

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 5, 1931.

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

The reading of the Minutes of the last meetings was deferred until the next regular meeting.

Miss Effie Whitehand appeared before the Council and presented a petition signed by property owners abutting the alley between Thirteenth and Fourteenth Streets and Lavaca and Guadalupe Streets, protesting the paving of this alley. The petition was received and filed.

Messrs. Chas. B. Cook, Theo. P. Meyer and Rudolph Mueller, acting as a committee from the Chamber of Commerce, asked that bidding on sanitary sewer pipe be opened to concrete sewer pipe representatives. The Council took the matter under advisement.

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving on East Twenty-third Street from East Avenue to the city limits, District No. P-63; Trinity Street from Sixth to Seventh Streets, District No. P-88; and Neches Street from Sixth to Seventh Streets, District No. P-89, had been completed in accordance with the plans and specifications, and recommending the acceptance of same, were read and ordered filed.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, ACCEPTING THE IMPROVEMENT OF A PORTION OF EAST TWENTY-THIRD STREET OR MANOR ROAD AND SUNDRY OTHER STREETS, 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 streets were 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; and

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

EAST TWENTY-THIRD STREET OR MANOR ROAD from the east line of East Avenue to the city limits, known and designated as Unit or District No. P-63;

TRINITY STREET from the north line of Sixth Street to the south line of Seventh Street, known and designated as Unit or District No. P-88;

NECHES STREET from the north line of Sixth Street to the south line of Seventh Street, known and designated as Unit or District No. P-89;

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

Therefore,

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

That said improvement on said portions of said streets 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN,
TEXAS, APPROVING THE CONTRACT AND
BOND WITH L. E. WHITHAM & COMPANY
FOR IMPROVING PORTIONS OF EAST
SECOND STREET AND SUNDRY OTHER
STREETS IN THE CITY OF AUSTIN.

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

That, whereas, a contract in writing between L. E. Whitham & Company and the City of Austin and a construction bond executed by the said L. E. Whitham & Company have been presented to the City Council for examination and approval, covering the following streets, to-wit:

PAVING DISTRICT #109: East Second Street from the east line of Brazos Street to the west line of Red River Street;

PAVING DISTRICT #110: East Third Street from the east line of Neches Street to the west line of Red River Street;

PAVING DISTRICT #111: East Fourth Street from the east line of Brazos Street to the west line of San Jacinto Street;

PAVING DISTRICT #112: East Fourth Street from the east line of San Jacinto Street to the west line of Red River Street;

PAVING DISTRICT #113: Trinity Street from the north line of First Street to the south line of Third Street;

PAVING DISTRICT #114: Trinity Street from the north line of Third Street to the south line of Fifth Street;

PAVING DISTRICT #115: Neches Street from the north line of First Street to the south line of Third Street;

PAVING DISTRICT #116: Neches Street from the north line of Third Street to the south line of Fifth Street;

PAVING DISTRICT #135: West Avenue from the north line of Thirtieth Street to the south line of Thirty-fourth Street;

PAVING DISTRICT #136: Pearl Street from the north line of Twenty-ninth Street to the south line of Thirtieth Street;

PAVING DISTRICT #137: Thirtieth Street from the west line of West Avenue to the east line of Pearl Street;

PAVING DISTRICT #147: East Seventh Street from the east line of East Avenue to the east line of Waller Street;

PAVING DISTRICT #148: East Seventh Street from the east line of Waller Street to the east line of Comal Street;

PAVING DISTRICT #149: East Seventh Street from the east line of Comal Street to the east line of Chicon Street;

PAVING DISTRICT #150: Chicon Street from the north line of Seventh Street to the north line of Eleventh Street;

PAVING DISTRICT #151: Chicon Street from the north line of Eleventh Street to the north line of Rosewood Avenue;

PAVING DISTRICT #152: Chicon Street from the north line of Rosewood Avenue to the north line of Twelfth Street;

PAVING DISTRICT #153: Chicon Street from the north line of Twelfth Street to the north line of Nineteenth Street;

PAVING DISTRICT #154: Chicon Street from the north line of Nineteenth Street to the south line of Twenty-third Street.

Each unit or district shall be and constitute an entirely and wholly separate and independent unit of improvement the same as if contracted for in separate and distinct contracts. The construction of said improvements in each separate unit or district shall be wholly independent of the construction in any other unit or district. The assessments to be levied in each unit or district shall be made according to the cost of the improvements in that particular unit or district, and in accordance with the benefits accruing to the property by reason of said improvements in that particular unit or district, wholly and entirely independent of the cost and of the benefits accruing by reason of the improvements in any other unit or district; and

WHEREAS, said contract and bond have been examined by the City Council and found to be in proper form, and the securities on said bond good and sufficient; now, therefore,

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

That said contract and bond be and the same are hereby approved, ratified, adopted and confirmed.

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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, from a statement of Jas. A. Garrison, Superintendent of Recreation, it is shown that \$261.68 has been collected as gate receipts at the various City League Basketball games; and

WHEREAS, the winning teams of the men's and women's City Basketball League are desirous of entering the State Basketball Tournaments - the women's to be held in San Antonio on March 6th and 7th, and the men's to be held in Ft. Worth on March 20th and 21st; and

WHEREAS, it is estimated that the cost of both trips will be \$155.00; now, therefore,

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

That the City Manager be authorized to have a warrant issued to Jas. A. Garrison, Superintendent of Recreation, for the sum of \$155.00 to be used for the above stated purpose, and that same be charged to the General Fund.

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

The Mayor laid before the Council the following resolution:

Whereas, The Stacy Realty Company, the present owner of the subdivision in the city limits of Austin known as Travis Heights Addition, on the 6th day of December, A. D. 1930, placed of record in the Deed Records of Travis County, Texas, an amended dedication providing that all of the lots in said Addition which abut upon streets shown on the original plat and resubdivisions of Travis Heights Addition which extend to the center of the abutting streets, subject to an easement in the streets, which easement is for the benefit of the City for the use of said portion of land as streets, and conveying to the

present owners of the lots abutting upon any streets shown on said plat or plats, the fee title to the center of said streets so that all of the lots so sold upon said streets are subject to the easement to the public.

Now, therefore,

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

That the City of Austin hereby accepts said dedication of an easement in said streets in said Addition, with the right to lay its utilities in said streets and the right to grant such permits to its franchise holders which may be necessary in the extension of public utilities, and said City of Austin hereby accepts said easement.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, 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 One Hundred Seventy-five and 25/100 (\$175.25) Dollars be and the same is hereby appropriated to budget account "Fire and Tornado Insurance - Street and Bridge Division" (21401) from General Fund reserve; said amount to pay premium on insurance covering stables, buildings and contents constructed at 600 Red River Street in replacement of property burned.

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

The affidavit of Geo. G. Grant, Finance Director, that on March 3, 1931, he destroyed, by burning in the City Hall furnace, the certain cancelled bonds and coupons of the City of Austin described in the resolution passed by the City Council on February 26, 1931, and recorded in Minute Book No. 12, Page 404, 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 4 inch high pressure gas main in East Avenue from the north line of East Eighth Street to the north line of East Eleventh Street, the center line of which gas main shall be 53 feet west of and parallel to the center line of East Avenue. Said gas main described above shall have a cover of not less than 2 feet.

(2) A 4 inch low pressure gas main in East Fifteenth Street beginning at a point on an existing gas main, which point of beginning is 7 feet south of and 18 feet west of the intersection of the east line of Curve Street and the center line of East Fifteenth Street.

