

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

THAT the additional sum of Three Hundred and Fifty Dollars (\$350.00) 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.

An estimate prepared by Jas. A. Garrison, Superintendent of Recreation, showing the cost of constructing a playground on property owned by the City at Perdinales and Canterbury Streets, was read. Councilman Mueller moved that the matter be referred to the Park Board, with the recommendation that provision be made out of the remaining funds in the Parks & Playgrounds Bond Fund for establishing a playground at this location. 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.

No further business coming before the Council, Councilman Alford moved to recess, subject to call of the Mayor. Motion was seconded by Mayor McFadden 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. H. McFadden*  
MAYOR.

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, October 6, 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 regular meeting of September 22nd 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.

No quorum being present, the regular meeting of September 29th was postponed until October 6th.

T. H. McGregor and M. H. Reed appeared before the Council and submitted a proposal to convey to the City title to the bridge across Shoal Creek at Twenty-ninth Street, which is owned by them and associates, in exchange for the remission of certain city taxes owing by M. H. Reed. The Council deferred the matter to a conference with said parties at 8:00 P. M., Monday, October 10th, at which the City Manager, City Attorney and City Engineer were requested to be present.

The hearing on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars:

To amend the USE designation of the west Fifty (50) feet of Lots 1, 2, and 3, Block 160, of the Original City of the City of Austin, Travis County, Texas, said property being located on the southeast corner of the intersection of Congress Avenue and East 14th Street, so as to change same from "B" Residence District to "C" Commercial District;

was opened, and the following persons appeared and were heard:

Earl Simms, Agent for Miss Dot Thornton and mother, Mrs. Mary Thornton, owners of the property, plead for the change on the grounds that it has always been contemplated that this property would be used for commercial purposes; that the owners, having only a life interest in the property, can not sell same, and unless used for commercial purposes, it will not bring sufficient revenue; and further stated that if granted this change his clients would agree not to erect thereon a filling station or automobile repair shop.

A. J. Eilers, representing Miss Lula V. Cater, adjacent property owner, objected to the change should it permit the erection of a filling station on the property.

R. G. Mueller, representing St. Martin's Lutheran Church, objected to the change on the grounds that a filling station or mercantile establishment would be very detrimental to said church.

The following reports of the Board of Adjustment and City Plan Commission were read:

"Austin, Texas, October 3, 1932.

Honorable City Council  
City of Austin.

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on September 20, 1932, in regard to the changing of the Use designation of property located on the southeast corner of the intersection of Congress Avenue and East 14th Street.

Yours respectfully,

(Sgd) H. F. Kuehne, Chairman Board of Adjustment.

#### RESOLUTION.

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 the West Fifty (50) feet of Lots 1, 2, and 3, Block 160, of the Original City of Austin, said property being located on the southeast corner of the intersection of Congress Avenue and East 14th Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, an amendment was presented to the City Plan Commission on November 6, 1931, providing for the change of the USE designation of the lot herein described and also all that property comprising the two half-blocks east and west of Congress Avenue between 13th and 14th Streets from "B" Residence District to "C" Commercial District and said recommendation of the City Plan Commission disapproving said change was sustained at that time by the City Council; and

WHEREAS, the status of this property is now the same as it was at that time and no new conditions or circumstances have arisen to alter the same; and

WHEREAS, vigorous opposition was again voiced by adjacent property owners to this change; and

WHEREAS, the appellant plead for this change on the grounds that the property is now practically vacant, producing small revenue, and that to deny the use of the same for the purposes intended by the appellant would deprive the owner of a profitable use of this property and the appellant further affirmed that the improvements intended to be placed thereon consisted of a super filling station, including the sale of tires and automobile accessories, storage and repair of batteries, and washing and greasing of cars, and the construction of two store buildings to be occupied by a grocery and drug store, and that these improvements would conform to all the requirements of the Zoning Ordinance for the Height and Area District in which this property is located; and

WHEREAS, the property owners protesting against this change affirmed that to permit the use of this property for the purposes stated would adversely affect their property and that the operation of a filling station would result in the disturbing of public worship in the church across the street where they had invested \$150,000.00 in a beautiful church building; and that this type of use would tend to detract from the character of the neighborhood and disturb the peace and comfort of surrounding property owners by the emission of odors and noises incidental to such use; and

WHEREAS, the Board carefully considered the proposed amendment in the light of all arguments presented and for the best interests of the City and surrounding property and found serious objection 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 a change of the Use designation of this area including the appellant's lot has already been disapproved by the City Plan Commission and the City Council upon a previous application.
2. That no new conditions or circumstances have arisen which would justify making this change at this time.
3. That this application is for a single piece of property, which would be spot zoning.
4. That the present Use designation of this property as "B" Residence will permit of its use to the best advantage as the Zoning Ordinance would permit the erection thereon of apartment houses, apartment hotels housing at least three families in which may be located a cafe, drug store, laundry, clothes pressing shop and barber shop, and boarding and lodging houses.
5. That this area and all property on Congress Avenue from the State Capitol to 19th Street was originally zoned by the City Plan Engineers and the original Zoning Commission as Residence "B" property for the reason that the City Plan contemplated the beautification of Congress Avenue from the Capitol to the Littlefield Memorial now under construction, extending the same in a straight line from one end to the other, and that a boulevard of such proportions, importance and monumental terminal would not justify the zoning of the abutting property for commercial purposes but rather that its character would be best preserved by Residential "B" classification which would at the same time permit of the most profitable use of this property through the development of an apartment district which by its location would ideally serve the State Capitol and the State University.

