

The Mayor then stated that the Council would take up for consideration the first item in the request, viz., a postponement of the penalty date from June 1st to October 1st, and would hear from the citizens present who wished to be heard in the matter.

Mr. Dave C. Reed stated that he attended the meeting of the Clearing House Association and indorsed the petition and would like to see same put into effect if same could be done without greatly crippling the operation of the city government, but wished to leave the matter to the discretion of the Council.

Supt. A. N. McCallum and Messrs. R. G. Mueller and J. R. Reed, Members of the Austin School Board, vigorously protested any such action, saying that it would be disastrous to the schools of the City, and also presented figures showing how greatly the schools were in need of funds.

Messrs. A. J. Eilers and M. H. Crockett spoke in favor of granting such extension in order to afford all relief possible to the taxpayers who, owing to the present economic situation, are unable to pay their taxes.

City Manager Johnson spoke in opposition to deferring the penalty date, stating that the City had a balance of only \$166,000.00 in the General Fund, out of which it must meet its monthly payrolls and other expenses, and stated further that such action would greatly retard next year's collections by making it impossible to open the tax rolls before March 15th.

Following the discussion, Councilman Steck moved that, in view of the statements made by the City Manager relative to the matter, the request of the bankers be declined and the penalty date be not postponed. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor McFadden, Councilmen Mueller and Steck, 4; Councilman Alford voting no, stating that he would like to see the date extended to July 15th at least.

The Council then recessed.

Approved:   
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 2, 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 last meetings 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, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the revised budget of the City of Austin for the year 1932, covering the period from June 1st to December 31st, and stated that before taking action on same, the Council would hear from the large group of citizens present who wished to be heard on the matter.

Mr. John S. Caldwell then submitted a petition, signed by thirty-four merchants of South Austin, asking that the Council continue the present budget until the 1st day of January, 1933, without any salary cuts.

Messrs. Ben J. Fisher, P. W. Powell, R. S. Pryor, H. L. Kuhlman, W. C. Schulle, R. B. Gragg, Dr. Joe Wooten and Rabbi Baron spoke for the delegation of citizens present, again urging that the Council rescind its action in reducing the salaries and wages of city employes, showing the loss resulting to the business firms of the City by such action and urged that Austin, by reason of its sound financial condition, set a precedent in upholding salaries and wages during the present financial crisis.

Following the above discussion, a motion was made by Councilman Gillis that the revised budget be adopted. Councilman Mueller asked that the Council postpone action on the matter in order to consider the various arguments presented by the citizens present. Councilman Gillis then withdrew his motion and the Mayor stated that the Council would take the matter under further advisement.

Messrs. E. B. Griffith, J. A. Johnson, and D. W. McCraig, Taxicab Operators, appeared before the Council to protest the cancellation of their licenses by reason of their living just outside of the city limits, and gave evidence to show that they were bona fide citizens of the City, notwithstanding their geographical location. After hearing the protest, the Council took the matter under advisement with the City Attorney and instructed said operators to continue the operation of their taxicabs, pending a decision in the matter.

The Council next heard the large delegation of street car employes and other citizens present relative to the 10¢ taxi and street car controversy. Approximately one hundred and eighty-one letters were received by the Council from patrons and friends of the Street Railway Company, asking that steps be taken to preserve this method of transportation to the citizens of Austin. The Mayor stated that the Council in studying the situation, with a view to being fair to both sides, had asked the City Attorney to prepare an opinion on the matter, and the following communication was then read:

"Austin, Texas, June 1, 1932.

The City Council,  
Austin, Texas.

Gentlemen:

At the suggestion of the Mayor, I am presenting to you some thoughts on the Taxicab situation.

It has become obvious that the ordinance recently passed, regulating taxicabs, is being generally disregarded by the operators. It has also been demonstrated that there is much difficulty in the enforcement of the ordinance. Particularly the provisions of the ordinance that prohibit taxicabs from operating on streets already occupied by the rail routes and bus routes of the Street Car Company have been and are being continuously violated. This provision was made by the City Council in the spirit of fairness to a transportation facility that was already serving these streets, and in the interest of the public, so as not to duplicate services on these particular streets, and to distribute the service of the taxicabs to the sections of the City not served by the Street Car Company. By the disregard of the ordinance, neither of these purposes has been effected.

