

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 5, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, December 5, 1940, 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 meeting of November 27, 1940, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Oscar Ira Leach, 503 Joan of Arc Street, for a taxicab license be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf 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 located at the northeast corner of the intersection of Windsor Road and Exposition Boulevard, which property is owned by Westenfield Development Company, and being a portion of Tarry Town No. 1, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said Westenfield Development Company, acting by and through Thomas A. Graham, Secretary, to construct, maintain and operate a drive-in gasoline filling station 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 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 Westenfield Development Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations
Attached)

"Austin, Texas
December 5, 1940

Mr. Jas. A. Garrison
Acting City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Westenfield Development Company, acting by and through Thomas A. Graham, Secretary, for permission to construct, maintain, and operate a drive-in gasoline filling station upon property owned by the said Westenfield Development Company, the same being located at the northeast corner of the intersection of Windsor Road and Exposition Boulevard, and being a portion of Tarry Town No. 1, a subdivision 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" Commercial Use District, as shown upon the Zoning Maps of the City of Austin.

Storm sewer drainage facilities do not exist at the above corner.

We recommend that the Westenfield Development Company, acting by and through Thomas A. Graham, Secretary, be granted permission to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and driveways in conjunction therewith at the above described location 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-161.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-A-161, 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,

/s/ J. E. Motheral
City Engineer

/s/ 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 Bartholomew:

WHEREAS, A. D. Dye, owner of a portion of Lot 1, Block 31, Swisher Addition within the City of Austin, Travis County, Texas, which property is situated on the south side of East Annie Street at a location east of South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of said East Annie Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said proposed driveway, which plan is hereto attached marked 2-C-900 and made a part hereof; and

WHEREAS, said 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 A. D. Dye, owner of a portion of Lot 1, Block 31, Swisher Addition within the City of Austin, Travis County, Texas, which property is situated on the south side of East Annie Street at a location east of South Congress Avenue, is hereby permitted to construct a commercial driveway across the south sidewalk area of said East Annie Street 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-900, 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.

Upon motion of Councilman Bartholomew, 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, in the General Land Office of the State of Texas there appears a map or plat of the City of Austin, Travis County, Texas; and

WHEREAS, said map shows the City of Austin to be laid out into lots and blocks, each being designated by number; and

WHEREAS, said map or plat shows that an alley 20 feet in width traverses Block 11 of said Original City; and

WHEREAS, the owner of all the property abutting said alley has requested the City Council of the City of Austin to vacate, abandon, and close this alley, and said request has been reviewed and considered by the City Council of the City of Austin, and it has been found that said alley has never been used as a public thoroughfare and will not be needed in the future as a public thoroughfare; therefore,

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

THAT that certain alley traversing Block 11 of the Original City of Austin, the same being the alley one-half block north of, and parallel to, East First Street, extending from Red River Street easterly one block to Sabine Street as shown upon the map or plat of the City of Austin on file in the General Land Office of the State of Texas, be, and the same is hereby, permanently vacated, abandoned and closed except the City of Austin hereby reserves the right to construct, maintain, and operate any or all public utilities in, upon, and across the above mentioned alley.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following; votes: 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 CONCORDIA AVENUE, from Werner Avenue to Lafayette Avenue, the centerline of which gas main shall be 12 $\frac{1}{2}$ feet south of, and parallel to, the north property line of said Concordia Avenue.

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

- (2) A gas main in CONCORDIA AVENUE across East 37th Street intersection, the centerline of which gas main shall be 12 $\frac{1}{2}$ feet south of, and parallel to, the north property line of said Concordia Avenue.

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

- (3) A gas main in EDGEWOOD AVENUE across W-1/2 of Lafayette Avenue, the centerline of which gas main shall be 12 $\frac{1}{2}$ feet south of, and parallel to, the north property line of said Edgewood Avenue.

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

- (4) A gas main in EDGEWOOD AVENUE across E. 1/2 of Lafayette Avenue, the centerline of which gas main shall be 7 $\frac{1}{2}$ feet north of, and parallel to, the north property line of said Edgewood Avenue.

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

- (5) A gas main in EDGEWOOD AVENUE across French Place intersection, the centerline of which gas main shall be 7 $\frac{1}{2}$ feet south of, and parallel to, the north property line of said Edgewood Avenue.

