

## SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, November 9, 1931.

The Council was called to order at 7:30 P. M. by the Mayor. Roll call showed the following members present: Councilman Gillis, Mayor McFadden, Councilman Steck, 3; absent, Councilmen Alford and Mueller, 2.

The Mayor stated that the meeting was called for the purpose of hearing appeals of tax payers from the action of the Board of Equalization, and the following persons appeared and were heard:

Charles Rosner; I. Heidenheimer, Jr., representing Heidenheimer & Company; Ed Westling, representing The Reuter Company; Howard McKean, Agent for Mrs. L. A. McKean Estate; Wm. G. Bell, representing his mother, Mrs. Mary M. Bell; Dr. E. C. Barker, by written protest for Miss Julia C. Pye; G. M. Shipe, Agent for MK&T Land Company; Geo. H. Harrington; J. T. Ward, Jack Dempsey, representing the Austin Labor Temple Association; Cater Joseph; William Kutalek; J. J. Lane Estate, by written protest; and Mrs. W. R. Neal.

After hearing the above protestants, the Mayor stated that the Council would like further time in which to consider their appeals, and that they would be advised later of the Council's action thereon.

Councilman Steck then moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Gillis, Mayor McFadden, Councilman Steck, 3; nays, none; Councilmen Alford and Mueller absent, 2.

The Council then recessed.

Approved: 

MAYOR.

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 12, 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 last meetings were read and Councilman Alford moved the adoption of same as read. 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.

Horace Barnhart, representing the Ben Hur Shrine, and Harley Sadler appeared before the Council relative to removal of the Harley Sadler Show to the Cavanaugh tract for a week's run after the expiration of the permit granted them at their present location.

After considering the foregoing request, Councilman Steck moved that, in view of the fine spirit of cooperation shown by the Shriners and Harley Sadler in being refused an extension of their permit and the fact that there was a misunderstanding on the part of said Organization and Harley Sadler as to the exact time limit of the permit granted them, and the further fact that the managers of the motion picture shows of the city had signified their willingness for said show to remain a few days longer, the said Harley Sadler be granted a three days' extension on his permit to show at his present location, Sixteenth and Guadalupe Streets. 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.

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 Unit or District of Improvement as follows:

THIRTY-EIGHTH STREET from the east property line of Wabash Avenue to the west property line of Alice Avenue, District No. P-169;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned street 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 person appeared and was heard:

Felix Green stated that he could not see his way clear to pay for the paving.

No other property owners or interested persons appearing to be heard, the Mayor then laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING A PORTION OF THIRTY-EIGHTH 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 Councilman Mueller 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, 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.

A communication from H. F. Kuehne, Chairman of the Board of Adjustment, asking that the Council defer passage of the ordinance establishing the building line on East First Street from Congress Avenue to the city limits until said Board has had an opportunity to review same, was read. Councilman Mueller moved that the request of said Board of Adjustment be granted and that the City Engineer be requested to appear before the Board with the data and recommendations he has prepared. 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.

A communication from Mrs. Sophie Wendlandt, Owner, asking for a reclassification in the zoning of Lots Nos. 14, 15, and 16, Wendlandt & Staehely Addition, Outlot 45, Division "O" from Residence "A" to Commercial "C", was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, the owners of at least 50 per cent of the property designated as Lots 14, 15, and 16, in Wendlandt & Staehely Addition, in Outlot 45, Division "O" of the City of Austin, have petitioned the City Council to amend the Zoning Ordinance so as to change the USE designation of said property from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; 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 to the public to offer any objections to said amendment;

Therefore,

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

That said matters be referred to the 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, December 3, 1931, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

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

The Mayor announced that the hearing called for this day, by published notice thereof, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

