

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 30, 1933.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

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

The Mayor laid before the Council the following communication from the Board of Adjustment:

"Austin, Texas, March 29, 1933.

Honorable City Council,
Austin, Texas.

Gentlemen:

The Board of Adjustment, at a meeting held on March 23, 1933, passed the following resolution which is hereby respectfully submitted for your consideration:

RESOLUTION

WHEREAS, Mrs. David Harrell, on March 9, 1933, filed an appeal with the Board of Adjustment under the terms of the Zoning Ordinance of the City of Austin for the granting of a building permit for the erection of a residence in the northwest corner of her lot at #8 Enfield Road; and

WHEREAS, the maps of the City of Austin show a dedicated 30-foot street on the west side of her property extending from Enfield Road to the rear line of her lot; and

WHEREAS, under the terms of the Zoning Ordinance, the location of the proposed residence would violate the same with respect to the setback from this street; and

WHEREAS, the said street has never been opened and developed and would serve no other property but that of the appellant; and

WHEREAS, the Board granted the application but recommends to the City Council that the aforesaid street be abandoned and a quitclaim deed be given to Mrs. Harrell; therefore,

BE IT RESOLVED that the Board of Adjustment hereby recommends to the City Council of the City of Austin that the aforesaid street be abandoned and a quitclaim deed be given to Mrs. Harrell for the following reasons:

1. That if the street is acquired by Mrs. Harrell there will be no violation of the Zoning Ordinance with respect to the location of the house from this street.
2. That to open and improve this street would entail considerable expense to the City.
3. That the street would serve no other property but that of the appellant's lot and that the City would be placed in the position of building a private street to accommodate one property owner.
4. That the appellant has signified her willingness to accept the street and to construct her own driveway to the new residence which would relieve the City of the cost of building the road and the future maintenance thereof.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Mayor McFadden moved that the above matter be referred to the City Manager and City Attorney to find out whether or not the contiguous property owners to this street and the alley in the rear, including Judge R. L. Batts, are favorable to same, and that the City Manager also be instructed to make a study of the advisability of eliminating the island in Enfield Road near this location. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING THE OPERATION AND EXHIBITION OF TENT SHOWS, CARNIVALS, THEATRES, DRAMATIC PERFORMANCES, MERRY-GO-ROUNDS, MEDICINE SHOWS, FLYING-JENNIES, SKATING RINKS, MINISTREL SHOWS, AND MOVING PICTURE SHOWS, CONDUCTED IN A TENT, TEMPORARY STRUCTURE, OR IN THE OPEN AIR, WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, AND PRESCRIBING A PENALTY FOR THE VIOLATION THEREOF.

The above ordinance was read the first time and laid on the table.

The Mayor laid before the Council the following resolution:

WHEREAS, the City Council has considered the request of John W. Morrey, owner of Lot No. 7 of Block No. 3 of Conner's Addition to the City of Austin, for a permit to construct a retaining wall in Seventh Street and San Marcos Street in front of and on the side of said property; and

WHEREAS, the City Council favorably considered said request; therefore,

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

THAT permission is hereby granted to John W. Morrey, as owner of Lot No. 7 of Block No. 3 of Conner's Addition to the City of Austin, to construct a rock retaining wall not over three feet in height in Seventh Street, the north line of said retaining wall to be not more than four and one-half feet north of the south line of Seventh Street, and to construct a rock retaining wall not over three feet in height in San Marcos Street, the east line of said retaining wall to be not more than one and one-half feet east of the west line of San Marcos Street, said permission being granted subject to John W. Morrey first executing an instrument guaranteeing that he or his assigns will upon notice from the City Council remove said wall at his or their expense and that said wall shall be constructed in accordance with the instructions of the City Engineer of the City of Austin.

Said permit 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 John W. Morrey has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The application of J. E. Haire for license to operate as a taxicab one 1928 Willys-Knight Sedan, Engine No. 56231, State Highway License No. A 35-462 was read. Councilman Mueller moved that the application be granted. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A petition signed by a large number of Negro citizens requesting that the City select and purchase a site for the Negro Library without further delay, owing to the inability of the Negroes themselves to agree upon a site, was received and referred to the Library Commission for consideration.

There being no further business, Councilman Mueller 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, Councilmen Mueller and Steck, 5; nays, none.

The Council then recessed.

Attest:

Halle McFadden
City Clerk

Approved:

J. H. McFadden
Mayor