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

- (6) A gas main in LAFAYETTE AVENUE, from Edgewood Avenue to Concordia Avenue, the centerline of which gas main shall be 12 $\frac{1}{2}$ feet west of, and parallel to, the east property line of said Lafayette Avenue.

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

- (7) A gas main in KERN RAVELLE across Concordia Avenue intersection, the centerline of which gas main shall be one foot west of, and parallel to, the east property line of said Kern Ravelle.

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

- (8) A gas main in KERN RAMBLE, from East 34th Street south one block, the centerline of which gas main shall be one foot west of, and parallel to, the east property line of said Kern Ramble.

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

- (9) A gas main in KERN RAMBLE from French Place east one block, the centerline of which gas main shall be one foot north of, and parallel to, the south property line of said Kern Ramble.

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

- (10) A gas main in FRENCH PLACE, from Edgewood Avenue to Kern Ramble, the centerline of which gas main shall be one 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 Bartholomew moved that the following application for license to operate a commercial boat on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of Applicant

Dillard, Kermit C. - 1207 W. 36th Street

Description of Boat

Garwood, Inboard, 1934
Model, C-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:

WHEREAS, the general budget of the City of Austin, Texas, for the year 1941 was presented to the City Council by the City Manager and filed with the City Clerk of said City on December 5, 1940, for public inspection; and

WHEREAS, the law requires that the City Council shall provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the City Council not less than fifteen days subsequent to the time such budget is filed; and that public notice shall be given that on the date of hearing the budget prepared by the City Manager will be considered by the City Council and that notice of such hearing shall name the hour, the date, and the place where the hearing shall be conducted, and that any taxpayer of the City shall have the right to be present and participate in such hearing; therefore,

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

THAT a public hearing on said general budget of the City of Austin for the year 1941 will be held in the Municipal Building in the City of Austin, situated on the corner of Eighth and Colorado

Streets in said City, at 10:00 o'clock A. M., on the 24th day of December, 1940, at which hearing any taxpayer of the City of Austin shall have the right to be present and participate in such hearing, and that a notice of such hearing be published in one issue of the Austin American and in one issue of the Austin Tribune not less than 10 days before the date set for such hearing.

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 written request of Prof. A. H. McCallum, Superintendent of Schools, for remission of taxes subsequent to April 1, 1940, on property purchased from Von Boeckmann-Jones Company at 110 East Ninth Street, was received. It was tentatively agreed by the City Council that this request be granted, subject to formal approval of same at the next regular meeting and ruling by the City Attorney on its legality.

The following tabulation of bids was received:

Austin, Texas
December 5, 1940

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

In compliance with the provisions of an ordinance passed by the City Council October 24, 1940, authorizing the widening and improvements to Colorado Street from Ninth to Tenth Streets, and Ninth and Tenth Streets from Colorado Street to Lavaca Street, bids were received Tuesday, December 3rd, as follows:

Rex D. Kitchens Construction Company - - - - -	\$ 4,813.56
J. F. Johnson - - - - -	6,539.94
Bryant F. Collins - - - - -	6,734.72
Brown & Root - - - - -	12,766.53

Mr. Kitchens is unquestionably low, with a bid of \$4,813.56. However, in a telephone conversation to me last night he requested that his bid be rejected but failed to offer a plausible reason why this action should be taken, except that his bid had been prepared by someone in his office and by Mr. W. S. Conner, who, I understand, proposes to do this work for him.

All of the bidders were required to accompany their proposal with a certified or cashier's check in amount of 5 per cent of their total bid as a guarantee that they would enter into contract with the City and complete the work in accordance with specifications in the event the City Council awarded the job to them. Mr. Kitchens' check amounted to \$240.00.

Although Mr. Kitchens is inexperienced in this type of construction, and from the information available Mr. Conner's training has been limited, I feel that the additional engineering supervision which might possibly be required is more than justified by the wide difference between the bid of Mr. Kitchens and the next low man, and I therefore recommend that the contract be awarded to the Rex D. Kitchens Construction Company.

Yours very truly,

/s/ J. E. Motheral
City Engineer.

It was moved by Councilman Wolf that the bid of Rex D. Kitchens Construction Company in the amount of \$4,813.56 be accepted as the lowest bid, in accordance with the recommendation of the City Engineer contained in the foregoing report; and that the City Manager be authorized to enter into contract accordingly. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McCallum
City Clerk