

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

Councilman Steck 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, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The Council then recessed.

Approved: J. W. McFadden
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 22, 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 Mueller moved the adoption of same as read. 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 School Board presented a request that the designation of the southwest corner of Twelfth Street and West Avenue as a business location be reconsidered and that they be given an opportunity to appear before the Zoning Commission to offer objections to such designation. The Mayor advised the School Board that the matter would not be taken up until all members of the Council were present. Written protests by the Parent Teachers Association of Pease School and Dr. H. E. Baxter against the location of a filling station at the corner of Twelfth Street and West Avenue were also read and filed.

A committee of property owners presented a protest against the erection of a gasoline and tire station at the corner of Sixteenth and Red River Streets. Following a lengthy discussion of the matter, Councilman Pannell moved that inasmuch as this property had been designated by the Zoning Commission as Commercial "C", which permits the erection of gasoline filling stations within its boundaries, that permit be granted Loula V. Cater, Applicant, to erect a gasoline and tire station at above location. The motion failed of a second and the Mayor ruled that the request was denied.

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:

TWENTY-NINTH STREET from the west line of Rio Grande Street to the east line of Salado Street, known and designated as Unit or District No. P-95;

TWENTY-NINTH STREET from the east line of Salado Street to the east line of Shoal Crest Street, known and designated as Unit or District No. P-96;

the Mayor thereupon stated that all persons desiring to protest against the levying of assessments against abutting property on the above street 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 no one appearing to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND
LEVYING ASSESSMENTS FOR PART
OF THE COST OF IMPROVING POR-
TIONS OF TWENTY-NINTH STREET,
IN THE CITY OF AUSTIN, TEXAS,
FIXING A CHARGE AND LIEN AGAINST
PROPERTY ABUTTING THEREON AND
AGAINST THE OWNERS THEREOF,
PROVIDING FOR THE COLLECTION
OF SUCH ASSESSMENTS AND THE
ISSUANCE OF ASSIGNABLE CER-
TIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Pannell moved that the rule be suspended and the ordinance placed on its second reading. 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 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, and Steck, 4; nays, none; Councilman Reed absent, 1.

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, and Steck, 4; nays, none; Councilman Reed absent, 1.

Ben Thrasher, Attorney for property owners on Fifteenth Street between Red River and Sabine Streets, presented a petition asking that this street be center parked. Upon being advised of the damage that would result to the property owners by such procedure, the request was withdrawn.

Geo. S. Dowell, Attorney for property owners on the Barton Springs Road, appeared before the Council and asked that the old Bee Cave Road along the Colorado River be opened to public travel and the obstructions now across same be removed. The matter was referred to the City Manager and City Attorney for attention.

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 Five Hundred Dollars (\$500.00) be and the same is hereby transferred from the Street Improvement Bond Fund to the Sanitary Sewer Bond Fund, said amount to be repaid the Street Improvement Bond Fund immediately money is available from Sanitary Sewer Bonds recently sold.

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 the following resolution:

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

THAT the sum of Fifty Dollars (\$50.00) be and the same is hereby appropriated out of the reserve portion of the General Fund and placed under account 20101, Engineer's Office - Salaries; said amount to cover stenographic expense in connection with drafting and building code, under direction of City Attorney.

Mrs. Minnie Johnson, Stenographer, services for
fifteen days -----\$50.00

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 Mayor laid before the Council the following:

"Austin, Texas, January 15, 1931.

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

Dear Sir:

We, the members of the Safety Committee of the City of Austin, have considered the application of Jim Wimberly for a permit to construct and operate a gasoline filling station at the northwest intersection of South First Street and West Annie Street.

We, the Safety Committee, recommend that said permit be granted, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.

(2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.

(3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type and shall bear the label of the National Board of Fire Underwriters. All equipment shall be installed in compliance with City and State regulations governing such installations. All equipment shall be inspected and approved before being placed in service.

(4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. That the pumps shall be at least ten (10) feet inside the property line. That the length of all water hose shall be such that any water leaking from same can not reach the city sidewalk area and that the length of all gasoline hose shall be such that a car desiring service cannot be served while any portion of said car is on the City sidewalk area.

(5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.

(6) That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency purposes.

(8) 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. The owner of the property shall so construct his station that all waste oils or water which are a by-product or which result from any part of the operation of a gasoline service station shall be disposed of at the expense of the owner in such a manner that none of the adjacent property owners will have any cause for complaint. If necessary to secure these results, the owner shall have all of said waste oils and water concentrated into a combined grease and sand trap, which trap 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 the nearest City storm sewer or to East Bouldin Creek at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director. The applicant is hereby put upon notice that the nearest known point of disposal is East Bouldin Creek near the intersection of West Annie Street.

(9) That all adjacent gutters and curbs, ramps and that portion of the walk area which is opposite the ramps shall be constructed of concrete before the station is used.

(10) The applicant shall construct all ramps, gutters, walks and curbs and locate the driveways exactly in accordance with Plan No. 2-H-140, which plan is hereby made a part of this resolution.

