

Joe Amstead for his services as labor investigator from August 15, 1931, to September 15, 1931.

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, Lots 1 to 10 and 23 to 32, both inclusive, in Block 10, Outlots 15, 16 and 17, Division "D" were purchased from the Church Corporation of Protestant Episcopal Church by the State of Texas on July 1, 1931, and said property thereafter became public property;

Therefore,

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

That the current city taxes of 1931 to become due on said property be and the same are hereby pro rated so as to make one-half of said taxes, and the City Assessor and Collector of Taxes is hereby authorized to receive in full payment of taxes for 1931 on said property one-half of the amount assessed.

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 Alford 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, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Council then recessed.

Approved:

O. N. McFadden
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 24, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

The regular order of business was suspended in order to hear the large number of persons present on paving and other matters.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

FOURTEENTH STREET from the east property line of Red River Street to the west property line of East Avenue, known as Unit or District No. P-173;

SABINE STREET from the north property line of Fourteenth Street to the south property line of Fifteenth Street, known and designated as Unit or District No. P-174;

THIRTIETH STREET from the west line of Guadalupe Street to the west line of Rio Grande Street on the south side to the east line of alley east of Washington Square on the north side, known and designated as Unit or District No. P-182-A.

THIRTIETH STREET from the west line of Rio Grande Street on the south side to the east line of alley east of Washington Square on the north side of street to the east line of West Avenue (formerly Pearl Street), known and designated as Unit or District No. P-182-B;

WABASH AVENUE from the north property line of Thirty-Fourth Street to the south property line of Thirty-Eighth Street, known and designated as Unit or District No. P-168;

ALICE AVENUE from the north property line of Thirty-Eighth Street to the south property line of Fortieth Street, known and designated as Unit or District No. P-170;

ALICE AVENUE from the south property line of Fortieth Street to the north property line of Forty-Second Street, known and designated as Unit or District No. P-171;

ALICE AVENUE from the north property line of Forty-Second Street to a line crossing Alice Avenue at right angles from the point of intersection of city limits line with the west line of said Alice Avenue, known and designated as Unit or District No. P-172;

THIRTY-EIGHTH STREET from the east line of Wabash Avenue on the south side and west line of Alley east of Alice Avenue on north side of street to east line of alley west of Wabash Avenue on south side and west line of Alice Avenue on north side of street, known and designated as Unit or District No. P-169;

all as awarded to Southwest Bitulithic Company,

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

On Fourteenth Street, District No. P-173:

Mrs. Rosa C. Rattone stated that she was not financially able to pay for the paving, having already paid for paving on East Avenue and Seventh Street. She also stated that no necessity existed for the paving of this street at this time as same has been recently gravelled and graded and is in good condition.

Mrs. E. A. Holstrom, by Mrs. Rosa C. Rattone, stated that she was willing to pay for paving on Sabine Street, but was not financially able to pay for paving on Fourteenth Street.

On Wabash Avenue, District No. P-168:

Felix Green, Colored, stated that he was not financially able to pay for the paving.

C. J. Isherwood stated that as a majority of the property owners were not in favor of paving, he did not think the street should be paved.

V. C. Weed stated that this street is in an outlying district and the paving of same will not enhance the value of the property equal to the amount of paving, that the cost of paving amounts to more than one-half the taxable value of the property, and that he is not financially in condition to meet such payments.

Miss Florence Andrewartha stated that the paving of this street would greatly enhance the value of property by opening up same for travel.

On Thirty-Eighth Street, District No. P-169:

Felix Green, Colored, stated that he was not financially able to pay for the paving.

On Alice Avenue, Districts Nos. P-170, P-171, and P-172:

A. T. Murphy stated that he signed a petition for the paving of this street but since that time his home has burned and for this reason he is not financially able to pay for the paving.

Mrs. Mary Ida Nelson stated that she thought the paving should be postponed until conditions are better.

L. F. George stated that he was in favor of paving, but is out of work and is not financially able to pay for same.

Miss Josephine Mercer stated that she is in favor of paving, but is not financially able now to pay for same.

On Alice Avenue, Districts Nos. P-170-, P-171, and P-172 Cont'd:

Earl Dickinson stated that he wished the paving postponed, that he is financially unable to pay for same.

