

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 10, 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 meeting 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.

Mrs. Allie G. Belcher appeared before the Council and protested the valuation placed on her improvements at 304 West Eighth Street. The matter was referred to the meeting of the Council next Monday, at 7:30 P. M., for the consideration of tax appeals.

Geo. S. Dowell, Chairman of the Citizens Tax Committee of the Chamber of Commerce, was present to find out what action had been taken by the Council on the extension of the penalty date on taxes from April 1st to June 1st, 1932. The Mayor stated that the Council had not acted officially on the matter and that the Committee would be advised when same was done.

Mr. Dowell was also present with S. Ferris, as a committee from the Chamber of Commerce, to learn the status of the municipal market house project. They were advised that, owing to the condition of the bond market, the municipal market bonds had not been sold, and that, pending the sale of such bonds, the Council and City Manager were making a study of municipal markets in other cities.

Councilman Mueller was excused from further attendance upon this session of the Council.

The following resolution was introduced and laid over for one week:

RESOLUTION DECLARING THE NECESSITY FOR,
AND PROVIDING FOR FLUSH COATING A PORTION
OF SIXTEENTH 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 Mayor laid before the Council the following resolution:

WHEREAS, the City of Austin has contracted with the Seagraves Corporation, Columbus, Ohio, for one aerial fire truck, the delivered price of which is Sixteen Thousand, Seven Hundred and Fifty Dollars (\$16,750.00), the same to be paid from the proceeds of Fire Station Bonds; and

WHEREAS, the Fire Station Bonds offered for sale November 17th, 1931, were not sold;
Therefore,

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

THAT the sum of Sixteen Thousand, Seven Hundred and Fifty Dollars (\$16,750.00) be and the same is hereby appropriated from the Water and Light Fund for the purpose mentioned above, this appropriation to be recorded as a loan to the Fire Stations Bond Fund and to be repaid to the Water and Light Fund from the proceeds received from the sale of Fire Stations Bonds when sold.

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, the City Tax Assessor and Collector has this day submitted to the City Council the tax rolls of the City of Austin for the year 1931, which rolls show an aggregate amount of \$54,320,435.00 of valuation of property assessed for taxes for said year, and an aggregate amount of \$1,213,579.66 levied as taxes for said year; and

WHEREAS, said tax rolls appear in all respects in correct form, the valuations contained in said rolls having been examined and corrected by the Board of Equalization, which has made its report to the City Council;

Therefore,

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

THAT said tax rolls for said year be and the same are hereby approved.

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

The Mayor laid before the Council the following resolution:

WHEREAS, on February 20, 1888, the City Council of the City of Austin enacted an ordinance, by the terms of which the International & Great Northern Railroad Company was granted the right to use and occupy 92 feet of the north end of the alley running north and south through Block 19, and being that part of said alley lying between Lots Nos. 5 and 6, in said Block on the east, and Lots Nos. 7 and 8, in said Block on the west, in the City of Austin, Travis County, Texas, said space to be occupied and used by said Railroad Company for the purpose of erecting a passenger depot for use of said Railroad Company; and

WHEREAS, the said Railroad Company, in consideration of the aforesaid grant to it by the City, agreed and obligated itself to leave an open way over its property along the south side of said Lots 5, 6, 7, and 8, in said Block 19, of at least 20 feet in width connecting with said alley, and extending east to Congress Avenue, and also extending west to Colorado Street, and that such way should be kept open for public travel so long as the Railroad Company was permitted to occupy and use said portion of the alley for the purposes above stated; and

WHEREAS, the definite location of said open way between said streets and across said lots has never been determined, and it is now necessary to do so in order that said way may be designated and dedicated as a public street, and that same may be improved as such; and

WHEREAS, said Railroad Company and its successors have erected and maintained a passenger depot on said portion of said alley above mentioned; but it is now considered proper, in view of Section 16, of Article 1, of the Constitution of Texas, and in view of a recent decision by the Supreme Court of Texas, and in view of the passage recently of the statute by the Legislature of Texas, that the City quitclaim to the Railroad Company said portion of said alley, in consideration of said Railroad Company's quitclaiming to the City the way above described when definitely designated;

Now, therefore,

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 execute the quitclaim deed of the City of Austin to the following described parcel of land, and that he deliver said quitclaim deed to said Railroad Company, upon the delivery to him by said Railroad Company of its quitclaim deed to the 20 foot way above described, said parcel of land being particularly described as follows, to-wit:

The North Seventy-two (72) feet of the said original Ninety-two (92) feet described in the Ordinance passed by the City Council of the City of Austin, on February 20, 1888, said Seventy-two (72) feet being described as follows: Commencing at the northwest corner of Lot

Number Six (6), Block Nineteen (19), in the City of Austin, being the northeast corner of said alley; thence southerly along the west line of Lots Five (5) and Six (6) and the east line of said alley, a distance of Seventy-two (72) feet, said point being Twenty (20) feet northerly from the northwest corner of Lot Number Four (4) when measured along said alley line; thence westerly parallel with the north line of Block Nineteen (19) a distance of twenty (20) feet to the west line of said alley, being a point in the east line of Lot Number Eight (8); thence northerly along said east line of Lots Numbers Eight (8) and Seven (7) and the west line of said alley a distance of Seventy-two (72) feet to the northeast corner of Lot Number Seven (7) and the northwest corner of said alley; thence easterly with the north line of Block Number Nineteen (19) a distance of Twenty (20) feet to the point of beginning.

