

Councilman Reed moved that the use of the grounds at Barton Springs as a tourist camp be discontinued. 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: *P. H. McFadden*
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 4th, 1929.

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

The regular order of business was suspended in order to hear the protest of a large committee present against the erection of a filling station on the corner of 41st and Speedway.

Councilman Mueller then moved that the application of L. B. Burnette to erect such filling station at 41st and Speedway be refused. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

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

Mayor McFadden moved that Architect Kuehne be directed to include a diet kitchen in the new hospital building for Negro and Mexican patients, at an approximate cost of \$325.00. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

A communication from the Tax Assessor & Collector, showing that the property of the University Park Addition, consisting of fifty-seven lots and parts of lots, in order to be equalized with other property, should be assessed at a valuation of \$12,080.00, full value, for the years 1927 and 1928, ^{was read} and Councilman Mueller moved that the recommendation of the Tax Assessor & Collector be adopted, and that he be authorized to change his rolls accordingly. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

A communication from A. H. Schneider, protesting against the contemplated change

in the course of Waller Creek, was read and the matter taken under advisement.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, a great deal of permanent improvement is in prospect in the territory included between Elizabeth and Johanna Streets, Newton and Breckenridge Streets; and

WHEREAS, the City Engineer has made definite recommendations for the location of curb lines in said territory and has presented a map showing said recommendations; and

WHEREAS, the City Council has considered said recommendations and map; Therefore,

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

THAT the following widths between curbs and the location of the face of the curbs shall hereafter be as follows:

That the width between the face of curbs on Elizabeth Street, from Eva Street to Breckenridge Street shall be 30 feet and that the south face of the north curb shall be 15 feet north of and parallel to the center line of Elizabeth Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Elizabeth Street.

That the width between the face of curbs on Monroe Street, from Newton Street to Breckenridge Street, shall be 30 feet and that the south face of the north curb shall be 15 feet north of and parallel to the center line of Monroe Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Monroe Street.

That the width between the face of curbs on Milton Street, from Newton Street to Congress Avenue, shall be 30 feet and that the south face of the north curb shall be 15 feet north of and parallel to the center line of Milton Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Milton Street.

That the width between the face of curbs on Milton Street, from Congress Avenue to Breckenridge Street, shall be 30 feet and that the south face of the north curb shall be 12½ feet north of and parallel to the center line of Milton Street and that the north face of the south curb shall be 17½ feet south of and parallel to the center line of Milton Street.

That the width between the face of curbs on Annie Street, from Newton to Breckenridge Streets, shall be 27 feet and that the south face of the north curb shall be 12 feet north of and parallel to the center line of Annie Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Annie Street.

That the width between the face of curbs on Mary Street, from Newton to Breckenridge Streets, shall be 27 feet and that the south face of the north curb shall be 12 feet north of and parallel to the center line of Mary Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Mary Street.

That the width between the face of curbs on Johanna Street, from Newton to Breckenridge Streets, shall be 30 feet and that the south face of the north curb shall be 15 feet north of and parallel to the center line of Johanna Street and that the north face of the south curb shall be 15 feet south of and parallel to the center line of Johanna Street.

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

A petition signed by the merchants and property owners on East Sixth Street from Brazos to San Jacinto Streets, asking that the one hour parking law apply to this street, was read and Mayor McFadden moved that the City Attorney be directed to prepare ordinance covering this territory. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it appears from the attached report of C. P. Ledbetter, Deputy Tax Assessor & Collector, that the improvements on the South eight (8) feet of Lot No. 4, and forty-two (42) feet of Lot No. 5, Block No. 7, Outlot 76, Division "D", Plat 72, Hillview Addition, City of Austin, belonging to Travis Woodland, were raised by the Tax Office for the year 1928 from a valuation of \$1050.00 to \$1250.00, and said Travis Woodland having failed to receive notice of this raise, did not appear before the Board of Equalization to protest same; and

WHEREAS, it further appearing from the statement of said Deputy Tax Assessor & Collector that this property is assessed at a higher valuation than adjoining property;

Therefore,

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

That the improvements on said above described property be and the same are hereby reduced from \$1250.00 to \$1050.00 for the year 1928, and the Assessor & Collector is hereby authorized to change his rolls accordingly.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck 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 main 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 the same is hereby permitted to lay and construct its gas mains in the following streets;

(1) A 4 inch main on Avenue "C", beginning at a point 45 feet south of and 23 feet west of the intersection of the south line of West Forty-second Street and the east line of Avenue "C";

Thence Northerly along a line 23 feet distant from and parallel to the east line of Avenue "C" to a point 133 feet north of the north line of West Forty-second Street;

Thence easterly 3 feet along a line 133 feet distant from and parallel to the north line of West Forty-second Street, said gas main to have a cover of not less than 1½ feet.

