

BE IT RESOLVED :

That the sum of \$100.00 be and the same is hereby appropriated out of the General Fund of the City of Austin; and that warrant issue therefor, payable to M. O. East and Mary Etta East upon the delivery by said parties to the City of Austin of their release from all damages claimed in said suit and on account of said occurrence.

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

A motion was made and seconded that the property of the Elizabeth Ney Studio, now owned by the Texas Fine Arts Association, be exempted from taxation by the City of Austin, and that all back taxes against said property for the years 1928, 1929, and 1930, be remitted. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A motion was made and seconded that the property of the Austin Womans Club be exempted from taxation by the City of Austin. The motion lost by the following vote: Ayes, Councilman Alford, Mayor McFadden, 2; nays, Councilmen Gillis, Mueller, and Steck, 3.

Councilman Alford moved that the Council recess, subject to call of the Mayor. 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.

The Council then recessed.

Approved: *J. M. Fadden*
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 23, 1931.

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

The regular order of business was suspended and the following bids for the construction of bridges were opened and read:

Dallas Construction Company
Lewis Dobie
Yeamans & Maufrais
J. F. Johnson
Dozier Construction
Lamson-Shelton
Schwarzer & Lorey
J. R. Blackmore

The above bids were referred to H. R. F. Helland, Consulting Engineer, for a tabulation and report to the Council later in the meeting.

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same as read. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor McFadden, Councilman Mueller and Steck, 4; nays, none; Councilman Alford absent.

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, in the name of the City of Austin, from John H. Freeman, for the consideration of Three Hundred and Fifty (\$350.00) Dollars, approximately twenty-one by sixty-three (21x63) feet out of his property abutting on West Lynn Street, and being a part of the Subdivision of a 252 acre tract out of the George W. Spear League, City of Austin, Travis County, Texas; said transaction to be made provided that good title is shown upon examination by the City Attorney.

BE IT FURTHER RESOLVED;

That the sum of Three Hundred and Fifty (\$350.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said property, and that a warrant issue therefor.

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

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, in the name of the City of Austin, from Mary Freeman, for the consideration of Four Hundred and Seventy-five (\$475.00) Dollars, approximately twenty-one by one hundred and twenty-three (21x123) feet out of her property abutting on West Lynn Street, and being a part of the Subdivision of a 252 acre tract out of the George W. Spear League, City of Austin, Travis County, Texas; said transaction to be made provided that good title is shown upon examination by the City Attorney.

BE IT FURTHER RESOLVED;

That the sum of Four Hundred and Seventy-five (\$475.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said property, and that a warrant issue therefor.

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

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, in the name of the City of Austin, from Leona K. Marsh, for the consideration of Two Hundred and Thirty-five (\$235.00) Dollars, approximately twenty-one by forty-six (21x46) feet out of her property abutting on West Lynn Street, and being a part of the Subdivision of a 252 acre tract out of the George W. Spear League, City of Austin, Travis County, Texas; said transaction to be made provided that good title is shown upon examination by the City Attorney.

BE IT FURTHER RESOLVED;

That the sum of Two Hundred and Thirty-five (\$235.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said property, and that a warrant issue therefor.

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

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, in the name of the City of Austin, from Isaiah Owens, for the consideration of Two Hundred and Sixty (\$260.00) Dollars, approximately twenty-one by forty-nine (21x49) feet out of his property abutting on West Lynn Street, and being a part of the Subdivision of a 252 acre tract out of the George W. Spear League, City of Austin, Travis County, Texas; said transaction to be made, provided that good title is shown upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

That the sum of Two Hundred and Sixty (\$260.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said property, and that a warrant issue therefor.

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

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, in the name of the City of Austin, from S. E. White, Jennie Freeman and Maude Freeman, who are now married and whose married names are unknown, for the consideration of Fourteen Hundred (\$1400.00) Dollars, the certain lot located at the corner of West Lynn Street and West Twelfth Street, fronting thirty-four feet on West Twelfth Street and extending one hundred and seventy (170) feet along West Lynn Street, being a part of the Subdivision of a 252 acre tract out of the George W. Spear League, City of Austin, Travis County, Texas; said transaction to be made provided that good title is shown upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

That the sum of Fourteen Hundred (\$1400.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said property, and that a warrant issue therefor.

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

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on West Eleventh Street from the west line of Guadalupe Street to the east line of San Antonio Street, Unit P-146, except in front of the homestead of Mrs. S. L. Hamilton, in accordance with plans and specifications, and recommending the acceptance of same, were read and filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A PORTION OF WEST ELEVENTH 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 24th day of March, A. D. 1931, 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 ELEVENTH STREET from the west line of Guadalupe Street to the east line of San Antonio Street, known and designated as Unit or District No. P-146; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements 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 Eleventh 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 heretobefore 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, Councilman Gillis, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Alford absent.