My suggestions are these. That the City Council invoke the Jitney Ordinance, which makes taxicabs that indiscriminately pick up passengers on the streets, come under the term of "jitneys", in which event they must operate between definite termini over definite routes and maintain a definite and regular running schedule. Taxicab facilities, properly speaking, could still be preserved to the public by licensing those who may desire to engage in such

business, but confining the operation of taxicabs only to service on definite call and not allowing them to take on any passengers except on call to their place of business, and then require them to return immediately to their place of business after such service, and not to operate upon the streets otherwise than in the performance of such definite service.

In my judgment, such an arrangement would be easier to police, and would result in distributing these services to the public.

If it is your pleasure, I will prepare an ordinance, or ordinances, to cover these ideas, and hand same to you as you may instruct.

Very truly yours,

(Sgd) J. Bouldin Rector,  
City Attorney. "

G. E. Thompson, an employe of the Austin Street Railway Company, presented a petition signed by one hundred and nineteen employes of said Company, asking that the Council pass an ordinance placing the 10¢ taxis on an equal basis with the street cars and busses.

Messrs. R. L. Burdett, J. E. McClain and Judge Ike D. White spoke in the interest of the street cars, urging that unfair competition by the 10¢ taxis be eliminated by placing same on an equal footing with the street cars.

Messrs. C. D. Caswell and Mims spoke for the taxicabs, pointing out the service they were rendering to the public that could not be given by the street cars.

After hearing the discussion, the Mayor expressed the thanks of the Council to the citizens for appearing, stating that the matter would be given further consideration.

The Mayor announced that the hearing called for this day by published notice in the Austin Statesman on May 18, 1932, as required by the terms of the Zoning Ordinance, on the proposal of the City Council to amend the Zoning Ordinance in the certain particulars shown by the proposed ordinance on file in the office of the City Clerk, would now be opened.

No one appearing to offer any objections to the above proposals, the Mayor laid before the Council the following report of the City Plan Commission:

"Austin, Texas, June 1, 1932.

Honorable City Council  
City of Austin,  
Austin, Texas.

Gentlemen:

The following resolution was passed by the City Plan Commission at a meeting held on May 27, 1932:

"WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission for its consideration and recommendation the following amendments to the text of the Zoning Ordinance:

(1) That Section 2 be amended by changing the definition of the word "LOT" to read as follows:

LOT: A parcel of land described and recorded as a lot on the records of Travis County, Texas; or, in the event any lot or lots or land acreage as recorded are subdivided or cut up into smaller or different parcels of land or in the event any parcel of such lot or lots or land acreage is used for the purpose of placing on any such parcel a principal building and its accessory buildings, each such parcel of land shall become a separate lot for the purposes of this ordinance, and the boundaries of each such lot shall be determined and defined so as to contain sufficient area to include the principal building and its accessory buildings to be erected thereon and the open spaces required under this ordinance.

(2) That the definition of the word "SETBACK" , in Section 2, be amended by striking out the word "line", which is the eighth word of the definition, and inserting in place thereof the word "wall".

(3) That Section 4 be amended by striking out all of item 12 and changing the present Section 13 to number 12 and the present Section 14 to number 13.

(4) That Section 4, original subsection 14, item "c", be amended by inserting between the word "garage" and the word "when", these being the third and fourth words in the first sentence, the following words: "poultry shed, storage room or other outhouse"; also by striking out the word "other" in the first sentence.

(5) That Section 4, original subsection 14, item "d", be amended by adding, at the end of the sentence, the words "and not less than 20 feet from any street line."

(6) That Section 5, subsection 8, item "b", be amended by inserting between the word "garage" and the word "when", these being the third and fourth words in the first sentence, the following words: "poultry shed, storage room or other outhouse"; also by striking out the word "other" in the first sentence.

(7) That Section 5, subsection 8, item "c", be amended by adding, at the end of the sentence, the words "and not less than 20 feet from any street line."

