

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 23, 1932.

The Council met in regular session on Wednesday as Thursday was Thanksgiving Day. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

The Minutes of the special meeting of November 14th and the regular meeting of November 17th 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.

Earl Simms, Agent for Miss Dot Thornton and mother, Mrs. Mary F. Thornton, owners of the property situated at the southeast corner of Congress Avenue and East 14th Street, legally described as the west fifty (50) feet of Lots 1, 2, and 3, Block 160, Original City, appeared before the Council and asked that the matter of changing the Use designation of said property from "B" Residence District to "C" Commercial District be reopened for the following reasons:

1. That said owners have an opportunity now to lease this property to a party who wants to erect on it a building to be used for a cafe, drug store and probably barber shop, and as the Board of Adjustment has already reported adversely on the matter, that same be not referred to them again but that the Council take action on same at the earliest possible date in order that the owners may not lose this valuable lease;

2. That this property has been occupied for the past ten years as business property and at the time the Zoning Ordinance was being formulated the owners, through Judge Ireland Graves, requested that this property be designated as commercial property, but found later that it was placed in Residence "B" class, which eliminates commercial activity;

3. That in view of the occupancy that this property has had all the time, and the fact that they are trying to improve the corner and put it in better shape than ever before, they should be allowed this change;

4. That this property was given to Miss Thornton and her mother by the Hogg Estate that they might have the income from it to live on and that for past years same has been taxed without any income at all and they are very much in need of the money;

5. That the fact that it is generally conceded that this will eventually become business property, and the further fact that their original request that it be zoned as business was overlooked, they ask that the Council grant this change.

Mr. Simms also submitted a sketch of the proposed building, showing the improvement of the property.

Mayor McFadden then moved that the matter of changing the Use designation of the west fifty feet of Lots 1, 2, and 3, Block 160, Original City, same being the southeast corner of East 14th Street and Congress Avenue, from "B" Residence District to "C" Commercial District be reopened and reconsidered. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, 3; nays, Councilman Mueller, 1; absent, Councilman Steck, 1.

After consideration of the above matter, Mayor McFadden moved that the City Attorney be directed to prepare an ordinance changing the Use designation of the south eighty (80) feet of the above described property from Residence "B" to Commercial "C" and present same for passage at the next regular meeting of the Council. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, 3; nays, Councilman Mueller, 1; absent, Councilman Steck, 1.

The Mayor laid before the Council the following resolution:

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

THAT the City Manager be and he is hereby authorized and directed to purchase, in the name of the City of Austin, from Mrs. Fannie Lee Brenizer, for park development purposes, .569 acre of land out of Outlot 10, Division "E" of the Government Outlots adjoining the Original City of Austin, as described by metes and bounds, to be approved by the City Manager, for the

consideration of \$284.50 , and the additional conveyance of .19 acre of land out of the same outlet, for road purposes, making in all .759 acre of land to be conveyed by said Mrs. Fannie Lee Brenizer in said transaction, upon condition that good title is shown to said land upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

THAT the sum of \$284.50 be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund to pay for said land herein first described, and that a warrant issue 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 Mayor laid before the Council the following resolution:

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

THAT the City Manager be and he is hereby authorized and directed to purchase, in the name of the City of Austin, from W. T. Caswell, for park development purposes, 5.64 acres of land out of Outlet 10, Division "Z" of the Government Outlots adjoining the Original City of Austin, as described by metes and bounds, to be approved by the City Manager, for the consideration of \$2,820.00, and the additional conveyance to the City of Austin, by deed of gift, for road purposes, of 2.33 acres of land out of the same Outlet, making in all 7.97 acres of land to be conveyed by said Caswell in said transaction, upon condition that good title is shown to said land, upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

THAT the sum of \$2,820.00 be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund, to pay for said first described property; and that warrants covering said aggregate amount be issued , as follows: warrant for \$2,000.00, payable to F. M. Adams, in payment for release of mortgage of above described property; and warrant, payable to W. T. Caswell, for \$820.00, as the balance of said amount hereby appropriated for said purposes.

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:

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

THAT the City Manager be and he is hereby authorized and directed to purchase, in the name of the City of Austin, from Dr. Joseph Gilbert, for park development purposes, .397 acre of land, out of Outlet 10, Division "E", of the Government Outlots adjoining the Original City of Austin, as described by metes and bounds , to be approved by the City Manager, for the consideration of \$198.50, and the additional conveyance of .20 acre of land out of the same outlet, for road purposes, making in all .597 acre of land, to be conveyed by said Dr. Gilbert in said transaction, upon condition that good title is shown to said land upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

THAT the sum of \$198.50 be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund, to pay for said land herein first described, and that a warrant issue 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 Mayor laid before the Council the following resolution:

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

THAT the City Manager be and he is hereby authorized and directed to purchase, in the name of the City of Austin, from D. H. Caswell, for park development purposes, .353 acre of land, out of Outlot 10, Division "E" of the Government Outlots adjoining the Original City of Austin, as described by metes and bounds, to be approved by the City Manager, for the consideration of \$176.50, and the additional conveyance of .14 acre of land out of the same outlot, for road purposes, making in all .493 acre of land to be conveyed by said D. H. Caswell in said transaction, upon condition that good title is shown to said land upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

THAT the sum of \$176.50 be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund to pay for said land herein first described, and that a warrant issue 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 Mayor 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 Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

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

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

The Mayor laid before the Council the following:

"Austin, Texas, November 22, 1932.

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

Dear Sir:

We have considered the application of F. Marek for a permit to construct a commercial drive across the east sidewalk area at 4323 Guadalupe Street adjacent to his property, legally described as Lots 3, 4, 5, and 6 of Block 10, of the Hyde Park Addition to the City of Austin.

His property is located within the "O" Commercial Use District. F. Marek proposes to observe all City rules, regulations and ordinances relating to the construction, maintenance and operation of the commercial drive. We recommend that F. Marek be granted a permit to construct a commercial drive and operate a drive-in tourist camp adjacent to his property, subject to the following conditions:

(1) That the driveway and adjacent ramp be located in accordance with the attached plan marked 2-H-293 and constructed of concrete and that a sidewalk be constructed of concrete for the entire length of said property at any time any adjacent property owner constructs a walk on the adjacent sidewalk area.

(2) That plan 2-H-293 is hereby made a part of the accompanying resolution.

(Sgd) Orin E. Metcalfe,  
City Engineer.

G. S. Moore,  
Building Inspector.

WHEREAS, F. Marek has made application to the City Council for a permit to construct a commercial driveway on the east side of Guadalupe Street adjacent to Lots 3, 4, 5, and 6, Block 10, of the Hyde Park Addition to the City of Austin, and to be used in connection with a drive-in tourist camp; and

WHEREAS, THE City Council has favorably considered said location; therefore,

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

THAT permission is hereby granted F. Marek to construct a commercial driveway across the sidewalk and curb area on the east side of Guadalupe Street adjacent to the property known as 4323 Guadalupe Street, subject to the conditions set forth in the accompanying recommendation of the City Engineer, provided that all of said driveways, ramps, curb returns and sidewalks are constructed of concrete under the direction of the City Engineer and in accordance with the attached recommendations and in accordance with plan marked 2-H-293, which recommendations and plan are hereby adopted and made a part of this resolution; and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that F. Marek has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the City Engineer of the City of Austin has presented a plan for the renumbering of houses, which plan consists of the selection of block numbers for that area shown on a map named "House Numbering Revision - Area No. IV", which map is marked 2-G-181; and

WHEREAS, the City Council of the City of Austin has favorably considered the block numbering scheme as presented and shown on said map; therefore,

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

THAT the plan of numbering of blocks of that area shown on the accompanying map named "House Numbering Revision - Area No. IV", and marked 2-G-181, is hereby approved; said area being more particularly described by metes and bounds as follows:

HOUSE NUMBERING REVISION - AREA NO. IV.

Beginning at the intersection of the centerline of South Congress Avenue and the Colorado River;

Thence S. 19° W. with the centerline of South Congress Avenue to the centerline of Live Oak Street;

Thence easterly with the centerline of said Live Oak Street to the centerline of the Post Road or the San Antonio Highway;

Thence southerly with the centerline of said Post Road or San Antonio Highway to the south City limit line of the City of Austin;

Thence westerly following the various courses of said City limit line to the centerline of the Missouri Pacific Railroad;

Thence in a northerly direction following said centerline of the Missouri Pacific Railroad to the middle of the Colorado River;

Thence down the Colorado River with its meanders to the place of beginning.

BE IT FURTHER RESOLVED: That the City Engineer of the City of Austin is hereby instructed to complete plans for renumbering of this area in accordance with the block numbering system hereby adopted.

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

Councilman Mueller moved that the City Manager be authorized to make transfer of Taxicab License No. 150, issued in the name of O. I. Leach, to H. C. Nations, conditioned upon H. C. Nations' making the required bond; the same automobile operating under the license issued to O. I. Leach to be used by the said H. C. Nations. 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.

Councilman Alford was excused from the Council Chamber.

The Mayor laid before the Council the following resolution:

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

THAT the sum of Five Hundred Dollars (\$500.00) be and the same is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of refunding to W. T. Caswell said amount as paid by him for engineering work done on the Shoal Creek project.

The above resolution lost by the following vote: Ayes, none; Nays; Councilman Gillis, Mayor McFadden, Councilman Mueller, 3; absent, Councilman Alford and Steck, 2.

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, Councilman Gillis, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Alford and Steck absent, 2.

The Council then recessed.

Approved: *W. M. Fadden*

M a y o r .