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 Navasota Street from East Thirteenth Street to East Fourteenth Street, the center line of which gas main shall be 9 feet east of and parallel to the west line of said Navasota Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Navasota Street from East Fourteenth Street to East Sixteenth Street, the center line of which gas main shall be 13 feet east of and parallel to the west line of said Navasota Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in that portion of East Fourteenth Street that is west of Navasota Street, beginning at a point 5 feet south of and 9 feet east of the intersection of the center line of said East Fourteenth Street and the west line of Navasota Street. Thence in a westerly direction 5 feet south of and parallel to the center line of said East Fourteenth Street a distance of approximately 75 feet to tie into the dead end of an existing gas main. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in East Fourteenth Street from Navasota Street to Comal Street, the center line of which gas main shall be 5 feet north of and parallel to the center line of said East Fourteenth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in East Thirteenth Street from San Bernard Street to Comal Street, the center line of which gas main shall be 10 feet south of and parallel to the center line of said East Thirteenth Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in San Bernard Street from East Thirteenth Street northerly to Oakwood Cemetery, the center line of which gas main shall be 18 feet east of and parallel to the center line of said San Bernard Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in Angelina Street from East Thirteenth Street northerly to Oakwood Cemetery, the center line of which gas main shall be 5 feet east of and parallel to the center line of said Angelina Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in Comal Street from East Thirteenth Street to East Fifteenth Street, the center line of which gas main shall be 10 feet west of and parallel to the center line of said Comal Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in Hartford Road from Palma Plaza to Enfield Road, the center line of which gas main shall be 19 feet west of and parallel to the east line of said Hartford Road. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in Woodlawn Boulevard from West Twelfth Street to Enfield Road, the center line of which gas main shall be 20 feet east of and parallel to the west line of said Woodlawn Boulevard. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in Palma Plaza from Pease Road to Hartford Road, the center line of which gas main shall be 19 feet south of and parallel to the north line of said Palma Plaza. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ 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 whenever 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, Councilman Gillis, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Alford absent.

City Manager Johnson submitted an estimate of cost of preparing three hundred copies of the Austin Building Code for distribution, amounting to \$204.00. Mayor McFadden moved that the City Manager be directed to proceed with the work as outlined, and that the sum of \$204.00 be appropriated for this purpose. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Alford absent.

The claim of Mary B. Palm against the City of Austin for damages, in the amount of \$10,500.00, was read and referred to the City Attorney for attention.

Councilman Mueller moved that City Labor Investigator, Joe Amstead, Sr., be sent as a representative of the City of Austin to the Conference of the Governor's Committee on Employment to be held at Ft. Worth on Saturday, July 25th, and that the expenses of his trip be paid for by the City. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Alford absent.

Sam Hill, through his attorney, George S. Dowell, appeared before the Council and asked that he be allowed to install plumbing on premises owned by him. The matter was referred to the City Attorney for an interpretation of Section 6 of the Plumbing Ordinance and report to the Council.

The Mayor laid before the Council the following resolution:

WHEREAS, the question exists between the City of Austin and John Dahlich and Agnes Dahlich Van Devanter as to whether or not the improvements on Lot No. 6, Block 43, City of Austin encroach upon West Fifth Street; and

WHEREAS, the City contends that the true south line of said West Fifth Street beginning at its intersection at Congress Avenue and extending westerly to the alley in the said block shows that the present improvements on said lot encroach upon said street to the extent of 1-55/100 feet in a diagonal line westerly to 9/10 of a foot at the point of said alley; and

WHEREAS, the east line of said improvements is 4/10 of a foot west of the true east line of said lot as contended by the City; and

WHEREAS, the improvements on said lot are permanent and valuable and have been in existence on the present lines for a long period of years and it is desirable that said question be settled so long as said improvements exist on said lines.

Now, therefore,

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

That in consideration of the agreement of said John Dahlich and Agnes Dahlich Van Devanter as the owners of said property that whenever the existing improvements thereon are removed from said lot and new improvements constructed thereon that same will be constructed on said street lines as contended by the City of Austin, the City of Austin will not contend that the existing improvements present an encroachment on said street during the life of said improvements and will not attempt in any way to remove same therefrom during such time.

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

H. R. F. Helland submitted the following tabulation of bids referred to him earlier in the meeting:

"Austin, Texas, July 23, 1931.

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

Dear Sir:

The following are tabulations of bids received this date on Street Improvement Bond Fund Contract No. 42, being a bridge at Avenue "G" and Waller Creek, and Street Improvement Bond Fund Contract No. 45, being a bridge at Twelfth Street and Waller Creek: