

will supply, free of cost to the Travis County Board of Welfare and Employment:

(1) All the materials necessary for the successful completion of said project;
 (2) The use, free of cost to said County Board of Welfare and Employment, of all the tools, equipment and transportation facilities that may be necessary for the successful completion of the project; and

(3) Whatever technical supervisory personnel is necessary to the successful completion of the project, and hereby designates such personnel as follows: J. E. Motheral, City Engineer; and

BE IT FURTHER RESOLVED:

THAT there is hereby appropriated out of the General Fund of the City of Austin the sum of \$3400.00 for the purpose of paying for said materials, tools, equipment, transportation facilities and supervision.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Gillis moved that the Council recess, subject to call of the Mayor. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

The Council then recessed.

Attest:

Hallie McKellar City Clerk

Approved:

Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 19, 1933.

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

The Minutes of the last regular meeting, both morning and afternoon sessions,* were read and Councilman Gillis moved the adoption of same as read. The motion was seconded by Councilman Alford and carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

A committee of retail merchants came before the Council and asked that an ordinance be passed which would protect the legitimate merchants of the City from unfair competition with itinerant vendors of merchandise. The matter was referred to the City Attorney for the drafting of an ordinance, giving the protection asked for, to be passed at the next regular meeting of the Council.

The Mayor laid before the Council the following resolution:

* there having been no meeting on Thursday, October 12th,

WHEREAS, Col. E. R. York, for Mr. C. M. Cabaniss, appeared before the City Council requesting a temporary permit for two years for the establishment and operation of a material storage yard on the north ninety (90) feet of Lots 5, 6, 7, and 8, Block 46, of the Original City of Austin, Texas, the same being located on the south side of West Fifth Street, extending from San Antonio Street to Nueces Street; and

WHEREAS, Mr. C. M. Cabaniss has appeared before the Zoning Board of Adjustment requesting a temporary permit for the establishment and operation of a material storage yard on the above described property, which use is in variation with the requirements of the Zoning Ordinance; and

WHEREAS, the Board of Adjustment has favorably considered the application of Mr. C. M. Cabaniss and has granted Mr. C. M. Cabaniss a temporary permit for a period of two years; and

WHEREAS, it is agreed and understood by Mr. C. M. Cabaniss that this permit will automatically expire at the expiration of two years and that said use of this property as a material storage yard shall be discontinued at such time; and

WHEREAS, the City Council has favorably considered the granting of said application; therefore,

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

THAT a temporary permit is hereby granted Mr. C. M. Cabaniss, owner of the north ninety (90) feet of Lots 5, 6, 7, and 8, Block 46, of the Original City of Austin, Texas, to use this property for the two year period ending October 19, 1935, for use as a material storage yard and at the expiration of such time this permit shall terminate and the use of said property as a material storage yard shall be discontinued.

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

Col. E. R. York submitted a complaint against vicious dogs being permitted to run at large and urged that a more stringent ordinance regulating the keeping of dogs within the city limits be passed. The matter was discussed, but no action was taken.

The following ordinance was introduced and read the first time:

AN ORDINANCE TO PROVIDE FOR LICENSING AND REGULATING PERSONS WHO ENGAGE IN BUYING AND/OR SELLING FISH, OYSTERS, SHRIMP, LOBSTERS, CRABS, TURTLES, TERRAPINS AND CLAMS AT WHOLESALE AND RETAIL WITHIN THE CITY OF AUSTIN, DEFINING TERMS, AND FIXING PENALTIES.

The Mayor laid before the Council the following resolution:

WHEREAS, The Texas Public Service Company has requested the City Council for permission to cut the pavement at the corner of the intersection of West Lynn and West Sixth Streets for the purpose of repairing their gas main; and

WHEREAS, The City Engineer has presented to the City Council recommendations governing the repairs of pavement cuts, namely, that the Texas Public Service Company backfill the ditches and pour the base under the supervision of the City Engineer and that the City replace the surface with rock asphalt, the Texas Public Service Company to pay for the same at cost plus ten per cent.

All backfilling shall be done with sound materials in small layers and thoroughly water tamped.

The concrete base shall be not less than 6 inches thick and composed of concrete having a strength of not less than 3000 pounds per square inch at 3 days and that only

Incor cement be used in connection with these repairs.

The surface repairs shall be of rock asphalt on all portions of the street except that upon which a brick surface is now existing.

