

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 9, 1931.

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

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

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 Twenty Thousand (\$20,000.00) Dollars be and the same is hereby transferred from the General Fund to the Water and Light Fund; said amount to be repaid the General Fund immediately Water and Light money is available.

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

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 Two Thousand, Five Hundred (\$2,500.00) Dollars be and the same is hereby transferred to the Construction Engineers Fund, said amount being pro rata of expense due by the Sanitary Sewer Bond Fund for work of Construction Engineers Department.

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

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 Seven Thousand, Five Hundred (\$7,500.00) Dollars be and the same is hereby transferred from the Street Improvement Bond Fund to the Construction Engineers Fund, said amount being pro rata of expense due by the Street Improvement Bond Fund for the work of Construction Engineers Department.

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

The Mayor laid before the Council the following resolution:

WHEREAS, funds in the amount of \$428.40 have been advanced from the General Fund in payment of advertising, printing of circulars, postage, and other charges incident to the sale of Street Improvement, Sanitary Sewer, and Parks and Playgrounds Bonds; and

WHEREAS, the cost of all bond fund accounting, including supplies consumed and wages of cost clerk, in the amount of \$632.26 has been paid from the General Fund; therefore,

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

That the City Manager be and he is hereby authorized and directed to cause warrants to be drawn for the reimbursement of the General Fund, as follows:

Street Improvement Bond Fund -	\$424.26
Parks and Playgrounds Bond Fund -	424.26
Sanitary Sewer Bond Fund -	212.14
	<u>\$1,060.66</u>

The foregoing resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, the following jobs were necessitated by and incident to street improvement projects:

T-69 Reconstruction of sanitary sewer in easement of Newton Street, from James Street to Nellie Street, this work being occasioned by the excavation made for filling South Congress Avenue -----\$205.98

T-103 Replacing vitrified clay pipe with cast iron pipe at bridge at 26½ Street and Waller Creek ----- 152.47

T-114 Reconstruction of sanitary sewer due to paving on 15th Street, from San Jacinto Street to Brazos Street ----- 331.68

and

WHEREAS, the cost of the above construction jobs, amounting to \$690.13, was erroneously paid from the Sanitary Sewer Bond Fund,

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

That the City Manager be and he is hereby authorized and instructed to cause a Street Improvement Bond warrant, in the amount of \$690.13, to be drawn for the reimbursement of the Sanitary Sewer Bond Fund.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, 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 Trinity Street from East Second Street to East Third Street, the center line of which gas main shall be 28 feet east of and parallel to the center line of said Trinity Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Trinity Street from East Third Street to East Fourth Street, the center line of which gas main shall be 32½ feet east of and parallel to the center line of said Trinity Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in Trinity Street from East Third Street to East Fourth Street, the center line of which gas main shall be 32½ feet west of and parallel to the center line of said Trinity 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, Reed, and Steck, 5; nays, none.

City Manager Johnson submitted to the Council bids received for two horizontal type, non-clog sewage pumps for use at the Sewage Disposal Plant. Councilman Pannell moved that the bid of Fairbanks, Morse & Company for said pumps, in the amount of \$2,192.00, be accepted as the lowest and best bid. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A report of Tom Neal, Traffic Police Captain, relative to extending the hour parking limit in the vicinity of East Tenth Street from the alley east to Brazos Street, was read and referred to the City Manager and City Attorney to have ordinance drawn in compliance with the recommendations contained in said report.

A petition signed by the property owners on Windsor Road between Twelfth Street and Enfield Road, protesting the paving of this street, was read and filed for future consideration.

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 Keasby Street from Caswell Avenue to Red River Street, the center line of which gas main shall be 15 feet south of and parallel to the north line of said Keasby 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A communication from Mrs. Noyes D. Smith, Secretary Park Board, inviting the City Council and City Manager to meet with the Park Board on Monday evening, April 13th, in the Mayor's office to discuss the proposed budget of the Park Board for the year 1931, was read, and Mayor McFadden moved that the Council accept the invitation. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Councilman Mueller moved that the City Manager be authorized to expend the sum of \$443.54 as the City's pro rata of the cost of replacing the bridge on East Twelfth Street outside the City limits leading to Evergreen Cemetery which had been damaged by the City's machinery. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A letter from J. W. Calhoun, Comptroller of the University of Texas, with reference to the keeping of Speedway open for traffic during the paving in front of the Gregory Gymnasium, was read and filed.

The Mayor laid before the Council the following report:

"Austin, Texas, April 9, 1931.

City Council,
Austin, Texas.

We, the undersigned, your committee appointed to canvass the returns of the election held in the City of Austin, Texas, on April 6th, 1931, beg leave to report that we have made a careful canvass of such returns and find that same show that the following persons severally received as candidates for Councilmen, the votes set opposite their names, respectively, to-wit:

Herman L. Achilles	received	3,966	Votes
C. F. Alford	"	4,275	"
W. A. (Jack) Dempsey	"	3,899	"
Simon Gillis	"	4,146	"
P. W. McFadden	"	4,057	"
Leo. O. Mueller	"	4,279	"
V. H. Pannell	"	3,849	"
D. C. Reed	"	3,540	"
E. L. Steck	"	4,071	"
R. C. Stovall, Sr.	"	3,909	"

(Sgd) V. H. Pannell,
Leo O. Mueller
Committee".

The Mayor then laid before the Council the following resolution:

WHEREAS, by virtue of an election held in the City of Austin, Texas, on the 6th day of April, A. D. 1931, for the purpose of electing five councilmen, the

official returns from the election officials certify and show, and thereafter a canvass of said returns by a committee appointed by the City Council to canvass said returns also show, that there were cast at said election a total of 8232 votes; and

WHEREAS, said returns, and the canvass thereof, show that the following persons severally received the vote set opposite their names, respectively, to-wit:

Herman L. Achilles	received	3,966	Votes
C. F. Alford	"	4,275	"
W.A.(Jack)Dempsey	"	3,899	"
Simon Gillis	"	4,146	"
P. W. McFadden	"	4,057	"
Leo O. Mueller	"	4,279	"
V. H. Pannell	"	3,849	"
D. C. Reed	"	3,540	"
E. L. Steck	"	4,071	"
R. C. Stovall, Sr.	"	3,909	"

and

WHEREAS, it appears that C. F. Alford, Simon Gillis, P. W. McFadden, Leo O. Mueller, and E. L. Steck have received the highest number of votes cast for councilmen at said election;

Now, therefore,

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

That in accordance with said returns as received and canvassed, the following named persons are hereby declared duly elected and authorized to qualify for the positions of Councilmen of the City of Austin for the term of two years beginning May 1st, A. D. 1931:

C. F. Alford
 Simon Gillis
 P. W. McFadden
 Leo O. Mueller
 E. L. Steck

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, 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 West Sixth Street from the west property line of West Lynn Street to the west line of the International-Great Northern Railway Company's right-of-way, Paving District No. 55, and on West Eighteenth Street from the west property line of Congress Avenue to the east property line of Guadalupe Street, Paving District No. P-104, were read and ordered filed.

The Mayor then laid before the Council the following resolutions:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A PORTION OF WEST SIXTH STREET IN THE CITY OF AUSTIN, PROVIDING FOR A 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:

WEST SIXTH STREET from the west property line of West Lynn Street to the west line of International Great Northern Railway Company, known and designated as Unit or District No. 58; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Sixth 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 the cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and the 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

RESOLUTION ACCEPTING STREET IMPROVEMENTS CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY ON A PORTION OF WEST EIGHTEENTH STREET IN THE CITY OF AUSTIN, PROVIDING FOR A PAYMENT OF ANY BALANCE DUE BY THE CITY FOR ITS PORTION OF THE COST 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:

WEST EIGHTEENTH STREET from the west property line of Congress Avenue to the east property line of Guadalupe Street, known and designated as Unit or District No. P-104; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been

found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Eighteenth 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 the cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and the 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, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

F. W. Sternenberg appeared before the Council and asked that on account of the heavy traffic on Red River Street from First to Fifth Streets, said street be paved with concrete instead of bitulithic paving. The Council took the matter under advisement.

The Mayor laid before the Council the following resolution:

WHEREAS, E. A. Gathright, lessee of property at 1205 and 1217 South Congress Avenue, owned by G. Flury, has requested that he be granted permit to construct commercial driveways across the sidewalk area on the east side of Congress Avenue south of Academy Drive; and

WHEREAS, E. A. Gathright has presented a plan showing location of the proposed driveways; and

WHEREAS, the City Manager has recommended the granting of said request in accordance with the accompanying plan 2-C-395; and

WHEREAS, the City Council of the City of Austin have considered the foregoing request and recommendations; therefore,

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

That permission be granted subject to the following conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating commercial driveways, 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 said E. A. Gathright has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(1) That the applicant shall construct curbs and driveways of concrete according to plan 2-C-395, which plan is hereby made a part of this resolution.