(2) A 4 inch gas main on San Antonio Street, beginning at a point on the north line of West Third Street, said point being 32 feet west of the east line of San Antonio Street;

Thence northerly on San Antonio Street, along a line 32 feet distant from and parallel to the east line of San Antonio Street to a point on the existing West Sixth Street main, said point being 26 feet south of and 32 feet west of the intersection of the north line of West Sixth Street and the east line of San Antonio Street, said gas line to have a cover of not less than 2 feet.

(3) A 4 inch gas main in the Alley between West Third Street and West Fourth Street, beginning at a point 24 feet west of and 14 feet north of the intersection of the east line of Guadalupe Street and the south line of said Alley

Thence easterly along a line 14 feet distant from and parallel to the south line of said alley to the east line of Colorado Street, said gas main to have a cover of not less than 1½ feet.

(4) A 4 inch gas main on Canterbury Street, beginning at a point 30 feet east of and 19 feet south of the intersection of the east line of Chicon Street and the north line of Canterbury Street;

Thence westerly along a line 19 feet distant from and parallel to the north line of Canterbury Street to a point 24 feet west of the east line of Chicon Street;

Thence southerly 8 feet on Chicon Street along a line 24 feet distant from and parallel to the east line of Chicon Street to a point 19 feet south of the north line of that part of Canterbury Street that is west of Chicon Street;

Thence westerly on Canterbury Street along a line 19 feet distant from and

parallel to the north line of Canterbury Street to a point on the east line of Chalmers Street, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(5) A 4 inch gas main on Harper Lane, beginning at a point 345 feet north of and 22 feet east of the intersection of the north line of Riverside Drive and the west line of Harper Lane;

Thence northerly along a line 22 feet distant from and parallel to the east line of Harper Lane to a point in Edgecliff Street, said point being 19 feet south of and 22 feet east of the intersection of the north line of Edgecliff Street and the west line of Harper Lane, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(6) A 4 inch gas main on Edgecliff Street, beginning at a point 19 feet south of and 22 feet east of the intersection of the north line of Edgecliff Street and the west line of Harper Lane;

Thence easterly on Edgecliff Street 565 feet along a line 19 feet distant from and parallel to the north line of Edgecliff Street, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(7) A 4 inch gas main on San Marcos Street, beginning at a point 23 feet north of and 17 feet east of the intersection of the south line of Holly Street and the west line of San Marcos Street;

Thence southerly along a line 17 feet distant from and parallel to the west line of San Marcos Street to the south line of Lambie Street, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(8) A 4 inch gas main on Lambie Street, beginning at a point 17 feet east of and 17 feet south of the intersection of the west line of San Marcos Street and the north line of Lambie Street;

Thence westerly along a line 17 feet distant from and parallel to the north line of Lambie Street to a point 50 feet west of the east line of East Avenue, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(9) A 4 inch gas main on East Avenue, beginning at a point 17 feet south of and 50 feet west of the intersection of the north line of Lambie Street and the east line of East Avenue;

Thence northerly along a line 50 feet distant from and parallel to the east line of East Avenue to the south line of Holley Street, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

(10) A 4 inch gas main on South Side Drive, beginning at a point 24 feet north of and 50 feet east of the intersection of the south line of South Side Drive and the east line of Drake Avenue;

Thence easterly along a line 24 feet distant from and parallel to the south line of South Side Drive to a point 25 feet east of the west line of Ravine Drive, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

Before beginning construction of this line, the Austin Gas Company is required to have this line shown its workmen by the City Engineer's Office, making this request for alignment at least 3 days before the beginning of construction.

(11) A 4 inch gas main on Ravine Drive, beginning at a point 24 feet north of and 15 feet west of the intersection of the south line of South Side Drive and the east line of Ravine Drive;

Thence northerly 500 feet along a line 15 feet distant from and parallel to the east line of Ravine Drive, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

Before beginning construction of this line, the Austin Gas Company is required to have this line shown its workmen by the City Engineer's Office, making request for alignment at least 3 days before the beginning of construction.

(12) A 4 inch gas main on Trinity Street, beginning at a point 25 feet south of and 17 feet west of the intersection of the north line of East Nineteenth Street and the east line of Trinity Street;

Thence northerly on Trinity Street along a line 17 feet distant from and parallel to the east line of Trinity Street to the south line of Loomis Street, said gas main to have a cover of not less than $1\frac{1}{2}$ feet.

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 main has 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 Reed, 4; nays, none, Councilman Steck absent.

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

ORDINANCE DECLARING THE NECESSITY FOR, AND ORDERING AND PROVIDING FOR, THE IMPROVEMENT OF A PORTION OF WEST FIRST STREET AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING CONTRACT AND BOND AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

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

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

Mayor McFadden laid before the Council the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF EAST ELEVENTH STREET AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

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

City Manager Johnson laid before the Council an outline of plans for the buildings at Barton Springs to house the keeper of the park and the concessions, the approximate cost of same to be Eight Thousand Dollars (\$8,000.00). Councilman Reed moved that the City Manager be directed to go ahead with the plans as submitted by him. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, by virtue of an election held in the City of Austin, Texas, on the 1st day of April, A. D. 1929, for the purpose of electing five councilmen, the official returns from the election officials certified and showed, and thereafter a canvass of said returns by a committee appointed by the City Council to canvass said returns also showed, that the following individuals severally received the vote set opposite their names, respectively, to-wit:

| | | |
|-----------------------------|--------|-------|
| McFadden, P.W. - - - - - | -1,135 | Votes |
| Mueller, Leo, O. - - - - - | -1,131 | " |
| Pannell, V. H. - - - - - | -1,123 | " |
| Reed, Dave C. - - - - - | 1,051 | " |
| Steck, E. L. - - - - - | 1,157 | " |
| Gillis, Simon - - - - - | 186 | " |
| Walker, A. S. - - - - - | 176 | " |
| Luedecke, H. H. - - - - - | 192 | " |
| Parker, J. T. - - - - - | 1 | " |
| Brown, Joe - - - - - | 1 | " |
| Machet, Victor - - - - - | 2 | " |
| Bolm, A. D. - - - - - | 7 | " |
| Wroe, H. A. - - - - - | 3 | " |
| Heierman, W. - - - - - | 7 | " |
| Zilker, A. J. - - - - - | 3 | " |
| Hoople, Major - - - - - | 1 | " |
| Nebb Rudolph - - - - - | 1 | " |
| Gump, Andrew - - - - - | 1 | " |
| Gillis, Thelma - - - - - | 1 | " |
| Walker, Ed - - - - - | 1 | " |
| Zilker, Andrew - - - - - | 2 | " |
| Hart, J. H. - - - - - | 3 | " |
| Richardson, W. H. - - - - - | 4 | " |

| | | |
|---------------------------|---|-------|
| Ross, John C. - - - - | 2 | Votes |
| Baldwin, A. C. - - - - | 2 | " |
| Fromme, Ben - - - - | 1 | " |
| Bowman, J. T. - - - - | 1 | " |
| Davis, T. H. - - - - | 2 | " |
| Miller, C. M. - - - - | 1 | " |
| Bohn, Herman - - - - | 1 | " |
| Walker, A. H. - - - - | 1 | " |
| Dillingham, Bryce - - - - | 1 | " |
| Kunz, Oscar - - - - | 1 | " |

and

WHEREAS, it appears that P. W. McFadden, Leo. O. Mueller, V. H. Pannell, Dave O. Reed and E. L. Steck have received the highest number of votes cast for councilmen at said election;

Now, therefore,

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

That in accordance with said returns as received and canvassed, the following named persons are hereby declared duly elected and authorized to qualify for the positions of councilmen for the term of two years, beginning May 1st, A. D. 1929:

P. W. McFadden;

Leo O. Mueller

V. H. Pannell

Dave O. Reed

E. L. Steck.

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

A communication from M. H. Crockett, protesting against alleged damming of Bouldin Creek by the City of Austin, was read and filed.

Mayor McFadden laid before the Council the following resolution: -

WHEREAS, it has come to the attention of the City Council that the roadway, which extends from Barton Springs Road at a point immediately east of the bridge over Barton Creek and in a northerly direction along the meanders of Barton Creek to a point near the mouth of Barton Creek at the Colorado River, and thence easterly along the meanders of the Colorado River, has been obstructed at a point several hundred feet north of the junction of said road with Barton Springs Road, by the erection of a wire fence across said road; and

WHEREAS, it appears that said road has been used by the public for a period of over fifty years without interruption, until the erection of said wire fence; and on account of such fact of public user, the public has long since acquired an easement along said road and the right to travel without interruption over same, and same has become a public street of the City of Austin; and the City Council has the exclusive control of all public streets and ways within the boundaries of the City of Austin; therefore,

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

THAT the City Manager be and he is hereby directed to cause to be removed said fence from said road, and to open said road for public travel.

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

Mayor McFadden laid before the Council the following resolution:

WHEREAS, the franchise of the Austin Gas Company, granted by the City of Austin, provides that Grantee shall pay to the City annually, as a consideration for said franchise one per centum (1%) of the gross receipts from the sale of all gas and merchandise by Grantee within the limits of the City under said franchise, for the period of five years from the time that said Grantee actually began the delivery of natural gas within the City, and thereafter for the remainder of the term of said franchise, one and one-half per centum (1½%) of such gross receipts; and

WHEREAS, it has become necessary to determine and interpret and agree with Grantee upon the provisions of said franchise with respect to accounting and paying the gross receipts tax on gas and merchandise sold by said Grantee; therefore,

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

SECTION 1. It is agreed by and between the City and the Grantee, as follows:

1. All outstanding accounts for artificial gas and merchandise on the 1st day of March, 1928, and all artificial gas billed during the month of March, 1928, less eight per cent of all of said accounts, shall be deducted from the gross receipts collected for gas and merchandise during the period beginning March 1, 1928, and ending December 31, 1928, and the tax for said period shall be paid on the balance of the gross receipts for merchandise and gas sold within the corporate limits of the City of Austin during said period.
2. That on or after the 1st day of January, 1929, the Austin Gas Company shall keep its books so that they will show separately the amount of merchandise sold and the actual cost of pipe, fittings and labor in making installations, and in order to arrive at the gross receipts tax on collections from merchandise sold for any year there shall be deducted each year from the total cash received for merchandise sold and installation charges for that year, such percentage as the annual actual cost of pipe, fittings and labor for installation bear to the total annual sales of merchandise and actual installation costs including pipe, fittings and labor.
3. The City of Austin is not entitled to receive any gross receipts upon gas sold outside of the corporate limits of the City of Austin, including such persons and institutions as the following: Negro Deaf & Dumb School, State School for Feeble-minded, St. Edwards College, State School for the Blind, and any other persons, firms or institutions similarly situated to which gas is now or may hereafter be furnished, provided, that when any such consumers are taken into the City limits the gross receipts tax shall be paid on gas sold to all such persons or institutions as may be hereafter taken into the corporate limits, from the date when they are so taken in.
4. The gross receipts tax on merchandise shall be paid on all stock, fixtures, or appliances exposed for sale or sold to the general public, but the tax shall not be computed on pipe, fittings and labor which are used in making connections in installing any stove, heater, or burner, or any other appliance for the burning of gas. It being understood that the Austin Gas Company does not carry pipe in stock for sale to the general public, but only for its own use and for making connections as above indicated, but all pipe and fittings that are sold for any other purposes than for making connections or installing a job, shall be accounted for and gross receipts tax shall be paid thereon.
5. The Austin Gas Company does not carry in stock gas burners and thermostats used in connection with gas burners for furnaces, but occasionally order and install the same; and it is agreed that all merchandise or appliances not carried in stock but occasionally ordered for customers shall be included and considered as merchandise, and the gross receipts tax shall be paid on the actual cost to the Austin Gas Company of such appliances, burners, thermostats, etc.

Section 2. THAT the above agreement be evidenced in writing, to be executed by the City and Grantee, and the City Manager be and he is hereby authorized and directed to execute said written contract on behalf of the City.

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

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

The Council then recessed.

Approved:

J. M. Fadden
Mayor.