**BOARD OF ADJUSTMENT**

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

"Austin, Texas, October 6, 1932.

Honorable City Council  
City of Austin,

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the City Plan Commission at a meeting held on October 3, 1932, in regard to the changing of the Use designation of property located on the southeast corner of the intersection of Congress Avenue and East 14th Street.

Yours respectfully,

(Sgd) H. K. Kuehne, Chairman City Plan  
Commission.

**R E S O L U T I O N .**

WHEREAS, the City Council has submitted to the City Plan Commission for its consideration and recommendation an amendment to the Zoning Ordinance providing for the change of the Use designation of the West Fifty (50) feet of Lots 1, 2, and 3, Block 160, of the Original City of Austin, said property being located on the southeast corner of the intersection of Congress Avenue and East 14th Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Commission carefully considered the proposed amendment from a City planning point of view and found objections thereto; therefore,

**BE IT RESOLVED BY THE CITY PLAN COMMISSION 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 change was acted upon by the City Plan Commission on November 6, 1931, at which time the change was disapproved and not recommended to the City Council, which action the City Council affirmed; and that no circumstances or conditions have developed

since that date to alter the considerations affecting this change to cause the Commission to reverse its former action.

2. That the use contemplated of the property in question for a super filling station, should a change be granted, would be detrimental to the interests, peace, and comfort of the St. Martin's Lutheran Church on the opposite side of the street.

3. That the same reasons for disapproving this change as contained in the resolution submitted to the City Council adopted by the Commission on November 6, 1931, apply to this case at this time.

4. That the establishment of business property on North Congress Avenue would tend to destroy the character of the street as a boulevard or parked thoroughfare with broad sidewalk areas of grass and shrubbery and trees lining the same, as each additional commercial building would desire the curbs to be set back with cold areas of concrete destroying the trees and parked area.

CITY PLAN COMMISSION,

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

Following the above hearing, the Council took the matter under advisement.

A complaint by Miss Effie Whitehand, relative to a bill for water charged against her, was heard; and the matter was taken under advisement, to find out what adjustment could be made.

The following report of the Board of Equalization was read and ordered filed:

"Austin, Texas, September 30, 1932.

To the Hon. Mayor and Members of the City Council,  
Austin, Texas.

Gentlemen:

We, the members of the Equalization Board, appointed to equalize and adjust all the values as shown on the tax rolls of the City of Austin for the year 1932, beg leave to state that we have finished the work as nearly as possible to be done owing to the limited time given (60 days), and further that we have had more than twelve hundred requests to look at improvements and about one-third of our time was taken up in looking at houses and in many cases gave some reductions.

Will further state that the City Charter recites that the Board shall properly and equitably adjust and equalize and thus continue until it has adjusted and equalized the valuations of all the property on said tax rolls; however, that the said Board shall not receive pay for more than sixty days in performing its duties each year. This clause in the charter was placed there more than twenty years ago, while, in fact, the taxable values have increased from about \$18,000,000 to \$50,000,000 since that time. In our opinion, it can't properly be done.

Respectfully submitted,

(Sgd) Otto Ebeling, Chairman;

A. W. Townsend, Secretary;

C. F. Ledbetter, Examiner and Member of  
the Board. "

The City Manager submitted to the Council a bill, in the amount of Ten Dollars, rendered by Otto Ebeling and A. W. Townsend, Members of the Board of Equalization, for one day's extra services alleged to be due them; also, a letter from T. B. Marshall, Tax Assessor and Collector, relative to same. The matter was laid on the table.

The following communication from the City Engineer was read:

"Austin, Texas, September 24, 1932.

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

Dear Sir:

The request of the Trinity Laboratories, Inc., that they be approved as a testing laboratory for the testing of concrete pipe to be used under City of Austin's specifications, has been investigated. They gave us various references as to their general ability, and

said references have been communicated with and have given them high recommendations.

I suggest that the Trinity Laboratories, Inc., be approved as a testing laboratory for the testing of concrete pipe and that the City Council formally approve same by a proper motion at one of their meetings. A suggested motion form accompanies this communication, which may be used subject to the pleasure of the City Council.

Respectfully submitted,

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

Mayor McFadden moved that, in accordance with the above recommendation of the City Engineer, the Trinity Laboratories, Inc., be approved as testers of concrete <sup>sanitary sewer</sup> pipe to be used in the City of Austin, in accordance with the ordinance regulating same. 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 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 LAUREL LANE from Hemphill Park easterly approximately one-half block, the center line of which gas main shall be 22 feet south of and parallel to the north line of said Laurel Lane. Said gas main described above shall have a cover of not less than 2½ feet.

