

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 9, 1928

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

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

John H. Biggs, Jr., through his attorney, Sam B. Dickens, asked permission of the Council to erect an all steel building in the rear of his premises at 1007 Congress Avenue. Mayor McFadden moved that said location being in the fire limits, the matter be referred to the City Attorney for his legal opinion and report to the Council. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, and Steck, 3; nays, Councilman Mueller; absent, Councilman Reed.

Mayor McFadden laid before the Council the following resolution:

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

THAT the sum of One Hundred Ninety-five Dollars (\$195.00) be and the same is hereby appropriated out of the Water and Light Fund of the City of Austin for the purpose of paying H. P. N. Gammel in full for his damages occasioned by an overflow of his store on December 6th, 1927, on account of a diversion of water from the alley in the rear thereof; and

THAT a warrant issue therefor in favor of said H. P. N. Gammel for above amount in full payment for such damages.

Councilman Mueller moved the adoption of the above resolution. 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.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground conduit 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 the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground conduit in the following streets:

FIRST: - Beginning at a point which is S 19° W 320 feet from the south end of the Colorado River Bridge and which point is also S 71° E 22 feet from the center line of Congress Avenue;

Thence in a generally southerly direction using a reverse curve about 50 feet to a point which is S 19° W 370 feet from the south end of the Colorado River Bridge and which point is S 71° E 16 feet from the center line of Congress Avenue;

Thence 16 feet distant from and parallel to the center line of Congress Avenue S 19° W to a point which is N 19° E 351 feet from the north line of Nellie Street and which point is 16 feet S 71° E from the center line of Congress Avenue;

Thence in a generally southerly direction using a reverse curve about 158 feet to a point which is 212 feet N 19° E from the south line of Nellie Street and which point is 20 feet west of the center line of Congress Avenue;

Thence 20 feet distant from and parallel to the center line of Congress Avenue S 19° W 222 feet to a point which is 10 feet S 19° W from the south line of Nellie Street and which point is 20 feet west of the center line of Congress Avenue;

Thence in a generally southerly direction using a reverse curve to a point which is 151 feet S 19° W of the south line of Nellie Street and which point is S 71° E 21 feet from the center line of Congress Avenue;

Thence 21 feet distant from and parallel to the center line of Congress Avenue S 19° W to the south line of Monroe Street;

SECOND: Beginning at a point on the west side of Guadalupe Street at or about the south line of 29th Street, said point being about 5 feet west of the west face of the east curb of Guadalupe Street and being further evidenced by the existing manhole which has been constructed by the Southwestern Bell Telephone Company;

Thence running in a generally northerly direction about 77 feet using a curved line, to a point which is 26.4 feet west of the east line of Guadalupe Street and which point is also 12 feet north of the north line of that section of 29th Street which runs westerly;

Thence about N 30° E 26.4 feet distant from and parallel to the east line of Guadalupe or 3½ feet distant from and parallel to the west rail of the Austin Street Railway Company to a point which is about S 60° E from that section of 30th Street which runs westerly.

THAT the work and laying of said conduits, including the excavation of the streets and the restoration and maintenance of said streets after said conduits have been laid, shall be under the supervision and direction of the City Manager.

Councilman Pannell moved the adoption of the above resolution. 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.

Mayor McFadden laid before the Council the following communication:

"Austin, Texas, February 6, 1928.

Honorable City Commission,
Austin, Texas.

Dear Sirs:

This is to request permission for the Department of Anthropology of the University to explore the east bank of Barton Creek from the bridge to the spring for evidences of the old Texas Indian life which may be found buried in the earth along that bank.

I am doing work in Texas archeology with funds of the Rockefeller Foundation for the purpose of discovering all evidences of the old Indian life in Texas and of getting such evidence together in a consistent printed account, as explained to your Honorable body orally at a recent meeting.

I shall take care, if this request is granted, to see that no injury is done to the lands explored from a standpoint of their future use for park purposes, and shall be glad to advise with the City Engineer, while doing my work, to that end.

Yours very sincerely,

(Sgd) J. E. Pearce,
Professor of Anthropology.

