

with the exception of the City Attorney, and that he is lost from the City Council with exceeding regret. However, he was glad to welcome the new members, Councilmen Alford and Gillis, into the Council and assured them, and the people of Austin, that he will be diligent in going into all matters affecting the administration of the City's affairs and that it will be his earnest endeavor to remedy any defects that may be found.

Mr. Adam R. Johnson also thanked the Council for the confidence placed in him by his re-election as City Manager and assured the new members that he is at their service in every way possible in the conduct of the City's business, and that there was no feeling of animosity in him.

W. H. Roberts voiced a protest to the Council against a carnival show that was being operated in the City and asked that the City Manager and Chief of Police be instructed to investigate same.

Councilman Steck then 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. H. McFadden*
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 7, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

The Minutes of the last regular meeting were read and Councilman Mueller moved the adoption of same as read. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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:

TWENTY-NINTH STREET from the east property line of Shoal Crest Street to the east end of Shoal Creek Bridge, known and designated as Unit or District No. P-155;

RED RIVER STREET from the north line of First Street to the north line of Third Street, known and designated as Unit or District No. 117;

RED RIVER STREET from the north line of Third Street to the south line of Fifth Street, known and designated as Unit or District No. 118;

WEST TWENTY-EIGHTH STREET from the west line of Guadalupe Street to the east line of Rio Grande Street, known and designated as Unit or District No. 132;

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, or who desired to be heard with reference to the improvements 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 persons appeared and were heard:

H. H. Reissig asked that the paving width of Red River Street from Third to Fourth Streets be reduced from sixty to forty feet to conform to the width of said street from First to Third Streets, stating that no necessity existed for a wider street and that the enhancement in value to his property would not justify same.

Emma L. Otto, property owner on Red River Street, District No. 117, stated that she was not opposed to paving but would not sign up for same until she had an agreement from the City in writing that her property would be filled in. She was given verbal assurance that a fill would be made.

R. H. Bayer, property owner on Twenty-eighth Street, District P-132, stated that he was in favor of paving, but could not carry the burden of same unless the classification of his property were changed from Residence "B" to Commercial "C". He was advised to make application later to the Board of Adjustment for such reclassification.

No other interested property owners or persons appearing 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 PORTIONS OF RED RIVER STREET AND SUNDRY
OTHER STREETS IN THE CITY OF AUSTIN, AND
DECLARING 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 Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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 Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE ADVISABILITY OF REDUCING
THE WIDTH OF THE PAVEMENT HERETOFORE
ORDERED CONSTRUCTED ON RED RIVER STREET
AND DIRECTING THE CONSULTING ENGINEER
TO PREPARE A REVISED ROLL OR STATEMENT,
AND CLOSING HEARING.

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

THAT, Whereas, the City of Austin heretofore determined the necessity of levying an assessment for a part of the cost of improving the following street in the City of Austin, to-wit:

PAVING DISTRICT #118: Red River Street from the north line of 3rd Street to the south line of 5th Street.

WHEREAS, said ordinance provided a hearing to the owners of property on said street, which said hearing was held on the 7th day of May, 1931; and, whereas, some of the property owners have objected to the making of said pavement on Red River Street between East Third and East Fourth Street 60 feet in width, and desire the width of said street reduced; and, whereas, the City Council after carefully considering the matter is of the opinion that it will be for the benefit of the property owners to reduce the width of said improvements on District No. 118 from 60 feet to 40 feet in width on the one block in District No. 118, which block is from East Third Street to East Fourth Street; the block between East Fourth Street and East Fifth Street to remain 60 feet in width; and that District No. 118 be changed and altered to read as follows:

PAVING DISTRICT #118A: Red River Street from the north line of Third Street to the south line of Fourth Street; and

PAVING DISTRICT #118B: Red River Street from the north line of Fourth Street to the south line of Fifth Street.

Now, therefore,

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

That the Consulting Engineer be and is hereby instructed to prepare a new roll or statement showing the amounts to be assessed against the property owners, based upon a width of 40 feet on District No. 118A. That upon the filing of said revised roll or statement by the Consulting Engineer an ordinance be duly passed providing for a hearing to property owners on said revised estimate of the cost. That the hearing heretofore held on the street above described be and the same is hereby closed so far as said street is concerned.

That this resolution shall take effect and be in force from and after its passage.

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

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 PORTIONS
OF RED RIVER 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.

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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller, and Steck, 5; nays, none.