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 report of the Librarian of the Austin Public Library for the fiscal year ending December 2, 1931, was read and ordered filed.

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 EVA STREET from Mary Street to Monroe Street, the center line of which gas main shall be 20½ feet west of and parallel to the east line of said Eva Street. Said gas main described above shall have a cover of not less than 3 feet.

(2) A gas main in WOODLAND AVENUE from Travis Heights Boulevard easterly to the city limits, the center line of which gas main shall be 5 feet north of and parallel to the center line of said Woodland Avenue. 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 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.

The Mayor laid before the Council the following:

"Austin, Texas, December 9, 1931.

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

Dear Sir:

The request of Dr. Goodall Wooten, owner of Lots 31, 32 and 33, in Outlot 22½, Division "D" of the Government Outlots adjoining the City of Austin, Travis County, Texas, which lots front 210 feet on the west side of Guadalupe Street and lie north of West Twenty-first

Street, for a permit to set curb back 12 feet in front of the above property.

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

(1) That the widening of said Guadalupe Street shall be carried out in accordance with the accompanying plan marked 2-C-427, and that all ramps and curbs shall be constructed of concrete at expense of applicant.

(2) That all such widened areas of ramps shall be paved with concrete not less than 6 inches in thickness and of the following proportions: 1 part cement, 2 parts of sand and 4 parts of screened gravel or rock. And that a concrete curb 6 inches high shall be constructed adjacent to the widened area.

Yours truly,

(Sgd) Orin E. Metcalfe, City Engineer;
G. S. Moore, Building Inspector."

WHEREAS, Dr. Goodall Wooten is the owner of Lots 31, 32, and 33, in Outlot 22½, Division "D" of the Government outlots adjoining the City of Austin, Travis County, Texas, which lots front 210 feet on the west side of Guadalupe Street and lie north of West Twenty-first Street; and

WHEREAS, the distance between the east face of the west curb and the property line is 23½ feet and said Dr. Goodall Wooten has presented a petition to the City Council requesting a permit to set his curb back to a point which is 11½ feet east of the west property line of Guadalupe Street and agrees to construct a concrete driveway between the present gutter line and the proposed new curb line; and

WHEREAS, a plan has been prepared showing the proposed layout and said plan and petition has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT permission is granted to Dr. Goodall Wooten, owner of Lots 31, 32, and 33, in Outlot 22½, Division "D" of the Government outlots adjoining the City of Austin, Travis County, Texas, to move the curb back in front of his property on the west side of Guadalupe Street north of West Twenty-first Street, all construction to be in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached, marked 2-C-427, and is hereby made a part of this resolution, and that this resolution is made subject to all work's being done in accordance with the direction of the City Engineer and the expense of all work incident to said construction program shall be borne by the applicant.

And said permission is further subject to Goodall Wooten, or his assigns, paying for all expenses to any incidental change of grade or any required construction of the ramp area provided Guadalupe Street is widened and paved under orders of the City Council.

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 introduced the following ordinance, which was read and ordered laid over:

AN ORDINANCE PROVIDING FOR THE
EXTENSION OF THE CERTAIN BOUNDARY
LIMITS, AND THE ANNEXATION OF
CERTAIN ADDITIONAL TERRITORY LYING
ADJACENT TO THE PRESENT BOUNDARY
LIMITS OF THE CITY OF AUSTIN, IN
THE PARTICULARS STATED IN THE
ORDINANCE.

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 Thirteen Hundred Ten and 25/100 (\$1,310.25) be and the same is hereby appropriated from the unincumbered funds of the Water, Light and Power Department for the purpose of liquidating Austin Dam suit expenses, as follows:

White, Wilcox, Taylor & Gardner - Balance of Attorneys' Fees and Expenses -----	\$1,009.90
S. S. Posey - Research Service -----	250.00
J. B. Rector - Expenses -----	38.10
Julian Estes, Stenographic Services -----	12.25
	\$1,310.25

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:

"Austin, Texas, December 9, 1931.

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

Dear Sir:

We have considered the application of W. H. Freitag, who has applied for a permit to revise his building and operate a filling station on Lots 5 and 6, Block 139, of the Original City of Austin, same now being known as 1112 Red River Street, and being located at the southwest corner of Red River and 12th Streets, and hereby advise that the following conditions exist:

(a) He proposes to construct his filling station on property which is shown on the Zoning map as being located within the "C" Commercial Use District. The nearest place in which W. H. Freitag can concentrate his waste water is Waller Creek, which runs along the edge of the property owned by W. H. Freitag.

