

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 6, 1934.

The meeting was called to order with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen G. F. Alford, Simon Gillis, and Mayor Tom Miller, 3; absent, Councilmen G. M. Bartholomew and Oswald G. Wolf, 2.

The Minutes of the regular meeting of November 22nd and the special meeting of November 28th were read and upon motion of Councilman Alford were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Chas. H. Berg, spokesman for a group of citizens, submitted a petition with approximately one hundred eighty-two signatures protesting the removal of the light tower from the corner of South Congress Avenue and East Monroe Street. Councilman Gillis moved that the matter be referred to the City Manager and Superintendent of the Electric Distribution Division for attention.

Councilman Alford offered the following ordinance:

AN ORDINANCE REGULATING TRAFFIC ON
THE STREETS OF THE CITY OF AUSTIN,
CUMULATIVE OF CERTAIN ORDINANCES
HERETOFORE ORDAINED, REPEALING ALL
ORDINANCES IN CONFLICT HEREWITH, AND
PRESORIBING PENALTIES.

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, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The ordinance was read the second time and Councilman Alford 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, Gillis,

The ordinance was read the third time and Councilman Alford moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

A petition asking for a street light at the intersection of Longview and 22 $\frac{1}{2}$ Street was read and upon motion of Councilman Alford was referred to the City Manager to have the matter attended to.

Councilman Gillis offered the following resolution:

WHEREAS, The City Tax Assessor and Collector has this day submitted to the City Council the tax rolls of the City of Austin for the year 1934, which rolls show an aggregate amount of \$49,664,590.00 of valuation of property assessed for taxes for said year, and an aggregate amount of \$1,056,625.09 levied as taxes for said year; and

WHEREAS, Said tax rolls appear in all respects in correct form, the valuations contained in said rolls having been examined and corrected by the Board of Equalization, which has made its report to the City Council; therefore,

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

THAT said tax rolls for said year be and the same are hereby approved.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

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 HARTFORD ROAD, beginning at a point 25 feet east of and 104 feet north of the intersection of the west line of Hartford Road and the north line of Enfield Road;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 25 feet east of and parallel to the west line of said Hartford Road for a distance of 53 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 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, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, Chas. L. Black, owner of Lot 1, of Block 55, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is located at the northeast intersection of East 15th Street and San Jacinto Street within the City of Austin, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the San Jacinto Street side adjacent to the above described property, which curb setback is to begin at a point 7 feet north of the north line of East 15th Street and is to extend in a northerly direction for a distance of 73 feet, the new curb of which setback will be 6 feet east of the established curb line of San Jacinto Street, thereby avoiding a possibility of traffic congestion at this corner by creating a greater width of travelway on San Jacinto Street; and

WHEREAS, A plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

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

THAT permission is hereby granted Chas. L. Black, owner of Lot 1, Block 55, of Division "E", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is located at the northeast intersection of San Jacinto Street and East 15th Street within the City of Austin, to set the curb back from the established curb line on San Jacinto Street adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-553 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on San Jacinto Street shall be carried out in accordance with the accompanying plan marked 2-C-553 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2 $\frac{1}{2}$ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than six inches high and that an expansion joint not less than $\frac{3}{4}$ inches thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-553.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicants shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at their expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The following report was read:

"Austin, Texas,
November 27, 1934.

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of E. F. Smith, acting by and through R. E. Leigh, lessee, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northeast intersection of East 18th Street and San Jacinto Street, which property is designated as the south portion of Lot 19, of a Subdivision of Outlot 57, in Division "E" of the Government Outlots of 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" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in the alley north of East 18th Street between San Jacinto Street and Waller Creek.

We recommend that E. F. Smith, acting by and through R. E. Leigh, lessee, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct 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 constructed 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-405.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-405 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 Alford 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 northeast intersection of East 18th Street and San Jacinto Street, which property is owned by E. F. Smith and is designated as the south portion of Lot 19, of a Subdivision of Outlot 57, in Division "E" of the Government Outlots of the City of Austin, Travis County, Texas, and hereby authorizes the said E. F. Smith, acting by and through R. E. Leigh, lessee, 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 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 E. F. Smith and R. E. Leigh have 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, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

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 ANGELINA STREET, beginning at a point 18 feet south of and 16 feet east of the intersection of the north line of East 12th Street and the west line of Angelina Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 16 feet east of and parallel to the west line of Angelina Street, for a distance of 118 feet.

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

(2) A 4" gas main in NICKERSON STREET, beginning at a point 11 feet south of and 21 feet west of the intersection of the south line of East Mary Street and the east line of Nickerson Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 21 feet west of and parallel to the east line of Nickerson Street, for a distance of 220 feet.

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

(3) A 4" gas main in WEST NINTH STREET, beginning at the dead end of an existing gas main, which dead end is 12 feet north of the south line of said West 9th Street and 123 feet east of the 4" gas main in Ruiz Street.

Thence in an easterly direction with the centerline of said gas main, which centerline shall be 12 feet north of and parallel to the south line of said West 9th Street, for a distance of 47 feet.

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

(4) A 4" gas main in COMAL STREET, beginning at a point 20 feet east of and 37 feet north of the intersection of the west line of Comal Street and the north line of that part of New York Avenue that lies east of said Comal Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 20 feet east of and parallel to the west line of said Comal Street for a distance of 244 feet.