(11) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to the Plumbing Inspector for a special permit and shall give the Plumbing Inspector sufficient notice when ready for inspection.

(12) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(13) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

CITY SAFETY COMMITTEE,

(Sgd) J. E. Woody, Fire Chief;

R. F. Rockwood, Fire Marshal;

Orin E. Metcalfe, City Engineer;

Tom Neal, Traffic Police Captain;

L. A. Palmer, City Plumbing Inspector. "

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

That permission shall be granted Jim Wimberly to construct and operate a gasoline service station at the northwest corner of the intersection of Annie and South First Streets, subject to the foregoing conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating drive-in stations or gasoline filling stations, 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 Jim Wimberly 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, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

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 low pressure gas main in West Forty-second Street beginning at a point 15 feet west of and 16 feet south of the intersection of the north line of said West Forty-second Street and the east line of that portion of Bellvue Avenue that is north of West Forty-second Street.

Thence in a westerly direction, 16 feet south of and parallel to the north line of West Forty-second Street a distance of approximately one block to a point 42 feet east of the west line of Georgetown Road. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A 4 inch low pressure gas main in Georgetown Road beginning at a point 16 feet south of and 42 feet east of the intersection of the west line of said Georgetown Road and the north line of West Forty-second Street.

Thence in a northerly direction 42 feet east of and parallel to the west line of said Georgetown Road a distance of approximately one block to West Forty-third Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A 4 inch low pressure gas main in Georgetown Road, beginning at a point 35 feet east of and 16 feet south of the intersection of the north line produced of West Forty-second Street and the west line of said Georgetown Road.

Thence in a southerly direction 35 feet east of and parallel to the west line of said Georgetown Road a distance of approximately one block to West Forty-first Street. Said gas main described above shall have a cover of not less than 2½ 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 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 franchises granted to said company by the City of Austin.

The above resolution was adopted 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 Rio Grande Street from the north line of West Fifth Street to the south line of West Sixth Street, being paving District No. 25, in accordance with plans and specifications, 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 RIO GRANDE 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:

RIO GRANDE STREET from the north line of West Fifth Street to the south line of West Sixth Street, known and designated as Unit or District No. 25; 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 Rio Grande 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.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving had been completed on West Fifth Street from the west line of Nueces Street to the west line of West Avenue, being Paving District No. 23, in accordance with plans and specifications for 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 FIFTH 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 June, 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 FIFTH STREET from the west line of Nueces Street to the west line of West Avenue, known and designated as Unit or District No. 23; 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 Fifth 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.

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 application of E. M. Bohls to erect a gasoline filling station on his property on the east side of South Congress Avenue about two hundred feet north of Live Oak Street was read and laid over for one week.

The Mayor laid before the Council a resolution adopting the General Budget of the City of Austin for the year 1931, which was read and ordered laid over for one week.

The roll or statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on East Avenue from the north line of Eighth Street to the south line of Sixteenth Street, being Paving Districts Nos. P-97, P-98, P-99, and P-107, was read and ordered filed.

The Mayor laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATE OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF EAST AVENUE 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 portions 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 Southwest 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:

EAST AVENUE from the north property line of Eighth Street to the north property line of Tenth Street on the west side and the north property line of alley on the east side, known and designated as Unit or District No. P-97. Estimated cost of improvements is \$15,435.55. 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 \$7.044. Total estimated amount per front foot to be assessed against abutting property and its owners is \$7.744.

EAST AVENUE from the north property line of Tenth Street on the west side and the north property line of alley on the east side to the south property line of Thirteenth Street, known and designated as Unit or District No. P-98. Estimated cost of improvements is \$26,367.19. 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 \$6.093. Total estimated amount per front foot to be assessed against abutting property and its owners is \$6.793.

EAST AVENUE from the south property line of Thirteenth Street to the north property line of Fifteenth Street on the west side and the south property line of Fifteenth Street on the east side, known and designated as Unit or District No. P-99. Estimated cost of improvements is \$16,434.04. 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 \$5.226. Total estimated amount per front foot to be assessed against abutting property and its owners is \$5.926.

EAST AVENUE from the north property line of Fifteenth Street on the west side and from the south property line of Fifteenth Street on the east side to the south property line of Sixteenth Street, known and designated as Unit or District No. P-107. Estimated cost of improvements is \$6,012.82. 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 \$6.723. Total estimated amount per front foot to be assessed against abutting property and its owners is \$7.423.

III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning or claiming any property abutting upon any of said portions of streets and highways, as well as all owning or claiming any interest in any such property. Such hearing shall be given and held on the 5th day of February, 1931, at 10:30 o'clock A. M. in the regular Council 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.

Councilman Pannell moved that the Council recess, subject to call of the Mayor. Councilman Mueller seconded the motion, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent, 1.

The Council then recessed.

Approved: _____

J. M. Fadden

Mayor.