

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 25th, 1930.

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

The Minutes of the last meeting were read and Councilman Pannell moved the adoption of same. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor stated that the hearing of property owners on Twenty-Sixth Street from Guadalupe to Duval Streets which was continued from the meeting of September 11th would now be opened.

Dr. Chas. W. Ramsdell appeared to protest against being assessed for the cost of this paving as his property would not be enhanced in value because the street runs along the rear of same and is inaccessible. He also stated that the privacy of his property would be destroyed, thereby deteriorating the value of same.

Councilman Pannell moved that the hearing on the above street be continued until the meeting of October 9th. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Sidney Smith, representing the Lions Club, appeared before the Council and offered to install warning signs near the schools for the protection of the school children, provided the City would take care of the maintenance of same. Councilman Steck moved that the offer be accepted. Motion was seconded by Councilman Pannell and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following:

"Austin, Texas, September 25, 1930.

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

Dear Sir:

We, the members of the Safety Committee of the City of Austin, have considered the application of W. T. Caswell for a permit to construct and operate a gasoline filling station at the southeast corner of Riverside Drive and South Congress Avenue.

We, the Safety Committee, recommend that said permit be granted 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, sidewalk grades to be secured from the Engineering Department before commencing any building construction.

(2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.

(3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.

(4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street, or alleyway. That the pumps shall be at least ten (10) feet inside the property line and that no buildings, pumps or equipment shall be less than thirty (30) feet from adjoining residence. That the length of all water hose shall be such that any water leaking from same can not reach the City sidewalk area and that the length of all gasoline hose shall be such that a car desiring service can not be served while any portion of said car is on the City sidewalk area.

(5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.

(6) That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency purposes.

(8) 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 area 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-48, and shall be conducted by a pipe connection from said sand trap to the nearest city storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(9) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete before the station is used.

(10) That the applicant shall construct all ramps, gutters and curbs and alley paving in accordance with plan No. 2-H-119, which plan is hereby made a part of this resolution.

(11) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to the Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(12) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(13) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

City Safety Committee,

(Sgd) J. E. Woody, Fire Chief;

R. F. Rockwood, Fire Marshal;

Orin E. Metcalfe, City Engineer;

J. Bouldin Rector, City Attorney;

Tom E. Neal, Traffic Police Captain;

L. A. Palmer, City Plumbing Inspector.

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

That permission shall be granted to W. T. Caswell to construct and operate a gasoline filling station at the southeast corner of the intersection of South Congress Avenue and Riverside Drive subject to the foregoing conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating drive-in stations or gasoline filling stations, in the event gasoline pumps are installed, and said 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 W. T. Caswell 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Earl Simms and Q. C. Taylor, representing the Kirby Estate, appeared before the Council and asked that the resolution ordering the removal of the wooden gallery awning at 209-211 Congress Avenue, passed by the City Council on September 11th, be rescinded, and that they be allowed to repair said awning. The Council took the matter under advisement.

A report of H. R. F. Helland, Consulting Engineer, stating that the Southwest Bitulithic Company had completed the paving on San Jacinto Street from Thirteenth to Nineteenth Streets, being Districts Nos. 37 and 38, in accordance with the plans and specifications for same, and recommending the acceptance of said street, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

**RESOLUTION ACCEPTING STREET
IMPROVEMENTS CONSTRUCTED BY
SOUTHWEST BITULITHIC COMPANY
ON A PORTION OF SAN JACINTO
STREET IN THE CITY OF AUSTIN,
PROVIDING FOR PAYMENT OF ANY
BALANCE DUE BY THE CITY FOR
ITS PORTION OF THE COSTS OF
SAID IMPROVEMENTS AND FOR THE
DELIVERY OF CERTIFICATES OF
ASSESSMENTS AGAINST ABUTTING
PROPERTY AND ITS OWNERS.**

WHEREAS, on the 17th day of April, 1930, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

SAN JACINTO STREET from the south line of East 13th Street to the north line of East 15th Street, known and designated as Unit or District No. 37;

SAN JACINTO STREET from the north line of East 15th Street to the south line of East 19th Street, known and designated as Unit or District No. 38; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City; Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of San Jacinto Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

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

H. F. Kuehne, Chairman of the Zoning Commission, appeared before the Council and submitted the final report of said Commission, consisting of the proposed Zoning Ordinance and Use District and Height and Area Maps. Mayor McFadden moved that the report of the Zoning Commission be accepted and the Council extend its profound appreciation for the services rendered. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The application of Mrs. Robt. W. Shipp and Miss May Robinson for permit to construct gasoline filling station at the corner of Nineteenth and Lavaca Streets was read and laid over for one week.

