

The ordinance was read the first time and laid over.

Councilman Pannell 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 McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none,

The Council then recessed.

Approved: J. M. McFadden  
Mayor.

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, January 21, 1928.

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

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Walsh & Burney, Inc., is the Contractor for the construction of a building for Ernest Nalle, to be situated on Lots 5 and 6, in Original Block 84, City of Austin, and desires a portion of the streets abutting said premises during said construction, to be used in the work and for the storage of materials therefor; Therefore,

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

1. THAT space, for the uses hereinabove numerated, be granted to said Walsh & Burney, Inc. the boundaries of which are defined as follows: Beginning on Congress Avenue at the northwest corner of the Majestic Theatre Building, at or near the southwest corner of Lot 5, Block 84, thence north  $71^{\circ}$  west 32 feet, more or less, to a point which is 28 feet south  $71^{\circ}$  east from the center line of Congress Avenue, thence parallel to and 28 feet distant from the center line of Congress Avenue, north  $19^{\circ}$  east 78 feet, more or less, thence north  $64^{\circ}$  east 68.5 feet, more or less, to the center line of Eighth Street, thence with the center line of Eighth Street south  $71^{\circ}$  east to the west intersecting line of the alley lying between Congress Avenue and Brazos Street, thence south  $19^{\circ}$  west 40 feet, more or less, to the northeast corner of Lot 6, in Block 84, thence north  $71^{\circ}$  west to the northwest corner of said Lot No. 6, thence south  $19^{\circ}$  west to the place of beginning.

2. The above privilege and allotment of space is granted to said Walsh & Burney, Inc., hereinafter termed Contractor, upon the following express conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of the space hereby allotted, on the northwest, north, and east boundaries of said space situated on Eighth Street, beginning at the northwest point of the east curb line on Congress Avenue and ending at the northeast point of the south curb line on Eighth Street at the intersecting

line of the alley, a substantial solid board fence, at least 8 feet in height, of such a permanent nature that it can be removed only by wrecking.

2. That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, and beginning at the curb line west of the northwest corner of the Majestic Theatre Building and running westerly, northerly and northeasterly along the boundaries hereinabove described, to the northwest point of the east curb line of Congress Avenue, at Eighth Street, a board walk not less than four feet in width, with walls on each side thereof not less than  $7\frac{1}{2}$  feet in height, and a roof, the last dimension to be measured from the floor to the roof over said board walk. The floor of said walk shall be not less than 6 inches nor more than 12 inches above the street pavement, and shall be constructed of at least  $\frac{3}{4}$  inch boards, supported with a sufficient number of joists to prevent sagging. The east wall of said walk shall be boarded solid with at least  $\frac{3}{4}$  inch boards from the floor to the roof. The west wall of said walk shall be boarded with at least  $\frac{3}{4}$  inch board to a height of four feet. The roof over said walk shall be constructed with not less than two-inch thick boards, supported by 2"x4" boards, not more than five feet on centers, these to be supported by 2"x4" posts.

3. That the Contractor may maintain openings in the walls only on the east side and north side for the ingress and egress of trucks and materials, and only one opening will be allowed on the north side, at which shall be erected a door of the sliding type, which shall not swing out toward the street, and a guard must be kept at this opening at all times while opened, and all traffic leaving through this opening shall go east on Eighth Street.

4. That no vehicles shall be unloaded by the Contractor while parked either on Congress Avenue or Eighth Street, but all of the Contractor's materials must be unloaded within the space hereby allotted.

5. That a substantial and adequate barricade, to be approved by the City Manager, must be erected and maintained along the alley lying immediately east of Lots 5 and 6 in said block.

6. That the Contractor shall provide and maintain on the board walk hereinabove described at least six 50 watt electric lights, which shall be kept lighted during all periods of darkness.

7. That all the barriers hereinabove described must first be constructed and approved by the City Manager before any excavation is made in the sidewalks or material is stored or work done within the space hereby allotted and granted to said Contractor.

8. That the Contractor shall make sufficient bond in the sum of \$25,000.00, to indemnify the City of Austin against all damages to persons or property arising by virtue of the privileges hereinabove granted.

9. That the Contractor must remove all fences, barricades, walks, materials, and other obstructions from the streets and alleys immediately after the necessity for their existence in said streets and alley has ceased, such time to be determined by the City Manager, and shall restore said streets and alley to as good condition as same existed before the use of space hereby granted to the Contractor.

Councilman Mueller moved the adoption of the above resolution. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, and Steck, 3; nays, none, Councilmen Pannell and Reed absent.

The bond of Walsh & Burney, Inc., in the amount of \$25,000.00, was received and filed.

Councilman Mueller 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, Mayor McFadden, Councilmen Mueller, and Steck, 3; nays, none, Councilmen Pannell and Reed absent.

The Council then recessed.

Approved: *J. M. Fadden*  
Mayor.

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 26, 1928.

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.

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same. 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.

Prof. J. E. Pearce of the University of Texas appeared before the Council and asked permission to do some archeological research work in the vicinity of Barton Springs. The Council advised Prof. Pearce that his request would be granted if such work were done under the supervision of the City Manager, and requested that he make formal application in writing to the Council for this privilege.

A letter from Travis Post No. 76 of the American Legion, in the interest of better traffic regulations, was read and Councilman Reed moved that the communication be received and filed and the thanks of the Council be extended to this organization for their interest and co-operation in the matter. 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.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Austin Gas 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,