That those areas which were previously repaired by the Texas Public Service Company if opened up again shall be entirely resurfaced with rock asphalt even though the entire base has not been removed in this proposed new repair program; therefore,

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

THAT the said Texas Public Service Company be and they are hereby advised that the pavement repairs must be made in accordance with the foregoing recommendations and to the satisfaction of the City Engineer and the City Manager.

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

The application of Antonio Garza, 2314 East 8th Street, for license to operate as a taxicab a Chevrolet Coach, 1933 Model, Engine No. M 38724, State Highway License No. 145-710, was read. Councilman Alford moved that the application be granted. The motion was seconded by Councilman Gillis and carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The application of Cecil Womack, 4102 Avenue "A", for license to operate as a taxicab a 1931 Model A Ford, Engine No. A-4594361, State Highway License No. A-24-194, 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 that the application be granted. The motion was seconded by Councilman Gillis and carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Mayor laid before the Council, for its second reading, the following ordinance:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUSTIN TO INCLUDE THE CERTAIN TERRITORY HERINAFTER DESCRIBED, AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES WITHIN THE TERRITORY SO ADDED.

The ordinance was read the second time and Councilman Alford moved that the rule be suspended and the ordinance placed on its third reading. The motion was seconded by Councilman Gillis and carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew 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 carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Council, by rising vote, adopted the following resolution of respect and ordered that a page of the Minutes of this date be set aside for its recording; and that a copy of same be sent to the family of the deceased:

RESOLUTION OF RESPECT

W. M. Stuart, Sergeant of Police, lost his life on October 16, 1933, while in the discharge of duty. During his service for the City, he was a capable and faithful officer, beloved by his fellow-workers, and respected by all.

The tragic occurrence that has deprived the City of Austin of a valuable officer is deeply deplored by the City Council, and it extends to his family its sympathy and condolence in their bereavement.

Mayor Miller laid before the Council the following report of the Board of Equalization:

"Austin, Texas, October 10, 1933.

To the Honorable City Council,
Mayor Tom Miller,
Councilmen G. F. Alford, G. M. Bartholomew,
Simon Gillis and Oswald G. Wolf.

We, the Board of Equalization for the year 1933 herewith submit our report as follows:

The Board convened August 1, 1933, and adjourned October 10th, 1933, having served the time allotted by the provisions of the City Charter. The Board checked all assessments or renditions as presented by the records of the Tax Department, and approved all changes where no protests were filed, as well as looking into all complaints presented to it.

There were submitted to the Board about 3,000 items of change in valuations and new buildings or alterations subject to taxation for the year 1933. A number of protests were made on land values. Some were changed in accordance with adjustments that same were entitled to, and others were allowed to stand as per unit value where it was deemed that no adjustment was needed to make for equalization. We visited every place where requested to do so. The Board heard a total of 919 protests and adjusted 275 of these satisfactorily with the owners without the necessity of inspecting the property. The remaining 644 were personally inspected and adjustments made where it was deemed that the property was entitled to it. There were a number of corrections made in valuations due to errors that were made in 1927 when the city was last revalued.

In all probability there will be some appeals to the City Council in cases where the Board did not reach an agreement with the owners.

Due to the excellent condition of the tax records, we not only had ample time in which to handle all protests from property owners, but we were able to assist the Tax Department by making an inspection of a number of new buildings and place the valuations thereon that are not due to be put on the tax rolls until 1934.

We want to recommend that one member of the Board be employed for one month - say from December 15th to January 15th - in order to make an inspection of buildings that are under process of construction on January 1st in order to ascertain on what percentage of the completed value to charge taxes for next year.

We wish to extend our thanks to the Tax Department for its assistance and cooperation with the Board whenever requested to help us.

Expressing our appreciation for the confidence placed in us by your appointment to serve on this Board of Equalization, we are,

Yours most respectfully,

(Sgd) J. B. Webb, Chairman,
Otto Ebeling,
K. R. Meyer. "

Mayor Miller moved that the report be accepted and the Board of Equalization be commended for the just and expedient way in which they handled the work of equalization and that the Council express its appreciation and thanks to said Board for their efforts in the matter. The motion was seconded by Councilman Alford and carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, M. C. Levi is the Contractor for the repair of an awning on a building located at 119 Congress Avenue and desires a portion of the sidewalk space abutting the north 23 feet by 107 feet of the west part of Lot 5, Block 6, of the Original City of Austin, Texas, during the repair of the awning, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said M. C. Levi, the boundary of which is described as follows:

SIDEWALK WORKING SPACE.

Beginning at the northwest corner of the above described premises; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to the east curb line of Congress Avenue; thence in a southerly direction and along the east curb line of Congress Avenue a distance of 23 feet; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance to the east line of Congress Avenue; thence in a northerly direction along the east line of Congress Avenue to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said M. C. Levi, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall maintain an open walkway next to the building, such walkway to be protected from the balance of the above described working space by a guard rail at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all stormwaters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than October 20, 1933.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the repair work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

The Mayor laid before the Council the following resolution:

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 CONGRESS AVENUE from 16th Street to 17th Street, the centerline of which gas main shall be 40 feet east of and parallel to the centerline of Congress Avenue. Said gas main described above shall have a cover of not less than 2 feet.

(2) A gas main in CONGRESS AVENUE from 16th Street to 17th Street, the centerline of which gas main shall be 40 feet west of and parallel to the centerline of Congress Avenue. Said gas main described above shall have a cover of not less than 2 feet.

(3) A gas main in SAN GABRIEL STREET from West 23rd Street to West 24th Street, the centerline of which gas main shall be 19 feet east of and parallel to the west line of said San Gabriel Street. Said gas main described above shall have a cover of not less than two feet.

(4) A gas main in WEST TWENTY-SECOND AND ONE-HALF STREET from San Gabriel Street east approximately 155 feet to the dead end of an existing gas main, the centerline of which gas main shall be 25 feet south of and parallel to the north line of said West Twenty-second and One-half Street.

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 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.

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

The Mayor laid before the Council the following resolution:

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 BRACKENRIDGE STREET from East Live Oak to Leland Streets, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Brackenridge Street. Said gas main described above shall have a cover 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 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 out 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.

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

The Mayor laid before the Council the following resolution:

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 PARKWAY from Enfield Road to Pease Park, the centerline of which gas main shall be 28 feet east of and parallel to the west property line of Parkway.

(2) A gas main in PARKWAY from West 12th Street to 1209 Parkway, the centerline of which gas main shall be 14 feet west of and parallel to the east line of Parkway.

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 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 out 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.

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

The Mayor laid before the Council the following resolution:

WHEREAS, The Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered

by the City Engineer; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in WEST 5TH STREET from West Avenue to Rio Grande Street, the centerline of which pole line shall be 23 feet south of and parallel to the centerline of said West 5th Street.

(2) A telephone pole line in UNIVERSITY AVENUE from West 26th Street to West 27th Street, the centerline of which pole line shall be 15 feet east of and parallel to the west line of said University Avenue.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager.

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

A resolution by the Park Board, requesting the payment of a bill for \$40.00 for photographs taken of certain boulevard improvements, was read.

The Mayor then laid before the Council the following resolution:

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

THAT the sum of \$40.00 be and the same is hereby appropriated out of the Parks and Playgrounds Bond Fund, not otherwise appropriated, for the purpose of paying for photographs taken of the recent boulevard development in City parks, as authorized by the Parks and Playground Board.

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

Councilman Wolf introduced the following resolution:

WHEREAS, The recently concluded Special Session of the Forty-third Legislature passed an Act, known as Senate Bill 78, regulating the purchase or construction of municipal water, light and sewer systems and plants in cities; and

WHEREAS, Said Senate Bill further provided in part as follows: - "Provided that no such City or Town shall be authorized under the provisions hereof to obtain funds from the Federal Government, or any of its Agencies, which are to be expended in duplicating services already being performed by existing facilities, unless it shall have been first determined by such Agency of the Federal Government that services then being performed by existing facilities are inadequate to meet the needs of such City or Town; and further providing that no such light, water, sewer or natural gas system, park and/or swimming pool or hospital shall ever be constructed, purchased, improved, enlarged, extended, repaired or sold until such construction, purchase, improvement, enlargement, extension, repair or sale is authorized by majority vote of the qualified voters of such City or Town at an election held for such purpose." Said Senate Bill further providing regulations for the issuance of bonds, notes or debts against such water and light systems; therefore,

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

THAT the provisions of the Bill requiring an election before any municipally owned water, light and sewer system plant can be sold is commendable; but that the provisions of the Bill relating to the securing of loans from the Federal Government under the terms of the Public Works Act will seriously curtail work, if not entirely stop same, by virtue of said Senate Bill 78; and that it further appears to the City Council that the maintenance and proper up-keep of the municipally owned water, light and sewer systems may be