

the paving of the alley adjacent to same. The matter was referred to the City Attorney for investigation and report.

The following resolution was introduced:

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

THAT the Mayor, as the chief executive of the City, be enrolled as a member of the United States Conference of Mayors in order that all benefits and services of said Conference may be made available to the City of Austin, and that cooperation on common problems with other large municipalities throughout the United States may be effectively carried on; and

BE IT RESOLVED FURTHER:

THAT the Finance Director of the City of Austin be hereby instructed to draw a warrant for \$25.00 in favor of the United States Conference of Mayors for the annual service fees.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Acting City Manager Grant submitted to the Council a communication from J. B. Robertson, offering to sell the City the property known as 111-119 West Ninth Street owned by the Robertson Estate, for a consideration of part cash and part credit on taxes owing by said Estate. The Council took no action on the matter.

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilman Alford, Gillis, Mayor Miller, Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Council then recessed.

Attest:  
Harrie McMiller City Clerk

Approved: Tom Miller  
Mayor.

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 25, 1933.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; absent, none.

The Minutes of the last regular meeting were read and Councilman Bartholomew moved the adoption of same as read. The motion was seconded by Councilman Wolf and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

W. R. Smith, Jr., Attorney for Jake Silberstein, appeared before the Council and entered a formal protest on the general valuations placed on the property of the said Jake Silberstein for the year 1932, and asked for a reduction in the valuation placed on his merchandise for said year, claiming that an error had been made. The matter was

referred to the Tax Department for recommendation.

A large delegation of milk dealers appeared before the Council relative to the appointment of a dairy inspector and the enactment of certain amendments to the Milk Ordinance. The matter was referred to a conference with the milk dealers on Wednesday, the 31st instant, at 7:30 P. M.

The Mayor laid before the Council a bill from the Miller Blue Print Company, in the amount of \$10.50, for fifteen photostats used in connection with the low water dam survey. Councilman Alford moved that the bill be paid and the City Manager be instructed to issue warrant therefor. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of W. H. Irby, 4208 Avenue "H", for license to operate as a taxicab one 1929 Model "A", Four Door Sedan, Engine No. A 2418084, State Highway License No. A 29-994, was read. Councilman Alford moved that the provision of the Taxicab Ordinance requiring that applications remain on file five days prior to being acted upon be waived, and the license be granted. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

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

THAT the City Manager be and he is hereby authorized and directed to purchase from W. H. Fuller and M. A. B. Fuller, in the name and for the account of the City of Austin, as a site for the Negro Branch Public Library, for a cash consideration of Eighteen Hundred (\$1800.00) Dollars, and upon showing of good and merchantable title in said owners at the time of the conveyance, and free from all liens and encumbrances, as determined by the City Attorney, and after accurate survey thereof, if deemed necessary by the City Manager, and upon delivery to the City of the owners' general warranty deed, the following described tract of land, to-wit:

The North One Hundred Forty-eight (148) feet of the West One-half (1/2) of Lot Number Four (4), in Block Number Three (3), in Outlot Number Fifty-six (56), in Division "B", in the City of Austin, Travis County, Texas, and being the same property conveyed H. D. Scales, by warranty deed of R. Haschke, dated June 15, 1901, and recorded in Book 172, at Page 243, of the Deed Records of Travis County, and being the same property conveyed to Novella Berry by Benjamin Scales, Clarissa Scales, William Scales, Nannie Scales, John Scales and Emma Scales, by their warranty deed dated November 4, 1929, and recorded in Book 446, at Pages 34-35, of the Deed Records of Travis County, Texas, and being the same property conveyed by Novella Berry to W. H. Fuller and M. A. B. Fuller, by deed dated May 22, 1933, to which deeds and the records thereof reference is here made for all pertinent purposes.

BE IT FURTHER RESOLVED:

THAT the sum of Eighteen Hundred (\$1800.00) Dollars be and the same is hereby appropriated out of the Library Bond Fund, for the purpose mentioned above, and that a warrant in said amount issue therefor, payable to W. H. Fuller and M. A. B. Fuller, and to be delivered to said parties, after approval of title to said land by the City Attorney, and the delivery to the City by said parties of their general warranty deed to said land.

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

A report by G. P. Ledbetter, Deputy Tax Assessor, showing a comparison of unit values placed on the improvements located at 505 San Jacinto Street, belonging to the Walker Estate, and the improvements located at the corner of Second and Colorado Streets, belonging to A. J. Zilker, was read.