Mayor McFadden moved that the above request be granted. 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.

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,

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

THAT Austin Gas Company be and same is hereby permitted to lay and construct gas mains in and under the following streets:

A four (4") gas main on Newning Avenue from the north property line of East Monroe Street to the east property line of Hillside Avenue; said gas main to be nineteen (19) feet east of and as near parallel as is practical to the west property line of Newning Avenue and said main to be placed under all existing storm sewers and covered not less than eighteen (18) inches at all points.

A six (6") inch gas main on Guadalupe Street from a point forty-six (46) feet S.W. of the northeast curb line of Guadalupe Street and approximately fifty-eight (58') feet east of the west curb line of Nueces Street, in the intersection of Guadalupe and Nueces Streets to a point in East 29th Street approximately twenty-two (22') feet south of the north property line of said East 29th Street and Twenty-four (24') feet west of the west property line of Guadalupe Street; said main to be placed forty-six (46') feet west of the east curb line of Guadalupe Street, being parallel to said curb line, and said main to be placed under all storm sewers where found, and to have a covering ranging from two (2) to four (4) feet.

THAT the work and laying of said gas mains, including the excavation of 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.

Councilman Mueller moved the adoption of the above resolution, 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.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it having been made known to the City Council of the City of Austin that by deed dated August 23rd, 1850, and recorded in Volume 49, at page 86, Deed Records of Travis County, Texas, Fred Sterzing, as Tax Collector of the City of Austin, conveyed to the said City lots Nos. 1 to 20, in Block No. 1 of the Subdivision of Outlot No. 18, Division "O" in the City of Austin, in satisfaction of the city taxes due thereon for the year 1879; and that by deed dated February 3rd, 1881, the said Fred Sterzing, as City Tax Collector, conveyed to the said City of Austin part of Block No. 18, in Division "O" of said City in satisfaction of the city taxes due thereon for the year 1873; and

WHEREAS, it having been further made known to the City Council that the taxes and costs to satisfy which said conveyances were made, were paid by N. G. Shelley, who claimed to be the owner of said property and that by deed dated December 14th, 1892, and recorded in Volume 105, at page 576 of the Deed Records of Travis County, Texas, John McDonald, then Mayor of said City, in consideration of said payment conveyed said property to the said N. G. Shelley and that it was erroneously recited in said deed that said property had been conveyed to the City of Austin in satisfaction of the taxes due for the years 1879 and 1880, and it is desired and requested that a new deed be executed by the proper authority correcting the said erroneous recitals in said deed, and the City Council of the City of Austin finds that said correction should be made;

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

THAT Adam R. Johnson, City Manager, in addition to the general authority vested in him by Ordinance heretofore duly passed to execute conveyances in behalf of the City of Austin, be and he is hereby authorized to execute in behalf of the City of Austin a quitclaim deed to N.G.Shelley and his assigns, correcting the erroneous recitals in said deed from

John McDonald, Mayor, to the said N. G. Shelley.

Councilman Steck moved the adoption of the above resolution. 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.

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 the plans of said building contemplate the use of the space under the sidewalks on Congress Avenue and Eighth Street, abutting on said property; and in order to effect such user, it will become necessary to excavate in and under the present sidewalks, and to construct in lieu thereof other sidewalks adequate for pedestrian traffic: therefore,

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

1. THAT WALSH & BURNEY, INC. as the contractor, and Ernest Nalle as the owner, of said building, be granted the privilege to excavate in and under the sidewalk on Congress Avenue abutting Lots 5 and 6, and in and under the sidewalk on Eighth Street abutting Lot 6, in Original Block 84, City of Austin, to the proper depth contemplated in the plans and specifications of said building, and that thereafter said Ernest Nalle, as the owner of said building, and his successors and assigns, may occupy and use the space under said sidewalks, subject to the terms and limitations hereinafter set forth.