(8) That Section 6, subsection 31, be amended by inserting between the words "garage" and "accessory", these being the third and fourth words of the first sentence, the following words: "poultry shed, storage room or other outhouse"; also by striking out the word "other" appearing in the same sentence.

(9) That Section 11 be amended by adding, at the end of such section, the following:

No lot shall hereafter have any building altered or placed thereon, which building is to be used as a residence, unless such lot abuts for at least thirty-five (35) feet on a street; or in the event such lot does not abut on a street, such lot shall have access to a street by means of an uninterrupted easement or right-of-way, other than an alley, which easement or right-of-way shall not be parallel and adjacent to an alley and must be at least twelve (12) feet wide if intended to serve one lot and must be at least twenty-four (24) feet wide if intended to serve more than one lot, which easement or right-of-way must be reserved and maintained for that purpose as long as any such building is used as a residence, and such easement or right-of-way shall be filed for record in the office of the County Clerk of Travis County, Texas.

(10) That Section 12 be amended by changing all of the subsection referring to "setback" to make such subsection read as follows:

There shall be a setback line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a setback line for any wall or porch of not less than twelve (12) feet from any side street line provided that when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets has been built up, at the time of the passage of this ordinance, with buildings having a minimum setback line of less than twenty-five (25) feet from the front street line or less than twelve (12) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this ordinance be required to be less than thirty-five (35) feet in width.

The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall be not less than fifteen (15) feet distant from the nearest line of said easement or right-of-way or shall be not less than fifteen (15) feet from the front lot line as the case may be and no front porch line shall be nearer than five (5) feet to such easement or right-of-way line or nearer than five (5) feet to such front lot line. (Also see Sections 4, 5, and 6 for additional regulations for accessory buildings.)

(11) That Section 13 be amended by changing all of the subsection referring to "setback" to make such subsection read as follows:

There shall be a setback line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a setback line for any wall or porch of not less than ten (10) feet from any side street line provided that when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets has been built up, at the time of the passage of this ordinance, with buildings having a minimum setback line of less than twenty-five (25) feet from the front street line or less than ten (10) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this ordinance be required to be less than thirty-five (35) feet in width.

The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall be not less than fifteen (15) feet distant from the nearest line of said easement or right-of-way or shall be not less than fifteen (15) feet from the front lot line as the case may be and no front porch line shall be nearer than five (5) feet to such easement or right-of-way line or nearer than five (5) feet to such front lot line.

Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "D" Industrial, or "E" Unrestricted District, and a Second Height and Area District, the setback regulations may be waived and in any such case, setback requirements for corner lots from streets intersecting such street may be waived. (Also see Section 4, 5, and 6 for additional regulations for accessory buildings.)

(12) That Section 14 be amended by changing all of the subsection referring to "setback" to make such subsection read as follows:

There shall be a setback line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a setback line for any wall or porch of not less than ten (10) feet from any side street line provided that when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets has been built up, at the time of the passage of this ordinance, with buildings having a minimum setback line of less than twenty-five (25) feet from the front street line or less than ten (10) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this ordinance be required to be less than thirty-five (35) feet in width.

The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall be not less than fifteen (15) feet distant from the nearest line of said easement or right-of-way or shall be not less than fifteen (15) feet from the front lot line as the case may be and no front porch line shall be nearer than five (5) feet to such easement or right-of-way line or nearer than five (5) feet to such front lot line.

Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "D" Industrial, or "E" Unrestricted District, and a Third Height and Area District, the setback regulations may be waived and in any such case, setback requirements for corner lots from streets intersecting such street, may be waived. (Also see Sections 4, 5 and 6 for additional regulations for accessory buildings.)

(13) That Section 23 be amended by inserting, after the first word, the words "no existing building and".

(14) That Section 27 be amended by changing the words "such any", which are the eighty-third and eighty-fourth words in the first paragraph, to the words "any such".

(15) That the second and third paragraphs of Section 30 be amended by changing the same to read as follows:

Any proposed ordinance for the amendment, supplement, change or repeal of this ordinance, shall either be proposed to the City Council by the Board of Adjustment, or shall be referred by the City Council to the Board of Adjustment for consideration and report, before any final action shall be taken thereon by the City Council. In the event the report of the Board of Adjustment on the proposed ordinance for the amendment, supplement, change or repeal of this ordinance shall be adverse thereto, or in the event a protest against the proposed amendment, supplement, change or repeal be presented in writing to the City Council, duly signed and acknowledged by the owners of at least twenty (20) per cent of property situated in the area bounded by lines two hundred (200) feet in each direction and on each side of the area included in such proposed amendment, such ordinance for the amendment, supplement, change or repeal of this ordinance shall not be passed, except by an affirmative vote of at least four members of the City Council.

Whenever the owners of at least fifty (50) per cent of all of the property situated within the area bounded by a line two hundred (200) feet in all directions from any property proposed to be changed, shall present a petition, duly signed and acknowledged, to the City Council, requesting an amendment, supplement or change of the regulations prescribed for such property, it shall be the duty of the City Council to vote upon the proposal presented by said petition within ninety days after the filing of same with the City Council,

and

WHEREAS, no objections thereto were presented to the Commission; and

WHEREAS, the Commission carefully considered the proposed amendments and found the same to be reasonable and proper and would result in a more consistent, workable and equitable ordinance; therefore

BE IT RESOLVED BY THE CITY PLAN COMMISSION OF THE CITY OF AUSTIN:

THAT the above amendment to the Zoning Ordinance be and the same is hereby approved and recommended to the City Council of the City of Austin.

CITY PLAN COMMISSION,

By (Sgd) H. F. Kuehne,  
Chairman. "

The Mayor then laid before the Council the following ordinance:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

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 Alford 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 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 Alford 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 Alford 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 ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH", IN THE PARTICULARS STATED HEREIN.

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

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, 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.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on Alice Avenue from the north line of Thirty-Eighth Street to the City Limits, being Districts Nos. P-170, P-171, and P-172, in accordance with the contract, and recommending the acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CON-  
STRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A  
PORTION OF ALICE AVENUE IN THE CITY OF AUSTIN,  
TEXAS, PROVIDING FOR PAYMENT OF ANY BALANCE  
DUE BY THE CITY FOR ITS PORTION OF THE COSTS  
OF SAID STREET IMPROVEMENTS AND FOR THE DELIVERY  
OF CERTIFICATES OF ASSESSMENTS AGAINST ABUTTING  
PROPERTY AND ITS OWNERS.

WHEREAS, on the 2nd day of June, 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:

ALICE AVENUE from the north line of Thirty-Eighth Street to the south line of Fortieth Street, known and designated as Unit or District No. P-170;

ALICE AVENUE from the south line of Fortieth Street to the north line of Forty-Second Street, known and designated as Unit or District No. P-171;

ALICE AVENUE from the north line of Forty-second Street to a point where City Limits intersects west line of Alice Avenue, known and designated as Unit or District No. P-172;  
and

WHEREAS, said contractor has fully completed the street improvements upon units or districts 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 portions of Alice Avenue 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 portions of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution shall 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.

Reports of H. R. F. Helland, Consulting Engineer, stating that the flushcoating on Seventh Street from the east line of Colorado Street to the west line of Brazos Street, being Contract 200-9, and on Ninth Street from the east line of Lavaca Street to the west line of Congress Avenue, being Contract 200-2, has been completed in accordance with their contracts, and recommending acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolutions:

RESOLUTION ACCEPTING DOUBLE FLUSHCOATING CON-  
STRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A  
PORTION OF SEVENTH STREET IN THE CITY OF AUSTIN  
AND PROVIDING FOR THE PAYMENT BY THE CITY OF  
AUSTIN, TEXAS.

WHEREAS, on the 12th day of December, 1931, the City of Austin, Texas, entered into a contract with the 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:

SEVENTH STREET from the west line of Brazos Street to the east line of 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 the Southwest Bitulithic Company upon said portion of Seventh 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, Councilmen Mueller and Steck, 5; nays, none.

RESOLUTION ACCEPTING DOUBLE FLUSHCOATING CON-  
STRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A  
PORTION OF NINTH STREET IN THE CITY OF AUSTIN  
AND PROVIDING FOR THE PAYMENT BY THE CITY OF  
AUSTIN, TEXAS.

