

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 12, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed, 1.

The Minutes of February 26th, March 5th, and the special meeting of March 6th were read and Councilman Pannell moved the adoption of same as read. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

Councilman Pannell moved that the concrete sewer pipe representatives be notified that the City Council will reopen the matter of concrete pipe vs. vitrified clay pipe, and that they be given notice of the date of hearing. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

T. E. C. Stewart submitted a petition to the City Council, signed by a large number of residents of the vicinity, asking for the removal of the Pierce & Butler slaughter pens on Canterbury Street. The petition was received and filed and Mr. Stewart was advised that these pens would be automatically eliminated as soon as the City's abattoir was put into operation.

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 purchase from P. J. Lawless, for a cash consideration of Twenty-six Thousand Two Hundred and Fifty (\$26,250.00) Dollars, and upon showing of good and merchantable title in said owner at the time of conveyance, and free from all liens and incumbrances, as determined by the City Attorney, and after accurate survey thereof, if deemed necessary by the City Manager, and upon delivery to the City of the owner's general warranty deed, the following described two tracts of land, to-wit:

FIRST TRACT:- A portion of Outlot No. 42 in Division "D" in the City of Austin, described by metes and bounds, as follows: Beginning at the N. E. corner of Lot No. 16, in Division "B" of the P. J. Lawless Sub-division of a part of Outlot No. 29, in Division "D" of the City of Austin, which point is on the north line of said Outlot No. 29 and the south line of Outlot No. 42; thence in a northeasterly direction parallel to the west line of that portion of Longview Avenue, which is north of West 22½ Street along the east boundary of Lot No. 15, 161.75 feet to an iron pin; thence in a northerly direction in a line parallel to the west line of Leon Street, a distance of 319.8 feet to an iron pin in the south line of West 24th Street; thence in a westerly direction along the south line of West 24th Street a distance of 795 feet to the center line of Shoal Creek; thence down Shoal Creek with its meanders to a point where the south line of Outlot No. 42 or the north line of Outlot No. 29 intersects the center line of Shoal Creek; thence in an easterly direction along the south line of Outlot No. 42 or the north line of Outlot No. 29 a distance of 797.5 feet to the point of beginning; said tract containing approximately 8.8 acres of land.

SECOND TRACT:- A portion of Outlot No. 29 in Division "D" in the City of Austin, described by metes and bounds, as follows: Beginning at the S. W. corner of Lot No. 8, in Division "B" of the P. J. Lawless Sub-division of a part of Outlot No. 29, in Division "D" of the City of Austin, which point is on the north line of West 22nd Street; thence in a northerly direction along the west line of said Lot No. 8 for a distance of 140 feet and continuing in same direction a distance of 16 feet to an iron pin at the southwest corner of Lot No. 9 of said Sub-division; thence in a northeasterly direction along west line of said Lot No. 9 for a distance of 144.5 feet to a cross out in stone wall, being the northwest corner of said Lot No. 9, in the south line of West 22½ Street; thence in a northeasterly direction for a distance of 62.8 feet across West 22½ Street to a point in solid rock, the S. W. corner of Lot No. 18 of said Sub-division, in the north line of W. 22½ Street; thence in a northerly direction along a line parallel to the east line of said Lot No. 18, a distance of 130.2 feet to an iron pin in the north line of Outlot No. 29, and the south line of Outlot No. 42; thence in a westerly direction along the north line of Outlot No. 29 and the south line of Outlot No. 42, a distance of 547.5 feet to the center line of Shoal Creek; thence down

Shoal Creek with its meanders to a point where the north line of West 22nd Street intersects the center line of Shoal Creek; thence in an easterly direction along the north line of West 22nd Street a distance of 440 feet to the S. W. corner of Lot No. 8; the point of beginning; said tract containing approximately 5.24 acres.

BE IT FURTHER RESOLVED:

That the sum of Twenty-six Thousand Two Hundred and Fifty (\$26,250.00) Dollars be and the same is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose mentioned above, and that a warrant in said amount issue therefor, payable to P. J. Lawless and to be delivered to said party, after approval of title to said land by the City Attorney and delivery by said party of his general warranty deed to said land.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, and Steck, 3; nays, Councilman Mueller, 1; absent, Councilman Reed, 1.

A communication from the Enfield Realty & Home Building Company, offering to dedicate a strip of ground thirty feet wide on the north side of Enfield Road between the properties of Judge Batts and David Harrell, was read and the matter was referred to the City Manager for completion and acceptance.

