

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 22, 1934.

The meeting was called to order with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen G. F. Alford, G. M. Bartholomew, Simon Gillis, Mayor Miller, and Councilman Wolf, 5; absent, none.

The Minutes of the regular meetings of November 8th and 15th and the special meeting of November 19th were read and Councilman Bartholomew moved that same be adopted as read, with the following correction: That the words "and sale of" be inserted after the word "issuance" in the caption of the Public Market House Bonds Ordinance recorded in the Minutes of the regular meeting of November 15th, subject to approval of the City Attorney. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

N. A. Ladd and T. R. McKeever submitted a resolution from the Austin Trades Council recommending the employment of hand labor as far as possible on all P. W. A. construction work. The Committee were advised that the matter would be given earnest consideration.

August A. Johnson appeared before the Council in the interest of his written appeal from the assessment placed by the Board of Equalization on his property at 38th and Duval Streets for the year 1934. The matter was taken under advisement.

The matter of installing traffic lights at 19th and Lavaca Streets and 19th and Guadalupe Streets was referred to the City Manager for attention.

A petition asking for one hour parking on East 4th Street from Congress Avenue to Brazos Street, signed by the business firms in that locality, was received. Upon motion of Councilman Alford, the City Attorney was directed to prepare the necessary ordinance governing the matter.

Councilman Alford offered the following resolution:

WHEREAS, Ruth N. Weber, owner of Lot 10 of Enfield "D", a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, has made application to the City Council for permission to construct a stone curb around her property, same being located at the intersection of Windsor Road and Pease Road, and being locally known as 2302 Windsor Road; and

WHEREAS, The ordinance which regulates the construction of curbs upon or within streets in the City of Austin requires that anyone desiring to construct any curb other than a concrete curb shall get special permission for such construction from the City Council of the City of Austin; and

WHEREAS, The City Council has investigated and approved the construction of a stone curb at the aforesaid location; therefore

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

THAT Ruth N. Weber, owner of Lot 10 of Enfield "D", a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, which property is located at the intersection of Windsor Road and Pease Road, and being locally known as 2302 Windsor Road, is hereby granted permission to construct a stone curb adjacent to the Pease Road side and on the Windsor Road side, provided, however, that said stone curb shall be constructed upon a concrete base and shall have an exposure of 8 inches above the gutter and shall be 10 inches wide at the top in accordance with the standard design for rock curbs

as adopted by the City of Austin and as detailed upon the plan hereto attached marked 2-0-501, which plan is hereby made a part of this resolution; and further provided that all work shall be done by a bonded curb and sidewalk contractor and that said curb shall be constructed under the 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.

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

A protest from E. F. Eisenbeiser against the closing of Comal Street from East 14th to East 19th Streets was heard.

Councilman Bartholomew then moved that Comal Street lying between Oakwood Cemetery and Oakwood Annex, from East 14th to East 19th Streets, be closed and the proceeds from the sale of lots resulting therefrom be used exclusively for the improvement of said cemeteries. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution of the Board of Adjustment was read and approved:

"WHEREAS, The City Council has referred the petition of Mr. and Mrs. Alton Howell for a change of the zoning designation of East 11th Street between East Avenue and San Marcos Street from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District, to the Board of Adjustment for a recommendation; and

WHEREAS, The Board of Adjustment, at a meeting held on November 21, 1934, considered the said petition; and

WHEREAS, The matter was carefully considered from a zoning point of view as well as on its merits with respect to its effect on the petitioners and the adjoining property; and

WHEREAS, The Board deemed that the classification of this property is logically commercial and not residential and that a change from its present classification to a commercial classification would not immediately disturb the status of the present uses of the property inasmuch as there are already several business uses within this area and existing residential uses would be permitted to continue, and that eventually the business use will expand; and

WHEREAS, The Board further deemed that the Height and Area classification should be changed to Second Height and Area District to coincide with a commercial use district if, in the opinion of the City Council, the change in Use designation should be made; therefore

BE IT RESOLVED, that the Board of Adjustment, in its best judgment in the absence of a public hearing at its meeting, finds no objection to the requested change being made.

(Sgd) BOARD OF ADJUSTMENT

by H. F. Kuehne, Chairman."

