

Councilman Reed absent,

The Council then recessed.

Approved: J. M. Fadden  
Mayor

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, June 27, 1929.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed, 1.

The Minutes of the last meeting were read and Councilman Mueller moved the adoption of same as read. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor announced that the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in certain Units or Districts of Improvement as follows:

**SAN ANTONIO STREET** from the north property line of West Second Street to the south property line of West Sixth Street, known and designated as Unit or District No. 9;

**SOUTH CONGRESS AVENUE** from the north property line of Nellie Street to the north property line of Live Oak Street, known and designated as Unit or District No. 14;

All as awarded to the Southwest Bitulithic Company

which was continued from the last regular meeting would now be opened; and thereupon no one appearing to protest, Councilman Mueller moved that the hearing be continued until next regular meeting. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

A communication from Anita O. and James W. Quinlan, asking that the assessment on their property be reduced to Five Hundred Dollars per acre, was read and the matter was deferred until the convening of the Board of Equalization.

Judge Ike D. White, Attorney for the Austin Street Railway Company, submitted to the Council the following communication:

"Austin, Texas, June 27, 1929.

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

Gentlemen:

You have asked, and you and the public are entitled to know, the reason prompting the Austin Street Railway Company to request an increase in the fares charged to patrons of the street cars.

We have submitted to you a statement from the books of the company showing the Receipts and Disbursements for the years 1926, 1927 and 1928. You have had the figures verified.

The facts are that the average earnings of the Street Railway Company during the said three years, after paying operating expenses, taxes, interest on current accounts, and setting aside the reasonable depreciation as allowed by the Federal Government, is \$6,143.78.

The company's properties would inventory for rate-making purposes \$900,000.00. It would cost much more than that sum to rebuild the system. The \$6,143.78, the net average annual earnings for the past three years, is less than 7/10ths of 1% return on the \$900,000.00. It is only 3% of \$204,792.66.

In law, equity and good conscience the company is entitled to earn a reasonable return or income on its property after paying operating expenses, taxes, interest on current accounts, and setting aside a reasonable fund for depreciation. The facts are, and the record shows that the company has not earned a reasonable return on the valuation of \$200,000.00, to say nothing of the real value of the plant, for rate-making purposes.

These facts beyond any question of doubt, justify the increase of fares proposed by the company. By requesting the increase sought, it is not asking a fare that will yield any sort of reasonable income on the value of its plant, because if it were to do so, and the fares were raised to a point that would return a reasonable income on the investment, they would be prohibitive.

No further reason or consideration for an increase of fares is necessary under the law or in good conscience. If the company is not entitled to the increase on that basis it is not entitled to it at all, and if it is entitled to it on that basis any other or further inquiry is immaterial.

There are, however, a number of other good reasons for the increase requested but they are not offered or urged as a consideration for such increase, but are mentioned for the information of the Council and the people in general.

**FIRST:** The Austin Street Railway Company recognizes and freely assumes the obligations resting upon it to restore the streets from which it has removed its tracks and place them in as good condition as the balance of such streets on each side of the road bed. It is now engaged with the City Engineer in undertaking to work out a plan satisfactory to the City Manager and the City Engineer under which such work can be done, and there is no doubt but what an amicable arrangement of all the details will be worked out very soon. It is the attitude of the Street Railway Company to co-operate with the city authorities in that matter, because it is to the mutual interest and advantage of the city and the Street Railway Company to do so.

**SECOND:** The Street Railway Company recognizes and assumes the responsibility to co-operate with the city in its present paving program. In doing so, it must necessarily move its tracks on North Guadalupe Street, place them in the center of the street, and pave its tracks in accordance with the City Ordinance, and it will also be required to pave its tracks for a considerable distance on East First Street and comply generally with the paving program of the city. All of this work costs money. The cost of the paving in contemplation and other necessary paving will not be less than \$70,000.00, for the expenditure of which the Street Railway Company, of course, will never receive a penny in return.

The reconditioning of the streets from which the company has removed its tracks will cost a considerable sum of money.

In lieu of that portion of the lines it is discontinuing, the company has substituted busses at a cost of more than \$30,000.00.

**THIRD:** If the company cannot get an increase in its revenues, it is utterly impossible for it to get the money necessary to meet the expenses above mentioned. Unless its revenues can be increased it cannot by any means known or conceived by it borrow money to make the improvements necessary and contemplated.

**FOURTH:** It is the purpose and intention of the company to spend out of its revenues over and above the cost of operation, maintenance, taxes, interest on its current accounts and bonded indebtedness, current indebtedness including indebtedness on equipment, the entire revenues from the operation of its property for the next several years, - not a dime of the money will be paid to the stockholders in dividends or profits of any kind.

**FIFTH:** The company contemplates and will within the next two years, if the income from increased fares will permit, replace all wooden block paving with brick or some suitable material satisfactory to the city. This work will be done just as soon and as fast as the money can be procured with which to do it.

Last, but by no means least: Under the plan proposed the fares are but little if any higher to the constant user of the street cars. In the case of Enfield there has been a substantial reduction. The increased revenue cannot be determined in advance.

If the increase in fares yields the revenue it is hoped it will, it is the purpose and intention of the company to increase the pay of its employees - particularly those in the operating department.

It is obligated to make the expenditures above outlined. Therefore what such increase can be can not be determined or estimated until it is more definitely settled what the burdens imposed by the city in carrying out its present program will be.

Respectfully submitted,  
 White, Wilcox & Taylor, Austin Street Railway Company  
 Attorneys for the Company. By J. F. Springfield, President  
 and General Manager. "

The Mayor laid before the Council the following report of W. H. Bridges;

"Austin, Texas, June 27, 1929.

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

Dear Sir:

Pursuant to your request, I have called on the Austin Street Railway Company and made a cursory examination of their books for the purpose of verifying the statement of earnings and operating expenses submitted by them for the years 1926, 1927, and 1928. I found that the statement submitted reflected the results as shown by the Company's books.

Very truly yours,

W. H. Bridges. "

The Mayor laid before the Council for its second reading the following ordinance:

AN ORDINANCE REGULATING AND  
FIXING FARES WHICH MAY BE  
CHARGED BY PERSONS, FIRMS  
AND CORPORATIONS OPERATING  
STREET RAILWAYS AND MOTOR  
BUSSES SUPPLEMENTARY THERETO,  
FOR THE CARRYING OF PASSENGERS  
IN THE CITY OF AUSTIN, AND  
REPEALING ALL ORDINANCES IN  
CONFLICT HEREWITH.

The ordinance was read the second time and Councilman Steck moved that the rule be suspended and the ordinance placed on its third reading. Motion was seconded by Mayor McFadden and same was lost by the following vote: Ayes, Mayor McFadden, Councilmen Pannell and Steck, 3; nays, Councilman Mueller; absent, Councilman Reed.

City Manager Johnson submitted to the Council the following bids:

EAST AVENUE AND 21ST STREET FIRE STATION -

For Curb, Gutter, Sidewalk and  
Concrete Drive

Julius Johnson -  
R. H. Guyler -  
D. B. Penick -  
C. A. Maufrais -

\$499.16  
536.71  
755.50  
574.73

EAST AVENUE AND 20TH STREET PLAYGROUNDS

For Curb, Gutter, Sidewalk, and  
Retaining Wall

Julius Johnson -  
R. H. Guyler -  
D. B. Penick -  
C. A. Maufrais -

\$761.21  
846.99  
1133.00  
910.75

43RD Street and SPEEDWAY FIRE STATION

For Curb, Gutter, Sidewalk and  
Concrete Driveway

Julius Johnson -  
R. H. Guyler -  
D. B. Penick -  
C. A. Maufrais -

\$407.86  
438.54  
619.45  
469.27

12TH STREET AND CASTLE HILL COURT

For Curb, Gutter and Concrete  
Dip

Julius Johnson -  
R. H. Guyler -  
D. B. Penick -  
C. A. Maufrais -

\$228.34  
261.21  
377.00  
288.40

GROOMS AND THIRTY-EIGHT STREETS

For Curb

Julius Johnson -  
R. H. Guyler -  
D. B. Penick -  
C. A. Maufrais -

\$ 24.00  
18.80  
30.00  
24.00

Councilman Steck moved that the bid of Julius Johnson on each of the above items be accepted as the lowest and best bid and that the City Manager be directed to enter into contract with said Julius Johnson for said work. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

City Manager Johnson was authorized by the City Council to sell the houses

located on the foregoing described property to the highest bidder.

The report of the Safety Committee upon the application of M.H.Crockett for permit to operate drive-in stations at the intersection of Barton Creek Road and South Congress Avenue was read and Mayor McFadden moved that the report be received and filed and said M. H. Crockett be notified that he will be given a hearing upon same at the next regular meeting. Motion was seconded by Councilman Mueller and same prevailed by the following vote; Ayes, Mayor McFadden, Councilmen Mueller, Pannell and Steck, 4; nays, none, Councilman Reed absent.

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 Twenty Thousand Dollars (\$20,000.00) be and the same is hereby appropriated out of the Water & Light Fund for the purpose of placing same to the Job Account of the U. G. I. Contracting Company, to be used for the payment of labor and materials in connection with the construction at the Water & Light Plant, under the terms of the contract between the City and said Company.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the Plat of Grooms Addition to the City of Austin, Texas, as recorded in the office of the County Clerk of Travis County, Texas, shows an alley running East and West through Block #8 of said Addition from Duval Street on the East to Bettie Street on the West; and

WHEREAS, the dedication of said Alley has never been accepted by the City of Austin, nor has said Alley ever been open for public use since the filing of said Plat for record; and

WHEREAS, Mrs. Mary Stanley Finch has petitioned the City Council to vacate said Alley and said Mrs. Finch is the owner of all the property abutting on both sides of said Alley and it appears that no public convenience would be subserved by opening said Alley; therefore

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

THAT the alley in Block #8 of Grooms Addition to the City of Austin extending East and West from Duval Street to Bettie Street, be and the same is hereby vacated.

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

The Mayor laid before the Council the following resolution:

WHEREAS, C. W. Moore is the Contractor for alterations to be made on the building located on Lot 1, Block 70 of the Original City, City of Austin, Texas, for the Renfro Drug Company, lessee of said building through its secretary and treasurer, Mr. J. L. Tucker, and desires a portion of the street and sidewalk abutting said premises during said construction to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to C.W.Moore,

the boundaries of which are defined as follows:

Beginning at the intersection of the west line of Congress Avenue and the north face of said building; thence in an easterly direction a distance of seven (7) feet to a point; thence in a southerly direction and parallel to the center line of Congress Avenue to a point five (5) feet north of the north curb of West 6th Street; thence in a westerly direction and parallel to the center line of West 6th Street a distance of nineteen (19) feet; thence in a northerly direction to the north line of West 6th Street; thence in an easterly direction along the north line of West 6th Street to the west line of Congress Avenue; thence in a northerly direction along the west line of Congress Avenue to the point of beginning.

2. THAT the above privilege and allotment of space is granted to said C.W. Moore, hereinafter termed "Contractor" upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously and in good condition during the use of said space hereby allotted along the boundaries of said space located on the sidewalk, a substantial solid board fence at least eight (8) feet in height.

(2) That the Contractor shall be permitted to construct at the center point of the above described fence on Congress Avenue front and opposite the main entrance to the Renfro Drug Store, a solid board gate not more than five feet in width which shall swing inward toward the building. Said entrance shall be properly protected on both sides and above by the construction of a wood "tunnel" in such a manner that falling materials and debris shall not fall into the passage.

(3) That the Contractor shall at all times keep the outer portion of the sidewalk on both Congress Avenue and West 6th Street clear of any rubbish, scaffolding or building materials and in crossing this portion of the sidewalk with building materials the workmen shall always grant the pedestrians right-of-way and complete the work of loading and unloading trucks across this space as quickly as possible.

(4) That all vehicles bringing supplies to the job or removing materials or rubbish from the job shall park parallel to the curb on Congress Avenue and West 6th Street within the space marked off and designated by the City Police Department as reserved for the use of the Contractor in connection with his work. All vehicles parked on Congress Avenue at this point shall in leaving the said space proceed in a southerly direction along Congress Avenue. All vehicles leaving the West 6th Street parking space shall proceed in a westerly direction along West 6th Street.

(5) That the Contractor shall remove all fences and barricades and any other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk has ceased, such time to be determined by the City Manager. The Contractor shall restore the sidewalks to as good condition as same existed before the use of the space hereby granted to the Contractor.

(6) That the Contractor shall furnish the City of Austin surety bond in the sum of Five Thousand Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any persons or property that may accrue to or be brought by any person by reason of the exercise of the privilege granted the Contractor by the City, and shall guarantee the replacement of all sidewalks, pavements and all other public property and public utilities disturbed or removed during construction work and shall further guarantee the construction of a fence and other safeguards during the occupancy of the space.

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

M. H. Goldsmith, Attorney for abutting property owners, appeared before the Council and protested against the encroachment upon House Park by the School Board in the erection of a gymnasium building. The matter was referred to the City Attor-

ney to determine the City's rights in the matter.

The Mayor laid before the Council the application of Dell Boothe for permit to erect a drive-in gasoline station at the corner of East 5th Street and Pleasant Valley Road; also the following report of the Safety Committee upon same:

"Austin, Texas, June 27, 1929.

Hon. Mayor and City Council,  
Gentlemen:

We, your committee, on the application of Dell Boothe asking permission to install and operate a drive-in gasoline filling station at the corner of East 5th Street and Pleasant Valley Road, Lot 1, Outlot 12, Division "O", make the following report:

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having a connection made with the nearest storm sewer or by constructing a catch basin within the station and conducting the waste oils and water to a seep well to be constructed on the property of the applicant.
9. That a plan of the filling station hereto attached marked 2-G-128 indicates the layout of the drives, the layout of the proposed storm sewer and also shows the ramps, curbs and gutters which shall be constructed of concrete at the expense of the applicant.
10. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.
11. That when the applicant believes that he has complied with all of the requirements of this provisional permit, that he will make application to the City Engineering Department for final acceptance before commencing operation of this station.
12. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, 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 the said Dell Boothe has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Sgd) J. E. Woody, Fire Chief;  
R. F. Rockwood, Fire Marshal;  
Orin E. Metcalfe, City Engineer  
L. A. Palmer, Plumbing Inspector  
Tom Neal, Traffic Police Captain

CITY SAFETY COMMITTEE. "



Mayor McFadden moved that permit be granted to said Dell Boothe, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it is shown that the Austin city taxes on the North One-half of Lot No. 3 (N) in Block No. 1, Outlot 56, Division "B" City of Austin owned by Wesley Chapel, M. E. Church, Colored, are delinquent and unpaid for the years 1922 to 1928, both inclusive; and

WHEREAS, it is shown that during said years said property was occupied by the parsonage of said church organization; and

WHEREAS, it is also shown that certain penalties and interest have accrued on said taxes for said years; but it is also known that the question of taxation of parsonages was undecided and it is shown that said taxes have not been paid for said reason; and

WHEREAS, said owner now proposes to pay all of said taxes provided that the accrued interest and penalties thereon are remitted and it is deemed just and proper that same should be done;

THEREFORE,

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

THAT all interest and penalties for the years 1922 to 1928, both inclusive, accrued on the city taxes against the North One-half of Lot No. 3 (N) in Block No. 1, of Outlot 56, Division "B" in the name of Wesley Chapel, M. E. Church, Colored, be and the same are hereby remitted and the City Tax Assessor and Collector be and he is hereby instructed to strike such interest and penalties from his rolls and to accept payment of the taxes for said years without such interest and penalties; provided that said taxes are paid within thirty days from this date; and that the City Clerk be directed to notify said owner of the terms of this resolution.

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

Councilman Steck moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Council then recessed.

Approved:

*J. H. McFadden*  
MAYOR.