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 Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVY-
ING ASSESSMENTS FOR PART OF THE COST
OF IMPROVING PORTIONS 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 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 Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving had been completed on Brazos Street from the north line of First Street to the south line of Second Street, Unit No. P-91, in accordance with the 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 BRAZOS 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 25th day of November, 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:

BRAZOS STREET from the north line of First Street to the south line of Second Street, known and designated as Unit or District No. P-91; 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 Brazos 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing estimated cost of improvements on East Monroe Street from Congress Avenue to Travis Heights Boulevard, Districts Nos. P-139, P-140, and P-141, 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 EAST
MONROE STREET AND PORTIONS OF SUNDRY
OTHER STREETS 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 highways 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 five 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 Consulting 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 MONROE STREET from the east property line of Congress Avenue to the east property line of Brackenridge Street, known and designated as Unit or District No. P-139. Estimated cost of improvements is \$6,697.25. Estimated amount per front foot to be assessed for curb and gutter is \$0.65. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.135. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.785.

EAST MONROE STREET from the east property line of Brackenridge Street to the east property line of East Side Drive, known and designated as Unit or District No. P-140. Estimated cost of improvements is \$8,974.95. Estimated amount per front foot to be assessed for curb and gutter is \$0.65. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.942. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.592.

EAST MONROE STREET from the east property line of East Side Drive to the west property line of Travis Heights Boulevard, known and designated as Unit or District No. P-141. Estimated cost of improvements is \$10,278.74. Estimated amount per front foot to be assessed for curb and gutter is \$0.65. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.116. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.766.

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 portions of streets and highways, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 21st day of May, A.D. 1931, at 10:00 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford made a motion that the Council meet promptly at ten o'clock A. M. on Thursday, its regular meeting day. Councilman Steck asked that the hour be set for 10:30 instead of 10:00 o'clock, as it was not convenient for him to be present at this hour. Councilman Mueller seconded the motion of Councilman Alford, and same carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; Councilman Steck present but not voting.

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 directed, as provided by the City Charter, to advertise for sealed bids for the office of City Treasurer of the City of Austin for the term of two years, said bids to be received by the City Council at the City Hall until 10:00 A. M. on May 21, 1931.

The proposal shall state, THAT:

The successful bidder as City Treasurer will be required to furnish to the City of Austin good and sufficient bond, with corporate surety, in at least the amount of Seventy-five Thousand (\$75,000.00) Dollars in any event, and in such greater amount as the City Council may from time to time require as may become necessary to protect the funds of the City deposited with him; or, in lieu of the requirement to furnish bond of a greater amount than \$75,000.00, and in addition to said bond of \$75,000.00, the City Treasurer as greater security than said bond of \$75,000.00 for the funds of the City deposited with him, may, and if he should make such election shall invest for the City of Austin said funds, except such amount as may be required in the conduct of the

business of the City, in government and municipal securities acceptable to and approved by the City Manager, and in such event shall deposit said securities with a Trustee to be approved by the City Manager and shall re-sell, upon demand of the City Manager, from time to time, said securities, as funds are required by the City of Austin in the conduct of its business; and shall be responsible and liable for any loss that may occur by reason of any purchase of said securities; and said City Treasurer shall receive as consideration for his services in investing such funds and re-selling said securities and accounting for the proceeds of such sale, all interest and profits on said securities so deposited by him with such Trustee, and held by it for the City; but the City Treasurer shall be obligated to pay the interest as bid by him on all daily balances of the City held by him and securities purchased by him and held by such Trustee; and

THAT all bids must be submitted on the form furnished by the City of Austin, in accordance with the terms of this resolution, and

THAT the City Council reserves the right to reject any or all bids.

BE IT RESOLVED FURTHER:

That the bids received will be opened after 10:00 A. M., May 21, 1931.

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

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 Seventh Street from Upson Street to the Missouri Pacific Railroad, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Seventh Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Cameron Road from Manor Road to East Twenty-third Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Cameron Road. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in Milam Place from Alta Vista Avenue to Travis Heights Boulevard, the center line of which gas main shall be 5 feet north of and parallel to the center line of said Milam Place. 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 out 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A communication from W. H. Roberts, asking that he be appointed Labor Employment Commissioner for the City of Austin, was read and the matter was referred to a conference of the Council.

The following communication was read and ordered filed:

"Austin, Texas, May 2, 1931.

City Council,
Austin, Texas.

Mr. Adam Johnson,
City Manager.

Dear Sir:

I will accept the position of Investigator of Labor conditions and fill the position to the best of my ability.

Appreciating the appointment,

Yours truly,

(Sgd) Joe Amstead. "

Councilman Gillis moved that the matter of relocating the sidewalk in front of the property of J. W. Rutledge at 4005 Guadalupe Street to a level with the curb be referred to the City Manager for investigation and quick action. 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.

An affidavit of Harry Field with reference to his discharge from the employ of the City was read and ordered filed.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck, 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. H. McFadden
M a y o r .