

but that on account of the facts above stated no penalty or interest be required.

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 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: 
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 27, 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 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, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The following communication was read:

"Austin, Texas, October 26, 1932.

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

I, Mrs. Alice H. Nitschke, being the owner of Lot 1, Foster and Ludlow Addition in Outlot 43, Division B of the City of Austin, request the zoning ordinance be amended or changed so that the designation of said lot be changed from Residence B and 1st Height and Area to Commercial C and 2nd Height and Area.

Respectfully,

(Sgd) Mrs. Alice H. Nitschke.

We, the undersigned, being the owners of the majority of the property within 200 feet of the above described lot, approve the change requested and join in the petition to have the zoning ordinance so amended.

(Sgd) Anton Stasswender

Bessie Bergstrom. "

The Mayor then laid before the Council the following resolution:

WHEREAS, the owner of Lot No. 1, Outlot 43, Division "B" in the Foster and Ludlow Addition to the City of Austin, said property being located at the northeast corner of the intersection of East Sixteenth Street and East Avenue, has petitioned the City Council

to amend the Zoning Ordinance so as to change the Use and Height and Area designation of said Lot No. 1 hereinabove described from "B" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District; and

WHEREAS, under the terms of the Zoning Ordinance, such matters must be referred to the Board of Adjustment for its consideration and action and that a public hearing be held at which opportunity shall be given the public to offer any objections to said amendment; therefore,

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

That said matters be referred to the Board of Adjustment for its consideration and report to the City Council; and that a public hearing be held thereon at the City Hall at 11:00 A. M. on Thursday, November 17, 1932, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

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

An excerpt from the Minutes of the Park Board of October 24, 1932, submitted by Mrs. Noyes D. Smith, Secretary, asking that the City Council appropriate the sum of Nine Thousand Dollars (\$9000.00) out of the Parks and Playgrounds Bond Fund for the development of Palm Playground, was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, the Park Board of the City of Austin has requested the City Council to appropriate the sum of Nine Thousand Dollars (\$9000.00) out of the Parks and Playgrounds Bond Fund for the purpose of developing the Palm Playground located west of East Avenue and lying between Second and Third Streets; and

WHEREAS, the City Council of the City of Austin has favorably considered the request of the Park Board; therefore,

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

THAT the sum of Nine Thousand Dollars (\$9000.00) is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of developing Palm Playground.

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, 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 SOUTH FOURTH STREET from West Mary Street to West Annie Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said South Fourth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in SOUTH FOURTH STREET from Jewell Street north approximately six blocks, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said South Fourth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in SOUTH THIRD STREET from West Annie Street northerly to Jewell Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said South Third Street. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in SOUTH THIRD STREET from Jewell Street north to Barton Springs Road, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said South Third Street. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in SOUTH SECOND STREET from Gibson Street north approximately one and one-half blocks, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said South Second Street. Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in JAMES STREET from South Fifth Street easterly to Bouldin Creek, the centerline of which gas main shall be 10 feet north of and parallel to the centerline of said James 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 whenever 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 application of Wesley and Mary Lou Stone for a curb setback at the southeast corner of Eighteenth and Red River Streets was read.

The Mayor laid before the Council the following:

"Austin, Texas, October 27, 1932.

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

Dear Sir:

The request of Wesley and Mary Lou Stone, owners of Lot #8 of Outlot #65, Division "E" of the Government Outlots of the City of Austin, for a permit to set their curb back on the east side of Red River Street south of 18th Street has been received and considered.

Wesley and Mary Lou Stone's property is within the "O" Commercial Use District.

The use of the proposed set back area by the customers of the Stones' business building will aid traffic through Red River Street.

I recommend that this permit be granted, subject to the following conditions:

(1) That the reconstruction of the setback area on Red River Street shall be concreted in accordance with the accompanying plan marked 2-0-467, and that all such widened area, ramps and curbs shall be constructed of concrete at the expense of the applicant.

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

(3) That the concrete curb to be constructed shall be not less than 6" high and an expansion joint not less than ¾" thick shall be placed between the curb and sidewalk.

(4) That all concrete work within the street area shall be executed by a bonded sidewalk contractor.

(5) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and under the direction of the City Engineer.

Yours truly,

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

WHEREAS, on June 30, 1932, the City Council of the City of Austin passed a resolution granting permission to Wesly and Mary Lou Stone, owners of Lot #8, Outlot #65, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which lot is situated at the southeast corner of Red River Street and 18th Street, to set their curb back so as to provide more parking space on Red River Street; and

WHEREAS, said Wesly and Mary Lou Stone have made application to the City Council for permission to construct an additional 15 foot curb setback on the south of the setback as granted June 30, 1932, according to the City Clerk's Minute Book #13, Pages 390-391; and

WHEREAS, a plan has been presented showing the proposed layout of said 15 foot extension and said plan has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT permission is hereby granted Wesly and Mary Lou Stone, owners of Lot #8, Outlot #65, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, to move the curb back in front of a portion of their property on the east side of Red River Street and south of 18th Street, said curb setback to be an extension of a setback now in place, all construction to be in accordance with the plan approved by the City Council, which plan is hereto attached and marked 2-0-467; and further subject to the conditions set forth in the attached recommendation of the City Engineer, which plan and recommendation is hereby made a part of this resolution, and that this permit is made subject to all work's being done in accordance with the directions of the City Engineer and the expense of all work incident to said construction shall be borne by the applicant.

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

Messrs. G. T. Reinhardt and R. G. Mueller appeared before the Council relative to a franchise to the Missouri Pacific Railway Company to lay a spur track on West Fourth Street between Nueces and Rio Grande Streets to serve their properties. The matter was referred to the City Attorney and City Engineer for attention.

The Mayor laid before the Council the following resolution:

WHEREAS, it is the practice of certain parties to concentrate commodities, such as pecans, cotton, wool, etc., in the City of Austin for temporary storage and for the purpose of interstate shipment within a short period after storage; and

WHEREAS, the City Council deems that such commodities under such circumstances acquire a temporary and not a permanent taxable situs; therefore,

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

THAT the City Assessor and Collector of Taxes be and he is hereby instructed to strike from the tax rolls assessments against all such commodities and that no such commodities be hereafter assessed for taxation.

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 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: J. M. Fadden
Mayor.