2. THAT the above privileges are granted to said Walsh & Burney, Inc. and to said Ernest Nalle, upon the following express terms and conditions:

(1) That said Walsh & Burney, Inc. shall construct, in lieu of the sidewalks now existing at said places, sidewalks in accordance with the present sidewalk and curb ordinances, in so far as applicable, and with lines to be furnished by the City Engineer, containing the width from the lines heretofore agreed upon to designate the location of said building, to the outer face of the curb lines as follows: the west face of the curb line on the east side of Congress Avenue opposite said Lots 5 and 6 shall be 46.64 feet east of and parallel to the established center line of Congress Avenue, and the north face of the curb line on the south side of Eighth Street opposite said Lot 6, shall begin 27.24 feet south of the center line of Eighth Street where the east line of Congress Avenue intersects Eighth Street, and shall run in a straight line to a point which is 25.66 feet south of the center line of Eighth Street where the west line of the alley lying between Congress Avenue and Brazos Street intersects Eighth Street.

(2) That the sidewalks shall be constructed in accordance with the following specifications: The edge of the sidewalks adjacent to the building shall be supported with girders and columns of sufficient sizes and reinforcement to carry the dead weight of the sidewalk slab, a live load of 250 pounds per square foot over the sidewalk and any superimposed dead or live loads over said supporting girders and columns, to the sidewalk or building foundations. The sidewalks shall be constructed of reinforced concrete slabs of at least 7½ inches in thickness and reinforced with 5/8 inch round reinforcing bars, spaced not more than 8 inches center to center. The outside edge of the sidewalks shall be supported and the earth under the streets held back with reinforced concrete

retaining walls, at least 12 inches in thickness and not more than 10 feet in height, measured from the top of the basement floor to the bottom of the sidewalk slab, and shall be reinforced with $5/8$ inch round main reinforcing bars, not more than 14 inches center to center, and $1/2$ inch round spacer bars, not more than 24 inches center to center, with at least $2-3/4$ inches round reinforcing bars in the base of the retaining wall, running parallel to it. All dimensions and quantities of reinforced concrete and reinforcing steel in the above described construction are based upon the assumption that the concrete shall test at least 2000 pounds per square inch in compressive strength 28 days after pouring, and that reinforcing steel shall test a sufficient tensile strength to give an allowable working stress of 18000 lbs. per square inch.

(3) That said Walsh & Burney, Inc. will be required to change the sidewalk and retaining wall lines where, in the opinion of the City Engineer, it becomes necessary to do so, to allow any pipes, conduits, storm-water intake and the like, to extend east of the Congress Avenue curb line, as set forth, or south of the Eighth Street curb line, as set forth. Where the retaining wall is offset to pass around any of the above described pipes, conduits, and storm-water intakes, a thickness of 12 inches in the wall shall be maintained, which same to be reinforced with $5/8$ inch round reinforcing bars, spaced not more than 14 inches, center to center. Where the sidewalk slab passes over any pipes, conduits, storm-water intakes, and the like, the same shall be supported by beams or other supporting members of ample size and proper reinforcement to carry the dead and live load anticipated in the sidewalk design to the footings or retaining wall foundations, without placing a strain upon any pipes, conduits, storm-water intakes, and the like.

(4) That the sidewalks herein specified and provided for shall be completed by said Walsh & Burney, Inc., in accordance with said specifications, and to the full satisfaction and approval of the City Manager of the City of Austin, not later than April 15, 1928, and that same shall be opened for public traffic at such time thereafter as may be determined by the City Manager. If at any time before the sidewalks are constructed, the work of erecting the building is abandoned, said Walsh & Burney, Inc., by the acceptance and employment of the privileges herein granted, nevertheless obligates itself, as expressed in its separate written agreement with the City of Austin, to construct the sidewalks to completion within the time above specified and according to the above specifications, irrespective of the fact that building activities may have ceased; and in event that building activities have ceased, said Walsh & Burney, Inc., shall, in addition, construct a reinforced concrete guard-rail, not less than $4\frac{1}{2}$ feet in height, along the west, north and east property lines of said Lots 5 and 6, in Block 84, the design of said guard-rails to be approved by the City Manager.

(5) That the use and enjoyment of the spaces herein granted, shall not be exclusive as against the public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said spaces at any time with its public utilities, or for other necessary public purposes.