2. A gas main in WEST TENTH STREET from Augusta Avenue to Avenue "L", the center line of which gas main shall be 15 feet north of and parallel to the south line of said West Tenth Street. Said gas main described above shall have a cover of not less than 2½ feet.

3. A gas main in CANTERBURY STREET from Perdenales Street to Llano Street, the center line of which gas main shall be 19 feet south of and parallel to the north line of said Canterbury Street. Said gas main described above shall have a cover of not less than 3 feet.

4. A gas main in SAN SABA STREET from East First Street south approximately three blocks to the Colorado River, the center line of which gas main shall be 18 feet west of and parallel to the east line of said San Saba Street. Said gas main described above shall have a cover of not less than 3 feet.

5. A gas main in FLORENCE STREET from West Thirtieth Street, northerly to a point approximately 152 feet north of the north line of West Thirty-first Street, the center line of which gas main shall be 25 feet west of and parallel to the east line of said Florence Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT 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, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the Westenfield Swimming Pool was operated by the Recreation Department without any provision having been made in the budget of 1932 for paying salaries of life guards and for buying necessary supplies; the total receipts from said pool amounting to \$1,081.25, which was turned into the General Fund; and

WHEREAS, the total income of the Recreation Department from January 1, 1932, to September 15, 1932, amounted to \$2,501.69; and

WHEREAS, the boiler and storage tank at the Austin Athletic Club can no longer be used;

Now, therefore,

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

THAT the sum of \$725.00 be appropriated out of the General Fund and deposited to the Recreation Division, as follows:

Salaries paid to Life Guards -----	\$400.00
Supplies for cleaning and chlorinating pool -----	25.00
Purchasing boiler and hot water storage tank -----	300.00
Total -	\$725.00

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, C. C. Carter has sued the City of Austin for damages, in the sum of Three Thousand Dollars (\$3000.00), on account of alleged overflow of storm waters from 38th Street over his premises situated on said street, alleged to be caused by inadequate drainage from said street; and

WHEREAS, said Carter has agreed to settle his claim for damages for the sum of Four Hundred and Fifty Dollars (\$450.00) and costs of court; and

WHEREAS, it is deemed expedient to settle said claim for the amount proposed; now, therefore,

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

That the sum of Four Hundred Fifty Dollars (\$450.00) be appropriated out of the General Fund for the purpose of paying said C. C. Carter in full for said claim, and that the sum of \$9.65 be appropriated out of the General Fund for the purpose of paying costs of court; and that warrants issue and be delivered upon proper acquittance therefor.

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 following report of the City Engineer was read:

"Austin, Texas, October 5, 1932.

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

I have investigated the request of Cater Joseph for a permit to construct a stone walk between the regular walk line and the concrete curb in front of 2350 Guadalupe Street adjacent to the south 60 feet of Lot 35, Outlot 36, Division "D" of the Government tract of the City of Austin.

Mr. Joseph proposes to construct a temporary stone walk with the understanding that he will remove the stone walk at any time he is requested to by the City of Austin.

I recommend that he be granted the right to construct a temporary stone walk subject to the following conditions:

That the stone walk shall be laid in a smooth and workmanlike manner so that the top surface will be flushed with the ground, and there shall not be any hazard to pedestrians using same.

That all work shall be done by a bonded sidewalk contractor and in accordance with the instructions of the City Engineer.

Respectfully submitted,

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

The Mayor laid before the Council the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin, which have been previously adopted by the City Council of the City of Austin, require that all curbs and sidewalks be of concrete unless a special permit has been secured from the City Council for other materials; and

WHEREAS, Cater Joseph, owner of the south 60 feet of Lot #35, Outlot #36, Division "D" of the Government tract of the City of Austin, has requested the City Council of the City of Austin to grant him a permit to construct a flagstone walk in that area which lies between the regular concrete walk and the curb in front of his property known as 2350 Guadalupe Street; and

WHEREAS, the City Council has investigated and approved the construction of said flagstone walk; therefore,

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

THAT Cater Joseph, owner of the south 60 feet of Lot #35 in Outlot #36, Division "D" of the Government tract of the City of Austin and said property being generally known as 2350 Guadalupe Street, is hereby granted the right to construct a temporary flagstone walk in front of said property, said walk to be constructed under the supervision of the Engineering Department of the City and according to lines and grades furnished by same, and further subject to the following conditions:

That all of said work shall be done by a bonded sidewalk contractor.

That the stone walk shall be a temporary type of construction and shall be removed by and at the expense of the owner of the south 60 feet of Lot #35, in Outlot #36, Division "D" of the Government tract of the City of Austin within 30 days after receiving official notice from the City Council of the City of Austin to do so.

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

The Council then recessed.

Approved: \_\_\_\_\_

*Orin E. Metcalfe*  
Mayor.