Willie Paul stated that he was in favor of paving, but is not financially able to pay for same; that he still owes for his home yet.

Chas. E. Corbin, by written communication, stated that he would be willing to sign up for paving if the City would agree to buy a 20 foot strip off his property, thereby widening the street and eliminating a jog in same, for the sum of \$800.00 - this amount to include cost of moving his house over - otherwise, he will be financially unable to pay for the paving.

Thereupon, L. A. Robbins was called as a witness and after being duly sworn testified that he has resided in the City of Austin for several years; that he is well acquainted with the value of the property abutting upon each of the Units or Districts as to which this hearing was being held; that he is acquainted with the type of paving which is proposed to be constructed upon said Units or Districts as to which this hearing is being held, and that in his opinion each parcel of abutting property would be enhanced in value by reason of the construction of the proposed improvements in an amount in excess of the amount proposed to be assessed against the same, as set out on the Engineer's Roll or Statement on file relating to such Units or Districts of Improvement.

No other witness being offered or desiring to be heard, and no other interested parties or property owners having requested to be heard, the Mayor thereupon stated that the hearing on Wabash Avenue, District No. P-168, Alice Avenue, Districts Nos. P-170, P-171 and P-172, and Thirty-Eighth Street, District No. P-169, would be continued until the next regular meeting.

The Mayor then laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF THIRTIETH STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING THEREON AND AGAINST THE OWNERS THEREOF, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Alford 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, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Alford 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, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Alford 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, Councilmen Mueller and Steck, 5; nays, none.

Horace C. Barnhart, representing the Ben Hur Shrine, stated that they were unable to make a contract with the Harley Sadler Tent Theatre to show here for a period of two weeks, but if the time could be extended to four weeks they would be willing to come, and requested that the Council grant such extension of time.

Councilman Alford moved that the permit heretofore granted said Harley Sadler Tent Theatre to show on the west half of the block lying between Sixteenth and Seventeenth and

San Antonio and Guadalupe Streets for a period of two weeks be extended to cover a period of four weeks, beginning October 19, 1931. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, 3; nays, Councilmen Mueller and Steck, 2.

Councilman Mueller moved that the following ordinance:

AN ORDINANCE REGULATING THE OPERATION AND EXHIBITION OF TENT SHOWS, CARNIVALS, THEATRES, DRAMATIC PERFORMANCES, MERRY-GO-ROUNDS, MEDICINE SHOWS, FLYING-JENNIES, SKATING-RINKS, MINISTREL SHOWS, AND MOVING-PICTURE SHOWS, CONDUCTED IN A TENT, TEMPORARY STRUCTURE, OR IN THE OPEN AIR, WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, AND PRESCRIBING A PENALTY FOR THE VIOLATION THEREOF

which had been read the first time at the last regular meeting and laid over, be withdrawn for further consideration. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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 Fifty (\$50.00) Dollars be and the same is hereby appropriated out of the General Fund for the purpose of paying Georgia Taylor the agreed consideration for the purchase of the following described land, said land to be used as a part of Elizabeth Street between Newton Street and South First Street; and

That a warrant be issued for said amount, payable to Georgia Taylor, and delivered to said party upon delivery by her of her general warranty deed to said land free from all liens and incumbrances to-wit: A portion of Lot 14, Block 1 of the D. W. Bouldin Addition in the Isaac Decker Survey and described by metes and bounds as follows:

Beginning at an iron stake on the north line of Elizabeth Street, the same being the southwest corner of Lot 14, Block 1 of the D. W. Bouldin Addition in the City of Austin, Travis County, Texas, and from which point of beginning an iron stake at the southwest corner of that certain tract or parcel of land which was conveyed to P. G. Garcia according to Travis County Deed Records, Volume 373, Page 199, which corner is the intersection of the north line of Elizabeth Street and the east line of South First Street, bears N. 69°54' W. 151 feet, to-wit:

Thence S. 69°54' E. 114.29 feet following the south line of said Lot 14 to the center of East Bouldin Creek; thence N. 34°11' E. 57.42 feet to a point; thence S. 80° 01' W. 77.83 feet to the point of curvature of a curve whose intersection angle is 30°05', whose tangent distance is 33.28 feet, and whose radius is 123.85 feet; thence in a southwesterly direction following the arc of said curve a distance of 63.87 feet, the long chord of which arc bears N. 84°56' W. 63.44 feet to the point of the beginning, containing 2402 square feet of land and being a portion of Lot 14, Block 1 of the D. W. Bouldin Addition in the Isaac Decker Survey, City of Austin, Travis County, Texas, which Lot 14 was conveyed to Georgia Taylor according to Travis County Deed Records, Volume 304, Page 314.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following report of the City Plan Commission:

"Austin, Texas, September 24, 1931.

