

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 19, 1932.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

The Minutes of the last meeting were read and Councilman Gillis moved the adoption of same as read. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

A complaint by W. M. Smith, with regard to a "Popularity Contest" being put on in the City by out-of-town people, was heard. Councilman Alford moved that the City Council go on record as being opposed to the coming into the City of out-of-town people for the purpose of sponsoring so-called popularity contests and public dances for private gain. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Edwin C. Kreisle, Architect, presented a sketch of the plan for the fire station building to be erected at 19th and Nueces Streets. Mayor McFadden moved that the plan as presented by the Architect be approved and that the City Manager be directed to have same fully developed and to have incorporated into the specifications for said building the provision that all material for same shall be purchased in the City of Austin as far as possible; that the contract will be awarded only to contractors who are citizens and taxpayers of the City of Austin; and that only Austin labor shall be employed and the current scale of wages shall be paid for same; and that the City Manager be further directed to call for bids on said building. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

E. C. Rather, S. Ferris, W. S. Gatewood, Jno. S. Caldwell, W. T. Johnson, George Best, representing the firm of Hirshfeld & Anderson, O. O. Lightsey, and Jack Finks, representing the Young Men's Business League, appeared before the Council as citizens and taxpayers and urged that the Council reconsider its action in reducing the salaries and wages of city employes, stating that it was the consensus of opinion among the business men of the City that such action would be detrimental to the best interests of the City. The Mayor thanked the citizens present for their expressions and interest in the matter and stated that the question was still being studied by the Council.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING TRAFFIC ON CERTAIN STREETS AT A CERTAIN INTERSECTION IN THE CITY OF AUSTIN, PROVIDING FOR NO "U" TURN SIGN AT SUCH POINT, AND PRESCRIBING A PENALTY FOR THE VIOLATION OF THE ORDINANCE.

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

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis,

Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

An itemized statement by Orin E. Metcalfe, City Engineer, showing the cost of development of the Fish Pond at Barton Springs, in the amount of \$474.60, was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, the State of Texas has leased to the City of Austin seven and one-half (7½) acres of land south and east of Barton Springs Park, which tract of land has been known as the Fish Pond tract, subject to same's being used for park purposes; and

WHEREAS, no funds have been provided for its development; and

WHEREAS, the City Engineer reports the cost of said development in the sum of Four Hundred and Seventy-four Dollars and Sixty Cents (\$474.60); therefore,

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

THAT the sum of Four Hundred and Seventy-four Dollars and Sixty Cents (\$474.60) is hereby appropriated out of the unappropriated portion of the general fund for the purpose of the development of said Fish Pond tract of land.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the flushcoating of Lavaca Street from Eleventh to Nineteenth Streets and Second Street from Brazos Street to Colorado Street had been completed in accordance with contract and recommending the acceptance of same, were read and filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING DOUBLE FLUSHCOATING  
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF LAVACA AND SECOND STREETS  
IN THE CITY OF AUSTIN AND PROVIDING FOR  
PAYMENT BY THE CITY OF AUSTIN.

WHEREAS, on the 27th day of November, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said Company agreed to construct double flushcoating upon portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

LAVACA STREET from Eleventh Street to Nineteenth Street; and

WHEREAS, on the 12th day of December, 1931, contract was entered into to double flushcoat a portion of Second Street, from Brazos Street to Colorado Street; and

WHEREAS, said contractor has fully completed the street improvements upon said streets 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 Lavaca Street and Second Street, hereinbefore described, be and the same are hereby in all things approved and accepted by the City of Austin.

## II.

That the cost of said improvements be paid to said Contractor by the City of Austin.

## III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The application of Virgil McPhail to construct commercial driveways on South First Street and Barton Springs Road was read.

The Mayor then laid before the Council the following:

"Austin, Texas, May 18, 1932.

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

Dear Sir:

Pursuant to your request, we have investigated the request of Mr. Virgil McPhail for a permit to construct driveways on the south side of Barton Springs Road and on the west side of South First Street adjacent to his property situated upon the Isaac Decker Survey.

We have had several conferences with Virgil McPhail and he has agreed to the developing of his property in accord with the attached layout plan. He will very likely want to construct a gasoline filling station at a later date and he believes that the driveways as suggested will suit his future needs, but he is not asking for a filling station permit at this time. At the present time he proposes to use the driveways for commercial drive-in so as to conduct a drive-in confectionery drug business.

The property which he proposes to improve is located within the "C" Commercial Use District. He proposes to construct his building, ramps, gutters, driveways and a portion of his sidewalks in accord with the regulations and ordinances of the City of Austin.

We recommend that a permit be granted, subject to the following conditions:

(1) That all curb returns, driveways, gutters, ramps and portion of sidewalks immediately adjacent to the ramps shall be constructed in accordance with the accompanying plan marked 2-G-173, and shall be constructed of concrete.

(2) That all of said improvements shall be done under the direction of the City Engineering Department.

(3) That the construction of any portion or all of the improvements may be commenced at any time, but if not completed within one year, an additional permit must be secured for the incompleting portion of the improvements.

(Signed) Orin E. Metcalfe,  
City Engineer.

G. S. Moore,  
Building Inspector."

WHEREAS, Virgil McPhail has made application to the City Council for a permit to construct commercial driveways on the south side of Barton Springs Road and on the west side of South First Street to be used in connection with a drive-in confectionery; and

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

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

THAT permission is hereby granted Virgil McPhail to construct commercial drives across the sidewalk, curb and gutter areas on the south side of Barton Springs Road and the west side of South First Street, provided that all of said drives, ramps, curbs, gutters and a portion of the sidewalk are constructed of concrete under the direction of the City Engineer and in accordance with the attached recommendations and in accordance with plan 2-G-173, which recommendations and plan are hereby adopted and made a part of this resolution.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The application of A. F. Sellers to construct a gasoline filling station at 1001 Evergreen Avenue was read.

The Mayor then laid before the Council the following:

"Austin, Texas, May 18, 1932.

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

Dear Sir:

We have considered the application of A. F. Sellers who has applied for a permit to construct and operate a filling station to be located on Lots 26, 27, 28, and 29, of Block 18 of South Heights Addition located on the east side of Fredericksburg Road. His property has been located on what has been also named Evergreen Avenue, and his property has been assigned house number 1001. We hereby advise that the following conditions exist:

(a) Mr. Sellers proposes to observe all City rules, regulations and ordinances relating to the construction, maintenance and operation of gasoline filling stations.

(b) He proposes to construct his filling station on property which has been located within the "C" Commercial Use District.

We recommend that A. F. Sellers 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 interior of the station shall be such that all waste oils and water shall slope to the east so that any waste oils and water will have to be disposed of on the property of A. F. Sellers, or shall be conducted to Bouldin Creek over private properties at the expense of the applicant; or in the event the disposition of the waste oils and water causes complaint of the neighbors, or in the event that the Ordinance prohibiting the disposal of commercial water or oil upon the City streets is violated in the operation or the construction of the filling station, the applicant shall dispose of said waste oils or water at his own expense, or he shall discontinue the use of said property for filling station purposes.

(4) 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.

(5) That all pumps shall be located as shown on the plan hereto attached marked 2-G-172, and no pump shall be closer than 10 feet to any property line.

(6) That the location of all ramps and sidewalk area crossings shall be constructed in accord with plan 2-G-172, and all sidewalk area, ramps and sections of curbs and adjacent gutters shall be constructed of concrete as shown in special color on said plan 2-G-172, which plan is hereby made a part of this resolution, and that portion of the drive and gutter specifically set forth on said plan as concrete drive shall be constructed of concrete.

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

(Sgd) Orin E. Metcalfe,  
City Engineer.

G. S. Moore,  
Building Inspector."

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

THAT the City Council of the City of Austin hereby approves Lots 26, 27, 28, and 29, of Block 18 of South Heights Addition located on the east side of Fredericksburg Road as a filling station site, and hereby authorizes A. F. Sellers to construct and operate a filling station subject to same's being constructed in accordance 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 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 A. F. Sellers 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, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

A petition signed by Jessie Ramsey Murray, et al., owners of the property at the northwest corner of the intersection of West 44th Street with Alice Avenue, asking that the zoning of same be changed from Residence "A" to Commercial "C" and from First Height and Area to Second Height and Area Districts, was read.

The Mayor 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 Nos. 1, 2, and 3 of the resubdivision of a subdivision of Lot No. 1 of the Lewis Hancock Subdivision of a part of the Geo. W. Spear League in Travis County, Texas, said lots being shown on a plat filed on the 18th day of May, A. D. 1932, and recorded in Plat Book 3, Page 189, of the Plat Records of Travis County, Texas, said property being located at the northwest corner of the intersection of West 44th Street with Alice Avenue, have petitioned the City Council to amend the Zoning Ordinance so as to change the USE and HEIGHT AND AREA designation of said Lots 1, 2, and 3 hereinabove described from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT and from FIRST HEIGHT AND AREA DISTRICT to SECOND HEIGHT AND AREA DISTRICT; and

WHEREAS, under the terms of the Zoning Ordinance, such matters must be referred to the City Plan Commission 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 City Plan Commission 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, June 9, 1932, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

A communication from J. F. Springfield, General Manager of the Austin Street Railway Company, outlining the proposed bus route to be substituted for the oil mill electric line, was read, and same was referred to the City Manager to have an ordinance drawn covering the matter.

The Mayor laid before the Council for final passage the following ordinance, which had been read at three regular meetings of the City Council and laid over:

AN ORDINANCE GRANTING TO THE INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD TRACK OVER AND ACROSS WEST AVENUE BETWEEN WEST THIRD STREET AND WEST FIFTH STREET IN THE CITY OF AUSTIN, SUBJECT TO CERTAIN CONDITIONS.

Councilman Mueller moved that the above ordinance be finally passed. Motion was second-

ed by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Edward T. Lorey of the firm of Schwarzer & Lorey, Contractors, appeared before the Council and urged that before awarding the contract on the Library Building the City Council make a very thorough study of the different bids submitted and asked that he be permitted to be present at the meeting of the Council with the Library Commission before any contract is let. Councilman Gillis moved that the request of Mr. Lorey be granted and that he be notified to be present at such meeting. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

No further business coming before the Council, Councilman Mueller moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Council then recessed.

Approved:   
M a y o r .

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, May 23, 1932.

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 Mayor stated that the meeting was called for the purpose of hearing the report of the Library Commission on the bids for the construction of a public library building which were received by the Council on the 18th instant and referred to said Commission for a detailed study and recommendation, and of awarding the contracts for said building.

The Library Commission then presented the following written report, which was read:

"Austin, Texas, May 21, 1932.

Mayor P. W. McFadden and  
Members of the City Council,  
Austin, Texas.

Gentlemen:

The Austin Public Library Commission begs leave to report that on May 20th at a meeting of the Commission called for the purpose of considering the building plans for the new Public Library of Austin, there being present all members of the Commission except one --

Mr. H. H. Luedecke, Chairman of the Building Committee, reported to the Commission that the Building Committee of the Commission recommends that the following bidders be referred with their approval to the City Council for employment by the Council: