

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 1, 1937.

The meeting was called to order at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller, 4; absent, Councilman Oswald G. Wolf, 1.

The reading of the Minutes was dispensed with.

A committee of citizens, composed of Dr. J. R. Bailey, Mrs. Hale Houston, Mrs. V. L. Brooks, Mrs. Robt. W. Shipp, Messrs. Henry Maxey and Ralph Goeth, appeared before the Council and asked for the appointment of a committee to formulate a program for the perpetual upkeep of Oakwood Cemetery and the other cemeteries of the City, and the handling of an endowment fund. The committee were advised to work out a plan in conjunction with the City Manager, City Attorney, and City Engineer, and submit the same to the Council for consideration.

The following resolution was introduced:

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

THAT the sum of \$250.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of assisting in furnishing building improvements for the National Guard at Camp Mabry upon condition that an equal amount be furnished by the County.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, Councilman Bartholomew, 1; absent, Councilman Wolf, 1.

Mr. F. J. Comte submitted a protest on behalf of the citizens of West Austin against the insanitary condition at the Clarkville School resulting for a lack of sanitary sewer connection. The City Manager was instructed to take the matter up with the Superintendent of Schools and the School Board to find out why the connection has not been made and to insist that same be done immediately.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Frank Washington Vice, State Hospital Dairy; and Herman Clarence Olliver, 205 East 2nd Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford moved that the taxicab driver's permit issued to Woodie Monroe Lowery, 816 Essex Avenue, be revoked, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

A letter from A. N. McCallum relative to House Bill 131 was received and the City Manager was instructed to refer the same to the Texas League of Municipalities.

Councilman Alford offered 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 constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, B. E. Anderson, owner of Lot 1, Block 4, of Byrne Subdivision to the City of Austin, Travis County, Texas, which property is situated at the northeast corner of the intersection of West 28 $\frac{1}{2}$ Street and San Gabriel Street, has requested the City Council of the City of Austin to grant permission to construct two flagstone walks across the east sidewalk area of San Gabriel Street at the above described location; and

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

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

THAT B. E. Anderson, owner of Lot 1, Block 4, of Byrne Subdivision to the City of Austin, Travis County, Texas, which property is situated at the northeast corner of the intersection of West 28 $\frac{1}{2}$ Street and San Gabriel Street, is hereby granted permission to construct two flagstone walks across the east sidewalk area of San Gabriel Street at the above described location and said walks are to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin; and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, G. J. Kennedy is the contractor for the repair of a building located at 704 Congress Avenue and desires a portion of the sidewalk space abutting Lot A, Block 83, of the Original City of Austin, during the repair of the building, such space 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 said G. J. Kennedy, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at a point in the northeast corner of the above described lot; thence in an easterly direction and at right angles to the center line of Congress Avenue for a distance of seven (7) feet to a point; thence in a southerly direction and parallel to the center line of Congress Avenue for a distance of 23 feet to a point; thence in a westerly direction and at right angles to the center line of Congress Avenue for a distance of seven (7) feet to a point in the east line of the above described lot; thence in a northerly direction along the east line of the above described lot to the place of beginning.

2. THAT the above privileges and allotment of space are granted to said G. J. Kennedy, hereinafter named "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east line of the above described space, such guard rail to be at least four feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor shall be responsible for any damage done due to

obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstruction shall be removed not later than April 10, 1937.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all of the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand (\$2000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The petition of D. R. Lillemstem and wife that the property located at the northwest corner of Oldham and 23 $\frac{1}{2}$ Streets, being Lot 10, Block 49, Christian & Fellman Addition, be changed from "A" Residence District to "B" Residence District, was received, and upon motion of Councilman Alford was referred to the Zoning Board of Adjustment by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf, 1.

Councilman Gillis offered 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 underground conduits 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 underground conduits in the following streets:

- (1) An underground telephone conduit in EAST FIFTH STREET from East Avenue to Chicon Street, the centerline of which underground conduit shall be 55 feet south of and parallel to the north line of said East 5th Street.
- (2) An underground telephone conduit in CHICON STREET from East 5th Street to East 6th Street, the centerline of which underground conduit shall be 21 feet east of and parallel to the centerline of said Chicon Street.
- (3) An underground telephone conduit in EAST SIXTH STREET from Chicon Street east approximately 75 feet, the centerline of which underground conduit shall be 7 $\frac{1}{2}$ feet north of and parallel to the south line of said East 6th Street.

THAT the work and construction of said underground conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground conduits have been constructed, shall be under the supervision and

direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered 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 JARRATT AVENUE as follows: Beginning at a point 27 feet west of the east line of Jarratt Avenue and 133 feet north of the north line of Leigh Street;

Thence in a northeasterly direction angling 45° to the east line of Jarratt Avenue, a distance of 17 feet, more or less, to a point east of the east curb line of Jarratt Avenue.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in CLAIRE AVENUE westerly 553 feet from a point 47 feet west of the west line of Gaston Avenue, the centerline of which gas main shall be 9 inches south of and parallel to the north line of said Claire Avenue.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in EAST THIRTY-EIGHTH STREET easterly 60 feet from a point 68 feet east of the east line of Red River Street, the centerline of which gas main shall be 13 feet south of and parallel to the north line of said East 38th 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 not 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 replacements of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis moved that Kurt R. Meyer be reappointed as a member of the Board of Equalization for the term of two years, beginning May 1, 1937, and ending

May 1, 1939. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis introduced 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 RESTRICTING 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 RESTRICTING 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 ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The ordinance was read the second time and Councilman Gillis moved a further suspension of the rules and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Mr. A. E. Reno submitted an offer from Virginia Terrell to sell to the City a strip of land for the widening of Brushy Street south of Seventh Street to its original width, for a consideration of \$300, the said Virginia Terrell claiming title to said land by limitation. The matter was referred to Councilman Gillis, the City Manager, and the City Engineer for an inspection on the ground and recommendation to the Council.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$1200.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of constructing two rest rooms and one motor pump house at Stacy Park, same being necessary for the proper operation of the new swimming pool and not approved as a part of the WPA project.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, taxes were assessed against the Della F. Moore property, to wit, Lot 6-C, Outlots 38, 39, Division "D", Plat 49, in the City of Austin, Travis County, Texas, for the years 1934 and 1935; and

WHEREAS, said property had to be repossessed or taken over by the lien holder without actual knowledge of the fact that the taxes for said years were delinquent; and

WHEREAS, it is deemed advisable by the City Council to waive the penalty and 1/2

of the interest on said taxes in order to obtain a settlement of this matter; therefore,

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

THAT the penalties and 1/2 of the interest on said taxes are hereby remitted, and the City Tax Assessor and Collector is hereby authorized and directed to accept in full settlement of said taxes, for the years 1934 and 1935, said taxes and one-half of the interest in full settlement of same.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, the Campus Drug Store shows to have been assessed for taxes for 1936, as follows:

Marchandise -	\$1400.00
Furniture and Fixtures -	1200.00

and

WHEREAS, soon after the first of January, 1936, said Campus Drug Store went through bankruptcy proceedings, and the aforesaid values were assessed it without due notice having been given the purchasers of said stock and store; and under the circumstances, the City Council is of the opinion that said assessment was erroneous and should be reduced as follows:

Merchandise -	\$ 300.00
Furniture and Fixtures -	1000.00

and it is deemed advisable to accept payment for said valuations in full settlement of said assessment; therefore,

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

THAT the assessed valuation of the Campus Drug Store be reduced as follows:

Merchandise -	\$ 300.00
Furniture and Fixtures -	1000.00

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, taxes have been assessed and are shown on the assessment rolls of the City of Austin for the years 1934 and 1935 against the Publix Oils, Incorporated, on merchandise (gas, oil and grease), furniture and fixtures and improvements on Lots 3 and 4, Block 19, Original City of Austin, Plat 11; and

WHEREAS, said merchandise, in the ordinary course of business, has been largely disposed of and the amount of same that was in stock at said time is in controversy and can not be clearly shown; and

WHEREAS, said Publix Oils, Incorporated, have agreed and offered to pay to the City of Austin the full amount of the taxes assessed against said properties during said years 1934 and 1935, on condition that the penalty and interest on said taxes be remitted; and

WHEREAS, the City Council, in view of all the circumstances and facts connected with the matter, deem it advisable to accept said offer; therefore,

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

THAT said offer to pay all taxes assessed against Publix Oils, Incorporated, on said properties for the years 1934 and 1935, on the condition that the penalties and interest assessed thereon, be remitted, be accepted; and the Tax Assessor of the City of Austin is hereby authorized and directed to strike from his rolls said

penalties and interest, and to issue a receipt in full to said Public Oils, Incorporated, for the taxes, etc. assessed against it for the years 1934 and 1935, on the payment by it of said taxes, less the penalty and interest.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin has on its assessment rolls taxes on Lots 15 and 16, Outlot 33, Division "D", of the City of Austin, Travis County, Texas, which property now belongs to the Mary K. Moore Estate; and

WHEREAS, the City of Austin acquired tax title to said land on February 7, 1900, which deed was not recorded, and the State of Texas acquired tax title to said land superior to that of the City of Austin by its deed taken in 1906, said title being superior to that of the City of Austin by reason of the fact that said City's tax deed had never been recorded; and

WHEREAS, the City of Austin can not assess taxes against its own property, nor against the property of the State of Texas, and the record title to the above described land has been in said City and in the State at all times since the 7th day of February, 1900; and

WHEREAS, in order to clear the title to said property, C. J. Baldwin, Administrator of the Estate of Mary K. Moore, deceased, has submitted an offer to the City of Austin to pay the sum of \$500.00 in payment of all claims of the City of Austin against said property, which offer the City Council deems it advisable to take; therefore,

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

THAT said offer to pay \$500.00 in full settlement of all claims, judgments and suits for taxes against the said property be accepted, and the City Tax Assessor is authorized and directed to issue a receipt to said Administrator for all taxes, and the City Manager is authorized to issue a release of the aforesaid tax deed, both releases to be executed on the payment of said sum of \$500.00, and the City Assessor is authorized and directed to charge off all other taxes against said property.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, the American National Bank has had to repossess the properties of the Farmers and Ginners Cotton Oil Company; and

WHEREAS, the American National Bank is obligated for the taxes of the Farmers and Ginners Cotton Oil Company for the years 1931 and 1932 in the amount of \$3,670.20 on the properties repossessed; and

WHEREAS, there have accrued penalty of \$183.51 and interest of \$1,009.13 on the delinquent taxes; therefore

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

THAT upon the prompt payment of the taxes on said property by the American National Bank, all of the penalty and one-half of the interest be waived, totaling \$688.17, leaving an amount of \$4,174.67 taxes and one-half of the interest due and payable, said conditions to be contingent upon the payment of the foregoing amount before any further penalty or interest accrues.

The resolution was adopted by the following vote: Ayes, Councilmen Alford,

Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Alford offered the following resolution:

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

THAT upon recommendation of the Board of Equalization, the assessed valuation of Lot 2, Block 7, Outlot 3, Division "O", Flat 22, of the City of Austin, assessed to Ellen Coleman for the years 1930, 1931, 1932, 1933, 1934, 1935, and 1936, be and the same is hereby corrected from \$865.00 to \$710.00 for the years 1930, 1931, and 1932, and corrected from \$785.00 to \$655 for the years 1933, 1934, 1935, and 1936.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$1500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the balance due on sewing machines now being used in the Travis County Sewing Room, WPA project.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller, 4; nays, none; Councilman Wolf absent, 1.

There being no further business, upon motion duly made and seconded, the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McMillan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 8, 1937

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C.M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

Councilman Gillis offered 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 constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and