Hon. City Council
City of Austin,
Austin, Texas.

Gentlemen:

The following resolutions and recommendations were passed by the City Plan Commission at a meeting held on September 23, 1931:

RESOLUTION.

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and action, an amendment to the Zoning Ordinance providing for the change of the USE designation of the property locat-

ed at and adjacent to the intersection of Lynn Street with Garden Street from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; and

WHEREAS, the Commission carefully considered the proposed amendment from the City Planning point of view and found no 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 approved and recommended to the City Council of the City of Austin.

CITY PLAN COMMISSION

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

RESOLUTION.

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and action, an amendment to the Zoning Ordinance providing for the change of the USE designation of the property fronting south on West 38th Street extending from the alley immediately west of Alice Avenue to the alley immediately east of Alice Avenue and extending north from the north line of West 38th Street a distance of 120 feet, and all that property fronting north on West 38th Street from the alley immediately west of Wabash Avenue to a point distant 130 feet east of the east line of Wabash Avenue and extending south a distance of 150 feet on the east side of Wabash Avenue and a distance of 158 feet on the west side of Wabash Avenue from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT, and

WHEREAS, the Commission carefully considered the proposed amendment from the City Planning point of view and found no 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 approved and recommended to the City Council of the City of Austin.

CITY PLAN COMMISSION,

(By) H.F. Kuehne, Chairman.

RESOLUTION.

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and action, an amendment to the Zoning Ordinance providing for the change of the USE designation of the property located on the west side of East Avenue and fronting on East Avenue and 20th and 20½ Streets, extending from Oldham Street to East Avenue, between 20th Street and 19th Street; and extending from the north and south center line of the block lying between Oldham Street and East Avenue and 20½ Street and 20th Street to East Avenue from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; and

WHEREAS, the Commission carefully considered the proposed amendment from the City Planning point of view and found no 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 approved and recommended to the City Council of the City of Austin.

CITY PLAN COMMISSION

(By) H. F. Kuehne, Chairman.

It was moved by Mrs. Wyse and seconded by Mr. Stacy that the City Council be requested and urged to install, at the earliest possible date, an efficient system of street marking in order that strangers, as well as citizens of Austin, might find their way about in the City.

(Sgd) H. F. Kuehne,
Chairman City Plan
Commission. "

The above report was received and filed.

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 Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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 Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following report of the Board of Adjustment:

"Austin, Texas, September 24, 1931.

Honorable City Council,
City of Austin,

Gentlemen:

The following resolution was passed by the Board of Adjustment at their meeting held on September 18th, 1931:

RESOLUTION.

WHEREAS, there appears to be considerable uncertainty as to the width of East First Street from the east line of East Avenue to the City Limits and likewise the true location of property lines on the south side of said street; and

WHEREAS, the legally designated width of the street appears to be 50 feet between property lines and the actual width, as established upon the ground, varies between the

east line of East Avenue and the City Limits; and

WHEREAS, owing to the uncertainty and confusion as to the true location of the property line, the Zoning Board of Adjustment is unable to apply and fix or determine the true setback lines on the south side of East First Street between the limits aforesaid; and

WHEREAS, East First Street between the east line of Brushy Street and the City Limits has been zoned for "C" COMMERCIAL use and this street is now designated as a State highway and there being a street car track in the center of the street and the present paving does not exceed a width of 36 feet; and

WHEREAS, by virtue of the above conditions and circumstances, traffic has materially increased and will continue to increase as business develops along the street and severe traffic congestion now exists, and will continue to increase, rendering traffic hazardous and dangerous; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That the City Council be requested and urged to establish a building line on the south side of East First Street between the east line of East Avenue and the City limits under authority granted in Chapter 276 of the General and Special Laws of the State of Texas, enacted by the Legislature of the State of Texas on March 15, 1927, for the purpose of providing for the future widening of East First Street and for the fixing of a definite property line from which setbacks as provided by the Zoning Ordinance may be established by the Board of Adjustment.

BOARD OF ADJUSTMENT,

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

Councilman Steck moved that the City Engineer be instructed to locate building line on South First Street from East Avenue to the City Limits, in accordance with the above report of the Board of Adjustment. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, the Board of Adjustment has proposed that the Zoning Ordinance of the City of Austin be amended in the following particulars:

(1) That the definition of a "REAR YARD" be amended by striking out, in the third line, the words "a building other than a building of accessory use" and inserting in their stead the following words, "a line projected the full width of the lot along the rear wall of a building other than a building of accessory use".

(2) To amend item "c", sub-section 14, section 4, by inserting in the second line thereof, after the word "line" the words "or when within 2 feet of the rear lot line".

(3) To amend item "b", sub-section 5, section 5, by inserting in the third line thereof after the word "line" the words "or when within 2 feet of the rear lot line".

(4) To amend sub-section 31, of section 6 by striking out, in the third line thereof, the word "and" and inserting the words "and when more than 2 feet from the rear lot line or"; and

WHEREAS, under the terms of the Zoning Ordinance such matters must be referred to the City Plan Commission 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 amendments; therefore,

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

That said matters be referred to the City Plan Commission 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, October 15, 1931, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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 instructed to pay by deed, in behalf of the City of Austin to M. H. Crockett, in consideration that said M. H. Crockett pay the cost of paving on Waller Boulevard abutting the parcel of land so to be conveyed, the following parcel of land:

Beginning at the intersection of the east or northeast line of Waller Creek Boulevard and the south line of East Twenty-ninth Street, and from which point of beginning a concrete monument at the intersection of the center line of Wooldridge Street and the center line of said Waller Creek Boulevard bears S. $45^{\circ} 08'$ W. 60.23 feet, to-wit:

Thence S. $59^{\circ} 49'$ E. 56.25 feet following the south line of said East Twenty-Ninth Street to an iron stake, the most northerly northwest corner of that certain tract or parcel of land which was conveyed to M. H. Crockett by the City of Austin according to Travis County Deed Records, Volume 450, Page 10.

Thence S. $51^{\circ} 10'$ W. 20 feet following the most westerly line of said City of Austin to M. H. Crockett tract, to the east or northeast line of Waller Boulevard;

Thence N. $38^{\circ} 50'$ W. 52.45 feet following said east or northeast line of Waller Boulevard to the point of the beginning.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Mueller was excused from the Council Chamber.

The Mayor laid before the Council the following resolution:

WHEREAS, the 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 within 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 the 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 AVENUE "H" from East Forty-fourth Street to East Forty-fifth Street, the center line of which gas main shall be 20 feet west of and parallel to the east line of said Avenue "H". Said gas main described above shall have a cover of not less than $3\frac{1}{2}$ 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 of 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 depth 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 course of construction or maintenance of the lines named in this resolution.

AND THAT the City of Austin does not guarantee that the Texas Public Service Company will be free to construct its gas main on the above assignment without hearing an objection from the people who own property abutting said Avenue "H" from East Forty-fourth Street to East Forty-fifth Street, as said Avenue "H" has never been opened and improved as a public thoroughfare, but same is a legal street.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

AND THAT the work of laying 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 Steck, 4; nays, none; Councilman Mueller 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 AVENUE "F" from East Forty-sixth Street northerly to the City Limits, the center line of which gas main shall be 30 feet west of and parallel to the east line of said Avenue "F". Said gas main described above shall have a cover of not less than $3\frac{1}{2}$ feet.

(2) A gas main in ALICE AVENUE ALLEY from West Thirty-ninth Street to West Forty-second Street, the center line of which gas main shall be 5 feet west of and parallel to the east line of said alley. Said gas main described above shall have a cover of not less than $3\frac{1}{2}$ feet.

(3) A gas main in NEWNING AVENUE from Leland Street to Terrace Drive, the center line of which gas main shall be 20 feet west of and parallel to the east line of said Newning Avenue. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in CLARA STREET from Canterbury Street to Willow Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Clara Street. Said gas main described above shall have a cover of not less than $3\frac{1}{2}$ feet.

(5) A gas main in CANTERBURY STREET from Clara Street westerly approximately $\frac{1}{2}$ block, 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 $3\frac{1}{2}$ feet.

(6) A gas main in WEST TWENTY-NINTH STREET from a point 44 feet west of the west line of Tenth Street easterly to North Guadalupe Street, the center line of which gas main shall be 20 feet south of and parallel to the north line of said West Twenty-ninth Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in EAST FOURTEENTH STREET from Red River Street to East Avenue, the center line of which gas main shall be 23 feet south of and parallel to the center line of said East Fourteenth Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST FOURTEENTH STREET from Red River Street to Sabine Street, the center line of which gas main shall be 23 feet north of and parallel to the center line of said East Fourteenth Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in ESSEX STREET from West Eighth Street to West Tenth Street, the center line of which gas main shall be 12 feet west of and parallel to the east line of said Essex Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ 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 out 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

Mayor McFadden moved that the City Manager be authorized to retire City of Austin \$1,000.00 Bond, bearing 5% interest, due July 1, 1939, out of money in the Interest and Sinking Fund. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller 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 enter into a contract, evidenced in writing, in behalf of the City of Austin, with American Airways, Inc., whereby the City will lease to American Airways, Inc. a parcel of land on the Municipal Airport, containing approximately twelve hundred (1200) square feet, for the purpose of fuelling and servicing its aircraft, with the right to place, operate and maintain thereon gas and other fuel tanks, for its exclusive use and service, and also the use in common with others of said airport and its convenience for its aircraft; which grants and privileges shall be for a full term of twenty (20) years from October 1, 1931, to October 1, 1951; provided that said contract may be terminated on October 1, 1941, at the election of either party and upon notice to the other party, or at any two-year period thereafter, in which event the City shall refund the unearned part of the contract price paid, as hereinafter specified, for which grants and privileges said American Airways, Inc. shall pay to the City the sum of Seven Thousand (\$7,000.00) Dollars in cash; and that such grants and privileges shall be to said American Airways, Inc., its successors and assigns, and its subsidiary transport operating companies, but that no assignment of said contract shall be made by either party, without the written consent of the other.

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

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE ADVISABILITY OF CORRECTING
THE ROLL FOR THE PAVEMENT HERETOFORE ORDERED
CONSTRUCTED ON NORTH GUADALUPE STREET AND
SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN,
DIRECTING THE CONSULTING ENGINEER TO PREPARE
A REVISED ROLL OR STATEMENT, AND CLOSING
HEARING.

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

THAT, whereas, the City of Austin heretofore determined the necessity of levying an assessment for a part of the cost of improving the following streets in the City of Austin, to-wit:

NORTH GUADALUPE STREET from the south line of Twenty-Ninth Street to the south line of East Drive in Central Park, known and designated as Unit or District No. P-178;

TWENTY-NINTH STREET from the west line of North Guadalupe Street to the east line of Guadalupe Street, known and designated as Unit or District No. P-180.

WHEREAS, said Ordinance provided a hearing to the owners of property of said streets, which said hearing was held on the 10th day of September, 1931, and whereas, a discrepancy exists in the amount per Front Foot proposed to be assessed against the owner or owners of abutting property, and such property, the property owners having been notified that the amount per Front Foot proposed to be assessed against the owner or owners of abutting property and such property was \$3.730; whereas, the correct amount is \$3.530 on District No. P-178 and whereas a discrepancy exists in the width of District No. P-180, the property owners having been notified and advised that the width of the paving improvement would be 40 feet and whereas, it was and is the intention to improve this District 36 feet in width; and whereas the City Council, after carefully considering the matter, is of the opinion that it will be for the benefit of abutting property owners to cancel the hearing held on said day on District No. P-178 and No. P-180;

Now, therefore,

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

That the Consulting Engineer be and is hereby instructed to prepare a new and corrected roll or statement showing the amounts to be assessed against the property owners. That upon the filing of said revised roll or statement by the Consulting Engineer an ordinance be duly passed providing for a hearing to property owners on said revised estimate of the cost. That the hearing heretofore held on the streets above described be and the same is hereby cancelled so far as said streets are concerned.

That this resolution shall take effect and be in force from and after its passage.