The Mayor then laid before the Council the following:

WHEREAS, the improvements on the North 48 feet of Lots 1, 2, and 3, Block 58, Original City, Plat 9, are assessed in the name of the Walker Estate for the year 1932 on a unit per square foot basis of \$2.00; and

WHEREAS, a comparison with the improvements on Lots 11 and 12, Block 19, Original City, Plat 11, which is a similarly constructed building belonging to A. J. Zilker, shows that the unit per square foot on same is \$1.50; and

WHEREAS, in order to attain equalization the units on said buildings should be the same; 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 unit per square foot on the improvements on the North 48 feet of Lots 1, 2, and 3, Block 58, Original City, Plat 9, from \$2.00 to \$1.50, making the assessed taxable value for the year 1932 on same, \$6,295.00.

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

Acting City Manager Grant submitted to the Council the following bids received for moving the old library building from the corner of Ninth and Guadalupe Streets to the site purchased for the Negro Library at the southeast corner of Angelina and Hackberry Streets:

L. D. Dennis, 2004 Red River Street -----	\$525.00
B. O. Ludwig, 2420 East 6th Street -----	565.00-Route #1
	890.00 " #2

The Acting City Manager was instructed to accept the bid of the said L. D. Dennis, in the amount of \$525.00, this price to include the moving of the building onto the foundation when same is ready.

Mayor Miller moved that June 12th be set aside as ROOSEVELT DAY in honor of the efforts being made by our President to bring order out of chaos in this country. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of Mrs. J. N. Keith for permit to change the location of her sidewalk at 1614 Windsor Road was read.

The Mayor then laid before the Council the following report of the City Engineer on the above application:

"Austin, Texas, May 24, 1933.

Mr. Geo. O. Grant, Acting City Manager, and  
Honorable City Council,  
City of Austin, Texas.

Gentlemen:

The request of Mrs. J. N. Keith, of 1614 Windsor Road, to have the location of her sidewalk changed, has been presented to me for a recommendation.

I beg to advise that the sidewalk in front of this property was constructed by the real estate development company several years ago and is all upon the parking area of the street and is in good condition. Mrs. Keith, however, proposes if granted a permit to put the sidewalk from one to four feet closer to the curb than at present, all at her own expense, so that she can construct a sodded terrace between the property line and the edge of the sidewalk. She proposes to have the sidewalk in exactly the same location as it intersects her neighbors' sidewalks at present, but to have it nearer the curb opposite the intermediate portions of her property.

I recommend that Mrs. Keith be granted a permit to construct her sidewalk in a different location than at present between her property line and the curb line as no engineering principle or precedent will be disturbed or established, all of said work to be

done under the direction of the Engineering Department of the City of Austin.

I believe that a simple motion granting Mrs. Keith a permit to reconstruct her sidewalk in accordance with her request under the direction of the City Engineering Department is all that is needed. Such a suggested motion accompanies this communication.

Respectfully submitted,

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

Councilman Alford moved that the said Mrs. J. N. Keith be granted a permit to change the location of her sidewalk at 1614 Windsor Road in accordance with her application and the above report of the City Engineer, all work to be done under the supervision of the Engineering Department. The motion was seconded by Councilman Wolf and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Acting City Manager Grant submitted to the Council a written request from Mrs. J.D. Sheppard and Mrs. W. T. Potter for permission to sell six grave spaces on Lot 165, Section "B", Oakwood Annex, known as the W. T. Potter lot, to Driscoll & Moritz. Councilman Alford moved that the request be granted. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A report from Capt. Tom Neal of the Traffic Division, recommending that the request of the Hirsh Drug Company for a "no parking" space on the 7th Street side of their building at the corner of Seventh Street and Congress Avenue be declined for the reasons therein stated, was read. The Council directed the Acting City Manager to grant this privilege to said Company with the understanding that the City does not guarantee that this space will be kept clear of cars.

Acting City Manager Grant submitted to the Council a letter from Mrs. N. S. Thompson, asking for a further settlement of her claim for damages to her property at 411 West 39th Street by the Janes Contracting Company, Contractor, in the laying of a storm sewer on Guadalupe Street. No action was taken on same by the Council, as it was shown that the matter had been previously settled.