Thence; in a westerly direction, 7 feet south of and parallel to the center line produced across East Avenue of that portion of East Fifteenth Street that is east of said East Avenue to a point on the west line of East Avenue. Said gas main described above shall have a cover of not less than 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, H. G. Tuke has presented to the City Council a request for a curb set-back adjacent to his property on the west side of Comal Street south of Third Street; and

WHEREAS, the City Engineer has recommended the said request be granted, subject to the curb's being set back and the pavement on Comal Street extended according to plan 2-0-388; and

WHEREAS, the City Council has considered and approved the proposed curb set back in accordance with the attached plan; therefore,

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

That H. G. Tuke be granted permission to make curb set-back adjacent to his property on west side of Comal Street south of Third Street, subject to the following condition:

(1) That the widening of Comal Street shall be carried out in accordance with an accompanying plan marked 2-C-388, which plan shall become a part of this resolution and that area which lies between the standard gutter and the proposed new concrete curb shall be constructed of concrete at the expense of the applicant.

(2) That all such widened area of parking between gutter and curb line shall be constructed of concrete, which concrete shall be not less than six inches in thickness, and of the same proportion and to have the same strength as the concrete which will be placed as paving on Comal Street, and to have a vertical curb which shall be constructed not less than six inches high between such widened area and the sidewalk space.

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING THE STANDING OF VEHICLES ON THE WEST SIDE OF CONGRESS AVENUE, BETWEEN ITS INTERSECTION WITH THE SOUTH LINE OF SIXTH STREET AND THE POINT 179 FEET SOUTH OF SAID INTERSECTION LINE IN THE CITY OF AUSTIN, REPEALING ALL ORDINANCES IN CONFLICT AND PRESCRIBING A PENALTY.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was

seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE GRANTING TO JAMES F. TAYLOR AND J. W. SCARBROUGH AND L. SCARBROUGH THE RIGHT AND PRIVILEGE TO OCCUPY AND USE FOR A CERTAIN TIME PORTIONS OF CONGRESS AVENUE, WEST SIXTH STREET AND THE ALLEY BETWEEN CONGRESS AVENUE AND COLORADO STREET, AND TO REMOVE CERTAIN SIDEWALKS ON SAID STREETS AND TO CONSTRUCT OTHER SIDEWALKS IN LIEU THEREOF, ALL SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS EXPRESSED IN THE ORDINANCE.

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

The Mayor laid before the Council the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR, AND ORDERING AND PROVIDING FOR, THE IMPROVEMENT OF PORTIONS OF RED RIVER STREET AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, PROVIDING FOR THE PAYMENT OF THE COST THEREOF, AND MAKING AN APPROPRIATION TO PAY THE CITY OF AUSTIN'S PORTION OF SUCH COST.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the property abutting the west side of Comal Street between the north line of Hackberry Street and south line of Cotton Street has never been numbered in accordance with the City of Austin's scheme of numbering houses; and

WHEREAS, the City Engineer has made a study of the condition and has prepared a map showing a recommended scheme of numbering houses; and

WHEREAS, said map has been considered by the City Council;

Therefore,

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

That the property abutting the west side of Comal Street between the north line of Hackberry Street and the south line of Cotton Street shall be numbered in accordance with the recommended house numbers shown on the plat hereto attached marked 2-0-380, which plat is hereby made a part of this resolution. *(See foot note)

A petition signed by the abutting property owners asking that the alleys between Sixth and Seventh Streets between Red River and Trinity Streets and between Trinity and Neches Streets be paved was read and filed for future consideration.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE AMENDING "AN ORDINANCE FIXING AND ESTABLISHING THE WARD BOUNDARIES OF THE CITY OF AUSTIN, FOR VOTING PURPOSES ONLY, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH".

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN, FOR THE TERM OF TWO YEARS, BEGINNING MAY 1, 1931, DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS, APPOINTING ELECTION JUDGES AND ELECTION CLERKS, AND PROVIDING THE PROCLAMATION OF SAID ELECTION.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

* The above resolution was adopted by a vote of 5 ayes, nays, none.