(b) W. H. Freitag has been advised of the provisions of the Building, Zoning and Filling Station Ordinances, and he proposes to construct his filling station in accordance with all of said ordinances.

We recommend that W. H. Freitag be granted a permit to construct and operate said filling station subject to the following conditions:

(1) That all buildings, constructed or remodeled, and equipment shall be placed inside of the property line. Lines and grades to be obtained from the Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalk or adjacent streets before he starts any construction relating to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance and in accord with the ordinance prohibiting the disposal of commercial water or oil upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the City sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-48, and shall be conducted by a pipe connection from said sand trap to Waller Creek at the expense of the applicant.

(4) That pumps shall be located as shown on the plan hereto attached, marked 2-H-192.

(5) That the location of all ramps, sidewalk area and curb returns shall be constructed of concrete in accord with plan 2-H-192, which plan is hereby made a part of this resolution.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

(Sgd) G. S. Moore,
Building Inspector.

Orin E. Metcalfe,
City Engineer. "

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

THAT the City Council of the City of Austin hereby approves Lots 5 and 6 of Block 139 of the Original City of Austin as a filling station site, and hereby authorizes W. H. Freitag to construct and operate a filling station on his property at the southwest corner of 12th and Red River Streets subject to same's being constructed subject to the

foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all of the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that W. H. Freitag has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

A communication from Mrs. Forrest H. Farley, State Director of Jefferson Davis Highway, requesting permission for the United Daughters of the Confederacy, Texas Division, to place a Jefferson Davis Highway marker on the point of land owned by the City just west of the north end of the Colorado River bridge, was read. Councilman Alford moved that such permission be granted. Motion was seconded by Mayor McFadden and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

A communication from the Reverend O. C. Williamson of the Austin Presbyterian Theological Seminary, asking for a remission of the taxes for the year 1931 against the property owned by the Executive Committee of Home Missions of the Southern Presbyterian Church located at No. 1109 East Eighth Street, on the grounds that same is used exclusively for religious and educational purposes and is non-revenue bearing, was read. Mayor McFadden moved that, in view of the facts as set forth, the property of said Committee be exempted from taxation for the year 1931, and all subsequent years that same is used exclusively for religious and educational purposes, and that the Assessor and Collector of Taxes of the City be authorized to change his rolls accordingly. 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.

Mayor McFadden moved that the City Manager be authorized to purchase, for the Interest and Sinking Fund, \$5000.00 of Austin City Bonds, maturing January 1, 1933, at par and accrued interest, plus \$12.50 as commission to the firm of Glaspell, Vieth & Duncan, Brokers, for handling the transaction. 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 application of J. J. Wattinger, Contractor, for permit to use ten feet of street space adjacent to the curb on the east side of Congress Avenue and on the south side of Eleventh Street adjacent to the old county court house for construction purposes for a period of approximately three months, and a report of G. S. Moore, Building Inspector, Tom Neal, Traffic Police Captain, and Orin E. Metcalfe, City Engineer, recommending that this permit be granted in accordance with the conditions set out in the permit and plan attached thereto and made a part of said report, were read. Mayor McFadden moved that the City Manager be authorized to issue permit to the said J. J. Wattinger in accordance with the conditions as set forth in said plan. 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.

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

The Council then recessed.

Approved:

J. H. McFadden
MAYOR.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, December 14, 1931.

The Council met at 7:30 P. M. for the purpose of considering the various tax appeals of property owners submitted to the Council at its meeting on the 9th ultimo. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

Mayor McFadden moved that E. M. Scarbrough & Sons be given a credit of \$34,815.00 on their assessment for the year 1931 against the old store building located on the west 16 feet of Lot 3, all of Lot 4, and the south 40 feet of Lot 5, Block 55, Original City, which has been torn down, but that no change be made in the assessed valuation on other improvements belonging to the said E. M. Scarbrough & Sons, and that the Assessor and Collector of Taxes be instructed to change his rolls accordingly. 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 resolution:

WHEREAS, the Tax Rolls of the City of Austin show that there is a valuation for the years 1929 and 1930 of \$73,140.00 on 146.89 acres belonging to Enfield Realty Company, Westenfield Development Company, Pease Estate, R. Niles Graham, Margaret Graham Cruseman and Sunset Hill-Enfield Company; and

WHEREAS, the City Tax Department of the City of Austin recommends that the valuation on said 146.89 acres be changed from \$73,140.00 to \$45,005.00 for the years 1929 and 1930; and

WHEREAS, the taxes on said property for the year 1929 were paid on a valuation of \$73,140.00 under protest, and the taxes for 1930 remain unpaid pending a settlement of said protest;

Now, therefore,

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

THAT the Tax Assessor and Collector of the City of Austin is hereby authorized and instructed to change his Tax Rolls on the valuation of said property from \$73,140.00 to \$45,005.00 for the years 1929 and 1930; and that a refund of \$633.03, representing the