

No other business coming before the Council, Councilman Gillis 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, 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 .

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 4, 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 meeting were read and Mayor McFadden moved the adoption of same as read. 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.

A resolution by the Park Board recommending the purchase of the property of the Austin Athletic Club from W. T. Caswell was read. Also the following communication from W. T. Caswell:

"Austin, Texas, June 4, 1931.

To the Honorable Mayor and City Council,
City of Austin, Texas.

Gentlemen:

With reference to the minutes of the Park Board recommending the purchase of the Austin Athletic Club property, legally described as 1.15 acres, more or less, or approximately 7 lots, out of Outlot #6, Division E, City of Austin, and in connection with my agreement with them, I hereby guarantee to repurchase the property at the end of two years provided it has proven inadequate as to location or to the feasibility of the city's operating same, at the original purchase price of \$20,000.00 plus cost of any other permanent improvements that the city may put on said property, less \$100.00 a month rent while city is operating it.

I also agree to give the city a mortgage on a house and lot valued at \$5,000.00, situated in Hyde Park, Austin, Texas. The mortgage to guarantee my compliance with the re-purchase as stated above.

Yours truly,

(Sgd) W. T. Caswell. "

The Mayor then laid before the Council the following resolution:

WHEREAS, the Austin Athletic Club has offered to sell to the City of Austin for park and recreational purposes the property of said Club located north of Twelfth Street and east of Shoal Creek, legally described as 1.15 acres of land, more or less, or approximately seven lots, out of Outlot No. 6, Division "E", City of Austin, for the sum of \$20,000.00; and

WHEREAS, the Park Board of the City of Austin has recommended the purchase of said property, subject to the following conditions and agreements:

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 person appeared and was heard:

Mrs. Margaret Harn stated that she was financially unable to pay for the paving.

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

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
CLOSING A HEARING GIVEN TO PROPERTY
OWNERS ON PORTIONS OF EAST SECOND STREET
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 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 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 Alford 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 OF THE CITY OF AUSTIN, TEXAS,
LEVYING AN ASSESSMENT FOR THE PAYMENT OF
A PART OF THE COST OF IMPROVING PORTIONS
OF EAST SECOND STREET IN THE CITY OF AUSTIN,
AND FIXING A LIEN AGAINST PROPERTY ABUTTING
ON SAID STREET, AND A PERSONAL CHARGE AGAINST
THE OWNERS THEREOF, AND PROVIDING FOR THE
COLLECTION THEREOF, AND DECLARING AN EMER-
GENCY.

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 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 Alford 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 has been completed on East Avenue from the north line of Tenth Street to the north line of Fifteenth Street, being Districts Nos. P-98 and P-99, 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 EAST AVENUE 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 18th day of December, 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:

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; and

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; 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 East Avenue 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.

A committee of colored citizens, composed of L. D. Lyons and others, appeared before the Council and asked for the use of Wooldridge Park and East Avenue between 11th and 12th Streets on the night of June 16th for concerts to be given by the 10th Cavalry U. S. Regimental Band, which is making a good will tour of the country. Councilman Steck moved that this request be granted, and that the City of Austin express its high appreciation for having this distinguished band visit the City; and, further, that the use of Rosewood Park be granted said Band for the night they are in the City. 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 Engineer's Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on West Avenue from the north line of Thirtieth Street to the south line of Thirty-fourth Street, District No. P-135; Pearl Street from the north line of Twenty-ninth Street to the south line of Thirtieth Street, District No. P-136; Thirtieth Street from the west line of West Avenue to the east line of Pearl Street, District No. P-137; and Riverside Drive from the west line of Alameda Drive to the east line of Lot 7, Block 28, Travis Heights Addition, District No. P-143, was read and ordered filed.

The Mayor then 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 WEST AVENUE 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 two 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 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:

WEST AVENUE from the north property line of Thirtieth Street to the south property line of Thirty-fourth Street, known and designated as Unit or District No. P-135. Estimated cost of improvements is \$10,393.54. 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 \$2.655. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.305.

PEARL STREET from the north property line of Twenty-ninth Street to the south property line of Thirtieth Street, known and designated as Unit or District No. P-136. Estimated cost of improvements is \$3520.40. 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 \$2.745. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.395.

THIRTIETH STREET from the west property line of West Avenue to the east property line of Pearl Street, known and designated as Unit or District No. P-137. Estimated cost of improvements is \$2,278.18. Estimated amount per front foot to be assessed for curb and gutter is \$0.65. Estimated amount per front foot to be assessed against abut-

ting property and its owners for improvements exclusive of curb and gutter is \$3.116. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.766.

RIVERSIDE DRIVE from the west property line of Alameda Drive to the east line of Lot 7, Block 28, Travis Heights Addition, known and designated as Unit or District No. P-143. Estimated cost of improvements is \$9,101.47. 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 \$2.962. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.612.

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 18th day of June, 1931, at 10:00 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Engineer's Roll or Statement of H. R. F. Melland, Consulting Engineer, showing a revised estimate for the cost of improving Travis Heights Boulevard from the south property line of Riverside Drive to the south line of Lot 7, Block 21, Travis Heights Addition on the west side and the south line of Lot 25, Block 34, Travis Heights Addition on the east side, known as Unit or District No. P-142, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING NEW ESTIMATE OF THE COST OF THE IMPROVEMENTS AND OF THE AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF TRAVIS HEIGHTS BOULEVARD IN THE CITY OF AUSTIN, TEXAS, CANCELLING HEARING HERETOFORE ORDERED, FIXING TIME AND PLACE FOR NEW HEARING TO OWNERS OF ABUTTING PROPERTY AND OTHERS INTERESTED AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin, Texas, has heretofore ordered that Travis Heights Boulevard from the south property line of Riverside Drive to the south line of Lot 7, Block 21, Travis Heights Addition on the west side of the street, and the south line of Lot 25, Block 34, Travis Heights Addition on the east side of the street, known and designated as Unit or District No. P-142, 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 was made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council caused the City Consulting Engineer to prepare and file estimate of the cost of such improvements and of the amounts per front foot proposed

to be assessed against abutting property and the owners thereof, and such estimate was examined and approved by resolution duly passed, which resolution provided for the giving of a hearing before the City Council to all owning, or claiming any property abutting upon said portion of street, as well as all owning or claiming any interest therein, which hearing was set for May 28, 1931, at 10:00 o'clock A. M. and has been continued down to the present time; and

WHEREAS, certain errors were made in said estimate and in the property owners' roll attached thereto, and it is now deemed advisable that a new estimate be approved and a new hearing ordered given to the owners of abutting property and those claiming an interest therein; and

WHEREAS, such new estimate and roll has been prepared and is on file and has been examined by the City Council;

Therefore,

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

I.

That a hearing heretofore ordered to be given and held to all owning and claiming any property abutting upon said portion of street, as well as all owning and claiming any interest therein, be and the same is cancelled and held for naught.

II.

That the new estimate and roll prepared by the Consulting Engineer of the City and duly filed be and the same are adopted and approved.

III.

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

TRAVIS HEIGHTS BOULEVARD from the south property line of Riverside Drive to the south line of Lot 7, Block 21, Travis Heights Addition on the west side of the street and to the south line of Lot 25, Block 34, Travis Heights Addition on the east side of the street, known and designated as Unit or District No. P-142; Estimated cost of improvements is \$33,874.46. 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 owners for improvements, exclusive of curb and gutter is \$4.089. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.739.

IV.

That a new 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 said portion of street or highway, as well as all owning and claiming any interest in any such property. Such new hearing shall be given and held on the 18th day of June, A. D. 1931, at 10:00 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. 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 such hearing and said notice shall comply with and be in accordance with the provisions of Article XXIV of said charter.

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 DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF SOUTH CONGRESS AVENUE 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 application of Jas. B. Perry, Sr., for permit to erect a gasoline filling station at the northwest corner of West Sixth and Blanco Streets was read. The following report of the Building Inspector and City Engineer upon same was also read:

"Austin, Texas, June 3, 1931.

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

Dear Sir:

We have considered the application of Mr. J. B. Perry, owner of the property situated at the northwest corner of Sixth and Blanco Streets, known as 1200 West Sixth Street, and hereby advise that the following conditions exist:

- (1) That he proposes to construct his filling station on property which is shown on the Zoning map as being located within the "C" Commercial Use District. A storm sewer exists within 60 feet of the property upon which Mr. Perry proposes to construct his filling station into which waste water can be concentrated.
- (2) Mr. J. B. Perry and his Architect have been advised of the provisions of the Building, Zoning and Filling Station Ordinances, and he proposes to construct his filling station in accord with all of said Ordinances.

We recommend that Mr. Perry be granted a permit to construct and operate said filling station 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. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalk and gutter on Blanco Street before he starts any construction relating to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance and in accord with the Ordinance prohibiting the disposal of commercial water or oil upon the City's streets.
- (3) 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's sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap which 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 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.
- (4) That pumps shall be located as shown on the plan hereto attached marked 2-H-170.
- (5) That the location of all ramps and sidewalk area crossings shall be in accord with plan 2-H-170, which plan is hereby made a part of this resolution.
- (6) That all adjacent sidewalks, curbs, ramps and gutters adjacent to that property to be developed as a filling station shall be constructed of concrete as shown on plan 2-H-170.
- (7) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

(Sgd) G. S. Moore, Building Inspector.
Orin E. Metcalfe, City Engineer. "

The Mayor then laid before the Council the following resolution:

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

That the City Council of the City of Austin hereby approves the northwest corner of Blanco and Sixth Streets, known as West Sixth Street, as a filling station site and hereby authorizes Mr. J. B. Perry to construct and operate a filling station subject to same's being constructed subject to all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all of the provisions of this resolution, 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 Mr. J. B. Perry 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, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The application of Ben Walker for permit to erect a gasoline filling station at No. 403 Guadalupe Street was read and referred to the Building Inspector and City Engineer for a report.

A communication from T. B. Marshall, Tax Assessor and Collector, with reference to request of Ben M. Barker for reduction in valuation of the property of the Barker Motor Company, was read and the matter referred to Councilman Gillis for an investigation and report to the Council.

City Manager Johnson submitted to the Council the following bids:

Street Improvement Bond Fund Contract No. 51 - Filling in washed out channel of Bouldin Creek Out off:

Raymond Canion -----	\$1,150.00
Joe Macken -----	1,500.00

Street Improvement Bond Fund Contract No. 52 - Excavation and wall construction on east side of East Avenue between Eighth and Fourteenth Streets:

Joe Macken -----	\$3,910.00
Schwarzer & Lorey -----	6,345.37

Mayor McFadden moved that Street Improvement Bond Fund Contract No. 51 be awarded to Raymond Canion in the amount of \$1,150.00, and that Street Improvement Bond Fund Contract No. 52 be awarded to Joe Macken in the amount of \$3,910.00. Motion was seconded by Councilman Gillis 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 resolution:

WHEREAS, it appears, upon information furnished by R. L. McTavish, Superintendent of the Municipal Abattoir, that the cost of disposing of offal by the method now employed will be approximately \$1,050.00 per year; and

WHEREAS, by the installation of a tank and chute for the handling of this material at the Municipal Abattoir, the estimated cost of which tank and chute is \$275.00, a saving of approximately \$450.00 per year may be effected in this annual handling charge;

Therefore,