Councilman Wolf 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 4" gas main in EAST TWELFTH STREET, beginning at a point 20 feet south of and 4 feet west of the intersection of the north line of East 12th Street and the west line of that portion of Curve Street that lies north of said East 12th Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 20 feet south of and parallel to the north line of East 12th Street for a distance of 106 feet.

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

(2) A 6" gas main in NEW YORK AVENUE, beginning at a point 18 feet south of and 135 feet east of the intersection of the north line of New York Avenue and the east line of Leona Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 18 feet south of and parallel to the north line of said New York Avenue, for a distance of approximately 412 feet to Ohicon Street.

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

(3) A gas main in WALLER STREET, beginning at a point 18 feet south of and 15 feet west of the intersection of the north line of East 11th Street and the east line of Waller Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of said Waller Street, for a distance of 170 feet.

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

(4) A gas main in EAST AVENUE, beginning at a point 10 feet east of and 20 feet south of the intersection of the centerline of East Avenue and the north line of that portion of East 32nd Street that lies west of East Avenue.

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 10 feet east of and parallel to the centerline of East Avenue, for a distance of 380 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.

The following report was read:

"Austin, Texas
November 21, 1934

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of L. R. Watson, acting by and

through H. E. Grove, general contractor, for permission to construct, maintain, and operate a drive-in gasoline filling station and grease rack, and to construct commercial driveways in conjunction therewith, which filling station is to be located at the northwest corner of the intersection of East 12th Street and Angelina Street, which property is known as Lot 6, Block 2 in Outlot 38, Division "B" of the Government Outlots adjoining the Original 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" Commercial Use District on the zoning maps of the City of Austin.

A storm sewer exists within the intersection of East 12th Street and Angelina Street.

We recommend that L. R. Watson be granted permission to construct, maintain, and operate a drive-in gasoline filling station and grease rack, and to construct commercial 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 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-404.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-404 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.

G. S. Moore,
Building Inspector."

Councilman Wolf then introduced 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 northwest intersection of East 12th Street and Angelina Street, which property is known as Lot 6, Block 2, in Outlot 38, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes L. R. Watson, acting by and through H. E. Grove, general contractor, to construct, maintain, and operate a drive-in gasoline filling station and grease rack, and to construct curbs, ramps, and 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 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 L. R. Watson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

The 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
November 21, 1934

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of Lewis Schnell for permission to construct, maintain, and operate a drive-in gasoline filling station and a grease rack and to construct commercial driveways in conjunction therewith upon his property located at the southeast corner of South First Street and West Monroe Street, which property is described as Lot 1, Block 3 of the D. W. Bouldin Addition within the City of Austin, Travis County, Texas, and being locally known as 1601 South First Street, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District on the zoning maps of the City of Austin.

We recommend that Lewis Schnell be granted permission to construct, maintain, and operate said drive-in gasoline filling station and grease rack and to construct curbs and ramps 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. 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-403.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-403 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.

G. S. Moore, Building Inspector. "

Councilman Alford then introduced 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 corner of South First Street and West Monroe Street, which property is owned by Lewis Schnell and being designated as Lot 1, Block 3, of the D. W. Bouldin Addition within the City of Austin, Travis County, Texas, and being

locally known as 1601 South First Street, and hereby authorizes the said Lewis Schnell to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and 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 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 Lewis Schnell has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

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

The following resolution of the Board of Adjustment was read and approved:

"WHEREAS, The City Council has referred the petition of N. A. Dawson and Belle Dawson Daniel for a change in the zoning designation of that property fronting on Barton Springs Road extending from the M.K.&T. Railroad to a point 150 feet west of Bouldin Avenue from "C" Commercial District to "A" Residential District, to the Board of Adjustment for a recommendation; and

WHEREAS, The Board of Adjustment, at a meeting held on November 21, 1934, considered the said petition; and

WHEREAS, Mr. Wm. Yelderman, representing the petitioners, appeared before the Board pleading for the change requested; and

WHEREAS, The matter was carefully considered from a zoning point of view, as well as on its merits with respect to its effect on the petitioners and the adjoining property; therefore

BE IT RESOLVED, That the Board of Adjustment deems it unwise to make said change and recommends that the present zoning designation of this property be retained.

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,
Chairman. "

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.

Attesty

Y. Alice McEllen
City Clerk

Approved:

Tom Miller
M a y o r .