(1) To amend the HEIGHT AND AREA designation of all that property fronting east on East Avenue and extending westerly one-half block to the street or alley west of and nearly parallel to East Avenue between 19th and 23 $\frac{1}{2}$  Streets and that area fronting west on East Avenue and extending easterly one-half block between 20th Street and Manor Road and all that area which is adjacent to Manor Road between East Avenue and the east City limits which extends both northerly and southerly one-half block from Manor Road, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(2) To amend the HEIGHT AND AREA designation of all that property fronting both north and south on 12th Street between Navasota Street and the east City limits and extending one-half block north or one-half block south of the lines of East 12th Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(3) To amend the HEIGHT AND AREA designation of all that property fronting north on Rosewood Avenue lying between Chicon Street and Chestnut Avenue and running southerly to the alley or one-half block south of the south line of Rosewood Avenue, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(4) To amend the HEIGHT AND AREA designation of all that property fronting north on 11th Street between San Marcos Street and the State Cemetery and extending southerly from 11th Street one-half block to the alley so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(5) To amend the HEIGHT AND AREA designation of all that property fronting south on East 7th Street from the east line of East Avenue to the State Cemetery and extending northerly to the alley which is parallel to 7th Street, except the most westerly block which is to extend northerly to 8th Street and fronting northerly on 7th Street between East Avenue and Comal Street and extending southerly one-half block to the first alley south of 7th Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a THIRD HEIGHT AND AREA DISTRICT.

(6) To amend the HEIGHT AND AREA designation of all that area lying north and south of East 1st Street and East 2nd Street lying between East Avenue and Llano Street, the northern boundary of this district being one-half block north of and parallel to the north line of 2nd Street between East Avenue and Canadian Street and lying one-half block north of and parallel to the north line of 1st Street between Canadian Street and Llano Street and lying one-half block south of and parallel to the south line of East 1st Street between the east line of East Avenue and a point one-half block east of the east line of Llano Street and to include all intervening areas, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(7) To amend the HEIGHT AND AREA designation of all that property fronting southerly on 1st Street between Brazos Street and Sabine Street and running northerly one-half block to the first alley north of 1st Street so as to change same from a SECOND HEIGHT AND AREA DISTRICT to a FOURTH HEIGHT AND AREA DISTRICT.

(8) To amend the HEIGHT AND AREA designation of all that property lying one-half block both north and south of Barton Springs Road between Barton Creek and a point 200 feet west of the west line of South 1st Street so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(9) To amend the HEIGHT AND AREA designation of an area one-half block wide on each side of South 1st Street and running from Bouldin Creek southerly to a point one-half block south of the south line of Johanna Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(10) To amend the HEIGHT AND AREA designation of all that property fronting both north and south on Live Oak Street between South Congress Avenue easterly to a point which is 150 feet east of the east line of the Post Road and extending north and south one-half block from said Live Oak Street; also that area lying between the Post Road and the east line of the City of Austin lying between Live Oak Street and the City limits; also all that area which lies south of Oltorf Street and the City limits between Wilson Street and the Post Road, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(11) To amend the USE designation of all that property lying between the alley north of East 5th Street and the alley south of East 3rd Street and between the east line of East Avenue and a line 154 feet east of and parallel to the east line of East Avenue so as to change same from "A" RESIDENCE DISTRICT and "C" COMMERCIAL DISTRICT to "D" INDUSTRIAL DISTRICT.

(12) To amend the USE designation of all of original lots 1, 2 and 3, Block 159, and all of Lots 1, 2, and 3, Block 160, of the Original City of Austin, so as to change same from a "B" RESIDENCE DISTRICT to a "C" COMMERCIAL DISTRICT.

would now be opened, and the following persons appeared and were heard:

R. G. Mueller and Dr. F. G. Roesener, representing St. Martin's Evangelical Lutheran Church, A. J. Eilers, representing Miss Lula V. Cater, property owner, and V. H. Pannell, as a citizen of Austin, each protested the changing of the USE designation of Lots 1, 2, and 3, Block 159, and Lots 1, 2, and 3, Block 160, Original City, from Residence "B" to Commercial "C" on the grounds that to allow same to become business property would ruin the purposes for which same is now being used, and would also mar the beauty of the Capitol Grounds lying adjacent to same, as well as obstruct the future extension of said Grounds to embrace this territory, as contemplated.

The following resolution of the City Plan Commission objecting to the above change was also read:

"WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and recommendation, an amendment to the Zoning Ordinance providing for the change of the USE designation of all of Original Lots 1, 2 and 3, Block 159, and all of Lots 1, 2, and 3, Block 160, in the Original City of Austin, from "B" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; and

WHEREAS, a number of protests were presented to the Commission against the proposed change; and

WHEREAS, the Commission carefully considered the proposed amendment from the City Planning point of view and also the various protests which were presented against this change and found serious 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 disapproved and not recommended to the City Council of the City of Austin for the following reasons:

1. This property should be acquired by the State of Texas for the extension of the Capitol grounds north of the Capitol building to provide adequate and proper setting and approach to the building and to eliminate traffic hazards which now exist owing to the narrow alley between the Capitol fence and the property line of this property and to provide additional ground for future office buildings for the State of Texas as originally proposed in the City Plan report of Koch and Fowler and especially in view of the fact that a bill has already been submitted to the Legislature and reported favorably by committees both to the House and Senate and approved by the Governor of the State of Texas, and that the same bill will be re-submitted at the next session of the Legislature with the practical assurance that it will be passed, either then or at a subsequent session.

2. That existing conditions on this property, the character of the structures, the crowding and encroachment upon the Capitol building on this side of the Capitol campus is not commensurate with the dignity of the State of Texas, its resources, and a proper entourage of the great and imposing Capitol building of this great State and is, therefore, from the aesthetic point alone undesirable.

(3) That the use of this property for business purposes will be of a minor character, confined to small establishments such as cleaning and pressing business, lunch stands, market stands, drug stores and barber shops, which, by their character and appearance, are and will be undesirable encroachments upon the Capitol grounds.

(4) That, in view of the fact that the State contemplates purchasing this property to permit the development of the same for business purposes would have a tendency to raise the value thereof and cause unnecessary additional expense to the State in purchasing the same.

(5) That certain owners of this property, as well as owners of surrounding property, vigorously oppose the change of the USE designation on the same grounds as set out above and for no selfish motive, but from a broader civic standpoint, that the property should logically become a part of the Capitol campus for the sake of providing a more dignified and less hazardous approach to the Capitol building in which all the people of this State take proper pride.

(sgd) CITY PLAN COMMISSION

by H. F. Kuehne, Chairman . "

No other property owners or interested persons appearing to be heard, the Mayor then laid before the Council the following resolutions of the City Plan Commission:

"WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and recommendation, an amendment providing for the change of the HEIGHT AND AREA designation in the following areas:

(1) To amend the HEIGHT AND AREA designation of all that property fronting east on East Avenue and extending westerly one-half block to the street or alley west of and nearly parallel to East Avenue between 19th and 23<sup>1</sup>/<sub>2</sub> Streets and that area fronting west on East Avenue and extending easterly one-half block between 20th Street and Manor Road and all that area which is adjacent to Manor Road between East Avenue and the east City limits which extends both northerly and southerly one-half block from Manor Road, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(2) To amend the HEIGHT AND AREA designation of all that property fronting both north and south on 12th Street between Navasota Street and the east City limits and extending one-half block north or one-half block south of the lines of East 12th Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT,

(3) To amend the HEIGHT AND AREA designation of all that property fronting north on Rosewood Avenue lying between Chicon Street and Chestnut Avenue and running southerly to the alley or one-half block south of the south line of Rosewood Avenue, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(4) To amend the HEIGHT AND AREA designation of all that property fronting north on 11th Street between San Marcos Street and the State Cemetery and extending southerly from 11th Street one-half block to the alley, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(5) To amend the HEIGHT AND AREA designation of all that property fronting south on East 7th Street from the east line of East Avenue to the State Cemetery and extending northerly to the alley which is parallel to 7th Street except the most westerly block which is to extend northerly to 8th Street and fronting northerly on 7th Street between East Avenue and Comal Street and extending southerly one-half block to the first alley south of 7th Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a THIRD HEIGHT AND AREA DISTRICT.