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

Mayor McFadden laid before the Council the following:

"Austin, Texas, February 9, 1928.

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

Dear Sir:

Request is respectfully made for grade lines to lower the curb for use of a drive-in tire station at 1305 Lavaca Street, for the approximate distance of about 40 feet in front of the building. A sketch of the building is herewith enclosed.

Very truly yours,

(Sgd) Joseph Goodman,
By Sansing E. Shaw.

P.S. Permit has been issued to cover improvements and building moved back 20 feet, as per sketch. "

"Austin, Texas, February 9, 1928.

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

Dear Sir:

In accordance with your request, we have made an investigation of the application of Joseph Goodman for the use of sidewalk space for a drive-in tire station at 1305 Lavaca Street. His sketch proposes the use of about 40 feet adjacent to the alley. We recommend that we keep the usual reserve of not less than five feet of protected area adjacent to the alley and that as much of the balance of the sidewalk area be granted to the owner of the property for the purposes set forth as may be deemed proper by the Council, and that this grant shall be subject to presentation of plans of the proposed use of the sidewalk to be approved by the City Engineer before actual construction is begun.

Yours very truly,

SAFETY COMMITTEE,

By J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer;
J. B. Rector, City Attorney."

Councilman Pannell moved that the request be granted, subject to the above recommendations of the Safety Committee. 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.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Lot 1, out of the Subdivision of 2½ acres on the west side of Outlot 8, Division "C", Pickle Addition, was assessed for taxation in the name of G. L. Peterson for the year 1926, at a valuation of \$1425.00; and

WHEREAS, it appears that the valuation of said property was fixed by the Board of Equalization for the year 1927 at \$845.00; and this fact and other facts have shown the City Council that the valuation fixed for the year 1926 is excessive and should be corrected; therefore,

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

THAT the valuation for taxing purposes for the year 1926 of the property hereinabove described be changed from \$1425.00 to \$845.00, and that the City Tax

Assessor & Collector change his rolls accordingly and take credit therefor.

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

Mayor McFadden laid before the Council the following:

"Austin, Texas, February 6, 1928.

City of Austin,
City Manager,

Dear Sir:

I am requesting a permit for a filling station and garage to be built at 3016 Guadalupe Street, the pumps are to set back ten feet from the property line, with a 30-foot drive-way off of Guadalupe Street.

Yours truly,
(Sgd) E. M. Ashford."

"Austin, Texas, February 7, 1928.

Hon. Mayor & City Council,

Gentlemen:

We, your committee on the application of E. M. Ashford asking for permission to erect a drive-in gasoline filling station at 3016 Guadalupe Street, beg leave to report as follows:

We, the committee, recommend that this permission 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. Building plans to be submitted to Engineering Department for approval before permit for buildings is issued.
2. 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 State and City regulations governing such installations.
3. That gasoline tanks, 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 manner obstruct the sidewalks, streets or alleyway.
4. That electric lights only shall be used, and all electric wiring shall be installed in accordance with regulations governing the wiring of gasoline filling stations.
5. That "NO SMOKING" signs shall be prominently displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is handled.
6. That there shall be kept in an accessible place at all times at least one chemical fire extinguisher, same to be kept in working order.
7. That provision shall be made to take care of all waste oils and water, by having the proper connections with storm or sanitary sewer. Connection to be made under the supervision of the Engineering Department.
8. That permission shall be granted subject to the above conditions, and the present and future rules, regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling 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 the said E. M. Ashford has failed and refused, and will continue to fail and refuse to perform and observe any such conditions, regulations and ordinances.

(Sgd)

J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer;

Safety Committee. "

Councilman Pannell moved that the foregoing application be granted, subject to the recommendations of the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution, which had been read at the last regular meeting and laid over:

ORDERING THE IMPROVEMENT OF THE CERTAIN ALLEYS
HEREINAFTER NAMED IN THE CITY OF AUSTIN, TEXAS;
APPROVING AND ADOPTING BID, CONTRACT AND BOND
THEREFOR; AND APPORTIONING THE COSTS OF SUCH
IMPROVEMENTS.

WHEREAS, it is deemed necessary to improve the following alleys of and within the City of Austin, within the following limits, to wit:

- (1) The alley lying between Second Street and Third Street and Colorado Street and Lavaca Street;
- (2) The alley lying between Fourth Street and Fifth Street and Colorado Street and Lavaca Street;
- (3) The alley lying between Fifth Street and Sixth Street and Colorado Street and Lavaca Street;
- (4) The alley lying between First Street and Second Street and Congress Avenue and Brazos Street;
- (5) The alley running east and west and lying between Tenth Street and Eleventh Street and Congress Avenue and Brazos Street;
- (6) The alley running north and south and lying between Congress Avenue and Brazos Street and Tenth Street and the alley running east and west in Block 123;
- (7) The alley running north and south and lying between Tenth Street and Eleventh Street and Congress Avenue and Colorado Street;
- (8) The alley lying between Fourth Street and Fifth Street and San Jacinto Street and Trinity Street;
- (9) The alley lying between Ninth Street and Tenth Street and Guadalupe Street and Lavaca Street;
- (10) The alley lying between Guadalupe Street and San Antonio Street and Twenty-second Street and Twenty-third Street; and

WHEREAS, the City Engineer has heretofore filed with the City Council complete specifications for the performance of said work, by paving said alleys with six inch (6") reinforced concrete pavement; and

WHEREAS, Dozier Construction Company and other parties have heretofore filed with the City Council their bids to do said work, in accordance with said specifications, and the bid of said Dozier Construction Company for said work is at the following prices, to wit:

EXCAVATION

Solid rock excavation for Two Dollars (\$2.00) per cubic yard;

Unclassified excavation to include loading into wagon or free haul up to 250 linear feet for Fifty Cents (50¢) per cubic yard;

Excavation hauled not to exceed 1500 linear feet for Seven Cents (07¢) per cubic yard;

Excavation hauled extra quarter mile in excess of first 1500 linear feet for Six Cents (.06¢) per cubic yard.

ALLEY PAVING

One course concrete pavement complete in place for One and 62/100 Dollars (\$1.62) per square yard;

Excavation hauled each extra quarter mile further than the first 1500 feet for Eight Cents (\$.08¢) per cubic yard per quarter;

Longitudinal expansion joints furnished complete in place for Ten Cents (\$.10¢) per linear ft.

Solid rock excavation for Two Dollars (\$2.00) per cubic yard;

Steel reinforcement mesh furnished and placed for Eight and One-half Cents (\$.08½¢) per pound;

Steel reinforcing bars furnished and placed for Four and One-half Cents (\$.04 $\frac{1}{2}$) per pound; and

WHEREAS, all of said bids for said work were formerly opened by the City Council on October 13, 1927, and thereafter on October 15, 1927, the bid of Dozier Construction Company, as above set out, was found to be the lowest and best bid therefor, and same was duly accepted by the City Council; and

WHEREAS, the City Attorney has prepared the contract for said work between the City of Austin and said Dozier Construction Company and also a bond for the proper construction of said work by said Dozier Construction Company, with National Surety Company, as surety, and in accordance with the authority of the City Council, the City Manager and said Dozier Construction Company have executed said contract, and said Dozier Construction Company and National Surety Company have executed said bond, and same has been tendered to the City by said Company; therefore,

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

- (1) That each of the said alleys hereinabove mentioned and within the limits hereinabove specified, be improved by paving the same with reinforced concrete pavement, of six inch thickness, with necessary excavations in said alleys, as set forth in said specifications;
- (2) That said specifications for said work, as prepared by the City Engineer, be and the same are hereby adopted and confirmed, and that the bid of Dozier Construction Company to perform said work be and the same is hereby accepted and ratified, and said work be let to said Company; and that the contract, as prepared and submitted by the City Attorney for the performance of said work, and as executed by the City Manager and said Company, be and the same is hereby approved and adopted; and that the bond as submitted by the City Attorney and executed by said Company and National Surety Company, as surety, be and the same is hereby approved and National Surety Company is accepted as the surety thereon.
- (3) That the cost of said improvements in and on said alleys hereinabove mentioned shall be paid as follows, to wit: The City of Austin shall pay to said Dozier Construction Company the whole cost of excavation in said alleys, preparatory to the pavement thereof, and the remainder of the cost of said improvements shall be paid by the owners of the property abutting on said alleys, and such costs shall be assessed against said owners in accordance with the charter and ordinances of the City of Austin, provided, that no assessment shall be made against any owner or his property in excess of the actual benefits to said property in enhanced value by means of said improvements, nor until after notice and hearing to said owner, as provided by said charter and ordinances.
- (4) That the payments to said Dozier Construction Company for the performance of said work hereinabove specified, shall be made in accordance with the terms of the certain contract hereinabove mentioned.
- (5) That this resolution shall remain on file with the City Clerk for public inspection for one week before the final passage or adoption thereof, and shall then be finally adopted.

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

Councilman Pannell laid before the Council the following resolution:

WHEREAS, a proposition for the rehabilitation of the Austin Dam was submitted to the City Council of Austin in 1925 when the City Government was controlled by a former administration, and after consideration by them, assisted by a committee of citizens and members of the Chamber of Commerce, accepted by said former administration; and

WHEREAS, the present administration rescinded that act and ordinance passed by said former administration, expressing as their reason for such action a desire to secure a more advantageous offer of contract; and

WHEREAS, a more advantageous offer of contract was obtained through the efforts of a Council-Citizens Committee associated with expert advice, which offer of contract was rejected because of an expressed desire on the part of the City Council to invite competition; and

WHEREAS, the time seems opportune for the city to secure competition in the rehabilitation of the dam;

NOW, THEREFORE,

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

THAT we invite bids for the rehabilitation of the dam, compensation for which shall be paid through wholesale rates for power over a period sufficiently long for the power generated by said dam to repay the costs of such rehabilitation.

Councilman Steck then offered as a substitute for Councilman Pannell's resolution, the following resolution:

WHEREAS, the City Council of the City of Austin, in its deliberation regarding the rehabilitation of the Austin Dam and the possibility of securing an advantageous contract for the supplying of electric power to said city, desires to continue an open mind with reference to all proposals that may be submitted relating thereto, but deems it of vital importance to have fair and active competition between such parties as might be desirous of presenting proposals to the City for the accomplishment of these purposes; and

WHEREAS, it is the desire of the City Council to pursue these matters to a definite conclusion as vigorously and energetically as is consistent with good business judgment and to the best interests of the City, now and hereafter and

WHEREAS, without having first determined with some degree of accuracy the general status of the rights and responsibilities of the respective interests in the now existing structure across the Colorado River and the franchise appertaining to said structure, any such competition could not be had; therefore,

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

THAT the City Attorney be directed to immediately investigate and advise the City Council as to the respective rights, title and interest and the legal responsibilities and duties, several and related, of the City of Austin and the Austin Dam, Inc., and its assigns in and to the Austin Dam and the franchise granted in connection therewith; and thereupon the City Attorney shall return to the City Council his conclusions as to the procedure necessary to enforce and determine any such rights and responsibilities, to the end that

all the matters involved be promptly and intelligently disposed of.

Councilman Mueller moved that the above substitute resolution be adopted. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, and Steck, 3; nays, Councilman Pannell; absent, Councilman Reed.

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

The Council then recessed.

Approved: J. M. Fadden
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 16, 1928.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; absent, none.

The Minutes of the last meeting were read and Councilman Mueller moved the adoption of same. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

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

That the fine in each of the following causes, convicted in the Corporation Court of the City of Austin for violation of the Parking Ordinances having been paid, the costs in each of said causes be and the same are hereby remitted:

No. 24437 - M. O. Dolan - one hour parking;
No. 24266 - C. M. Johnson - midnight parking;
No. 24296 - R. L. Slaughter - one hour parking.

Councilman Pannell 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, Pannell, Reed, and Steck, 5; nays, none.

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 street and alleys 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: