

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 14, 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 Minutes of the regular meetings of December 31, 1931, and January 7, 1932, were read, and Councilman Gillis moved the adoption of same as read. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Burt Brydson appeared before the Council and protested the paving assessment levied against a strip of ground owned by him which projects into Waller Boulevard at 26 $\frac{1}{2}$ Street, claiming that as said property is separated from Waller Boulevard by the City's parkway, it is not liable for the cost of paving on said street. He also protested any contemplated closing of the alleys adjacent to said property. The Council advised Mr. Brydson that it was not the intention to close said alleys, and directed the Consulting Engineer to negotiate with him for the purchase of said strip of ground by the City.

Tom Miller and members of the Negro Citizens Council appeared before the City Council and asked that the colored citizens of the City be given a share in the proceeds from the sale of the Library Bonds by establishing a branch library in East Austin, to be under the supervision of the Library Commission. Following the discussion, the Mayor stated to the Committee that the Council was deeply interested in the matter of a library for the colored people and would endeavor to work out some plan whereby same could be accomplished.

A report of Southwest Bitulithic Company, stating that the paving has been completed on West Lynn Street from the north property line of West Sixth Street to the north property line of West Twelfth Street, District No. P-161, except in front of the homesteads of George Ezell, J. D. Potts, W. M. Crow, Hydan A. Albert, and Mrs. Alma Bones, and on East Tenth Street from the east property line of Brazos Street to the west property line of San Jacinto Street, District No. P-154, was read. A report of H. R. F. Helland, Consulting Engineer, recommending the acceptance of said paving, was also read.

The Mayor laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC COM-
PANY ON A PORTION OF WEST LYNN STREET IN
THE CITY OF AUSTIN, PROVIDING FOR PAYMENT
OF ANY BALANCE DUE BY THE CITY FOR ITS
PORTION OF THE COST OF SAID IMPROVEMENTS
AND FOR THE DELIVERY OF CERTIFICATES OF
ASSESSMENTS AGAINST ABUTTING PROPERTY AND
ITS OWNERS.

WHEREAS, on the 14th day of May, A. D. 1931, 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:

WEST LYNN STREET from the north property line of West Sixth Street to the north property line of West Twelfth Street, known and designated as Unit or District No. P-161; 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 West Lynn 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 the 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

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

WHEREAS, on the 23rd day of September, A.D.1931, 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:

EAST TENTH STREET from the east property line of Brazos Street to the west property line of San Jacinto Street, known and designated as Unit or District No. P-184; 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 East Tenth 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CERTAIN BOUNDARY LIMITS, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The above ordinance was read the second time and Councilman Mueller moved a 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, Councilmen Mueller and Steck, 5; nays, none.

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

The Mayor laid before the Council the following:

"Austin, Texas, January 13, 1932.

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

Dear Sir:

We have considered the application of Mr. Bill Suhr for a permit to install a gasoline pump and underground tank in the rear of his residence located at 1802 East Sixth Street, all gasoline to be for private use only.

Although the property of Bill Suhr is located within the "D" Industrial Use District, he is using his property for residential purposes at this time. He proposes to install his pump 10 feet from any building and not nearer than 10 feet to any City street or alley line.

We recommend that said permit be granted for private use only subject to the following conditions:

- (1) That all equipment shall be placed not closer than 10 feet to any City street or alley line.
- (2) That all equipment shall be placed in accord with all of the provisions as set forth in the Filling Station Ordinance.

(Sgd) G. S. Moore,
Building Inspector.

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 the installation of one gasoline pump and underground gasoline tank for private use only on the property known as 1802 East Sixth Street, and hereby authorizes Bill Suhr to have such installation made, which installation shall be made in accord with the provisions set forth in the Filling Station Ordinance of the City of Austin; and no gasoline shall be sold at this location or from the pump installed upon this property, and further subject to all of the provisions in the attached recommendations, and the Building Inspector is hereby authorized to issue

the proper permit for the operation of this gasoline pump 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 Bill Suhr 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, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following:

"Austin, Texas, January 13, 1932.

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

Dear Sir:

We have considered the application of Joe Fortier and Son, who have applied for a permit to construct and operate a filling station on Lots 13 and 14, Outlet 41, Division "B" of the City of Austin, and known as 912 East Twelfth Street, 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) Joe Fortier and Son have been advised of the provisions of the Building, Zoning and Filling Station Ordinances and they propose to construct their filling station in accordance with all of said ordinances.

