

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 27, 1933.

The Council was called to order by Mayor Pro tem Wolf. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; absent, Mayor Miller, 1.

The Minutes of the last regular meeting, July 20th, were read and Councilman Alford moved the adoption of same as read. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The Minutes of the special meeting, July 24th, were read and Councilman Gillis moved the adoption of same as read. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mr. C. N. Avery came before the Council as a citizen and taxpayer and urged that the City make every effort to secure loans under the Public Works Program for many needed civic improvements, especially a new city hall. He further asked that the Council amend the traffic ordinances to allow right-hand turns on red lights, stating that this was the practice in many cities. Following a discussion of this matter, Chief of Police Thorp being present and recommending the change, Councilman Alford moved that the City Attorney be instructed to prepare an amendment to the traffic ordinance regulating the operation of signal lights to permit a right-hand turn on the red light. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mr. L. O. Wells and other members of a committee representing the wholesale fruit and vegetable merchants of the City, submitted to the Council draft of an ordinance regulating the itinerant fruit and vegetable peddler, which they urged be passed in order to protect them from unfair competition, and cited numerous instances of the gross unfairness of this type of competition. Mayor Pro tem Wolf advised the Committee that the Council wished to give them all relief possible and referred the ordinance to the City Attorney for examination and approval before being acted upon.

Mayor Pro tem Wolf laid before the Council the following petition:

"Austin, Texas, July 21, 1933.

Honorable City Council,
Austin, Texas.

Gentlemen:

We, the undersigned property owners, hereby apply for a change in the zoning of the hereinafter described property from Residence "B" to Commercial "C":

Lots 3, 4, and 5, Block 4; Lots 1, 2, 3, 4, and 5, Block 9; Lots 1, 2, 3, 4, and 5, Block 14, Division "C", Christian & Feliman Addition to the City of Austin, Texas.

Respectfully submitted,

Thos. O. Jensen
Mrs. Thos. O. Jensen
Annie Jensen
Mrs. Laura Palmer
C. M. Browne
Mrs. C. M. Browne
C. O. Linscomb
Mrs. John Wilson
Mrs. Ernest Parker
John Wilson
C. O. Lindahl
D. L. Davis
Mrs. D. L. Davis
Mrs. H. C. Griffin

Mrs. C. O. Linscomb
Mrs. H. B. Houston
H. C. Griffin
Mrs. J. A. Nieman
T. D. Hearn
Rebecca A. Hearn
W. F. Kleen
A. O. Kleen
Mrs. A. C. Miller,
By K. C. Miller, Jr.
Mrs. H. Kleen
Mrs. O. E. Zenkner
Mrs. Emma Bulian
Robert Rolf
Mrs. Frank Seery. "

A communication from J. O. Andrewartha, asking that his name be withdrawn from the petition previously presented protesting the foregoing change in zoning, was read and filed.

Mayor Pro tem Wolf then laid before the Council the following resolution:

WHEREAS, the owners of at least 50 per cent of the property lying within 200 feet of Lots 3, 4, and 5, Block 4, Lots 1, 2, 3, 4, and 5, Block 9, and Lots 1, 2, 3, 4, and 5, Block 14, Division "C", Christian and Fellman Addition to the City of Austin, said property being located directly across the street from the eastern boundary line of the University Campus and facing on Red River Street, have petitioned the City Council to amend the Zoning Ordinance so as to change the Use designation of said lots hereinabove described from "B" Residence District to "C" Commercial District; and

WHEREAS, under the terms of the Zoning Ordinance, such matters must be referred to the Board of Adjustment for its consideration and action and that a public hearing be held at which opportunity shall be given the public to offer any objections to said amendment; therefore,

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

THAT said matters be referred to the Board of Adjustment for its consideration and report to the City Council, and that a public hearing be held thereon at the City Hall at 11:00 A. M. on Thursday, August 17, 1933, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

Councilman Alford moved the adoption of the above resolution. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

An opinion from the City Attorney on the legality of taxes collected on coin vending machines operated by W. M. Wolf, which was heretofore referred to him, was read.