(6) To amend the HEIGHT AND AREA designation of all that area lying north and south of East 1st Street and East 2nd Street lying between East Avenue and Llano Street, the northern boundary of this district being one-half block north of and parallel to the north line of 2nd Street between East Avenue and Canadian Street and lying one-half block north of and parallel to the north line of 1st Street between Canadian Street and Llano Street and lying one-half block south of and parallel to the south line of East 1st Street between the east line of East Avenue and a point one-half block east of the east line of Llano Street and to include all intervening areas, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(7) To amend the HEIGHT AND AREA designation of all that property fronting southerly on 1st Street between Brazos Street and Sabine Street and running northerly one-half block to the first alley north of 1st Street, so as to change same from a SECOND HEIGHT AND AREA DISTRICT to a FOURTH HEIGHT AND AREA DISTRICT.

(8) To amend the HEIGHT AND AREA designation of all that property lying one-half block both north and south of Barton Springs Road between Barton Creek and a point 200 feet west of the west line of South 1st Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(9) To amend the HEIGHT AND AREA designation of an area one-half block wide on each side of South 1st Street and running from Bouldin Creek southerly to a point one-half block south of the south line of Johanna Street, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT.

(10) To amend the HEIGHT AND AREA designation of all that property fronting both north and south on Live Oak Street between South Congress Avenue easterly to a point which is 180 feet east of the east line of the Post Road and extending north and south one-half block from said Live Oak Street; also that area lying between the Post Road and the east



line of the City of Austin lying between Live Oak Street and the City limits; also all that area which lies south of Oltorf Street and the City limits between Wilson Street and the Post Road, so as to change same from a FIRST HEIGHT AND AREA DISTRICT to a SECOND HEIGHT AND AREA DISTRICT;

and

WHEREAS, the Commission carefully considered the proposed amendment 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 HEIGHT AND AREA 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."

"WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the City Plan Commission, for its consideration and recommendation an amendment to the Zoning Ordinance providing for the change of the USE designation of all that property lying between the alley north of East 5th Street and the alley south of East 3rd Street and between the east line of East Avenue and a line 184 feet east of and parallel to the east line of East Avenue from "A" Residence District and "C" Commercial District to "D" Industrial District; and

WHEREAS, the Commission carefully considered the proposed amendment 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"

The Mayor then 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 laid over.

Reports of L. E. Whitham & Company and H.R. F. Helland, Consulting Engineer, stating that the paving has been completed on Waller Boulevard from the north line of the State University property to the north line of Archway on the west side and the south line of Park Place on the east side, Unit No. P-186, in accordance with the plans and specifications, and recommending acceptance of same, were read and filed.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, ACCEPTING THE IMPROVEMENT OF A PORTION OF WALLER BOULEVARD, IN THE CITY OF AUSTIN, AND AUTHORIZING THE PAYMENT OF THE BALANCE DUE BY THE CITY OF AUSTIN AND THE ISSUANCE AND DELIVERY OF CERTIFICATES OF SPECIAL ASSESSMENT AGAINST OWNERS OF ABUTTING PROPERTY.

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

That, Whereas, heretofore the hereinafter described street was ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting

property and the owners thereof to cover the portion of the cost payable by the said property owners;

WHEREAS, pursuant to said contract and other proceedings in connection therewith, L. E. Whitham & Company has completed the improvement of the following street, to-wit:

PAVING UNIT NO. P-186: WALLER BOULEVARD from the north line of the State University property to the north line of Archway on the west side and the south line of Park Place on the east side.

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in connection therewith;

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

That said improvement on said portion of said street be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

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, Councilmen Mueller and Steck, 5; nays, none.

Mayor McFadden moved that the work done by the Dallas Construction Company under Street Improvement Bond Fund Contract No. 45, being for the bridge across Waller Creek at Twelfth Street, in the amount of \$17,619.31, be accepted, in accordance with the recommendation of the Consulting Engineer, H. R. F. Helland, and that the City Manager be authorized to make final payment on same. 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.

G. A. Peters appeared before the Council and protested the removal of the municipal market from its present location.

Mayor McFadden moved that the estimate submitted by the United States Weather Bureau in the amount of \$219.00, for the purchase and installation of equipment at the municipal airport for the handling of airways weather reports, be approved and the City Manager be directed to have this work done. 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 City Manager submitted to the Council the following report of the City Engineer:

"Austin, Texas, November 12, 1931.

