

Councilman Reed moved that the Council recess subject to call of the Mayor. 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, 2.

The Council then recessed.

Approved: W. H. Pannell  
Mayor Pro Tem

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 21, 1930.

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

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 Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent.

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

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

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

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

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 ALLEY IN  
BLOCK 59 IN THE CITY OF AUSTIN,  
AND FIXING A LIEN AGAINST PROPERTY  
ABUTTING ON SAID ALLEY, AND A  
PERSONAL CHARGE AGAINST THE  
OWNERS THEREOF, AND PROVIDING FOR  
THE COLLECTION THEREOF AND DECLAR-  
ing AN EMERGENCY.

The foregoing ordinance was read the first time and Councilman Reed moved that the rule be suspended and the ordinance passed to its second reading. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved that the rule be further suspended and the ordinance placed on its third reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

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

The Mayor laid before the Council the following ordinance, which had passed its second reading:

ORDINANCE RATIFYING AND CONFIRMING THE CREATION OF A STREET AS AN EXTENSION 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 PROVIDING FOR THE IMPROVEMENT THEREOF, AND THE CONTRACT LET TO SOUTHWEST BITULITHIC COMPANY FOR THE CONSTRUCTION OF SUCH IMPROVEMENTS.

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

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

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

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

A report of City Engineer Metcalfe in the matter of the application of John Nicholas, Jr., for the property line for his proposed building on Neches Street was read and Councilman Reed moved that said Nicholas be allowed to erect this building on the old building line provided he sign a written agreement that when the building adjacent is torn down he will move his new building back to the proper line, and that the City Attorney be instructed to draw up said agreement. Motion was seconded by Councilman Pannell and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent.

A report of H. R. F. Helland, Consulting Engineer, stating that L. E. Whitham & Company have completed the paving on Guadalupe Street from Fortieth to Forty-fifth Streets and recommending the acceptance of same, was read.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,  
ACCEPTING THE IMPROVEMENT OF A PORTION  
OF GUADALUPE 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 CERTIFICATES 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:

GUADALUPE STREET from the South line of Fortieth Street to the North line of Forty-fifth Street, known and designated as Unit or District No. 32; and

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in connection therewith; therefore,

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

That said improvement on said portion of said street be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

That this resolution shall take effect and be in force from and after its passage.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, DETERMINING THE NECESSITY FOR LEVYING A REASSESSMENT AGAINST THE PROPERTY AND THE OWNERS THERE-OF HEREINAFTER NAMED ON A PORTION OF RED RIVER STREET IN THE CITY OF AUSTIN, FOR A PART OF THE COST OF IMPROVING SAID STREET AND FIXING A TIME FOR A HEARING OF SAID OWNERS OR THE AGENTS OF SAID OWNERS OF SAID PROPERTY OR OF ANY PERSONS INTERESTED IN SAID IMPROVEMENTS, AS PROVIDED BY THE CHARTER OF THE CITY OF AUSTIN, AND DIRECTING THE CITY MANAGER TO GIVE NOTICE OF SAID HEARING, AND EXAMINING AND APPROVING THE CORRECTED ROLL OR STATEMENT OF THE CONSULTING ENGINEER, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Pannell moved that the rule be suspended and the ordinance passed to its second reading. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

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 Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

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

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, DETERMINING THE NECESSITY FOR LEVYING AN ASSESSMENT AGAINST THE PROPERTY AND THE OWNERS THERE-OF ON NUECES STREET, IN THE CITY OF AUSTIN, FOR A PART OF THE COST OF IMPROVING SAID STREET AND FIXING A TIME FOR A HEARING OF THE OWNERS OR AGENTS OF SAID OWNERS OF SAID PROPERTY, OR OF ANY PERSONS INTERESTED IN SAID IMPROVEMENTS, AS PROVIDED BY THE CHARTER OF THE CITY OF AUSTIN, AND DIRECTING THE CITY MANAGER TO GIVE NOTICE OF SAID HEARING AND EXAMINING AND APPROVING THE ROLL OR STATEMENT OF THE CONSULTING ENGINEER, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Reed moved that the rule be suspended and the ordinance passed to its second reading. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

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 Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Steck, and same prevailed by the

following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The roll or statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of the improvements on South Congress Avenue from the north line of Nellie Street to Bouldin Creek, 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  
ON A PORTION OF SOUTH CONGRESS  
AVENUE 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 2-inch Warrenite Bitulithic Wearing Surface on a 6 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 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:

SOUTH CONGRESS AVENUE from the north property line of Nellie Street to Bouldin Creek or Sta. 31+51.1, known and designated as Unit or District No. 57. Estimated cost of improvements is \$28,617.27. Estimated amount per front foot to be assessed for curb and gutter is \$ .70 . Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$8.481. Total estimated amount per front foot to be assessed against abutting property and its owners is \$9.181.

III.

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 4th day of September, 1930, at 10:30 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, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The roll or statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on Twenty-Sixth Street from east line of Guadalupe Street to west line of Speedway, and west line of Speedway to west line of Duval Street or Waller Creek Boulevard, was read.

The Mayor 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 TWENTY-SIXTH STREET 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 2-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 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:

TWENTY-SIXTH STREET from the east property line of Guadalupe Street to the west property line of Speedway, known and designated as Unit or District No. 60. Estimated cost of improvements is \$16,368.99. Estimated amount per front foot to be assessed for curb and gutter is \$ .70. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$4.240. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.940.

TWENTY-SIXTH STREET from the west property line of Speedway to the west property line of Duval or Waller Creek Boulevard, known and designated as Unit or District No. 61. Estimated cost of improvements is \$7,820.57. Estimated amount per front foot to be assessed for curb and gutter is \$ .70. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$4.179. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.879.

III.

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 4th day of September, 1930, at 10:30 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, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, on the 17th day of April, 1930, the City Council of the City of Austin assigned space for a four inch gas main in Red River Street from East Twenty-first and One-half Street to East Thirty-second and One-half Street; and

WHEREAS, during the course of construction of said gas main it was found impractical to follow out this assignment in all places, and

WHEREAS, that part of the original assignment from East Twenty-first and One-half Street to East Forty-first Street shall remain unchanged, but from East Forty-first Street to East Forty-second and One-half Street the assignment shall be 21 feet west of the east line of Red River Street and parallel thereto; therefore,

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

THAT the action assigning space for a four inch gas main 26 feet west of the east line of Red River Street from East Forty-first Street to East Forty-second and One-half Street as recorded in Minute Book 11, page 634, be rescinded; and

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

That the Texas Public Service Company be assigned space for a four inch gas main in Red River Street from East Forty-first Street to East Forty-second and One-half Street, the center line of which gas main shall be 21 feet west of the east line of said Red River Street and parallel thereto. Said gas main described above shall have a cover of not less than 3 feet.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, on the 18th day of July, 1929, the City Council of the City of Austin assigned space for a gas main in Oldham Street from East Nineteenth Street to East Twentieth Street, the center line of which gas main was assigned 26 feet east of the west line of said Oldham Street and parallel thereto; and

WHEREAS, on the 1st day of May, 1930, the City Council of the City of Austin assigned space for a gas main in Oldham Street from East Nineteenth

Street to East Twenty-second Street, the center line of which gas main was assigned 6 feet west of the center line of said Oldham Street and parallel thereto; and

WHEREAS, during the course of construction of said gas main it was found that other utilities were already in place on the space assigned for gas mains; therefore,

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

THAT the action assigning space for gas mains in Oldham Street from East Nineteenth Street to East Twentieth Street as recorded in Minute Book 11, Page 312, and from East Nineteenth Street to East Twenty-second Street as recorded in Minute Book 12, Page 9, be rescinded; and

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

That the Texas Public Service Company be granted permission to lay a gas main in Oldham Street from East Nineteenth Street to East Twenty-Second Street, the center line of which gas main shall be 10 feet west of the center line of said Oldham Street, and parallel thereto, and that said gas main shall have a cover of not less than 2½ feet.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

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

That the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

1. A telephone pole line in Jefferson Street from the north line of State Street northerly 500 feet, the center line of which pole line shall be 7 feet west of the east line of said Jefferson Street and parallel thereto.

That the work and construction of said pole line, including the excavation of the streets and the restoration and maintenance of said streets after said pole line has been constructed, shall be under the supervision and direction of the City Manager. Be it understood that all damages whatever caused to existing utilities during the course of construction or maintenance of the pole line described above shall be paid for by the Southwestern Bell Telephone Company.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

Councilman Pannell moved that the Council recess, subject to call of the Mayor. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Council then recessed.

Approved: J. N. McFadden  
MAYOR.