

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 2, 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 the last meeting 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, 1.

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 certain units or districts of improvement as follows:

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;

CHICON STREET from the north line of First Street to the south line of Seventh Street, known and designated as Unit or District No. P-64;

COMAL STREET from the north line of First Street to the south line of Seventh Street, known and designated as Unit or District No. P-86;

THIRTY-FOURTH STREET from the west line of Guadalupe Street to the east line of Alamo Boulevard, known and designated as Unit or District No. P-87;

PERDENALES STREET from the north line of Fifth Street to the north line of Sixth Street, known and designated as Unit or District No. P-90;

WEST SIXTH STREET from the west line of West Lynn Street to the west line of the International Great Northern Railway Company, which is situated between and under the rails, tracks, double tracks, turn-outs and switches of the street railway using and occupying said street;

the Mayor thereupon stated that all persons desiring to protest against the levying of assessments against abutting property on any of the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the amounts 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 parties appeared and were heard:

On Comal Street from First to Seventh Streets:

Herman Becker, as Executor for the Estate of Chas. Wolf, Deceased, stated that the paving would not increase the value of the property any;

A written protest signed by Herman Becker, Executor for the Estate of Chas. Wolf, deceased, Mrs. Martha Wolf, J. L. Buas, J. B. Pierce & Bro., Angelo Franzetti, Mrs. Texie Dellmare, Sam Y. Hamilton and Maggie Fitzhugh, property owners, was read.

J. B. Pearce, as representative for Tom Cline, stated that the paving would not enhance the value of the property; that it is not a through street, extending no farther than Eleventh Street;

C. W. Norman stated that he thought the City and not the property owners should pay for the paving; that same will not enhance the value of the property any; that he is financially unable to pay for same and would have to borrow the money to make the payments; and that he considers the paving of this street unnecessary.

On Chicon Street from First to Seventh Streets:

H. Wunderlich for the Farmers & Ginners Cotton Oil Company, stated that no benefit would be derived from the paving of this street unless it were paved all the way through to the Manor Road; and that they would like to see the paving postponed for a while until they had recovered from the expense of paving on other streets.

On Chicon Street from First to Seventh Streets - Cont'd

Mrs. Edna Wheeler stated that her property is a homestead, that she is a widow and is financially unable to pay for the paving.

On Thirty-fourth Street from Guadalupe Street to Alamo Boulevard:

Wm. S. Fussell stated that the cost of the paving per front foot was too high; that the existing pavement is adequate for all needs at the present time; that he is financially unable to pay for paving and would have to increase the indebtedness on his home in doing so;

Jno. E. Keller stated that the existing pavement on this street will last for twenty years longer and that the property owners on this street are financially unable to pay for the paving;

R. W. Potter stated that he is financially unable to pay for the paving; that his home is not yet paid for and that he will never be able to pay for the paving and thinks it an injustice as the street is already in good condition;

Lucile Rawlins stated that she is paying taxes on this property at a much higher value than she can sell same for; that she is unable to build on same to make it revenue producing and therefore has no way of paying for the paving of same. She also stated that she thought the street was in good enough condition as it is;

T. B. Smith stated that he derives no income from his property and is not able to pay for the paving of same and thinks that the street is in good enough condition as it is;

S. E. Basey stated that his objections were the same as those of Wm. S. Fussell; that he owns his home and a business on this street and that business is too dull to have the additional expense of paving;

Wm. F. Comesky, protesting for himself and for his uncle, W. F. Hankey, stated that they were financially unable to pay for the paving and that the street was in good enough condition at the present time;

Mrs. Florence Ada Spanton stated that she is absolutely financially unable to pay for the paving and that it is against her practice to go into debt for anything;

Mrs. Carrie Simmons stated that she is financially unable to pay for the paving; that she has gone into debt to pay for the Guadalupe Street paving and will have to pay this off before she can assume any more indebtedness, and that she thinks the street is in good enough condition to last for several years.

John Martin, by written protest, stated that he is financially unable to pay for the paving and will not go into debt to have it done.

On Perdennes Street from Fifth to Sixth Streets:

Wolfgang Froeschl stated that he is not able to work and is financially unable to pay for the paving.

No other property owners or interested parties desiring to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CLOSING A HEARING GIVEN
TO PROPERTY OWNERS ON TRINITY
STREET AND SUNDRY OTHER STREETS,
IN THE CITY OF AUSTIN, AND DE-
CLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman 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 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 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 OF THE CITY OF AUSTIN, TEXAS, LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING TRINITY STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, AND FIXING A LIEN AGAINST PROPERTY ABUTTING ON SAID STREETS, AND A PERSONAL CHARGE AGAINST THE OWNERS THEREOF, AND PROVIDING FOR THE COLLECTION THEREOF, AND DECLARING AN EMERGENCY .

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The Mayor laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENT OF A SPECIAL TAX FOR PART OF THE COST OF IMPROVING A PORTION OF WEST SIXTH STREET, FIXING A CHARGE AND LIEN AGAINST THE STREET RAILWAY USING AND OCCUPYING SAID PORTION OF STREET AND ITS ROAD-BED, TIES, RAILS, FIXTURES, RIGHTS AND FRANCHISES AND THE OWNER THEREOF AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL TAX AND THE ISSUANCE OF AN ASSIGNABLE CERTIFICATE IN EVIDENCE THEREOF.

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The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, CLOSING A HEARING GIVEN TO PROPERTY OWNERS ON A PORTION OF EAST TWENTY-THIRD STREET, IN THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

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

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The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
LEVYING A REASSESSMENT FOR THE PAYMENT
OF A PART OF THE COST OF IMPROVING A
PORTION OF EAST TWENTY-THIRD STREET, IN
THE CITY OF AUSTIN, AND FIXING A LIEN
AGAINST PROPERTY ABUTTING ON SAID STREET,
AND A PERSONAL CHARGE AGAINST THE OWNERS
THEREOF, AND PROVIDING FOR THE COLLECTION
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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.

Mayor McFadden moved that tentative approval be given of the proposed exchange of property for street purposes by Addie N. Damon, et al., out of Outlot 28, Division "C", east of East Avenue, and that the City Attorney and City Engineer be instructed to work out the details of the matter and submit same to the Council. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

Reports of the Southwest Bitulithic Company, stating that they had completed the paving of West Twelfth Street from the west line of West Avenue to the west line of Enfield Road or Parkway, Paving District No. 45, and of H. R. F. Helland, Consulting Engineer, 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 WEST TWELFTH STREET IN THE CITY OF AUSTIN, 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:

WEST TWELFTH STREET from the west property line of West Avenue to the west property line of Enfield Road or Parkway, known and designated as Unit or District No. 45; 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 West Twelfth 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 above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The roll or statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on Twenty-fourth Street from the west line of San Gabriel Street to the east end of Shoal Creek Bridge, Paving District P-108, was read and ordered filed.

The Mayor laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATES OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF TWENTY-FOURTH STREET IN THE CITY OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR HEARING TO THE OWNERS OF ABUTTING PROPERTY AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the hereinbelow mentioned portion of highway be improved by raising, grading and filling, and installing concrete curbs and gutters and by paving with 2 inch Warrenite Bitulithic Wearing Surface on a 5 inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with South-west Bitulithic Company; and

WHEREAS, the City Council has caused the City Engineer to prepare and file estimates of the cost of such improvements and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined.

Therefore,

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

I.

That such estimates be and they are adopted and approved.

II.

That it is hereby found and determined that the cost of improvements on each such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and owners thereof, on each such portion of street or highway are as follows, to-wit:

TWENTY-FOURTH STREET from the west property line of San Gabriel Street to the east end of Shoal Creek Bridge, known and designated as Unit or District No. P-108, estimated cost of improvements is \$16,958.81. Estimated amount per front foot to be assessed for curb and gutter is \$.70. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.777. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.477.

III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning and claiming any property abutting upon any of said portion of street and highway, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 15th day of January, A. D. 1931, at 10:30 o'clock A. M., in the regular commission meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held on November 24th, 1928. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

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

City Manager Johnson submitted to the Council bids received for the construction of the city stables. Councilman Mueller moved that the bid of the Brydson Lumber Company, in the amount of \$1,984.00, be accepted as the lowest and best bid and that the City Manager be authorized to enter into contract with said firm for said work at said price. 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.

A report of the City Engineer upon the petition of property owners asking for the widening of West Thirty-seventh Street between Guadalupe Street and the Confederate Woman's Home, which was referred to him for an investigation, was read. Councilman Pannell moved that the recommendation of the City Engineer that this street be not widened at this time be accepted and approved. 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.

The Mayor laid before the Council the following resolution:

WHEREAS, the City of Austin has heretofore determined to establish, extend and widen a certain street to be known as a part of West Fifth Street, and in pursuance of such plan it became necessary to acquire and use the certain strip of land hereinafter described; and

WHEREAS, in pursuance of such purpose the City filed condemnation proceedings against the owners of said land, hereinafter described, which condemnation proceeding has not been tried and is now pending; and

WHEREAS, thereafter it has been agreed between the City and Angelo Franzetti and Guiditta Franzetti, the owners of said strip of land, that the City will pay therefor the sum of Eight Hundred and Twenty-five (\$825.00) Dollars in cash, and move at its own expense the improvements situated on the land to the certain places to be designated back of the new property line on the premises of said Franzettis, as established by their conveyance of the hereinafter described strip, which is a part of their said premises, and will connect free of cost said improvements with the sanitary sewer, and will fill in the back portion of said premises to grade at its expense, for the consideration of the conveyance by warranty deed to the City, by said Franzettis, of said strip of land; therefore,

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

That the City Manager be authorized and directed to consummate said transaction on the terms above stated; and the sum of \$825.00 be and the same is hereby appropriated out of the Street Improvement Bond Fund, for the purpose of paying the cash consideration of said strip of land, same being described as follows: A part of Outlot No. 11, in Division "2" in the City of Austin, Travis County, Texas, described as follows, to-wit: Beginning at a point 25 feet South 19° West of and 409.1 feet North 71° West of the concrete monument at the intersection of the center line of West Avenue and the center line of West Fifth Street, said point being on the east bank of Shoal Creek; thence South 71° East a distance of 200 feet to a point of angle in the line, said point of angle being the Southeast corner of our property; thence North 19° East a distance of 41.65 feet to a point of angle in the line, said point being on the North line of the proposed West Fifth Street extension; thence North 77°28' West with the North line of said proposed street, a distance of 195.15 feet to a point on the East bank of Shoal Creek; and thence in a Southwesterly direction following the meanders of said Shoal Creek, a distance of approximately 20.11 feet to the place of beginning.

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