with the centerline of West 15th Street to a point approximately 8 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of West 15th Street approximately 45 feet to a point; thence in a northerly direction and at right angles with the centerline of West 15th Street to the south property line of the above described property.

2. That the above privileges and allotment of space are granted to the said C. H. Toungate, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support

same to prevent sagging under load.

(2) That "No Parking" signs shall be placed on the street 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 October 1, 1941.

(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 space 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 project, 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 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: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf:

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 located on the south side of East 6th Street at a location approximately 100 feet east of Chicon Street within the City of Austin, Travis County, Texas, and hereby authorizes the said Continental Oil Company, acting by and through Frank Bettis, Assistant Division Manager, to construct, maintain, and operate a drive-in gasoline and oil wholesale bulk distributing plant and to construct curbs, sidewalks, and commercial driveways in conjunction therewith, 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 gasoline and oil wholesale bulk distributing plant 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

Continental Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
September 18, 1941

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Continental Oil Company for permission to construct, maintain, and operate a drive-in gasoline and oil wholesale bulk distributing plant upon property held under lease by the said Continental Oil Company, which property is situated on the south side of East 6th Street at a location approximately 100 feet east of Chicon Street within the City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this gasoline and oil wholesale bulk distributing plant is to be located is designated as "E" Heavy Industrial Use District, as shown upon the zoning maps of the City of Austin.

Storm water drainage facilities do not exist adjacent to the above described property.

We recommend that the Continental Oil Company be permitted to construct, maintain, and operate a gasoline and oil wholesale bulk distributing plant upon the above described property and to build curbs, ramps, and sidewalks in conjunction therewith, 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 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, or shall be concentrated into a seep well located upon the property 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) 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-A-187.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-A-187, 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,

(Signed) J. E. Motheral
City Engineer

" J. C. Eckert
Building Inspector. "

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

The following resolution was introduced by Councilman Alford:

WHEREAS, the Pitts Ice Company, acting by and through Wm. Pitts, owner of Lot 10, Block 1, of Riverside Addition, which property is situated at the southwest corner of the intersection of Chalmers Avenue and East 1st Street within the City of Austin, Travis County, Texas, had made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Chalmers 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-931, and made a part hereof; and

WHEREAS, said request and plan has 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 the Pitts Ice Company, acting by and through Wm. Pitts, owner of Lot 10, Block 1, of Riverside Addition, which property is situated at the southwest corner of the intersection of Chalmers Avenue and East 1st Street within the City of Austin, Travis County, Texas, is hereby permitted to construct a commercial driveway across the west sidewalk area of Chalmers 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-931, 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.

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

The following resolution was introduced by Councilman Alford:

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 2ND STREET ALLEY from San Antonio Street westerly 102 feet, the centerline of which gas main shall be 4 feet north of, and parallel to, the south property line of said West 2nd Street Alley.

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

- (2) A gas main in WEST 31ST STREET from Jefferson Street westerly 117 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said West 31st Street.

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

- (3) A gas main in EAST AVENUE across East Avenue, at a location 180 feet north of Ardenwood Road.

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

- (4) A gas main in EAST AVENUE from Ardenwood Road northerly 180 feet, the centerline of which gas main shall be 7½ 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.

- (5) A gas main in EAST 11TH STREET from a point 36 feet east of Lincoln Street easterly 66 feet, the centerline of which gas main shall be 22 feet south of, and parallel to, the north property line of said East 11th Street.

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

- (6) A gas main in EAST 49TH STREET from a point 407 feet west of Harmon Avenue westerly 34 feet, the centerline of which gas main shall be 7½ feet south of, and parallel to, the north property line of said East 49th Street.

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

- (7) A gas main in WINDSOR ROAD from Robin Hood Trail easterly 410 feet, the centerline of which gas main shall be 42½ feet north of, and parallel to, the south property line of said Windsor Road.

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

- (8) A gas main in THE CIRCLE from a point 270 feet north of Drake Avenue northerly 95 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to, the east property line of said The Circle.

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

- (9) A gas main in NORWALK LANE from West 9th Street northerly 126 feet, the centerline of which gas main shall be 7½ feet west of, and parallel to the east property line of said Norwalk Lane.