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

(5) A 4" gas main in NEW YORK AVENUE, beginning at a point 20 feet east of and 18 feet south of the intersection of the west line of Comal Street and the north line of that portion of New York Avenue that lies east of said Comal 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, to a point that is 156 feet east of the east line of Comal Street.

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

(6) A 4" gas main in WATERSTON AVENUE, beginning at a point 11 feet south of and 289 feet west of the intersection of the north line of Waterston Avenue and the west line of West Lynn Street;

Thence in a westerly direction with the centerline of a 4" gas main, which centerline shall be 11 feet south of and parallel to the north line of Waterston Avenue, for a distance of 192 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 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, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Alford offered the following resolution:

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

THAT the sum of \$2.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding to J. D. Copeland the amount of cigarette license paid by him for the year 1934.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The written application of Mrs. Nella T. Evans for a change in the Use designation of Lots 51 and 60, Outlot 1, Division "X", College Court Addition, from Residence "A" to Commercial "C" was read.

The Mayor then laid before the Council the following report of the Board of Adjustment on the matter:

"WHEREAS, the City Council has requested the Board of Adjustment to make a recommendation regarding an amendment to the Zoning Ordinance providing for the change of the Use designation of Lots 51 and 60, Outlot One, Division "X", College Court Addition to the City of Austin, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting on December 3, 1934, considered said change; and

WHEREAS, a petition was filed with the Board protesting said change, signed by 44 property owners, which protest is attached hereto as "Exhibit A"; and

WHEREAS, Mrs. Nella T. Evans appeared before the Board pleading for said change on the grounds that the property is not suitable for residential purposes and that she has had numerous offers to purchase the same for commercial purposes, and that she has never received any offer therefor for residential purposes, and that her purpose in now asking for such change is to permit the erection of a filling station on the lot at the corner of Elmwood and Duval Streets, and that these lots are a burden upon her hands because of their vacancy and the necessity of paying taxes thereon and keeping the said lots cleaned off; and

WHEREAS, the Board carefully considered the proposed change in the light of all arguments presented and from a broad zoning point of view and for the best interests of the City and surrounding property and safety of the public, and found serious objection thereto; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

THAT the above request for a change in the Zoning Ordinance and Use District map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

- (1) That there appears no public necessity and convenience for this change
- (2) That any benefit arising from said change would be personal and confined to the property owner only;
- (3) That to deny the change would not be confiscatory or detrimental to the interest of the property owner inasmuch as this property is in fact well suited for residential uses such as single and two-family dwellings;
- (4) That this property abuts a high-speed boulevard whose purpose is to relieve traffic congestion on other streets and it is, therefore, against public policy and public interest to line such boulevards with commercial uses;
- (5) That at this particular location there already exists a dangerous traffic situation owing to the conflux of traffic from six directions and that to establish further commercial uses at this location would increase such traffic hazards and therefore endanger public safety;
- (6) That the present neighborhood center established at this locality is sufficient to take care of the needs of that section of the community and to expand such commercial area would tend to destroy the stability and values of the existing business;
- (7) That to make such a change would affect the value of the surrounding residential property and render it less desirable for residential uses;
- (8) That this neighborhood, known as "College Court Addition", has been developed as a purely high-class residential area and that restrictions against commercial uses of the property is expressly provided in certain deeds to individual lots and is implied to cover the entire addition;
- (9) That the residents of this neighborhood have purchased their property with the understanding that it was designated as an exclusive residential district and have built and invested their money in homes whose value, comfort and character would be depreciated by the invasion of this area by further commercial uses.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

It was the sense of the Council that a public hearing on the foregoing proposed zoning change be held January 3, 1935.

Councilman Gillis offered the following resolution:

WHEREAS, Montgomery Ward and Company, acting by and through M. C. Johnson, Manager, has made application to the City Council of the City of Austin for permission to construct a commercial driveway opposite property owned by E. H. Perry, same being the north one-half of Lot 2, Block 42, of the Original City of Austin, Travis County, Texas, which property is locally known as 407 Congress Avenue, as shown upon the plan hereto attached marked 2-C-554, which plan is made a part of said request; and

WHEREAS, The City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT permission is hereby granted Montgomery Ward and Company, acting by and through M. C. Johnson, Manager, to construct a commercial driveway on the east side of Congress Avenue opposite or adjacent to the north one-half of Lot 2, Block 42, of the Original City of Austin, Travis County, Texas, which property is owned by E. H. Perry, and being locally known as 407 Congress Avenue, subject to the construction of concrete ramps, curbs, driveways and expansion joints as shown upon the plan marked 2-C-554, which plan is hereby made a part of this resolution, and 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Alford offered the following resolution:

WHEREAS, Felix Oherico has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the sidewalk area on the west side of Congress Avenue adjacent to property owned by said Felix Oherico, which property is known as Lot 5 and the North one foot of Lot 4, of Block 29, of the Original City of Austin, Travis County, Texas, which property is locally known as 316-318 Congress Avenue, as shown upon the plan hereto attached marked 2-C-556, which plan is made a part of said request; and

WHEREAS, The City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT Felix Oherico is hereby granted permission to construct a commercial driveway across the sidewalk area on the west side of Congress Avenue adjacent to property owned by said Felix Oherico, which property is known as Lot 5, and the North one foot of Lot 4, of Block 29, of the Original City of Austin, Travis County, Texas, which property is locally known as 316-318 Congress Avenue, subject to the construction of concrete ramps, curbs, driveways and expansion joints as shown upon the plan hereto attached marked 2-C-556, which plan is hereby 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.