

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

Councilman Alford 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*  
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 18, 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 Councilman Alford moved the adoption of same as read. 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.

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:

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;

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;

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;

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;

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;

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:

On Riverside Drive, District P-143:

J. A. Nichols, W. D. Sutherland, Geo. F. Claire, L. L. Rogers, A. H. Yarrington, H. W. Sauer, S. C. Ray, C. F. Hutter, Mrs. Emma Seery, W. H. Biggs, and R. A. Walker stated that the paving of this street would not enhance the value of their property; that they were financially unable to pay for same; and that the street should be paved all the way through, if paved at all.

On West Avenue, District No. P-135:

J. E. Griffiths stated that he was not opposed to paving, but thought on account of the economic depression that same should be postponed for a while; that he was not financially able to pay for the paving unless it were an emergency, and that no emergency existed.

Thirtieth Street, District No. P-137:

S. D. Johnson, Mrs. Oscar Coge, Walter Bremond, Mrs. Elizabeth Triplett, Mrs. Loden, and Mrs. Jno. Miller asked that the width of the street be made thirty feet instead of thirty-four feet, and Mrs. Coge also asked that the street be paved all the way to Guadalupe Street.

The requests of the above property owners on Thirtieth Street, District No. P-137, were referred to H. R. F. Helland, Consulting Engineer, for attention.

Thereupon Harwood Stacy was called as a witness and 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 this hearing was being held; that he is acquainted with the type of paving which is proposed to be constructed upon said Units or Districts as to which this hearing was 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 Unit or Districts of Improvement.

No other witnesses being offered or desiring to be heard, and no other interested parties or owners having requested to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF TRAVIS HEIGHTS BOULEVARD 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 Alford moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none, Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Alford moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

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

The Mayor laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF WEST AVENUE 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 foregoing ordinance was read the first time and Councilman Alford moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

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

Councilman Alford moved that the hearing on Thirtieth Street, District No. P-137, be continued until the next regular meeting. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

Col. A. J. Zilker presented to the Council his written application for the position of City Manager of the City of Austin in the event the present City Manager is chosen as City Manager of Ft. Worth, Texas. The Mayor advised Col. Zilker that no vacancy exists in the office of City Manager, but that his application would be filed and considered at such time as a vacancy might occur.

Gen. A. S. Burleson, representing the owners of the International Institute, located at the corner of Fifth and Nueces Streets, appeared before the Council and asked that by reason of said organization's being purely a charitable one, and the further fact that great damage was done to said property by the laying of the pavement, said organization be relieved from the payment of the paving debt against same. He was advised to submit his request in writing to the Council.

The Mayor laid before the Council the following resolution:

WHEREAS, the Park Board of the City of Austin has recommended the spending of \$300.00 for the beautification of a plot of ground located between Palma Plaza and West Lynn Street, in Enfield, to be used for a park, provided the owners of said property give the City of Austin a deed, approved by the City Attorney, to this property, and further, that the property owners pay for the installation of the necessary water lines and concrete curb and gutter around said property;

Now, therefore,

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

THAT the recommendation of the Park Board with reference to the beautification of the above described plot of ground be adopted, and that the sum of \$300.00 be appropriated out of the Parks and Playgrounds Bond Fund for such purpose.

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

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 GARDEN STREET from Canadian Street to Mildred Street, the center line of which gas main shall be 19 feet south of and parallel to the north line of said Garden Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (2) A gas main in MILDRED STREET from Holley Street to Willow Street, the center line of which gas main shall be 40 feet east of and parallel to the west line of said Mildred Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (3) A gas main in SAN MARCOS STREET from East Seventh Street to East Eighth Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said San Marcos Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (4) A gas main in MEDINA STREET from East Sixth Street to East Seventh Street, the center line of which gas main shall be 5 feet west of and parallel to the center line of said Medina Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (5) A gas main in WALLER STREET from East Sixth Street to East Seventh Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Waller Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (6) A gas main in WALLER STREET from East Seventh Street to East Eighth Street, the center line of which gas main shall be  $11\frac{1}{2}$  feet east of and parallel to the center line of said Waller Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (7) A gas main in ATTAYAC STREET from East Sixth Street to East Seventh Street, the center line of which gas main shall be 13 feet east of and parallel to the center line of said Attayac Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (8) A gas main in NAVASOTA STREET from East Seventh Street to East Eighth Street, the center line of which gas main shall be 11 feet east of and parallel to the center line of said Navasota Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (9) A gas main in ONION STREET from East Sixth Street to East Seventh Street, the center line of which gas main shall be 5 feet east of the center line of said Onion Street. Said gas main shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (10) A gas main in CONCHO STREET from East Seventh Street to East Eighth Street, the center line of which gas main shall be 10 feet west of and parallel to the center line of said Concho Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (11) A gas main in CHALMERS STREET from East Seventh Street to East Eighth Street, the center line of which gas main shall be 13 feet east of and parallel to the west line of said Chalmers Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (12) A gas main in WEST EIGHTH STREET ALLEY from Patterson Avenue to Avenue "L", the center line of which gas main shall be 10 feet north of and parallel to the south line of said alley. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (13) A gas main in AVENUE "L" from West Eighth Street to West Tenth Street, the center line of which gas main shall be 25 feet east of and parallel to the west line of said Avenue "L". Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (14) A gas main in WEST TENTH STREET from Avenue "L" to Patterson Avenue, the center line of which gas main shall be 15 feet north of and parallel to the south line of said West Tenth Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (15) A gas main in WEST EIGHTH STREET from Patterson Avenue to Avenue "L", the center line of which gas main shall be 8 feet south of and parallel to the north line of said West Eighth Street. Said gas main shall have a cover of not less than  $2\frac{1}{2}$  feet.
- (16) A gas main in WEST TWELFTH STREET from West Lynn Street to Shelley Avenue, the center line of which gas main shall be 22 feet north of and parallel to the center line of said West Twelfth Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(17) A gas main in WEST TWELFTH STREET from West Lynn Street to Shelley Avenue, the center line of which gas main shall be 22 feet south of and parallel to the center line of said West Twelfth Street.

(18) A gas main in EAST SIXTH STREET from Sabine Street to Red River Street, the center line of which gas main shall be 9 feet north of and parallel to the center line of said East Sixth 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 backfilling 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, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent.

The Mayor laid before the Council the following:

"Austin, Texas, June 11, 1931.

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

Dear Sir:

We have considered the request of the Consumers Home Ice Company, which company is now owned by the Texas Public Service Company, for a permit to install a gasoline pump and underground gasoline storage tank at 307 Guadalupe Street. We find that they desire to have this pump and tank installed for private use only.

We find that the proposed installation will be upon property shown on the Zoning Use Map of the City of Austin as being in the "D" Industrial Use District.

We recommend that after consideration of the City Council that they be granted a permit to install and operate gasoline tank on property located at 307 Guadalupe Street subject to all installation and operation being in accord with the Ordinance regulating gasoline filling stations as passed April 23, 1931.

Assuming that the City Council will act upon same favorably, we have prepared the following resolution.

SIGNED:

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 authorizes the Consumers Home Ice Company or the Texas Public Service Company to install and operate one gasoline storage tank and one pump for private use only, same to be installed and operated subject to the Gasoline Filling Station Ordinance as passed April 23, 1931, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this equipment for private use only 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 the Consumers Home Ice Company or the Texas Public Service Company 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, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following:

"Austin, Texas, June 16, 1931.

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

Dear Sir:

Pursuant to your request, I have investigated the accompanying application of Herman Becker for a permit to have a raised concrete platform adjacent to his property on the east side of Trinity Street between Third and Fourth Streets. The proposed platform will be adjacent to Lot No. 1, of Block 33 of the Original City of Austin. The proposed platform is to be built so as to use the entire sidewalk area and to be so constructed that the pedestrians may use same at any time.

Lot No. 1 of Block No. 33 is shown on the Zoning Map as being in the Industrial Use District. Similar development of sidewalk areas have been allowed by the City Council in this immediate neighborhood.

I recommend that the request be granted subject to the following conditions:

(1) That a plan shall be prepared by Herman Becker which can be approved by the City Engineer and Building Inspector showing the proposed type of platform construction.

(2) All construction shall be in accord with the Building Code of the City of Austin.

Assuming that same will be favorably considered, I have prepared a resolution which will grant the request of Herman Becker.

Yours truly,

(Sgd) Orin E. Metcalfe,  
City Engineer. "

The Mayor then laid before the Council the following resolution:

WHEREAS, Herman Becker has applied to the City Council for permit to construct a raised concrete platform on the east side of Trinity Street over the sidewalk area adjacent to Lot 1, Block 33 of the Original City of Austin; and

WHEREAS, the City Council has favorably considered said request and the recommendation of the City Engineer;

Therefore,

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

THAT Herman Becker is hereby granted the right to construct a concrete platform between the curb line and the property line adjacent to Lot No. 1 of Block 33 of the Original City of Austin, said platform to be built in accordance with plan marked 2-G-164 hereto attached, subject, however, to the following conditions:

- (1) That all the expenses of said construction and maintenance shall be borne by Herman Becker.
- (2) That all the construction shall be completed in accord with plan marked 2-G-164 which is hereby made a part of this resolution.
- (3) All work shall be constructed in accordance with lines and grades to be furnished by the City Engineer.

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

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on Red River Street from the north line of First Street to the south line of East Fifth Street, being Districts Nos. P-117, P-118A, and P-118B, in accordance with the plans and specifications and recommending the acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,  
ACCEPTING THE IMPROVEMENT OF RED RIVER STREET,  
IN THE CITY OF AUSTIN, AND AUTHORIZING THE  
PAYMENT OF THE BALANCE DUE BY THE CITY OF  
AUSTIN AND THE ISSUANCE AND DELIVERY OF CER-  
TIFICATES OF SPECIAL ASSESSMENT AGAINST  
OWNERS OF ABUTTING PROPERTY.

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

That, whereas, heretofore the hereinafter described street was ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting property and the owners thereof to cover the portion of the cost payable by the said property owners; and

WHEREAS, pursuant to said contract and other proceedings in connection therewith, L. E. Whitham & Company has completed the improvement of the following street, to-wit:

PAVING DISTRICT NO. P-117: RED RIVER STREET from the north line of First Street to the north line of Third Street;

PAVING DISTRICT NO. P-118A: RED RIVER STREET from the north line of Third Street to the south line of Fourth Street; and

PAVING DISTRICT NO. P-118B: RED RIVER STREET from the south line of East Fourth Street to the south line of East Fifth Street.

Each unit or district shall be and constitute an entirely and wholly separate and independent unit of improvement, the same as if contracted for in separate and distinct contracts. The construction of said improvements in each separate Unit or District shall be wholly independent of the construction in any other unit or district. The assessments to be levied in each unit or district shall be made according to the cost of the improvements in that particular unit or district, and in accordance with the benefits accruing to the property by reason of said improvements in that particular unit or district, wholly and entirely independent of the cost and of the benefits accruing by reason of the improvements in any of the other units or districts; and

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in con-