

REGULAR MEETING OF THE CITY COUNCIL;

Austin, Texas, August 14, 1930.

The Council was called to order by the Mayor Pro tem. Roll call showed the following members present: Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; absent, Mayor McFadden and Councilman Steck, 2.

The Minutes of the last meeting were read and Councilman Mueller moved that same be adopted. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent.

A. T. Knies appeared before the Council and requested that he be granted a permit to dig up West Avenue from Sixth to Nineteenth Streets and Rio Grande Street from Sixth to Twenty-eighth Streets for the purpose of discovering leaks in the gas lines. He stated that the deterioration of the pipe was caused by electrolysis caused by the street cars. The Council referred the matter to the City Manager, with instructions that a plan be worked out with Mr. Knies to do this work, but that he should be required to put the streets back in as good condition as they were now and should make a contract with the Southwest Bitulithic Company to do this work.

The Mayor Pro tem laid before the Council the following ordinance, which had been read at the last regular meeting and laid over:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CHANGING THE LIMITS OF
DISTRICTS 29A AND 29B FOR NUECES
STREET IMPROVEMENTS, IN THE CITY
OF AUSTIN.

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

The Mayor Pro tem laid before the Council the following ordinance, which had been read at the last regular meeting and laid over:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CLOSING A HEARING GIVEN
TO PROPERTY OWNERS ON ALLEY IN
BLOCK 59 IN THE CITY OF AUSTIN.

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

The Mayor Pro tem laid before the Council the following ordinance, which had been read at the last regular meeting and laid over:

ORDINANCE RATIFYING AND CONFIRMING
THE CREATION OF A STREET AS AN EX-
TENSION EAST FROM SPEEDWAY OF
TWENTY-SIXTH STREET AND THE NAMING
AND DESIGNATION THEREOF AS PART OF
TWENTY-SIXTH STREET, AND RATIFYING
AND CONFIRMING AN ORDINANCE PRO-
VIDING FOR THE IMPROVEMENT THEREOF,
AND THE CONTRACT LET TO SOUTHWEST
BITULITHIC COMPANY FOR THE CON-
STRUCTION OF SUCH IMPROVEMENTS.

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

The Mayor Pro tem laid before the Council the following resolution:

WHEREAS, it was necessary by the construction of the storm sewer along Perdenales Street toward the Colorado River to discharge the output therefrom over the property of Mrs. Lumina V. Riley; and

WHEREAS, the City of Austin has agreed to pay said Mrs. Riley the sum of \$900.00 in consideration of the perpetual right and easement to discharge said waters and output over said property and her release from all damages that may accrue there-

from;

Therefore,

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

That the sum of \$900.00 be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said Mrs. Lumina V. Riley said consideration, and that warrant issue therefor.

The above resolution was adopted by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Mayor Pro tem laid before the Council the following resolution:

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

That the City Manager be and he is hereby authorized to purchase from Louis Fellman, Blanche Seinsheimer, Maggie Gunnbach and Margaret Christian 1654.9 square feet of land, a part of the Christian and Fellman Addition in Outlot 8, Division "C" of the government outlots of the City of Austin, Texas, beginning at an iron pipe stake at the intersection of the east line of Swisher Street and the south line of East 20 $\frac{1}{2}$ Street or Pelham Street, and from which stake the southwest corner of Block No. 17 of the Christian and Fellman Addition bears N. 16°10' E. 50 feet; thence with the east line of Swisher Street, S. 16°10' W. 112.2 feet to the intersection of the west line of Cameron Road or East Avenue; thence with the west line of East Avenue or Cameron Road N. 30°54' E. 116 feet to an iron stake on the south line of 20 $\frac{1}{2}$ Street or Pelham Street; thence with the south line of said street N. 74°01' W. 30.4' to the place of beginning.

BE IT FURTHER RESOLVED:

That the sum of \$100.00 be and the same is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of paying for such land and that a warrant issue to the proper parties therefor.

The above resolution was adopted by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Mayor Pro tem laid before the Council the following resolution:

WHEREAS, the alley traversing Lot No. 14 of the Christian and Fellman Addition to the City of Austin, Texas, has never been opened for public use; and

WHEREAS, C. M. Browne is the owner of all the abutting property on the alley in this block, and has made application to the City Council to have said alley permanently vacated, and

WHEREAS, it appears that the vacation of same will not cause any public inconvenience; therefore,

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

That the alley running through Block No. 14 in the Christian and Fellman Addition in the City of Austin, Texas, as the same appears on the plat dedicating said alley, be and the same is hereby vacated and closed, but there is reserved to the City of Austin the right and easement perpetually to said alley for the purpose of laying, constructing and maintaining its public utilities, and no building shall be placed thereon.

The foregoing resolution was adopted by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Mayor Pro tem laid before the Council the following resolution:

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

That the City Manager is authorized to enter into contract with M. H. Crockett; and that in consideration of said M. H. Crockett giving a certain easement for a culvert to be constructed in widening the bridge over Bouldin Creek on South Congress Avenue, he be permitted to use the roadway running through his property in South Austin between the Barton Springs Road and South Congress Avenue for a period of five (5) years, provided that the City shall not be responsible for maintenance of said road during said use, and if compelled to reopen said road by legal process that same may be done without expense to the City.

The above resolution was adopted by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent.

The Mayor Pro tem 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 East Nineteenth Street from the west line of Sabine Street to the center line of East Avenue, the center line of which gas main shall be 27 feet south of and parallel to the north line of said East Nineteenth Street. Said gas main described above shall have a cover of not less than 2½ feet below the proposed paving grade of East Nineteenth Street.
2. A 4-inch low pressure gas main in East Nineteenth Street from the east line of Longfellow Street to the center line of East Avenue, the center line of which gas main shall be 27 feet south of the north line of said East Nineteenth Street and parallel thereto, and shall have a cover of not less than 2½ feet.
3. A 2-inch high pressure gas main in East Thirty-fifth Street beginning at a point on an existing 6 inch high pressure gas main in Red River Street, which point of beginning is 26 feet west of and 20 feet south of the intersection of the north line of said East Thirty-fifth Street and the east line of Red River Street; thence in an easterly direction 20 feet south of and parallel to the north line of East Thirty-fifth Street a distance of approximately 400 feet. Said gas main described shall have a cover of not less than 2½ feet.
4. A 4-inch high pressure gas main in West Thirty-eighth Street, beginning at a point 19 feet west of and 31 feet north of the intersection of the east line of McDonald Avenue and the south line of West Thirty-eighth Street; thence in an easterly direction 31 feet north of and parallel to the south line of said West Thirty-eighth Street a distance of approximately 150 feet to McDonald Avenue Alley. Said gas main described above shall have a cover of not less than 2½ feet.
5. A 4-inch high pressure gas main in McDonald Avenue, beginning at a point 31 feet north of and 19 feet west of the intersection of the east line of McDonald Avenue and the south line of West Thirty-Eighth Street; thence in a southerly direction 19 feet west of and parallel to the east line of McDonald Avenue a distance of approximately four blocks to a point on a 6-inch high pressure gas main in West Thirty-fourth Street. Said gas main described above shall have a cover of not less than 2½ feet.
6. A 4-inch high pressure gas main in East Thirty-ninth Street beginning at a point on an existing 6-inch high pressure gas main in Red River Street, which point of beginning is 26 feet west of and 20 feet south of the intersection of the east line of Red River Street and the north line of said East Thirty-ninth Street; thence in an easterly direction, 20 feet south of and parallel to the north line of East Thirty-ninth Street a distance of approximately one block to a point 15 feet west of the east line of Becker Avenue. Said gas main described above shall have a cover of not less than 2 feet.

7. A 4-inch high pressure gas main in Becker Avenue, beginning at a point 15 feet west of and 20 feet south of the intersection of the east line of Becker Avenue, and the north line of Thirty-Ninth Street; thence in a northerly direction, 15 feet west of and parallel to the east line of Becker Avenue, a distance of approximately one block to the north line of East Fortieth Street, said gas main described above shall have a cover of not less than 2 feet.

8. A 2-inch high pressure gas main in Avenue "B" beginning at a point on an existing 6 inch high pressure gas main, which point of beginning is 20 feet south of and 20 feet west of the intersection of the north line of East Forty-Fifth Street and the east line of said Avenue "B"; thence in a northerly direction, 20 feet west of and parallel to the east line of Avenue "B" a distance of approximately one block to the north line of East Forty-Sixth Street. Said gas main described above shall have a cover of not less than 2 feet.

9. A 4-inch high pressure gas main in West Monroe Street, beginning at a point 20 feet south of and 12 feet east of the intersection of the center line of South First Street and the North line of West Monroe Street; thence in an easterly direction, 20 feet south of and parallel to the north line of West Monroe Street a distance of approximately 593 feet to east line of South Third Street. Said gas main described above shall have a cover of not less than 2 feet.

10. A 4-inch high pressure gas main in South First Street beginning at a point on the north line produced of West Johanna Street and 12 feet east of the center line of said South First Street; thence in a northerly direction, 12 feet east of and parallel to the center line of South First Street to a point 20 feet south of the center line of Barton Springs Road. Said gas main described above shall have a cover of not less than 2 feet.

11. A 4-inch high pressure gas main in West Annie Street, beginning at a point 12 feet east of and 18 feet south of the intersection of the center line of South First Street and the north line of West Annie Street; thence in a westerly direction 18 feet south of and parallel to the north line of West Annie Street a distance of approximately two blocks to a point 25 feet east of the west line of South Third Street. Said gas main described above shall have a cover of not less than 2 feet.

12. A 4-inch high pressure gas main in South Third Street, beginning at a point 25 feet east of and 18 feet south of the intersection of the west line of South Third Street and the north line of West Annie Street; thence in a southerly direction 25 feet east of and parallel to the west line of South Third Street a distance of approximately one block to a point 18 feet south of the north line of West Mary Street. Said gas main described above shall have a cover of not less than 2 feet.

13. A 4-inch high pressure gas main in West Mary Street, beginning at a point 25 feet east of and 18 feet south of the intersection of the west line of South Third Street and the north line of West Mary Street; thence in a westerly direction 18 feet south of and parallel to the north line of West Mary Street, a distance of approximately one block to the west line of South Fourth 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 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 whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Councilman Steck and Mayor McFadden absent, 2.

Councilman Reed moved that the ordinance entitled:

"AN ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF WEST SIXTH STREET 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 COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF"

which ordinance was duly passed on July 17, 1930, and at the next meeting of the Council a motion made and carried to reconsider the vote by which it passed, be again passed and adopted by the Council. Thereupon the Mayor Pro tem put said motion to a vote and it was carried by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2. The Mayor Pro tem then declared said ordinance to have again been duly passed and adopted.

The Mayor Pro tem laid before the Council the following ordinance:

ORDINANCE AMENDING AND CHANGING PLANS, METHODS AND CONTRACTS FOR THE IMPROVEMENT OF A PORTION OF EAST SIXTEENTH STREET FROM THE WEST LINE OF SABINE STREET TO THE EAST LINE OF NAVASOTA STREET SO AS TO PROVIDE FOR IMPROVING SAID EAST SIXTEENTH STREET FROM THE WEST LINE OF SABINE STREET TO THE WEST LINE OF EAST AVENUE, CANCELLING CERTAIN PROCEEDINGS HERETOFORE TAKEN BY THE CITY COUNCIL AND PROVIDING FOR NECESSARY MATTERS INCIDENTAL THERETO.

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

Mayor Pro tem Pannell laid before the Council the application of A. A. Ellis for permit to construct a drive-in gasoline filling station at 1001 East 1st Street; also the following report of the Safety Committee upon same:

"Austin, Texas, August 13, 1930.

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

Dear Sir:

We, the Safety Committee of the City of Austin, have investigated the application of A. C. Ellis for a permit to construct and operate a filling station at 1001 East First Street on presently described Lot No. 1, Block 2, Outlot 32, Division "O".

We, the Safety Committee of the City of Austin recommend that this permit be refused for the following reasons: That the proposed filling station is close to Palm School, and also close to one of our city parks; because the equipment can not be placed thirty (30) feet distant from adjoining residences.

Incidentally, we might call your attention to the fact that this particular lot is not shown as business property on the zoning map recently prepared by the zoning commission.

CITY SAFETY COMMITTEE

(Sgd) J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer;
Tom Neal, Traffic Police Captain;
Fred Bernd, Assistant City
Plumbing Inspector. "

Councilman Reed moved that in accordance with the above recommendations of the Safety Committee the above permit be refused. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Reed, 3; nays, none; Mayor McFadden and Councilman Steck absent.