We recommend that Joe Fortier and Son 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 applicants 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's 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 area, and that all of said oils and water shall be concentrated upon and cared for by and on the property of the applicants. In the event that the applicants are complained of by any neighbor, or in the event the applicants do run any waste oils or waters over any sidewalk area, the said applicants shall cease to operate said filling station until they have concentrated all of the waste oils and waters into a combined grease and sand trap and have constructed a storm sewer to connect with the nearest city storm sewer, at the expense of the applicants.
- (4) That all pumps shall be located as shown on the plan hereto attached, marked 2-H-194, and no pump shall be closer than 10 feet to any property line.
- (5) That the location of all ramps and sidewalk area crossings shall be constructed in accord with plan 2-H-194, 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-H-194, which plan is hereby made a part of this resolution.
- (6) That before use of said station the owners shall apply to the Building Inspector for final inspection when they consider that they have complied with all the requirements of the City.

(Sgd) G. S. Moore,
Building Inspector.

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 13 and 14, situated at the northwest corner of Waller Street and East Twelfth Street and being now known as 912 East Twelfth Street, as a filling station site, and hereby authorizes Joe Fortier & Son

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 Joe Fortier & Son have 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, Councilmen Mueller 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 gas main in ANTHONY STREET from Garden Street to East First Street, the center line of which gas main shall be 19 feet west of and parallel to the east line of said Anthony Street. Said gas main described above shall have a cover of not less than 3 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 wherever pavement is cut 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 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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

AN ORDINANCE ADOPTING THE CERTAIN AGREEMENT DATED NOVEMBER 28, 1931, BETWEEN AUSTIN DAM, INC., AND CITY OF AUSTIN, AND ORDERING SAID AGREEMENT TO BE RECORDED AT LENGTH IN THE MINUTES OF THE CITY COUNCIL; GRANTING TO AUSTIN DAM, INC., ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO REHABILITATE AND COMPLETE THE DAM OF THE CITY OF AUSTIN ACROSS THE COLORADO RIVER AT ITS PRESENT LOCATION; ALSO, THE FRANCHISE TO HAVE THE POSSESSION AND USE OF SAID DAM, POWER HOUSE, EQUIPMENT, MACHINERY AND APPURTENANCES, AND ALL OF SAID HYDRO-ELECTRIC PLANT, INCLUDING LANDS, RIGHTS-OF-WAY, EASEMENTS, OVERFLOW RIGHTS, ETC., FOR THE PERIOD OF YEARS HEREIN SPECIFIED; AND ALSO THE FRANCHISE TO USE AND DISPOSE OF ALL POWER PRODUCED BY SAID HYDRO-ELECTRIC PLANT DURING SAID PERIOD; AND TO ERECT AND MAINTAIN CERTAIN TRANSMISSION LINES; ALL IN CONSIDERATION OF AND SUBJECT TO THE TERMS AND CONDITIONS EXPRESSED IN THIS ORDINANCE, AND IN THE AFORESAID AGREEMENT, AND IN THE DECREE OF COURT REFERRED TO IN THIS ORDINANCE.

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

A communication from Dr. W.A. Harper, relative to an error in the assessment of the improvements on his home at 310 West 12th Street, was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, the improvements on Lots 1 and 2, Block 149, Original City, in the name of Dr. W.A. Harper are assessed at a valuation of \$1925.00 for the years 1927, 1928, 1929, 1930, and 1931; and

WHEREAS, upon investigation by the Tax Department there appears to have been made an error in the number of square feet on which the valuation is placed, reducing same 294 square feet; and

WHEREAS, this house is seventy-seven years old and same is in a poor state of repair and entitled to an increase in depreciation from 60%, which it now carries, to 80% ;

Now, therefore,

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

THAT the Tax Assessor and Collector is hereby authorized to change his rolls for the years 1927, 1928, 1929, 1930, and 1931 from a valuation of \$1925.00, two-thirds taxable value, to \$865.00, two-thirds taxable value.

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

M. H. Crockett appeared before the Council and submitted a proposition from O.H. Clark of Ann Arbor, Michigan, to lease the Zilker tract recently acquired by the City for a term of twenty years for the purpose of building and operating a public golf course, the fee to be charged for golfing privileges not to exceed thirty-five cents, and otherwise beautifying the grounds. The matter was taken under advisement and referred to the Park Board.

No further business coming before the Council, Councilman Mueller moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Council then recessed.

Approved: *J. M. McFadden*

Mayor.