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

Dear Sir:

I have made an estimate of the cost of doing the grading and gravelling necessary to make the proposed hanger at the Airport accessible to use in all kinds of weather. The proposed scheme of development includes the gravelling of a runway between the building and the present taxi-way, said runway to be 50 feet wide, the gravelling within the building and the gravelling of an area 100 feet west of and south of the building. It will also be necessary to asphalt a portion of the gravel driveway at a point where the surface drainage will have to cross.

Estimate as follows:

AIRPORT HANGER, GRAVEL AND ASPHALT

510 cu. yds. excavation at 20¢	-----	\$ 162.00
2160 cu. yds. of gravel in place at 65¢	-----	1,365.00
250 ft. sub-drain in place at 80¢	-----	200.00
1000 sq. yds. of asphalt surface in place at 35¢	-----	385.00
		<u>\$2,112.00</u>
Plus 5% Engineering and Contingencies	-----	105.60
Total -		<u>\$2,217.60</u>

There will also have to be a sanitary sewer constructed 500 feet long at an estimated cost of 60¢ per foot, \$300.00.

Respectfully submitted,

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

Mayor McFadden moved that the above recommendations of the City Engineer be approved and adopted and the City Manager be authorized to proceed with the work. 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 following communication from Cofer & Cofer, Attorneys, was read and filed:

"Austin, Texas, November 7, 1931.

To the City of Austin,  
Hon. Adam R. Johnson, City Manager,  
Hon. P. W. McFadden, Mayor,  
Hon. J. Boulden Rector, City Attorney,  
Austin, Texas.

Dear Sirs:

We beg to advise you, and each of you, in connection with the Rabb condemnation suit and litigation, and the action we brought concerning the gravel pit, and also the controversy concerning the fence, of which we gave the City legal notice, that we have a written contract of employment from Miss Mayme Rabb, her brothers, and her mother, as attorneys to represent them in these controversies.

In consideration of this, the Rabbs in said written contract assigned us an interest in the subject matter of these controversies. We are therefore giving you notice of our contract and assignment so that you may have notice of same and in case of a settlement will make such settlement in view of our rights under said contract and assignment.

Please take notice accordingly and if and when any settlement is made we desire that the same be made with full knowledge on your part of our rights, so that you may protect not only us but yourselves in any such settlement.

Yours very truly,

(Sgd) Cofer & Cofer,

By Robt. E. Cofer. "

Councilman Steck moved that B. O. Ludwig, House Mover, be granted a permit to move a house for Paul O. Simms from Twenty-fifth and Duval Streets to Thirty-fourth and Wabash Streets, provided same is done under such restrictions and regulations as may be prescribed by the City Manager and City Engineer. 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, which was read at the last meeting and laid over:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF WEST AVENUE IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

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

I.

That a necessity exists that West Avenue from the north line of Twelfth Street to the south line of Nineteenth Street in the City of Austin, Texas, be improved by flush coating



the same with Bitulithic double flush coating, in accordance with the specifications therefor on file with the City of Austin, Texas.

II.

That the bid of Southwest Bitulithic Company for such flush coating at and for the price of fifteen cents per square yard be and the same is accepted, and it is hereby ordered and provided that the contract for making such street improvement is hereby let to said Southwest Bitulithic Company, and the form for said contract having been submitted, together with a form of construction bond securing the performance of said contract, said forms of contract and bond are hereby approved and the City is hereby authorized and directed to execute a contract with said Southwest Bitulithic Company upon said form of contract in the name of the City of Austin, Texas, and to impress the corporate seal of said city thereon, and is authorized and directed to receive and approve a construction bond executed upon said form of bond, in the sum of \$900.00, upon presentation of said bond duly executed by said contractor and a surety company authorized to do business in the State of Texas.

It is ordered that any ordinance, resolution, rule or regulation requiring or providing for competitive bid shall be and the same is hereby waived and dispensed with and suspended for the purposes of the improvements herein ordered, and for the purpose of the contract hereby let.

III.