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

- (10) A gas main in BURNET ROAD from West 47th Street southerly 144 feet, the centerline of which gas main shall be 1 foot east of, and parallel to, the west property line of said Burnet Road.

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

- (11) A gas main in ARLINGTON STREET from Lake Austin Boulevard southerly 188 feet, the centerline of which gas main shall be 6½ feet west of, and parallel to, the east property line of said Arlington Street.

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

- (12) A gas main in FRENCH PLACE from a point 64 feet north of East 32nd Street northerly 342 feet, the centerline of which gas main shall be 1 foot west of, and parallel to, the east property line of said French Place.

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.

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

Councilman Wolf moved that the application of J. W. Doran, 712 West 6th Street, for a taxicab driver's permit be granted, subject to six months' probation, revocable at any time for cause, as recommended by the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following certificate of the City Manager on the destruction of cancelled Electric Light and Power System Revenue Notes was received and ordered filed:

STATE OF TEXAS :
COUNTY OF TRAVIS :
CITY OF AUSTIN :

This is to certify that I have, on this 11th day of September, 1941, as directed by a Resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attesting witnesses, caused the following numbered and otherwise described cancelled notes to be destroyed by cremation in the City Incinerator, together with sundry cancelled coupons paid by the City of Austin, Texas, on its Notes Payable:

Numbers	BONDS		Interest Coupons	Total
	Amount			
1	\$ 10,000.00		\$ 300.00	\$ 10,300.00
2	10,000.00		300.00	10,300.00
3	10,000.00		300.00	10,300.00
4	10,000.00		300.00	10,300.00
5	10,000.00		225.00	10,225.00
6	10,000.00		225.00	10,225.00
7	10,000.00		225.00	10,225.00
8	10,000.00		225.00	10,225.00
9	10,000.00		225.00	10,225.00
10	10,000.00		225.00	10,225.00
11	10,000.00		225.00	10,225.00
12	10,000.00		225.00	10,225.00
13	10,000.00		225.00	10,225.00
14	10,000.00		225.00	10,225.00

BONDS		Interest	Total
Numbers	Amount	Coupons	
15	\$ 10,000.00	\$ 225.00	\$ 10,225.00
16	10,000.00	225.00	10,225.00
17	10,000.00	225.00	10,225.00
18	10,000.00	225.00	10,225.00
19	10,000.00	225.00	10,225.00
20	10,000.00	225.00	10,225.00
21	1,000.00	22.50	1,022.50
22	1,000.00	22.50	1,022.50
23	1,000.00	22.50	1,022.50
24	1,000.00	22.50	1,022.50
25	1,000.00	22.50	1,022.50
26	1,000.00	22.50	1,022.50
27	1,000.00	22.50	1,022.50
28	1,000.00	22.50	1,022.50
29	1,000.00	22.50	1,022.50
30	1,000.00	22.50	1,022.50
31	10,000.00	225.00	10,225.00
32	10,000.00	225.00	10,225.00
33	10,000.00	225.00	10,225.00
34	10,000.00	225.00	10,225.00
35	10,000.00	225.00	10,225.00
36	10,000.00	225.00	10,225.00
37	10,000.00	225.00	10,225.00
38	10,000.00	225.00	10,225.00
39	10,000.00	225.00	10,225.00
40	10,000.00	225.00	10,225.00
41	10,000.00	225.00	10,225.00
42	10,000.00	225.00	10,225.00
43	10,000.00	225.00	10,225.00
44	10,000.00	225.00	10,225.00
45	10,000.00	225.00	10,225.00
46	10,000.00	225.00	10,225.00
47	10,000.00	225.00	10,225.00
48	10,000.00	225.00	10,225.00
49	10,000.00	225.00	10,225.00
	<u>\$400,000.00</u>	<u>\$9,300.00</u>	<u>\$409,300.00</u>

(Signed) Guiton Morgan
City Manager

WITNESSES:

(Signed) Simon Gillis
" Oswald G. Wolf
" Roy A. Barbisch "

Upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

Approved Tom Miller
Mayor

Attest:

Hallie M. Kellar
City Clerk