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

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, DETERMINING THE NECESSITY FOR LEVYING AN ASSESSMENT AGAINST THE PROPERTY AND THE OWNERS THEREOF ON NORTH GUADALUPE STREET AND SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN, FOR A PART OF THE COST OF IMPROVING SAID STREETS AND FIXING A TIME FOR A HEARING OF THE OWNERS OR AGENTS OF SAID OWNERS OF SAID PROPERTY, OR OF ANY PERSONS INTERESTED IN SAID IMPROVEMENTS, AS PROVIDED BY THE CHARTER OF THE CITY OF AUSTIN, AND DIRECTING THE CITY MANAGER TO GIVE NOTICE OF SAID HEARING AND EXAMINING AND APPROVING THE ROLL OR STATEMENT OF THE CONSULTING ENGINEER, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Alford 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Alford 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Alford 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING A PORTION OF WEST LYNN STREET IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING THEREON AND AGAINST THE OWNERS THEREOF, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Mayor McFadden moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1. -

The ordinance was read the second time and Councilman Alford 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Alford 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 Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE PROVIDING FOR CHANGING CONTRACT BETWEEN CITY OF AUSTIN, TEXAS, AND SOUTHWEST BITULITHIC COMPANY, DATED JUNE 2ND, 1931, SO FAR AS THE SAME APPLIES TO UNIT OR DISTRICT NO. P-169 SO AS TO CHANGE THE LIMITS OF SAID UNIT OR DISTRICT.

The above ordinance was read the first time and laid over.

The Council authorized City Manager to grant David Goldstein of Boston, Catholic Lay Preacher, permission to use Barton Springs Park for a public speaking sometime during the month of October next.

Councilman Steck moved that the City Attorney be authorized to attend the conference of representatives of cities served by natural gas companies to be held at Ft. Worth, Texas, on September 25th, for the purpose of aiding the Railroad Commission in its investigation of proper charges to be made by said companies, the expenses of said trip to be paid by the City. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Board of Trustees of the Austin Public Free Schools submitted to the Council the following written communication from A. J. Zilker:

"September 16, 1931.

Hon. E. A. Murchison, President
Board of Trustees,
Austin, Texas.

Dear Sir:

I am in receipt of a copy of resolution adopted by the City Council of the City of Austin on September 10, 1931, accepting conditionally the proposition made by you which is based upon my proposition to convey certain property to the City of Austin for park purposes upon the terms stated in said proposition.

You have requested me to state my attitude towards the resolution, wherein the acceptance of your proposition is conditioned upon the deferred payments bearing interest at the rate of five per cent per annum, instead of six per cent, and the privilege of paying the installments on or before one to twenty years, instead of \$10,000.00 per year for twenty years. In reply, I beg to say that the proposition which I made to your body was very carefully considered and the terms embodied therein were thought to be fair and liberal to the City, in view of the fact that this is virtually a gift to the school children of Austin, and, under

the circumstances, I thought the City could afford to pay at least as much interest on these deferred payments as is charged the tax payers who are indebted to the City for delinquent taxes, and almost as much as the City Council has contracted for its property owners to pay on deferred paving certificates issued to the paving companies, which, as you know, is seven per cent per annum.

The proposition as stated therein was predicated practically upon the same basis as was the Barton Springs proposition which was accepted by the City some years ago in obedience to a vote of the people thereon.

I would prefer that these payments of principal be made serially as stated in the proposition, in order that the trust fund created by the purchase would be well conserved and the reinvestment thereof could be made in an orderly way without loss of interest, which would probably not be the case if the City should avail itself of the option to pay several of the installments, or all of them, at one time.

I trust, therefore, that the City Council will see proper to revise its action in this matter and accept the proposition on the terms originally embraced therein.

Respectfully yours,

(Sgd) A. J. Zilker. "

After a discussion of the above matter, the Mayor assured the Board that the Council was deeply interested in the proposition and asked for more time in which to consider it.

No further business coming before the Council, Councilman Alford moved that the reading of the Minutes of the last regular meeting be deferred until the next regular meeting and that the Council recess subject to call of the Mayor. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none. Councilman Mueller absent, 1.

The Council then recessed.

Approved: 
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 1, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

The Minutes of the regular meetings of September 17th and 24th 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, Councilmen Mueller and Steck, 5; nays, none.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

BELLEVUE PLACE from the east line of Duval Street to the west line of Harris Park Avenue, known and designated as Paving District No. P-183;