That the City of Austin shall and will pay in cash the entire cost of such flush coating, upon completion and acceptance thereof by the City of Austin.

IV.

That the sum of \$1800.00 is hereby appropriated out of the Street Improvement Fund of the City of Austin for the purpose of the cost of such flush coating, which amount is to be kept in a sacred fund and applied to the purpose named.

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 resolution, which was read at the last regular meeting and laid over:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF COLORADO STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

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

I.

That a necessity exists that the hereinbelow mentioned streets in the City of Austin, Texas, be improved by flush coating the same with Bitulithic double flush coating, in accordance with the specifications therefor on file with the City of Austin, Texas:

COLORADO STREET from the south line of Second Street to the south line of Fifth Street;

COLORADO STREET from the north line of Sixth Street to the south line of Eighth Street.

II.

That the bid of the Southwest Bitulithic Company for such flush coating at and for the price of Fifteen Cents per square yard be and the same is accepted, and it is hereby ordered and provided that the contract for making such street improvement is hereby let to said Southwest Bitulithic Company, and the form for said contract having been submitted,

together with a form of construction bond securing the performance of said contract, said forms of contract and bond are hereby approved and the City is hereby authorized and directed to execute a contract with said Southwest Bitulithic Company upon said form of contract in the name of the City of Austin, Texas, and to impress the corporate seal of said City thereon, and is authorized and directed to receive and approve a construction bond executed upon said form of bond, in the sum of \$500.00, upon presentation of said bond duly executed by said contractor and a surety company authorized to do business in the State of Texas.

It is ordered that any ordinance, resolution, rule or regulation requiring or providing for competitive bid shall be and the same is hereby waived and dispensed with and suspended for the purposes of the improvements herein ordered, and for the purpose of the contract hereby let.

### III.

That the City of Austin shall and will pay in cash the entire cost of such flush coating, upon completion and acceptance thereof by the City of Austin.

### IV.

That the sum of \$1600.00 is hereby appropriated out of the Street Improvement Fund of the City of Austin for the purpose of the cost of such flush coating, which amount is to be kept in a sacred fund and applied to the purpose named.

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 resolution:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF LAVACA STREET IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

The above resolution was introduced and laid over.

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 West Thirty-Fifth Street from San Gabriel Street to Alamo Boulevard, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Thirty-fifth Street. Said gas main described above shall have a cover of not less than 3 feet.

(2) A gas main in West Thirty-Sixth Street from Wabash Avenue to Alamo Boulevard, the center line of which gas main shall be 6 feet south of and parallel to the center line of said West Thirty-Sixth Street. Said gas main described above shall have a cover of not less than 3 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 cut in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

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

The Mayor announced that the hearing on East Sixteenth Street from East Avenue to Navasota Street, District No. 52, which was continued from the last regular meeting, would be continued until the next regular meeting.

The Mayor laid before the Council the following resolution:

WHEREAS, Theo. P. Davis has presented to the City Council a request for a permit to construct a rock curb on the regular curb line on Windsor Road adjacent to Lot 8 and the north 20 feet of Lot 7 of Enfield "D" of the City of Austin; and

WHEREAS, the specifications adopted by the City of Austin, Texas, August 20th, 1914, require that a special permit shall be granted by the City Council whenever any other kind of curb is granted other than a concrete curb; and

WHEREAS, the City Engineer has recommended that a rock curb be permitted adjacent to Theo. P. Davis' property, subject to said rock curb's being constructed in accordance with the plan and specifications hereto attached and further subject to the construction of a combination concrete curb and gutter by Theo. P. Davis adjacent to said curb,

Therefore,


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

THAT Theo. P. Davis be granted a permit to construct a rock curb provided same is constructed in accordance with the plan and specifications hereto attached as shown on a plan marked 2-C-423, and also subject to Theo. P. Davis' constructing a combination concrete curb and gutter adjacent to said rock curb not later than February 1, 1932, all of same to be constructed in accordance with lines and grades to be furnished by the City Engineering Department.

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

No further business coming before the Council, Councilman Steck moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Council then recessed.

Approved: 

Mayor.