

Southern Pacific Lines 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, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The application of Mabrey Mason Love, 504 Bowie Street, for permit to operate as a taxicab a 1930 DeSoto Sedan, Engine #23038, State Highway License No. 671-940, was read. Councilman Gillis moved that the application be granted. 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: *O. W. McFadden*
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 8, 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 regular meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

Judge J. W. Wheeler, Attorney for Neal H. DeWitty and Willie Burns, Owner and Driver, respectively, of the taxicab bearing City License No. 202, appeared before the Council and asked that the hearing on the revocation of such license be postponed on account of the continued illness of one of the defendants. Councilman Gillis moved that the request be granted. 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 hearing on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars:

(1) To amend the USE designation of Lots (E) and (F), Outlot 67, Division "D" of the City of Austin, said property being located at the northwest corner of the intersection of Rio Grande and West 28th Streets, so as to change same from "A" RESIDENCE DISTRICT to "B" RESIDENCE DISTRICT,

which was postponed from September 1st, was opened, and the following appeared and were heard:

W. A. Harris, D. B. Camp, H. P. Davidson, W. E. Seaholm, and Malcolm Forsman, representing the Theta Xi Association, owners of the property involved, urged that the change be made in order to permit them to proceed with the erection of their Chapter House, stating that this property was purchased several years ago for this purpose.

Dr. J. W. Galhoun, Q. C. Taylor, and other property owners protested the change in the USE designation of said property on the grounds that it would greatly deteriorate the value of their property as a residential section.

The following resolution of the Board of Adjustment was read:

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the Board of Adjustment, for its consideration and recommendation, an amendment to the Zoning Ordinance providing for the change of the USE designation of Lots (E) and (F), Outlot 67, Division "D" of the City of Austin, from "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; and

WHEREAS, the Board held a public hearing at the City Hall at 8:00 P. M. on August 17, 1932, at which the applicants for the change and a number of surrounding property owners presented arguments for and against the proposed change; and

WHEREAS, the appellants plead for the change on the grounds that they had purchased this property before the passage of the Zoning Ordinance for the express purpose of erecting thereon the proposed Fraternity house; and that they had invested a considerable sum of money in this property and that to deny the application would cause them considerable financial loss in view of the inability of disposing of the property at the present time for the amount invested therein or of exchanging the same for other property in a "B" RESIDENCE zone; and further affirmed that the building to be constructed thereon would be of a residential type as shown in Exhibit "A" attached hereto; and that the occupation of this building by a Fraternity would not adversely affect the surrounding neighborhood nor cause any nuisances and would, on the contrary, enhance the neighboring property; and presented to the Board one letter from a neighboring property owner giving her consent to the change as shown in Exhibit "B" and also a letter from a neighbor now living adjacent to the Fraternity vouching for the character and conduct of the members of the Fraternity as shown by Exhibit "C"; and

WHEREAS, over 20 per cent of the owners of adjacent property within 200 feet of the property proposed to be changed appeared before the Board and vigorously protested the proposed change and presented a petition signed by nine property owners protesting against the change as shown in Exhibit "D"; and

WHEREAS, the property owners protesting against this change affirmed that to permit a Fraternity house to be erected on the property would lower the classification of the district and would adversely affect the homesteads located there and detract from the desirability of their property for residence purposes; and that they had invested a large amount of money in said property for homestead purposes; and that this section was properly zoned as an "A" RESIDENCE DISTRICT; and that this use was of a permanent character and that the character of the Fraternity was variable and inconstant and that the character of the occupancy of a Fraternity house differs materially from that of a home and would not be the same in nature, quality or character; and

WHEREAS, the Board carefully considered the proposed amendment in the light of all arguments presented and from a City planning point of view and found serious objections

thereto; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

THAT the above amendment to the Zoning Ordinance and change in the USE DISTRICT map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

(1) That this application is for a single piece of property, which would be in the nature of spot zoning.

(2) That the majority of adjacent and neighboring property owners are opposed to this change.

(3) That this district was originally zoned for Residence "A" purposes by the Zoning Commission and adopted by the City Council after numerous public hearings at which all property owners were given an opportunity to express their preferences.

(4) That the present character of this neighborhood is essentially residential and that the present development of all property to the west and north is purely residential.

(5) That until there is a concerted demand of the majority of the property owners in this neighborhood as a result of changed conditions and expansion and growth of the City there is no justification for changing the USE designation at this time.

BOARD OF ADJUSTMENT,

(Sgd) H. F. Kuehne, Chairman.

The Council took the above matter under advisement.

Mrs. Edna Wheeler and others brought before the Council the need of a park and playground for the Metz School neighborhood. Councilman Gillis, James A. Garrison, Superintendent of Recreation, and Orin E. Metcalfe, City Engineer, were appointed as a committee to look over the ground and make a report to the Council.

The application of J. E. Haire, 209 East 13th Street, for permit to operate as a taxicab a 1929 4-Door Nash Sedan, Factory No. 149457, State Highway License No. K34-471, was read. Councilman Gillis moved that the application be granted, as same was filed prior to the Council's decision to limit the number of taxicabs operating to forty. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mueller, 3; nays, Mayor McFadden, 1; absent, Councilman Steck, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the Park Board of the City of Austin has recommended the further development of the artesian well now under construction at Blunn Creek in South Austin; and

WHEREAS, the Park Board's recommendation has been reviewed and approved by the City Council; therefore,

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

THAT the additional sum of Five Hundred (\$500.00) is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of the development of the artesian well at Blunn Creek in the South Austin park.

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 Mayor laid before the Council the following resolution:

WHEREAS, there is a law on the statute books of the State of Texas exempting parsonages from taxation from and after August 14, 1931; and

WHEREAS, it is deemed expedient by the City Council that parsonages in the City of Austin should be exempted from taxation for the year 1931 also, and that all interest and penalties accrued on taxes owing on parsonages should be remitted; therefore,

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

THAT all parsonages in the City of Austin be exempted from taxation for the year 1931; that the interest and penalties accrued on unpaid taxes on said parsonages be remitted, provided payment of such unpaid taxes is made at once; and that all taxes which have been paid on parsonages for the year 1931 be refunded; and

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

THAT the Assessor and Collector of Taxes of the City of Austin be and he is hereby authorized to change his rolls in accordance with the above.

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 Mayor laid before the Council the following resolution:

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

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

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

(1) A telephone pole line in CHESTNUT AVENUE from New York Avenue Alley to East Seventeenth Street, the centerline of which pole line shall be 8 feet east of and parallel to the west line of said Chestnut Avenue.

(2) A telephone pole line in LEON STREET from the north line of West Nineteenth Street to the north line of West Twenty-second Street, the centerline of which pole line shall be 13 feet west of and parallel to the east line of said Leon Street.

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

The above resolution was adopted 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 that the Council 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: J. M. McFadden
M a y o r .