The Mayor laid before the Council the following resolution:

WHEREAS, on the 1st day of April, 1919, the City Council of the City of Austin authorized the subdivision of a portion of the Oakwood Cemetery Annex; and

WHEREAS, during the year 1919 Section "F" was subdivided into lots by S. S. Posey, Civil Engineer; and

WHEREAS, said S. S. Posey prepared a map of the subdivision of Section "F" of Oakwood Cemetery Annex; and

WHEREAS, said subdivision of Section "F" was filed with the City Clerk and with the City Sexton; and

WHEREAS, since the 1st day of April, 1919, all lots sold in Section "F" have been sold in accordance with said map prepared by S. S. Posey as filed with the City Clerk and City Sexton; and

WHEREAS, no formal adoption of said Section "F" has been made by the City Council of the City of Austin and map of said Section "F" has not been filed with the County Clerk of the County of Travis; and

WHEREAS, various deeds have referred to said subdivision of Section "F" as being recorded in Travis County Deed Records, Plat Book 3, Page 38, which is an error, as no portion of Section "F" is shown on said Plat Book 3, Page 38; therefore,

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

That the map of the subdivision of Section "F" of Oakwood Cemetery Annex which was prepared by S. S. Posey, Civil Engineer, and which was filed during 1919 with the City Clerk and the City Sexton, and which map is marked 2-E-7, is hereby adopted as the official map of said lots; and

THAT hereafter all lots sold in Section "F" of the Oakwood Cemetery Annex shall be sold in accordance with said map marked 2-E-7 and reference to same shall be made in each deed from the City of Austin, and all parties who may have purchased one or more of the lots in Section "F" previous to the passing of this resolution which may have a reference to the plat recorded in Plat Book 3, Page 38, of the Plat Records of Travis County, Texas, are hereby put upon notice that said reference is in error; but that all of said sales, irrespective of the error in the deeds giving reference to the record of said plat in the Travis County Plat Records, be and the same are hereby con-

firmed as sales to the respective owners; and

THAT the City Manager is hereby authorized and instructed to properly authenticate said map marked 2-E-7 and to have same filed, together with this resolution, for record in the office of the County Clerk of Travis County, Texas.

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

The Mayor laid before the Council the following resolution:

WHEREAS, on the 1st day of April, 1919, the City Council of the City of Austin authorized the subdivision of a portion of the Oakwood Cemetery Annex; and

WHEREAS, during the year 1919 Section "E" was subdivided into lots by S. S. Posey, Civil Engineer; and

WHEREAS, said S. S. Posey prepared a map of the subdivision of Section "E" of Oakwood Cemetery Annex; and

WHEREAS, said subdivision of Section "E" was filed with the City Clerk and with the City Sexton; and

WHEREAS, since the 1st day of April, 1919, all lots sold in Section "E" have been sold in accordance with said map prepared by S. S. Posey as filed with the City Clerk and City Sexton; and

WHEREAS, no formal adoption of said Section "E" has been made by the City Council of the City of Austin and map of said Section "E" has not been filed with the County Clerk of the County of Travis; and

WHEREAS, various deeds have referred to said subdivision of Section "E" as being recorded in Travis County Deed Records, Plat Book 3, Page 38, which is an error, as no portion of Section "E" is shown on said Plat Book 3, Page 38; Therefore,

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

That the map of the subdivision of Section "E" of Oakwood Cemetery Annex which was prepared by S. S. Posey, Civil Engineer, and which was filed during 1919 with the City Clerk and the City Sexton, and which map is marked 2-E-6 is hereby adopted as the official map of said lots; and

THAT hereafter all lots sold in Section "E" of the Oakwood Cemetery Annex shall be sold in accordance with said map marked 2-E-6 and reference to same shall be made in each deed from the City of Austin, and all parties who may have purchased one or more of the lots in Section "E" previous to the passing of this resolution which may have a reference to the plat recorded in Plat Book 3, Page 38 of the Plat Records of Travis County, Texas, are hereby put upon notice that said reference is in error; but that all of said sales, irrespective of the error in the deeds giving reference to the record of said plat in the Travis County Plat Records, be and the same are hereby confirmed as sales to the respective owners; and

THAT the City Manager is hereby authorized and instructed to properly authenticate said map marked 2-E-6 and to have same filed, together with this resolution, for record in the office of the County Clerk of Travis County, Texas.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden,

Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, during the year 1919, the City Council of the City of Austin had Section "C" of Oakwood Cemetery Annex subdivided into lots as shown by a map which was prepared by S. S. Posey in accordance with a resolution recorded in City Minute Book 8, Page 176, said Section "C" being subdivided into lots; and

WHEREAS, since the date of said filing of the subdivision of Section "C" with the City Clerk and the City Sexton, various lot spaces which were only a small portion of the original lots and which were laid out upon the ground and shown upon said map of Section "C" have either been sold to individuals or used as a place of burial for paupers; and

WHEREAS, under direction of the City Manager the City Engineer has prepared a map showing the resubdivision of all of the lots in Section "C" of Oakwood Cemetery Annex, which map also shows said subdivision being subdivided into spaces which are only a portion of the original lots which have been sold to individuals or which have been used as a burial place for paupers or which have been prepared for sale for such purposes; and

WHEREAS, after comparing said map with the records of his office, Chas. Alff, City Sexton of the City of Austin, has certified that the map agrees with the records of his office as to previous sales and uses for pauper burials, and

WHEREAS, Hallie McKellar, City Clerk of the City of Austin, has certified that after comparing said map with the records of her office that the map agrees with the records of her office as to previous sales and uses for pauper burials; and

WHEREAS, Adam R. Johnson, City Manager, has recommended that said map be formally adopted as prepared by Orin E. Metcalfe, City Engineer, and as identified as Plan No. 2-E-24; and

WHEREAS, the City Council has inspected said map and has considered the recommendation of the City Manager to adopt same; therefore,

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

THAT the map prepared of the resubdivision of Section "C" of Oakwood Cemetery Annex marked 2-E-24 is hereby adopted as the official map of said lots; and

THAT hereafter all lots or spaces sold in Section "C" of the Oakwood Cemetery Annex shall be sold in accordance with said map and reference to same shall be made in each deed from the City of Austin; but that all of said sales heretofore made be and the same are confirmed to the respective purchasers; and

THAT the City Manager is hereby authorized and instructed to properly authenticate said map and to have same filed for record in the office of the County Clerk of Travis County, Texas.

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

The Mayor laid before the Council the following resolution:

WHEREAS, Oscar R. Bertram is the owner of that tract of land situated at the southwest corner of the intersection of 22nd Street and East Avenue and fronting approximately 43 feet on the west side of East Avenue and adjacent to the south line of 22nd Street; and

WHEREAS, the proposed distance between the east face of the west curb and the property line is 20 feet and he has presented a petition to the City Council requesting a permit to set his curb back to a point which is 7 feet east of the west line of said East Avenue and agrees to construct a concrete driveway and vertical curb between the proposed new gutter line and the proposed setback line; and

WHEREAS, a plan has been prepared showing the proposed layout and said plan and petition 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 be granted to Oscar R. Bertram, owner of the property situated at the southwest corner of the intersection of East Avenue and 22nd Street to set back his curb and construct driveway area west of the regular established gutter line, all construction to be in accordance with a plan which has been approved by the City Engineer, said plan being marked 2-H-120, and said plan is hereby made a part of this resolution; and

That this permission is made subject to all work being done in accordance with the directions of the City Engineer and the expense of all the special work incident to said revised construction program shall be borne by Oscar R. Bertram.

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

The Mayor laid before the Council the following resolution:

WHEREAS, R. W. Chapline is the owner of a portion of Block 36, Original City, the same being Lot 5 of said Block, and fronting 56 feet on east side of Guadalupe Street and adjacent to the north line of West Seventeenth Street; and

WHEREAS, the distance between the west face of the east curb and the property line is twenty (20) feet, and he has presented a petition to the City Council requesting a permit to set his curb back to a point which is ten (10) feet west of the east property line of said Guadalupe Street, and agrees to construct a concrete driveway between the present gutter line and the proposed new curb line; and

WHEREAS, a plan has been prepared showing the proposed layout and said plan and petition 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 be granted to R. W. Chapline, owner of the southwest portion of Block No. 36 of the original City, the same being lot 5 of said block which is adjacent to the north line of West Seventeenth Street and fronting 56 feet on the east side of said Guadalupe Street, to reconstruct his curb and sidewalk areas adjacent to his property. All construction to be in accordance with plan presented to the City Engineer marked 2-H-118, and said plan is hereby made a part of this resolution, and that this resolution is made subject to all work being done in accordance with the direction of the City Engineer, and the expense of all work incident to said revised construction program shall be borne by the applicant.

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

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 2-inch high pressure gas main in East Forty-Seventh Street, beginning at a point 25 feet west of and 20 feet south of the intersection of the north line of said East Forty-Seventh Street and the east line of Avenue "G";

Thence in a westerly direction 20 feet south of and parallel to the north line of said East Forty-Seventh Street a distance of approximately one block to the west line of Avenue "F", said gas main described above to have a cover of not less than 2½ feet.

(2) A 2-inch high pressure gas main in Leland Street from Newning Avenue to Brackenridge Street, the center line of which gas main shall be 17 feet south of the north line of said Brackenridge Street and parallel thereto. 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 cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches; and

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 above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steok, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Joe H. Smith appealed to the City Council for a reduction in the assessment placed against his property in Westfield for the year 1929, being Assessment No. A-13616 on the Tax Rolls of the City of Austin, the taxes on same amounting to \$74.36, and was assured by the City Council that he would be notified of the action taken by said Body upon his appeal; and

WHEREAS, through an oversight, the said Joe H. Smith was never notified of such decision, and consequently failed to pay such taxes and same became delinquent;

Therefore,

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

That, in view of the above facts, the interest and penalties accruing against the above described property of the said Joe H. Smith, amounting to \$5.95, be and the