

REGULAR MEETING OF THE CITY COUNCIL;

Austin, Texas, September 3, 1931.

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

The Minutes of the last meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

Walter Hall appeared before the Council and asked that the alley in the rear of his place on Thirtieth Street west of Speedway be opened for travel during the paving of Thirtieth Street. The matter was referred to the City Engineer and Consulting Engineer for attention.

T. J. Butler appeared before the Council relative to the damage done to his property at Third and Neches Streets when the pavement was laid by narrowing the width of his sidewalk and creating a traffic hazard. The Mayor advised Mr. Butler that the matter would be referred to the Consulting Engineer for adjustment.

The Mayor announced that the hearings on the following streets:

FIFTH STREET from the west line of West Avenue to the east line of Bowie Street, known as Unit or District No. P-157;

TWELFTH STREET from the east line of Brazos Street to the west line of East Avenue, known as Unit or District No. P-160;

WEST LYNN STREET from the north line of Sixth Street to the north line of Twelfth Street, known as Unit or District No. P-161;

TWELFTH STREET from the west property line of Blanco Street to the east property line of West Lynn Street, District No. P-163;

WEST LYNN STREET from the north property line of Twelfth Street to the south property line of Enfield Road, District No. P-162;

CROCKETT STREET from the north property line of Fifth Street to the south property line of Sixth Street, District No. P-159;

FIFTH STREET from the east property line of Bowie Street to the west property line of Crockett Street, District No. P-158 ;

which were continued from the last regular meeting, would now be opened.

No property owners or interested persons appearing to be heard, L. A. Robbins and Clyde Hailey were called as witnesses and each, after being duly sworn, testified that he has resided in the City of Austin for several years; that he is well acquainted with the value of the property abutting upon each of the Units or Districts as to which these hearings were being held, except West Twelfth Street from the west property line of Blanco Street to the east property line of West Lynn Street, District No. P-163, the hearing on which street was being continued; that he is acquainted with the type of paving which is proposed to be constructed upon said Units or Districts as to which these hearings were being held; and that in his opinion each parcel of abutting property would be enhanced in value by reason of the construction of the proposed improvements in an amount in excess of the amount proposed to be assessed against the same, as set out on the Engineer's Roll or Statement on file relating to such Units or Districts of Improvement.

No other witnesses being offered or desiring to be heard, and no other interested parties or property owners having requested to be heard, the Mayor thereupon stated that the hearings on West Lynn Street from the north line of Sixth Street to the north line of Twelfth Street, District No. P-161, and Twelfth Street from the west line of Blanco Street to the east line of West Lynn Street, District No. P-163, would be continued until

the next regular meeting.

The Mayor then laid before the Council the following ordinances:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF CROCKETT STREET AND SUNDRY OTHER STREETS 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 CERTIFICATES IN EVIDENCE THEREOF.

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 Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis 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 Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

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

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF FIFTH STREET AND SUNDRY OTHER STREETS 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 CERTIFICATES IN EVIDENCE THEREOF.

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 Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

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The Mayor laid before the Council the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF TENTH 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, Texas Public Service Company has presented to the City Council tentative plans or maps 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 EAST AVENUE from Lambie Street to Flores Street, the center line of which gas main shall be 50 feet west of and parallel to the east line of said East Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in STATE STREET from Lakeside Boulevard to Jefferson Street, the center line of which gas main shall be 22 feet north of and parallel to the south line of said State Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in LAKESIDE BOULEVARD from West Thirty-fourth Street to State Street, the center line of which gas main shall be 35 feet east of and parallel to the west line of said Lakeside Boulevard. 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 franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis 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 gas main in WEST FORTY-FIRST STREET from Alice Avenue to Morningside Avenue, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Forty-first Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in EAST THIRTEENTH STREET from Concho Street to Chicon Street, the center line of which gas main shall be 7 feet north 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 2½ feet.

(3) A gas main in EAST THIRTEENTH STREET from Chicon Street easterly to the city limits, the center line of which gas main shall be 10 feet north 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 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 franchise granted to said company by the City of Austin.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the Fire Chief, John Woody, and City Manager, Adam R. Johnson, have expressed their willingness for the strip of land, 75 feet wide, beginning 5 feet east of the hose rack of the fire station on the corner of Hawthorne Street and Cameron Road and running east to the adjoining property, to be given to the Recreation Department, and enclosed by a fence as part of the East Avenue Playground.

WHEREAS, the Park and Playground Board of the City of Austin has recommended that the present fence be moved so as to enclose part of the acquired ground and that additional fence be purchased to complete the fence around the newly acquired property and that the sum of One Hundred and Fifty Dollars (\$150.00) be appropriated for same.

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

That the sum of \$150.00 be appropriated out of the Parks and Playgrounds Bond Fund for the purpose above stated.

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

The Mayor laid before the Council the following resolution:

WHEREAS, on March 5th, 1931, the City Council passed a resolution approving a certain contract between the City of Austin and the L. E. Whitham & Company for the paving of certain streets in the City of Austin, which contract included the following districts: Paving District No. 150, Chicon Street from the north line of Seventh Street to the north line of Eleventh Street; Paving District No. 151, Chicon Street from the north line of Eleventh Street to the north line of Rosewood Avenue; Paving District No. 152, Chicon Street from the north line of Rosewood Avenue to the north line of Twelfth Street; Paving District No. 153, Chicon Street from the north line of Twelfth Street to the north line of Nineteenth Street; and Paving District No. 154, Chicon Street from the north line of Nineteenth Street to the south line of Twenty-third Street; and

WHEREAS, as a matter of fact, said contract was amended and changed so as to eliminate the above paving districts as included in said contract, and said contract as executed does

not, and will not, include said items;

Therefore,

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

That the above mentioned resolution as recorded in Minute Book 12, at pages 408, et seq. , be and the same is hereby amended by eliminating the above mentioned paving districts therefrom, and reference to same in said contract is hereby cancelled; and that the said L. E. Whitham and Company is released from said contract in so far as it includes said items; and the Globe Indemnity Company as surety on the bond of said L. E. Whitham and Company is hereby released in so far as its assurance includes said items.

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

Mayor McFadden moved that Jas. A. Garrison, Superintendent of Recreation, be authorized to attend the National Recreation Congress to be held in Toronto, Canada, October 5th to 10th, and that the sum of \$200.00 be appropriated out of the General Fund for his traveling expenses to said convention. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller, and Steck, 4; nays, none; Councilman Gillis absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, Lots 1 and 2, Block 24, Swisher Addition, Plat 125, belong to the Fred Allen Memorial Methodist Church; and

WHEREAS, the east 36 feet of said lots are used for a parsonage, on which the taxes have not been paid for the years 1922, 1923, 1924, 1925, 1926, 1927, 1929, and 1930, said property not having been rendered for taxation and the notice each year having been sent to Fred C. Malone, who is no longer a member of said church; and

WHEREAS, the Rev. J. R. Hilliard, Pastor of said church, claims that the valuation of the parsonage is excessive, stating that three lots, which are carried on the tax rolls at a total valuation of \$1,000.00, were traded for the parsonage, and that said parsonage was worth no more than the value of these lots; and

WHEREAS, said parsonage was torn down before the question of the taxable value was raised so that it is impossible for the Tax Department to make an investigation of same;

Now, therefore,

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

That , for the reasons above stated, the two-thirds taxable value of the portion of said lots and improvements representing the parsonage be placed at \$915.00 for the years 1922, 1923, 1924, 1925, 1926, and 1927, and that, in accordance with a previous resolution reducing parsonages to one-half of their taxable value, the two-thirds taxable value be placed at \$460.00 for the years 1929 and 1930; and

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

THAT, for the reason that the notice of taxes due for said years was sent to the wrong party so that the delinquencies in taxes as above stated were not known to the present personnel of the church congregation, the penalties and interest, amounting to \$51.59, be remitted.

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

A report of Orin E. Metcalfe, City Engineer, showing estimated cost of laying a bituminous surface treatment on South Congress Avenue from Riverside Drive to Barton Springs Road, was read and the matter referred to a conference of the Council with the City Manager and Consulting Engineer.

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

The Council then recessed.

Approved: J. M. McFadden
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 10, 1931.

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

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

WALLER BOULEVARD from the north line of Archway on the west side and the south line of Park Place on the east side to the west line of Speedway; Unit or District No. P-176;

THIRTIETH STREET from the west line of Speedway to the east line of Guadalupe Street, Unit or District No. P-177;

NORTH GUADALUPE STREET from the south line of Twenty-ninth Street to the south line of East Drive in Central Park, District No. P-178;

NORTH GUADALUPE STREET from the south line of East Drive in Central Park to the south line of Thirtieth Street, Unit or District No. P-179;

TWENTY-NINTH STREET from the west line of North Guadalupe Street to the east line of Guadalupe Street, Unit or District No. P-180;

DUVAL STREET from the north line of Waller Boulevard to the north line of Twenty-ninth Street, District No. P-181;

PRIVATE WAY OR ALLEY between 2nd and 3rd Streets in Block 19, from the west line of Congress Avenue to the east line of Colorado Street, Unit or District No. P-69;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated,