

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 15, 1934.

The meeting was called to order 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 regular order of business was suspended

The proposal of P. L. Ernest to purchase approximately four acres of ground out of the Robert Mueller Airport tract was referred to the City Manager.

The petition of Mrs. Alton Howell, et al, for a change in the zoning of property on East 11th Street between East Avenue and San Marcos Street was referred to the City Manager and Building Inspector for attention, and, if advisable, to the Board of Adjustment for recommendation.

The Council of Presidents of the Colored P. T. A. submitted a petition asking for the opening and improvement of Leona Street from East 13th to East 7th Streets; for traffic officers and street lights at the various colored schools; and for the closing of Curve Street from Olive to Catalpa Streets. The City Manager was instructed to have the various matters attended to if practicable, particularly the opening of Leona Street if the cost is not prohibitive.

Upon motion of Councilman Gillis, the City Attorney was instructed to prepare an ordinance closing that portion of Comal Street adjacent to the city cemeteries, lying between East 14th and East 19th Streets.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$10.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding to Fred Beeman the unused portion of license issued to the Southern Exposition Shows.

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

Clay C. Simpson, Chief Engineer for the Texas Asphalt Service Company, submitted a proposal for the resurfacing of the paved streets of the City with a process known as Pentralac. Councilman Bartholomew moved that the matter be referred to the City Manager and City Engineer for a report at the next meeting. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The request of Mrs. Noyes D. Smith that the city limits be extended to include a portion of Oakmont was referred to the City Manager to work out certain details in connection with the matter and report to the Council.

Councilman Alford offered the following resolution:

WHEREAS, W. T. Caswell, for the purpose of creating a public street and passageway on and over the land hereinafter described, has tendered his deed to the City of Austin to a strip of land out of Outlot 10, Division "Z", in the City of Austin, Travis County, Texas, and described by metes and bounds as follows:

Beginning at an iron stake on the east line of the George W. Spear League and on the east line of the J. W. Harris 189 acre tract and on the west line of Outlot 10, Division "Z", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and from which point of beginning a concrete monument set at the original north-east corner of said J. W. Harris 189 acre tract bears N. 30° E. 350.73 feet, and also

from which point of beginning the northwest corner of a 1.10 acre tract of land previously conveyed to the City of Austin by W. T. Caswell bears S. 30° W. 422.33 feet; thence S. 33°22' E. 556.7 feet to an iron stake on the north line of Gaston Avenue, the same being at the point of curvature of a curve whose intersection angle is 42°55' and whose radius is 300.15 feet; thence in a westerly and southwesterly direction following said curve an arc distance of 187.89 feet, the long chord of which arc bears N. 63°46' W. 184.84 feet to a point where this curve intersects and becomes tangent to a curve whose intersection angle is 131°40', whose tangent distance is 58.36 feet and whose radius is 26.19 feet; thence in a northerly and northwesterly direction following the last mentioned curve an arc distance of 60.19 feet, the long chord of which arc bears N. 32°28' E. 47.79 feet; thence N. 33°22' W. 361.61 feet to an iron stake on the east line of the George W. Spear League; thence N. 30° E. 55.93 feet to the point of beginning;

and,

WHEREAS, Pemberton Heights Company, also for the above mentioned purpose, has tendered its deed to the City of Austin to a strip of land out of the George W. Spear League now in the City of Austin, Travis County, Texas, and described by metes and bounds as follows:

Beginning at an iron stake on the East line of the George W. Spear League and on the East line of the J. W. Harris 189 acre tract and on the West line of Outlot 10, Division "2" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and from which point of beginning a concrete monument set at the original Northeast corner of said J. W. Harris 189 acre tract bears N. 30° E. 350.73 feet, and also from which point of beginning the Northwest corner of a 1.10 acre tract of land previously conveyed to the City of Austin by W. T. Caswell bears S. 30° W. 422.33 feet; thence N. 33°22' W. 411.62 feet to an iron stake on the East line of Wooldridge Drive, the same being a point on a curve whose intersection angle is 37°51' and whose radius is 817.2 feet; thence in a southerly and southwesterly direction following said curve an arc distance of 106.37 feet, the long chord of which arc bears S. 30°44' W. 106.29 feet to a point where this curve intersects and becomes tangent to a curve whose intersection angle is 139°10', whose tangent distance is 21.53 feet and whose radius is 8.01 feet; thence in a northerly and northeasterly direction following the last mentioned curve an arc distance of 19.46 feet, the long chord of which arc bears N. 77°03' E. 15.01 feet; thence S. 33°22' E. 346.71 feet to an iron stake on the east line of the George W. Spear League; thence N. 30° E. 55.93 feet to the point of beginning;

and,

WHEREAS, Said two above described strips of land compose a continuous strip of land 50 feet in width from Wooldridge Drive to Gaston Avenue, in the City of Austin; and it is deemed advantageous and advisable by the City Council that said two deeds should be accepted, and that a public street should be established over said strip of land as conveyed, subject to the conditions that hereinafter follow; therefore,

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

THAT the two above mentioned deeds be and the same are hereby accepted, and that a street to be known as Claire Avenue be and the same is hereby established over the two strips of land herein above described and extending from Wooldridge Drive to Gaston Avenue, said street to be known and named CLAIRE AVENUE; provided, however, that such acceptance and such action is conditioned on said street's being first improved to the satisfaction of the City of Austin.

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

Councilman Wolf offered the following ordinance:

AN ORDINANCE AMENDING SECTION 4 OF AN ORDINANCE ENTITLED "AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT OF A PORTION OF EAST FOURTH STREET LYING BETWEEN THE EAST PROPERTY LINE OF RED RIVER STREET AND THE EAST PROPERTY LINE OF SABINE STREET, IN THE CITY OF AUSTIN, TEXAS; CAUSING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS TO BE PREPARED AND FILED; CAUSING AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS TO BE PREPARED AND FILED; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR SUCH IMPROVEMENTS."

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance placed on its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis 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 EAST FORTIETH STREET, or Alvah Street, from Red River Street to Becker Avenue, the centerline of which gas main shall be 17 feet south of and parallel to the north line of said East 40th Street, or Alvah Street.

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

(2) A 4" gas main in EAST THIRTEENTH STREET, beginning at a point 22 feet north of and 65 feet west of the intersection of the south line of East 13th Street and the West line of that portion of Comal Street that lies south of said East 13th Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 22 feet north of and parallel to the south line of said East 13th Street for a distance of 143 feet.

Said gas main described above shall have a cover 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 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 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, E. B. Snead is the Contractor for the construction of a four million gallon settling basin located at the intersection of Nueces Street with West 2nd Street and desires a portion of the sidewalk and street space adjoining this property during the construction

of the settling basin, 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 E. B. Sneed, the boundary of which is described as follows:

**SIDEWALK AND STREET WORKING SPACE**

Beginning at the northeast corner of Block 1 of the Original City of Austin, Texas; thence in a westerly direction along the south line of West 2nd Street to the northeast corner of Block 155 of the Original City; thence in a northerly direction along the west line of Nueces Street a distance of 208 feet; thence in an easterly direction and at right angles to the centerline of Nueces Street a distance to the east line of Nueces Street; thence in a southerly direction along the east line of Nueces Street a distance to the north line of West 2nd Street; thence in an easterly direction along the north line of West 2nd Street a distance to the west line of San Antonio Street; thence in a southeasterly direction to the point of intersection of the centerline of San Antonio Street with the south line of West 2nd Street; thence in a southerly direction along the centerline of San Antonio Street a distance of 128 feet; thence in a westerly direction and at right angles to the centerline of San Antonio Street a distance to the west line of San Antonio Street; thence in a northerly direction along the west line of San Antonio Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said E. B. Sneed, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a substantial fence and gate, 4 feet high, across Nueces Street along the north boundary line of the working space in Nueces Street and shall construct a similar fence and gate extending north and northwest from the south boundary line of the working space in San Antonio Street to the northwest corner of the intersection of San Antonio Street with West 2nd Street; and further that all fences and gates shall be constructed in accordance with the plat hereto attached.

(2) That the Contractor shall place a "STREET CLOSED" sign in the center of the street on the fence across Nueces Street and shall place a similar sign in the center of the street on the fence across West 2nd Street.

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

(4) That the gates mentioned above shall be so constructed and of such width as to permit easy access to the enclosed working spaces by City fire trucks.

(5) That provision 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 waters.

(6) That the Contractor shall place on the outside corners of all fences, barricades and other obstructions, red lights during all periods of darkness.

(7) That the Contractor shall maintain an open passageway extending in width from the north line of West 2nd Street to a line 12 feet south of the north curb line of West 2nd Street, and extending in length from the fence across West 2nd Street in San Antonio Street to the east line of Nueces Street.

(8) That the Contractor is permitted to construct a temporary work office within such allotted working space.

(9) 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 June 30, 1935.

(10) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(11) 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 of safeguards if the conditions demand it.

(12) That the Contractor 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 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 fence and other safeguards during the occupancy of the space.

The 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, S. D. Buratti is the Contractor for the construction of a building located at 801 Red River Street and desires a portion of the sidewalk space abutting Lot 1, Block 92, of the Original City of Austin, Texas, during the construction 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 S. D. Buratti, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at the southwest corner of the above described lot; thence in an easterly direction along the north line of East 8th Street a distance of 69 feet; thence in a southerly direction and at right angles to the centerline of East 8th Street a distance of 5 feet; thence in a westerly direction and parallel with the centerline of East 8th Street a distance of 74 feet; thence in a northerly direction and parallel with the centerline of Red River Street a distance of 35 feet; thence in an easterly direction and at right angles to the centerline of Red River Street a distance to the east line of Red River Street; thence in a southerly direction along the east line of Red River Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said S. D. Buratti, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail at least 4 feet high and substantially braced and anchored along the south and west boundary lines of the above described working space.

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

(3) That provision 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 waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(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 December 6, 1934.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(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 of safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2000.00), 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 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.

The 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, On November 1, 1934, the City Council of the City of Austin authorized the Texas Public Service Company to construct a gas main in Hampton Road northerly from a main in Harris Avenue, or East 34th Street, for a distance of 548 feet; and

WHEREAS, During the course of construction of said gas main conditions developed which warranted a change in the alignment of a portion of the original assignment of space; and

WHEREAS, The said Texas Public Service Company has requested the City Council of the City of Austin to authorize the desired changes in order to facilitate the construction of the aforesaid gas main; and

WHEREAS, The said Texas Public Service Company has requested an additional assignment to continue northerly from the northern end of said assignment as authorized by the City Council on November 1, 1934, which original assignment is recorded in Minute Book 14, at page 584, of the Council Minutes on file with the City Clerk of the City of Austin; and

WHEREAS, The City Engineer has reviewed the conditions upon the ground and recommends that said change be made; and

WHEREAS, The City Council has investigated and approved such change; therefore

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

THAT the north 40 feet of a gas assignment in Hampton Road as authorized by the City Council on November 1, 1934, and recorded in Minute Book 14, at page 584, of the Council Minutes on file with the City Clerk of the City of Austin be and the same is hereby cancelled and the Texas Public Service Company is hereby assigned space for a gas main in Hampton Road, the centerline of which gas main is described as follows:

Beginning at a point 19.5 feet east of and 488 feet north of the intersection of the north line of East 34th Street, or Harris Avenue, and the centerline of Hampton Road, which point of beginning is on said gas assignment as authorized by the City Council on November 1, 1934, and is 40 feet south of the most northerly limit of said assignment;

Thence N. 15°56' W. 4.2 feet to a point that is 16.5 feet east of the centerline of Hampton Road;

Thence N. 29°04' E. 35.8 feet paralleling the centerline of Hampton Road to a point;

Thence N. 74°04' E. 4.2 feet to a point that is 19.5 feet east of the centerline of Hampton Road;

Thence paralleling the centerline of Hampton Road and 19.5 feet east of the same N. 29°04' E. to a point that is 2 feet north of the north curb line of East 37th Street.

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

Councilman Wolf offered the following ordinance:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE PUBLIC MARKET BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS, AND PROVIDING FOR THE PAYMENT THEREOF.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following ordinance:

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED "AN ORDINANCE CREATING A SPECIAL FUND TO BE KNOWN AS LIBRARY FUND, STATING ITS PURPOSE AND INCOME, AND PROVIDING FOR DISBURSEMENTS THEREFROM."

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance placed on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.