The Mayor laid before the Council the following communication:

"Austin, Texas, March 12, 1931.

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

Dear Sir:-

An examination of our delinquent tax files made during the revision of the system brought to light several instances in which it was apparent that delinquencies of long standing were clearly the fault of the old system and its handling by the Tax Collector's force, rather than that of the individual taxpayers. No systematic attempt had been made to transfer delinquent tax bills into the names of the last known owners, with the result that the current owners of the properties were not aware of the delinquencies.

We agree with these taxpayers that both penalty and interest should be remitted in all cases in which non-payment of the tax was obviously due to the failure of the Collector's office to produce all delinquent receipts when asked for at the counter.

The following list, though not complete, is representative:

| <u>Name</u> | <u>Years</u> | <u>Tax Amount</u> |
|-----------------------|--------------|-------------------|
| Mrs. Chas. Alf | 1925 | \$ 2.75 |
| Mrs. Laura L. Allison | 1925-6 | 7.70 |
| Mary F. Bonner | 1924-5 | 3.92 |
| T. J. Caldwell | 1915 | 2.87 |
| G. W. Eastland | 1923 | 2.93 |
| P. G. Garcia | 1922 | 5.05 |
| S. E. Hays | 1926 | 4.40 |
| R. A. Johns | 1925 | 8.58 |
| Mrs. Edith Jones | 1926 | 3.30 |
| A. G. Kanetschky | 1927 | 3.96 |
| Mrs. August Kunz | 1927 | 48.90 |
| Mrs. Ida Loeb Heirs | 1909 | 2.91 |
| Henry Maerki | 1926 | 15.95 |
| Henry Maerki | 1926 | 17.05 |
| F. M. Morley | 1923-4 | 46.50 |
| Mrs. Cecil Morgan | 1927 | 8.02 |
| Hattie J. Parker | 1917 | 3.15 |
| R. G. Mueller | 1921 | 139.26 |
| Chas. Perrone | 1927 | 10.40 |

Will you kindly give us permission to accept payment of these items, less penalty and interest from date of delinquency to date on which notice of delinquency was given?

Respectfully submitted,

Geo. G. Grant,
Director of Finance. "

Councilman Pannell moved that in view of the above statement of facts, the interest and penalties accrued against the above taxes be remitted, and that the Direc-

tor of Finance be authorized to make like adjustments on all similar cases that may be disclosed in the future. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

Councilman Pannell moved that the bill of H. F. Kuehne, Architect, in the amount of \$500.00, being balance of commission due him for plans and specifications and supervision of the Abattoir, be approved and ordered paid. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving had been completed on Nueces Street from the north line of West Sixth Street to the south line of West Nineteenth Street, being District No. 54, and recommending the acceptance of same, were read and ordered filed.

The Mayor laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A PORTION OF NUECES STREET IN THE CITY OF AUSTIN, TEXAS, PROVIDING FOR PAYMENT OF ANY BALANCE DUE BY THE CITY FOR ITS PORTION OF THE COSTS OF SAID IMPROVEMENTS AND FOR THE DELIVERY OF CERTIFICATES OF ASSESSMENTS AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 17th day of April, 1930, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

NUECES STREET from the north line of West Sixth Street to the south line of West Nineteenth Street, known and designated as Unit or District No. 54; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of Nueces Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The foregoing resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The Mayor laid before the Council for its second reading 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 second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF TWENTY-NINTH STREET IN THE CITY OF AUSTIN, TEXAS, FROM THE EAST LINE OF SHOAL CREST STREET TO THE EAST END OF SHOAL CREEK BRIDGE, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF COST THEREOF.

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

The Mayor laid before the Council the following resolution :

WHEREAS, D. A. Shipwash has presented to the City Council the request for a curb set-back adjacent to his property on north side of Twenty-ninth Street west of Rio Grande Street; and

WHEREAS, the City Engineer has recommended that said request be granted subject to the curb's being set back and the pavement on Twenty-ninth Street extended according to plan 2-C-391; 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 D. A. Shipwash be granted permission to make curb set-back adjacent to his property on north side of Twenty-ninth Street west of Rio Grande Street, subject to the following conditions:

(1) That the widening of Twenty-ninth Street shall be carried out in accordance with accompanying plan marked 2-C-391, which plan shall become a part of this resolution and that the area which lies between the standard gutter and the proposed new concrete