WHEREAS, on the 13th day of November, 1931, the City of Austin, Texas, entered into a contract with the 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:

NINTH STREET from the west line of Congress Avenue to the east line of Lavaca 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 the Southwest Bitulithic Company upon said portion of Ninth 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A letter from W. E. Gettys, Secretary, asking that the City pay the rent for the month of June on the building at 403 Congress Avenue, occupied by the Austin Employment Commission and the Community Chest, was read. Councilman Alford moved that the City Manager be instructed to pay the rent on said building for the month of June, but no longer. 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 application of H. E. Wattinger and Company for permission to use the sidewalk area on Guadalupe and West Ninth Streets in the construction of the public library building was read. The following report was also read:

"Austin, Texas, June 2, 1932.

Mr. Adam R. Johnson, City Manager,  
and Honorable City Council,  
City of Austin,  
Austin, Texas.

Gentlemen:

Attached herewith is the application of H. E. Wattinger and Company for a permit to occupy certain street areas to be used in the construction of the new library building at Ninth and Guadalupe Streets. We recommend that permission be granted to H. E. Wattinger and Company to occupy all of Ninth Street extending from Guadalupe Street to San Antonio Street and only a portion of the sidewalk space on Guadalupe Street, all as indicated on the plan hereto attached.

Respectfully submitted,

(Sgd) Orin E. Metcalfe, City Engineer,  
Thomas E. Neal, Traffic Police  
Captain;

G. S. Moore, Building Inspector. "

The Mayor then laid before the Council the following ordinance:

AN ORDINANCE GRANTING TO H. E. WATTINGER AND COMPANY CERTAIN SPACE ON GUADALUPE AND NINTH STREETS AND IN THE ALLEY BETWEEN GUADALUPE AND SAN ANTONIO STREETS, IN THE CITY OF AUSTIN, DURING THE CONSTRUCTION OF THE CITY LIBRARY.

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

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, 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 following report of the City Engineer was read:

"Austin, Texas, June 2, 1932.

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

Dear Sir:

After reviewing the proposed Park Board budget for the year 1932, I have assembled the following facts:

The Landscape Architect was to receive in lieu of a car allowance, oil and gasoline for his car as actually required for city work. The suggested amount of \$250.00 was merely a general estimate which had been assumed by the Park Board as being sufficient to take care of this item. I find by investigation that for eleven months during 1931 that the cost of gas and oil was \$57.20, and for the first five months of this year that the cost of same is \$44.84. It appears that \$100.00 will be sufficient to take care of this item during the year 1932, therefore, I have revised the suggested City Council resolution so as to conform with this last suggestion.

Respectfully submitted,

(Sgd) Orin E. Metcalfe,  
City Engineer. "

The Mayor then laid before the Council the following resolution:

WHEREAS, on the 19th day of January, 1932, the City Park Board passed a motion recommending that the City Council appropriate a budget allowance to cover the expense of Landscape Architect, incidental surveying, abstract and fees, in the total sum of Five Thousand, Six Hundred and Fifty Dollars (\$5650.00); and

WHEREAS, the City Park Board on the 23rd day of May, 1932, revised and reconsidered its budget for the year 1932 as follows:

Landscape Architect -----	\$3600.00
Oil, Gas, etc. -----	250.00
Surveys, platting for proposed projects -	200.00
Abstracts and Fees -	400.00
	<u>\$5050.00</u>

WHEREAS, the Park Board has requested the City Council to appropriate Five Thousand, and Fifty Dollars (\$5050.00) to provide for said budget; and

WHEREAS, the City Council has considered said budget; therefore,

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

THAT the following budget be approved by the City Council:

Landscape Architect's	
Salary -----	\$3600.00
Oil, Gasoline for Landscape Architect's car -----	100.00
Surveying, Platting for new projects -----	200.00
Abstracts and Fees -----	400.00
	<u>\$4900.00</u>

BE IT FURTHER RESOLVED:

That the sum of Forty-Nine Hundred (\$4900.00) Dollars is hereby appropriated out of the Parks and Playgrounds Bond Fund for said budget and for said purposes.