The application of Publix Oils, Inc., for permit to construct a drive-in gasoline filling station on Lots 3 and 4, Block 19, Original City, same being Nos. 212-14 Congress Avenue, was read.

The Mayor then laid before the Council the following:

"Austin, Texas, May 24, 1933.

Mr. Geo. G. Grant,  
Acting City Manager,  
Austin, Texas.

Dear Sir:

I have considered the application of the Publix Oils Incorporated, as presented by O. E. Ford, President, for a permit to construct, maintain and operate a drive-in gasoline filling station on Lots 3 and 4, Block 19, Original City, of the City of Austin, which property is owned by the Margaret Wolf Trust Account, and hereby advise that the following conditions exist:

(a) They propose to construct their filling station on property which is shown on the zoning map as being located within the "C" Commercial Use District.

(b) A storm sewer is located in Congress Avenue on the east side of same and another storm sewer is in the alley west and south of the proposed location. In any event, a storm sewer connection will be necessary for the proper conduct of this business and it will also be more expensive than the average filling station storm sewer connection. Unless the storm sewer is placed upon other property than that set forth on the plot plan

presented, a large portion of same will require the cutting of permanent paving.

(c) A special variation from the Zoning Ordinance requirements was granted for a conduct of a portion of this business in accordance with the action of the Zoning Board of Adjustment at a meeting on May 23, 1933.

(d) The Publix Oils Incorporated propose to comply with all ordinances and regulations governing filling stations.

I recommend that the Publix Oils Incorporated be granted a permit to construct and operate said filling station 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 installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans 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 they start any construction relating to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance, and in accord with the Ordinance prohibiting the disposal of commercial water or oil upon the City Streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the City sidewalk or alley areas, 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 practical city storm sewer, said work to be done at the expense of the applicant, and such portion of same as may be within any street or alley shall be executed by the City Engineering Department. Before commencement of said work the applicant shall secure from the City Engineering Department an estimate of the cost of the portion of the storm sewer to be constructed within any City street or alley and shall deposit the amount of the Engineer's estimate with the City Finance Director.

(4) That the pumps shall be located as shown on the plan hereto attached marked 2-H-325.

(5) That all adjacent sidewalks, ramps, curbs and curb returns shall be constructed of concrete and in accordance with said plan marked 2-H-325, as set forth in crayon, which plan is hereto attached and is made a part of this recommendation.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection and for a Certificate of Operation when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

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

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

THAT the City Council of the City of Austin hereby approves Lots 3 and 4, Block 19, Original City of the City of Austin, locally known as 212-14 Congress Avenue, as a gasoline filling station site and hereby authorizes the Publix Oils Incorporated to construct and operate a filling station subject to same's being constructed and conforming 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 of the provisions of this resolution, and 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 Publix Oils Incorporated 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, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, the Publix Oils Incorporated has presented a request to the City Council for permission to install an underground gasoline conveyance pipe or conduit across that north and south alley traversing Block 19 of the Original City of Austin and said request has been considered by the City Council; therefore,

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

THAT the Publix Oils Incorporated be and the same is hereby permitted to lay and construct its underground conduits in and upon the following streets or alleys:

Beginning at a point in the west line of the north and south alley traversing Block 19 of the Original City of Austin, Travis County, Texas, from which point of beginning the intersection of the north line of West 2nd Street and the west line of said alley, same being the southeast corner of Lot 12, said Block 19, bears S. 19°W.106.5 feet to wit:

Thence S. 71° E. 20 feet to a point in the east line of said alley.

The underground conduit described above shall be constructed by means of using a pipe pusher to push same underneath the existing pavement. In case it is found impractical to construct this underground conduit by means of the pipe pusher method after having made a diligent effort to do so, or in case it is found that any utility or underground structure will be damaged by constructing said conduit by means of the pipe pusher method, the City Engineering Department must be notified immediately of such findings and the City Engineer will then issue orders as to the construction of said underground conduit and his orders must then be followed closely throughout the remainder of the job.

The Publix Oils Incorporated 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 Publix Oils Incorporated 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 Publix Oils Incorporated 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 back filling 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.

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

H. L. Kuhlman appeared before the Council and indorsed the reappointment of Dr. Lee Edens as City Health Officer.

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed.

Approved: Tom Miller

MAYOR.

Attest:

Harrie McKee  
City Clerk