Mayor Pro tem Wolf then laid before the Council the following resolution:

WHEREAS, W. M. Wolf paid to the City of Austin, as occupation taxes for the year 1932, the sum of \$57.50, on 23 five-cent vending-machines; and

WHEREAS, the Court of Criminal Appeals has declared as unconstitutional the act of the Legislature under which said occupation taxes were imposed; therefore,

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

THAT said amount of \$57.50 be and the same is hereby ordered to be refunded to said W. M. Wolf, and that same be appropriated out of the General Fund, and that the City Manager be directed to cause warrant to be issued in said amount to said W. M. Wolf, and that accordingly the City Assessor & Collector of Taxes make the proper notation on his records.

Councilman Bartholomew moved the adoption of the above resolution. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mayor Pro tem Wolf laid before the Council the following ordinance:

AN ORDINANCE PROHIBITING THE PARKING OF VEHICLES IN THE ALLEYS IMMEDIATELY WEST OF GUADALUPE STREET AND BETWEEN WEST NINETEENTH STREET AND WEST TWENTY-FOURTH STREET, AND REGULATING THE COURSE OF TRAFFIC THROUGH SAID ALLEYS.

The above ordinance was read the first time and Councilman Alford moved a suspension of the rule and the placing of the ordinance on its second reading. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

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 was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The ordinance was read the third time and Councilman Alford moved that same be finally passed. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The application of H. F. Martin, 1911 Eva Street, for license to operate as a taxicab one 1929 Model Nash two-door Sedan, Motor No. 209976, State Highway Department No. A31-318, was read. Councilman Alford moved that the application be granted. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mr. Ralph Schneider, representing his mother, Mrs. Mary K. Schneider, came before the Council and asked that the penalty accruing on delinquent taxes owing by the said Mrs. Mary K. Schneider be waived, alleging that the said Mrs. Mary K. Schneider has been unable to pay such taxes on account of an insolvent condition resulting from having been forced to pay for paving abutting her property in the down-town district, amounting to several thousand dollars. He also protested the paving of the rest of the property owned by the said Mrs. Mary K. Schneider in the contemplated program of street improvements.

Councilman Bartholomew moved that the above request of Mr. Schneider, relative to the waiving of penalty on delinquent taxes, be taken under advisement. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mr. E. C. Stewart presented a petition from the citizens of South Austin, asking that additional lights be placed in the South Austin Playground. The matter was referred to the City Manager for attention.

Messrs. J. E. Haire and James W. Waltrip, taxicab owners, were present in the interest of a proposed reduction in taxicab fares. After a discussion of the matter, Mayor Pro tem Wolf moved that the City Attorney be instructed to prepare an amendment to the ordinance regulating the operation of taxicabs, prescribing the fares to be charged as follows: fifteen cents per trip for one passenger, five cents for the first additional passenger, and ten cents for each additional passenger thereafter, and doubling the penalty for violation of the ordinance. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mayor Pro tem Wolf laid before the Council the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE CREATING AND ESTABLISHING FIRE ZONES IN THE CITY OF AUSTIN, AND REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY", BY CHANGING (1) ALL OF AREA 4 IN FIRE ZONE 2 OF SECTION 3, FROM FIRE ZONE 2 TO FIRE ZONE 4; (2) ALL OF AREA 6 IN FIRE ZONE 2 OF SECTION 3 FROM FIRE ZONE 2 TO FIRE ZONE 3; (3) PART OF BLOCKS 139 and 140, FROM FIRE ZONE 1 TO FIRE ZONE 3, AND (4) AREA 2 OF FIRE ZONE 4 UNDER SECTION 4, AS SHOWN IN SAID ORDINANCE.

The above ordinance was read the first time and laid over.

Mayor Pro tem Wolf laid before the Council the following resolution, which was introduced at the regular meeting of the 13th instant and laid over: