

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, 3; nays, none; Councilmen Mueller and Steck absent, 2.

The Council then recessed.

APPROVED:

J. H. McFadden
Mayor.

Attest:

Wallis McKeenan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 9, 1933.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, McFadden, Mueller, 4; absent, Councilman Steck, 1.

The reading of the Minutes of the last regular meeting was postponed until the next regular meeting.

The application of the Lone Star Chapter #6, Royal Arch Masons, for permit to set the curb back in front of their property on Lavaca Street between 6th and 7th Streets, was read.

The Mayor then laid before the Council the following:

"Austin, Texas, February 9, 1933.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

The request of the Lone Star Chapter No. 6 of the Royal Arch Masons of the City of Austin, Texas, acting by and through its duly authorized secretary and manager, R.E. Wickline, owner of portions of Lots 7, 8, and 9, Block 72, of the Original City of Austin, which property fronts 68 feet on the west side of Lavaca Street and is contiguous to the south line of West 7th Street, for a permit to set its curb back and construct a ramp in front of its property, has been investigated and considered and the following facts are presented:

Said property of the Lone Star Chapter No. 6 of the Royal Arch Masons of the City of Austin, Texas, is located within the "C" Commercial Use District.

The area created by the setback will act as a widening of the paving on Lavaca Street and will be a benefit to the users of Lavaca Street by allowing a greater width of travel way.

I recommend that the permit be granted subject to the following conditions:

(1) That the reconstruction of the setback area on Lavaca Street shall be constructed in accordance with the accompanying plan marked 2-H-305, and that all such widened area, ramps and curbs, and a sidewalk between the property line and the curb line 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 of cement, 2 parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curb adjacent to the sidewalk area shall be not less than 6 inches high and an expansion joint not less than 3/4 inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-305.

(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 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.

Yours truly,

(Sgd) Orin E. Metcalfe,
City Engineer. "

WHEREAS, the Lone Star Chapter No. 6 of the Royal Arch Masons of the City of Austin, Texas, owner of portions of Lots 7, 8, and 9, Block 72, of the Original City of Austin, which property fronts 68 feet on the west side of Lavaca Street and is contiguous to the south line of West 7th Street, has presented a request to be granted permission to set the curb back adjacent to its property so as to provide more parking space on Lavaca Street; and

WHEREAS, a plan has been presented showing the proposed layout 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 to the Lone Star Chapter No. 6 of the Royal Arch Masons of the City of Austin, Texas, owner of portions of Lots 7, 8, and 9, Block 72, of the Original City of Austin, which property fronts 68 feet on the west side of Lavaca Street and is contiguous to the south line of West 7th Street, to set the curb back adjacent to its property subject to the same's being constructed in accordance with the plan approved by the City Engineer, which plan is hereto attached and marked 2-H-305 and in accordance with the following conditions:

(1) That the reconstruction of the setback area on Lavaca Street shall be constructed in accordance with the accompanying plan marked 2-H-305 and that all such widened area, ramps and curbs, and a sidewalk between the property line and the curb line 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 of cement, 2 parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curb adjacent to the sidewalk area shall be not less than 6 inches high and an expansion joint not less than 3/4 inch thick shall be placed between the curb and the sidewalk in accordance with the plan hereto attached marked 2-H-305.

(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 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 above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Mueller moved that the Minutes of the City Council, of date November 14, 1932, and recorded in Minute Book No. 13, Page 514, showing the discussion with reference to the Young Women's Christian Association tax matter brought up by D. C. Reed and M. C. Parrish, be clarified, and that the City Attorney be directed to prepare the proper correction. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the improvements on Lot 9, Enfield "E", Plat 90-B, assessed in the name of U. E. Haverlah, are carried on the tax rolls for the year 1932 at a two-thirds taxable value of \$6,150.00; and

WHEREAS, the Tax Department, upon an appeal by the owner to the City Council for an adjustment of the valuation, recommended that there be no change in said taxable value of \$6,150.00, and same was sustained by the City Council; and

WHEREAS, upon a further protest of the owner, the Tax Department again looked into the valuation of said improvements and found that all four walls of said property were cracked and seriously damaging the structure;

Now, therefore,

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

THAT the Tax Assessor & Collector be and he is hereby authorized to change his rolls to show a 15% depreciation, making the two-thirds taxable value of said improvements, \$5,240.00.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the improvements on Lots 1 and 2, Block 12-F, Fairview Park, Plat 125, assessed in the name of Shelton G. Adrian, are assessed on the tax rolls of the City of Austin for the year 1932 at \$5,184.00 full value, or \$3,455.00 two-thirds taxable value; and

WHEREAS, said improvements have been allowed a depreciation of 20%, as fixed by the Tax Department and substantiated by the Board of Equalization and the City Council; and

WHEREAS, after further investigation into the valuation of said improvements, it is deemed fair and equitable to increase the depreciation on said improvements; now, therefore,

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

That the depreciation on said improvements be increased from 20% to 33-1/3%, and the City Assessor & Collector of Taxes be and he is hereby authorized to change his assessment accordingly, making the two-thirds taxable valuation, \$2,895.00.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, there is an assessment on the Tax Rolls for the year 1932 against the Texas Federation of Labor for office furniture and fixtures at 516 Littlefield Building; and

WHEREAS, said concern is non-profit earning and is maintained solely in the interest of the laboring man and is not deemed subject to taxation; now, therefore,

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

That the Assessor & Collector of Taxes be and he is hereby authorized to strike from the Tax Rolls said assessment, amounting to \$2.02 in taxes, and to make no assessment on same for future years.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The matter of making an adjustment in the valuations placed on property purchased by Letha Lomax from T. H. Barrow was referred back to the Tax Department for further consideration.

The Mayor laid before the Council the following resolution:

WHEREAS, L. E. Whitham & Company did not make a rendition for the year 1932, having left Austin sometime in February of said year; and

WHEREAS, the Tax Department assessed against said company the machinery and equipment as was carried for the previous year at a value of \$7,500.00, and, upon being informed that said machinery and equipment had been sold to the Transit Mix Concrete Company, transferred same to that concern, who, in turn, notified the Tax Department that they acquired said machinery and equipment after January 1, 1932; and

WHEREAS, upon again taking the matter up with the L. E. Whitham & Company, it was claimed that said assessment was excessive, due to the fact that a part of said equipment had been removed and that a part of same was included in the assessment of \$2,000.00 carried on the rolls as improvements; and

WHEREAS, the machinery and equipment that was in Austin on January 1, 1932, had greatly depreciated in value, due to wear and tear and obsolescence, as claimed by L. E. Whitham & Company; now, therefore,

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

THAT the Assessor and Collector of Taxes be and he is hereby authorized to change the assessment of the L. E. Whitham & Company, now carried in the name of the Transit Mix Concrete Company, from \$7,500.00 to \$1,500.00; the assessment of \$2,000.00 for improvements, including a part of the machinery, to remain on the rolls as assessed.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Written requests by Mrs. Maude Seekatz and R. Filand, owners of property on Florence Street, to have the name of this street north of 27th Street changed to Whitis Avenue as the continuation of this street south of 27th Street is named Whitis Avenue were read and referred to the City Engineer, with the request that he take the matter up with the City Plan Commission.

The following letter from Mrs. Ed R. Kone, widow of the late Judge Ed R. Kone, was read and ordered spread upon the Minutes:

"Austin, Texas, February 7, 1933.

The Honorable Mayor, City Manager, City Attorney,
Members of the City Council and Police Department
and Corporation Court of the City of Austin,

Gentlemen:

The tribute which you paid to my beloved husband, Judge Ed R. Kone, both before and after his death, and the many ways in which all of you have evidenced your love and affection for him and your sympathy for me and my family, have comforted us greatly in bearing the sorrow and grief of his departure.

Judge Kone loved his work with the City and equally he loved all of you who were associated with him in that work. Each of you contributed substantially to the happiness, contentment and usefulness of his last years. To him the ability to render worthy public service was synonymous with living.

In 1926, at a time when he was discouraged because he felt that his days of usefulness had ended, you added years to his life and gave him back to his family by re-establishing him in public service. The zest with which he performed that work indicated but a part of his gratitude.

His association with you and the affectionate friendships which he formed in your midst enriched his life and inspired the courage which carried him through the fulfillment of his task during the last weeks of his life.

My daughters and grandchildren join me in expressing our most sincere appreciation of your expressions of sympathy for us and of the deep regard for him who has passed to his reward.

Sincerely yours,

(Sgd) Mrs. Ed R. Kone. "

The City Manager submitted to the Council a written request from Mrs. Lenore LaVerne to connect the La Verne Tourist Camp on the Post Road to the city sanitary sewer line which runs to Penn Field, the said Mrs. La Verne agreeing to pay the connection charge and rentals in advance. The City Manager was directed to grant this request in accordance with this agreement.

The application of J. L. Cornelius, 1906 East Avenue, for permit to operate as a taxicab a 1930 Chevrolet Club Sedan, Engine No. 1875693, State Highway License No. A30-702, which was filed the 8th instant, was submitted to the Council. Councilman Gillis moved that the requirement of the Taxicab Ordinance that all applications for taxicab licenses must be filed five days prior to the granting of same be waived, and that the application of the said J. L. Cornelius be granted for the reason that it is merely a renewal of his 1932 application, which was on file the required length of time but not acted upon. The motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, it has come to our attention that certain federal agencies contemplate submitting to Congress certain amendments to the Revenue Act of 1932, which amendments will, in our opinion, result in a tax burden upon states, state agencies, and/or publicly-owned utilities; and

WHEREAS, we are of the opinion that any tax created by Congress which results in the imposition of any burden upon states, state agencies, and/or publicly-owned utilities is contrary to public policy; now, therefore,

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

THAT we, the City Council of the City of Austin, State of Texas, protest any federal taxation which imposes, or may be interpreted to impose, a burden upon states, state agencies, and/or publicly-owned utilities; and

BE IT FURTHER RESOLVED:

THAT we recommend the adoption of the following amendments to the Revenue Act of 1932:

1. In the enforcement of the Revenue Act of 1932, the Federal Government shall not impose an obligation upon any state or territory or political subdivision thereof, or the District of Columbia, or on the officers or employees of the aforesaid.

2. The term "political subdivision" includes any district created under the laws of a state or territory for the purpose of constructing or operating any public utility.

BE IT RESOLVED FURTHER:

THAT Senators Sheppard and Connally and all Representatives of Texas be and they are hereby urged to assist in protesting any such tax and to submit the above amendments to their respective bodies for immediate passage.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The legal opinion of J. Bouldin Rector, City Attorney, with reference to the opening of the alley which is claimed to exist through Block 40, Division "D", located between Twenty-third and Twenty-fourth Streets and San Gabriel and Leon Streets, was read. After a discussion of the matter, Mayor McFadden moved that the City accept the certain deed recently executed by Mrs. R. J. Brackenridge to the City of Austin conveying a strip of