

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 5, 1930.

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

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

A committee from the Chamber of Commerce, composed of Messrs. Geo. S. Dowell and Joe Koen, requested the Council to grant a reduction in the water rate for residences for the months of July, August and September, in order to encourage the beautifying of lawns. The Council took the matter under advisement.

The Mayor announced that the hearing of property owners and others interested with reference to street improvements to be constructed on the following streets:

WEST FIFTH STREET from the west property line of Nueces Street to the west property line of West Avenue, known and designated as Unit or District No. 23; and

WEST TWELFTH STREET from the west property line of West Avenue to the west property line of Enfield Road and Parkway, known and designated as Unit or District No. 45;

which was continued from the last regular meeting, would now be opened. Thereupon no one appearing to protest, the Mayor introduced the following ordinances:

ORDINANCE AMENDING AND CHANGING PLANS, METHODS AND CONTRACT FOR THE IMPROVEMENT OF A PORTION OF WEST FIFTH STREET IN THE CITY OF AUSTIN, TEXAS, AND PROVIDING THE NECESSARY MATTERS INCIDENTAL THERE-TO.

The above ordinance was read the first time and laid over.

ORDINANCE CLOSING HEARING AND LEVY-ING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF WEST TWELFTH 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 Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none; Councilman Steck absent.

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

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4;

nays, none; Councilman Steck absent.

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 certain units or districts of improvement as follows:

NORTH GUADALUPE STREET from the north line of Twenty-seventh Street east to the south line of Twenty-ninth Street, known and designated as Unit or District No. 59; as awarded to L. E. Whitham & Co.

the Mayor thereupon stated that all persons desiring to protest against the levying of assessments against abutting property on any of the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the amounts 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 protests were heard:

William B. Ruggles, for the Estate of Mrs. Gardner Ruggles, stated that the paving would not enhance the value of their property sufficiently to justify the cost of same;

T. C. Richardson, for Mrs. Vivian Taubkin, stated that the paving should extend to the north line of Twenty-ninth Street instead of to the south line, and that unless all property owners in this area participated in the paving, same would not be of sufficient benefit to justify the cost.

No other property owners or interested parties desiring to be heard, the Mayor thereupon introduced the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CLOSING A HEARING GIVEN
TO PROPERTY OWNERS ON NORTH
GUADALUPE STREET, IN THE CITY OF
AUSTIN, AND DECLARING AN EMERGENCY.

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

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

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

The Mayor then 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 NORTH GUADALUPE 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 EMERGENCY.

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

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

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

The Mayor laid before the Council for its second reading the following ordinance:

ORDINANCE AMENDING AND CHANGING PLANS AND METHODS AND CONTRACT FOR THE IMPROVEMENT OF ENFIELD ROAD AND PARKWAY STREET FROM THE NORTH LINE OF WEST TWELFTH STREET TO THE WEST LINE OF WEST LYNN STREET; DIVIDING SAID STREET AREA INTO THREE UNITS OR DISTRICTS OF IMPROVEMENT; CANCELLING CERTAIN PROCEEDINGS HERETOFORE HAD PURSUANT TO THE ORIGINAL ORDINANCE AND CONTRACT AND PROVIDING INCIDENTAL MATTERS AND THINGS.

The above ordinance was read the second time and Councilman Pannell moved that the rule be suspended and the ordinance passed to its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none; Councilman Steck absent.

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

The Mayor laid before the Council the following:

"Austin, Texas, June 5, 1930.

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

Dear Sir:

We, the Safety Committee of the City of Austin, have considered the application of Miss Mary Dawson for a permit to erect a drive-in gasoline and ice filling station on the northwest corner of the intersection of South First and Gibson Streets on Lot 16, Block 2 of the South Heights Addition to the City of Austin.

We, the Safety Committee, recommend that said permit be granted, 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.
- (2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
- (3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.
- (4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. The pumps shall be at least ten (10) feet inside the property line. The length of all water hose shall be such that any water leaking from same can not reach the City sidewalk area and that the length of all gasoline hose shall be such that a car desiring service can not be served while any portion of said car is on the City sidewalk area.
- (5) That electric lights only shall be used for lighting purposes and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline

filling stations, and shall be approved by the City Electrical Department.

(6) That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency use.

(8) That the grades of the station shall be such that no waste oil or water or any floor washing shall ever pass over the City sidewalk area, and that all of said oil and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with the City of Austin standard plan 2-H-48, and shall be conducted by a pipe connection from said sand trap to Bouldin Creek, all at the expense of the applicant.

(9) That all adjacent walks, ramps, curbs and gutters shall be constructed of concrete as specifically shown on plan 2-H-86.

(10) That the applicant shall construct all curbs, gutters, ramps and sidewalks in accordance with plan 2-H-86, which plan is hereby made a part of this resolution.

(11) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(12) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(13) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

CITY SAFETY COMMITTEE.

(Sgd) J. E. Woody, Fire Chief;

" R.F. Rockwood, Fire Marshal;

" Orin E. Metcalfe, City Engineer;

" Tom Neal, Traffic Police Captain;

" L. A. Palmer, Plumbing Inspector."

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

That permission shall be granted, subject to the foregoing conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating drive-in gasoline stations 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 Miss Mary Dawson 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, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none; Councilman Steck absent.

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 Hundred Seven and 79/100 (\$207.79) Dollars be and is hereby appropriated out of the reserve portion of the General Fund for the purpose of defraying expenses in connection with League of Texas Municipalities Convention held in Austin May 15th to 16th, as follows:

<u>PUBLICITY</u>		
Programs (1500)	- Von Boeckmann-Jones	\$28.25
Badges	F. E. Homeyer	26.25
Ad.	Texas League of Municipalities, May issue	37.50
Postage	For Invitation Letters	<u>11.00</u> \$103.00
<u>ENTERTAINMENT</u>		
For Visiting Ladies	Driskill Hotel	\$25.00
Mexican Lunch	Walker Properties	<u>33.99</u> 58.99
<u>TRAVELLING</u>		
Trips of Secy.	Preliminary and Convention, Houston to Austin and return (2)	<u>45.80</u> <u>\$207.79</u>

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

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 One Thousand, Thirty-six and 46/100 (\$1,036.46) Dollars be and is hereby appropriated out of the reserve portion of the General Fund for the purpose of covering expenses of Annual Reports of the City of Austin, as follows:

<u>ANNUAL NEWSPAPER REPORTS:</u>		
American Publishing Co.	\$183.12	
The Austin News	<u>168.00</u>	\$351.12
<u>YEAR BOOK:</u>		
Outs:		
Capital Engraving Co.	\$ 27.00	
Economy Engraving Co.	50.00	
Boone Photo Co.	8.00	
Jordon-Ellison Co.	10.00	
Printing:		
Tobin's - 1250 copies	550.06	
Tobin's - Envelopes	12.00	
Mailing:		
Postmaster	<u>28.28</u>	<u>685.34</u>
Total -		\$1,036.46

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

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 Seventeen Thousand (\$17,000.00) 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 when Water and Light money is available.

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

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 Ten Thousand (\$10,000.00) Dollars be and is hereby appropriated out of the Water and Light Fund for the purpose of placing same to the job account of the United Engineers & Constructors, Inc., to be used for the payment of labor and materials in connection with construction for the Water, Light and Power Department under the terms of the contract between the City and said Company.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the Park Commission of the City of Austin has passed a resolution recommending the expenditure of Eight Hundred Ninety-six (\$896.00) Dollars for the completion of a rock wall at Barton Springs Park, a portion of the cost of which wall has been covered by a previous resolution; and

WHEREAS, said recommendation has been reviewed by the City Council; therefore,
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the improvement set forth is hereby approved by the City Council; and
THAT the sum of \$650.00 be and the same is hereby appropriated out of the Parks and Playgrounds Bond Fund for the execution of said improvement.

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

The Mayor laid before the Council the following resolution:

WHEREAS, the Park Board of the City of Austin has recommended the purchase of pipe to be used in the construction of playground apparatus at Barton Springs, and

WHEREAS, the recommendation of the Park Board has been reviewed and approved by the City Council; therefore,

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

That the sum of \$89.34 is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of the purchase of pipe to be used in the construction of playground apparatus in Barton Springs Park.

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

Councilman Pannell moved that the recommendation of the Park Board for the purchase of approximately .686 of one acre of land, belonging to Mrs. L.H. Montgomery, for a consideration not to exceed \$1050.00, and approximately .404 of one acre of land belonging to B. H. Powell, for a consideration not to exceed \$625.00, both of said tracts lying along Shoal Creek and to be used in the extension of the City's playgrounds, be approved, conditioned upon the Park Board's acquiring the tract of land lying between the Montgomery tract and the tract now owned by the City. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none; Councilman Steck 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 4-inch low pressure gas main in Newning Avenue, beginning at a point on an existing gas main, which point of beginning is 27 feet east of and 35 feet south of the intersection of the west line of Newning Avenue and the north line of Brush Street;

Thence in a southerly direction 27 feet east of and parallel to the west line of Newning Avenue a distance of approximately one block to the north line of Turner Street. Said gas main described above shall have a cover of not less than 2 feet.

(2) A 4-inch high pressure gas main in the Post Road, beginning at a point on an existing 10-inch high pressure gas main, which point of beginning is 14 feet south of and 18 feet west of the intersection of the east line produced of the Post Road and the north line of East Live Oak Street;

Thence in a southerly direction 18 feet west of and parallel to the east line of the Post Road a distance of approximately 1600 feet to the south city limits of the City of Austin. Said gas main described above shall have a cover of not less than 2 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.

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, and Reed, 4; nays, none; Councilman Steek 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 4-inch low pressure gas main in Brackenridge Street, beginning at a point on the north line of East Elizabeth Street, which point of beginning is 19 feet west of the intersection of the north line of Elizabeth Street and the east line of Brackenridge Street;

Thence in a southerly direction 19 feet west of and parallel to the east line of Brackenridge Street a distance of approximately one block to the north line of East Monroe Street. Said gas main described above shall have a cover of not less than 2 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