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

The application of Mrs. Victoria Mecey and J. M. Mecey for permit to construct a ramp at the Plaza Hotel, 1302 Congress Avenue, was read.

The Mayor then laid before the Council the following:

"Austin, Texas, June 2, 1932.

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

Dear Sir:

The request of Mrs. Victoria Mecey and J. M. Mecey, owners of portions of Lots 2 and 3, in Block 159 of the Original City of Austin, for permit to set back curb and construct a ramp

in front of their property located at 1302 Congress Avenue has been investigated and we present the following facts:

The property at this location is located within the "B" Residence Use District according to the zoning map of the City of Austin. On a portion of this property, adjacent to the Capitol, is a non-conforming business establishment erected previous to the zoning requirement. It has been explained to us that no additional business is proposed to be operated, but that the set back ramp will be used to increase the facilities of the present drug store on the same property. This will to a certain extent extend business activities in a Residence "B" zone and we wish to call your attention to this fact before the City Council acts upon same.

We believe that the granting of the permit to set the curb back will make the traffic conditions better. If the Council decides to grant the permit, we suggest that same be granted subject to same's being constructed according to the layout shown on the accompanying plan marked 2-G-175, and that all of the broken portion of the old gutter shall be repaired and that a standard concrete curb not less than 6 inches at the top and having a 6 inch face exposed and that the area between the present gutter and the proposed new curb shall be constructed of concrete at the expense of the applicant. That all of said concrete shall be not less than 6 inches in thickness and of the following proportion: 1 part cement, 2 parts of sand and 4 parts of screened gravel or rock. That all of said concrete work shall be done by a bonded sidewalk contractor, and shall be under the direction of the City Engineer.

(Sgd) Orin E. Metcalfe,  
City Engineer.

G. S. Moore, Building Inspector. "

WHEREAS, Mrs. Victoria Mecey and J. M. Mecey, owners of portions of Lots 2 and 3, in Block 159 of the Original City of Austin, have made application to the City Council for permission to set the curb back adjacent to the above property for the purpose of providing additional parking space; and

WHEREAS, the City Council has favorably considered the application; therefore,

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

THAT permission is hereby granted Mrs. Victoria Mecey and J. M. Mecey, owners of portions of Lots 2 and 3 in Block 159 of the Original City of Austin, to make a curb set back adjacent to this property subject to the following conditions:

(1) That the applicants shall construct a concrete ramp and curb and shall repair the old gutter in accordance with the attached plan marked 2-G-175, which plan is hereby made a part of this resolution.

(2) That said concrete ramp shall be constructed of concrete not less than 6" in thickness and mixed in the following proportions: 1 part cement, 2 parts of sand and 4 parts of screened gravel or rock.

(3) That a concrete curb 6" high shall be constructed adjacent to the said concrete ramp.

(4) That all existing trees within the widened area shall be removed at the expense of the applicants.

The above report and resolution were 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 ordinance:

AN ORDINANCE DEFINING WHOLESALE PEDDLER, RELATING TO AND PROVIDING FOR THE LICENSING AND REGULATION OF WHOLESALE PEDDLERS, PROVIDING A PENALTY, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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 Alford, 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 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 Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The foregoing ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford 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 ordinance:

**AN ORDINANCE PROHIBITING THE SALE OF MARINE PRODUCTS FROM ANY VEHICLE WITHIN THE CITY OF AUSTIN, PROVIDING A PENALTY, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

The above ordinance was read the first time and Councilman Mueller moved a suspension of the ordinance and the placing of same on its second reading. Motion was seconded by Councilman Alford 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 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 Alford 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 Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The City Attorney was instructed to prepare an ordinance amending the ordinance regulating the operation of taxicabs recently passed by the City Council.

No further business coming before the Council, Councilman Alford 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.

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, June 8, 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 laid before the Council the Revised Budget of the City of Austin covering the period from June 1, 1932, to December 31, 1932, which had been introduced at the last regular meeting. Councilman Mueller moved that said budget be adopted. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The following is the revised budget as adopted: