

after hearing, it is found by the City Council that Scott & Gregg have 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, Reed, and Steck, 5; nays, none.

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

The Council then recessed.

Approved:   
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 11th, 1930.

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

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING  
TRAFFIC ON LAVACA STREET,  
BETWEEN ITS INTERSECTION  
WITH SEVENTH STREET AND  
ITS INTERSECTION WITH  
NINTH STREET, IN THE CITY  
OF AUSTIN, CUMULATIVE OF  
CERTAIN ORDINANCES HERETOFORE  
ORDAINED, REPEALING ORDINANCES  
IN CONFLICT, AND PRESCRIBING  
PENALTIES.

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

Councilman Mueller moved that the hearing on Twenty-sixth Street from Guadalupe to Duval Street which was continued from the last regular meeting be continued for two weeks. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

A report of H. R. F. Helland, Consulting Engineer, stating that the work done by J. Odem under Contract No. 20, being the Bouldin Creek Culvert on South Congress Avenue, had been completed in accordance with the plans and specifications for same, was read. Councilman Pannell moved that this work be accepted and final estimate paid.

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

A report of H. R. F. Helland, Consulting Engineer, stating that the work done by Dallas Construction Company under Contract No. 13, being storm sewers in the vicinity of King, Guadalupe and Twenty-ninth Streets, had been completed in accordance with the plans and specifications for same, was read. Councilman Mueller moved that the work be accepted and final estimate paid. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

A report of H. R. F. Helland, Consulting Engineer, stating that the work done by Dellone Construction Company under Street Improvement Bond Fund Contract No. 12, being storm sewer on Nineteenth Street and north from Hemphill Park, had been completed in accordance with the plans and specifications for same, was read. Councilman Pannell moved that the work be accepted and final estimate paid. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

A report of H. R. F. Helland, Consulting Engineer, stating that the work done by W. G. Cullum under Street Improvement Bond Fund Contract No. 19, being miscellaneous storm sewers, had been completed in accordance with the plans and specifications for same, was read. Councilman Pannell moved that the work be accepted and final estimate paid. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

A report of G. S. Moore, Building Inspector, stating that the wooden awning over the sidewalk at 209-11 Congress Avenue was in an unsafe condition and should be condemned, was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, there is located in front of the premises situated on Lot 3, Block 18, Original City of Austin, at 209 and 211 Congress Avenue, a wooden gallery awning projecting over the sidewalk on said street, which has become dilapidated and in a bad state of repair, and it is apparent that same has become unsafe and dangerous to the public using said sidewalk; and

WHEREAS, the owner of said premises has made application to the City to repair said awning; and

WHEREAS, the City Council has heretofore provided an ordinance that it shall be unlawful for any owner, agent or user of property on Congress Avenue to place or repair in any manner any wooden awning over the sidewalk; therefore,

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

- I. That the application of said owner to repair said awning is hereby refused.
2. That the City Manager be and he is hereby authorized and instructed to give notice to the owner that said awning must be removed from its place within 30 days from the date of said notice; and upon the failure of said owner to comply with said demand, the City Manager is hereby authorized and directed to cause said awning to be removed.

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

A petition signed by the faculty of the Kealing Junior School and citizens of neighborhood, asking that Leona Street between Twelfth and Thirteenth Streets be opened, was read and the matter referred to the City Engineer for an investigation and report to the Council.

A communication from M. H. Goldsmith, complaining of a nuisance being created by soot from the smokestack of the Austin Street Railway Company's Plant, was read and referred to the City Manager for attention.

The Mayor laid before the Council the following resolution:

WHEREAS, Sarah M. McDonald, et al., heretofore, on October 2, 1910, granted, by written instrument, to the Austin Sewerage Company the right and easement to construct and maintain a sewer line across the east one-half of the north one-half of the center one-third of Block Forty-nine in Division "E" of the City of Austin, Texas; and

WHEREAS, the City of Austin thereafter became the successor of the rights and privileges conveyed by said easement; and

WHEREAS, the City Council finds that it is not necessary, in the construction and operation of its sewer system generally, to employ and use said easement; therefore,

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

That said easement be and the same is hereby permanently abandoned, and the City Manager is hereby instructed to execute a release and conveyance of same to the present owners of said property.

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

The Mayor laid before the Council the following report of the Consulting Engineer:

"Austin, Texas, September 11, 1930.

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

Dear Sir:

The following is a tabulation of bids received this date on the following Street Improvement Bond Fund Contracts: Contract #23 is the excavation on S. Congress Avenue on the area to be paved; Contract #24 is the Boulder Creek cut-off from the Barton Springs Road to the river; Contract #25 is the Waller Creek cut-off from 2nd and Red River Streets to 3rd and Sabine Streets. The tabulation follows:

<u>Contractor</u>	<u>#23</u>	<u>#24</u>	<u>#25</u>
Joe Macken	\$4775.00	\$4000.00	\$5950.00
McCall Engineering Company	4550.00	5280.00	5950.00
A. A. Ririe	6776.00	6000.00	7140.00
Brown & Root	6925.00	6400.00	6800.00
R. Canion	no bid	5600.00	5950.00
J. Gorwin	12050.00	5440.00	8160.00

Mr. Joe Macken is low on Contracts Nos. 24 and 25, and the McCall Engineering Company is low on Contract #23. However, the McCall Engineering Company state that their bid is based on being awarded two of these contracts, and, furthermore, Joe Macken agrees to complete the work in 12, 10 and 16 working days respectively on these three contracts.

I recommend that Joe Macken be awarded all three contracts.

Yours very truly,

(Sgd) H. F. F. Helland, Consulting  
Engineer. "

Councilman Pannell moved that the foregoing recommendation of the Consulting Engineer be concurred in and that Joe Macken be awarded Contracts #23, #24, and #25. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed 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 2-inch high pressure gas main in Bouldin Street beginning at a point 22 feet north of and 15 feet east of the intersection of the south line of Dam Boulevard and the west line of Bouldin Street;

Thence in a southerly direction, 15 feet east of and parallel to the west line of Bouldin Street a distance of approximately 350 feet. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A 4-inch low pressure gas main in Comal Street beginning at a point 27 feet east of and approximately 136 feet south of the intersection of the south line of Longfellow Street and the west line of Comal Street;

Thence in a southerly direction 27 feet east of and parallel to the west line of Comal Street a distance of approximately three blocks to a point 27 feet south of the north line of East Nineteenth 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 whenever 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, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, Edward W. Joseph is now constructing in front of his premises situated on Splitrock Avenue, in Edgemont, City of Austin, a concrete wall, which is located within the area of the street dedicated for public use, and presents an obstruction

within said street; 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 said concrete wall and obstruction to be removed from said street.

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

Councilman Steck moved that a page of the Minutes of today be set aside for the recording of a resolution commemorating the death of Ex-Mayor A. P. Wooldridge, and that the Council stand adjourned out of respect to his memory. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The resolution commemorating the death of  
Ex-Mayor Poolridge was never written by the  
City Attorney, to whom the matter was referred.

Hallie McKellar, City Clerk