

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 9, 1929.

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 regular order of business was suspended in order that several waiting committees could be heard.

E. B. Robinson, Agent, was heard with reference to the erection of a funeral home by Weed-Pelphrey at 1200 Lavaca Street. The Council took the matter under advisement.

Mrs. M. L. Bowdoin was heard with regard to the erection of a store building at 2511 Nueces Street. Councilman Reed moved that the matter be taken under further advisement by the Council. 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.

Councilman Mueller moved that, in view of the fact that the terms of James Belger and C. P. Ledbetter as members of the Board of Equalization had not expired and there being no vacancies on such account, the action of the City Council at the meeting held May 2, 1929, in appointing said James Belger and C. P. Ledbetter as members of said Board of Equalization be rescinded, but there having been a vacancy on said Board on account of the expiration of the term of A. W. Townsend, the appointment of said A. W. Townsend to said Board at said meeting, for the term of two years, is hereby confirmed. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

H. F. Kuehne, Vice Chairman, and other members of the Park Board appeared before the Council and submitted a request in writing, asking that certain concessions be granted their organization in the development of the parks and playgrounds program for the City. The matter was referred to the City Attorney to work out the details and submit same to the Council in legal form for action thereupon.

O. D. Dabbs, Agent for the Magnolia Petroleum Company, appeared before the Council and asked that said Company be granted a special permit to place a gasoline pump nearer to the property line than the standard width of ten (10) feet, at their station at 29th and Guadalupe Streets. A report from the Safety Committee recommending that such request be not granted, was then read. Councilman Reed moved that the recommendation of the Safety Committee be adopted and such permit be refused. 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.

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

Councilman Reed was excused from the Council Chamber.

Councilman Mueller moved that the following styled and entitled ordinance, to-wit:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
REPEALING CERTAIN RESOLUTIONS APPROVED
AND ADOPTED BY THE CITY COUNCIL OF SAID
CITY ON MARCH 7, A.D. 1929, WHICH SAID
RESOLUTIONS PURPORTED TO ORDER THE
IMPROVEMENT OF PORTIONS OF EAST ELEVENTH
STREET, EAST FIRST STREET, EAST SIXTH
STREET, DUVAL STREET (2 SEPARATE PORTIONS),
AND THIRTY-FOURTH STREET, RESPECTIVELY, IN
THE SAID CITY OF AUSTIN, AS SHOWN THEREBY,
STATING THE NECESSITY FOR SUCH REPEAL OF
SAID RESPECTIVE RESOLUTIONS: RATIFYING AND
APPROVING CERTAIN ACTS OF THE CONSULTING
ENGINEER: AND DECLARING AN EMERGENCY.

be passed as an emergency measure, and that the rule requiring that no ordinance shall go into effect before the expiration of ten days from the time of final passage, as well as other rules, be suspended with regard to said ordinance. 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.

The above ordinance was then read the first time and Councilman Mueller moved that the rule be suspended and the ordinance placed on its second reading. 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.

The ordinance was then read the second time and Councilman Mueller 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 Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. 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.

The reports of H. R. F. Helland, Consulting Engineer, showing the estimated cost of paving East Eleventh Street and other streets, and West First Street and other streets, were read and ordered filed.

Councilman Mueller moved that the following styled and entitled ordinance, to-wit:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE NECESSITY FOR LEVYING AN
ASSESSMENT AGAINST THE PROPERTY AND THE
OWNERS THEREOF ON PORTIONS OF EAST ELEVENTH
STREET, EAST FIRST STREET, EAST SIXTH STREET,
DUVAL STREET AND THIRTY-FOURTH STREET, IN
THE CITY OF AUSTIN, FOR A PART OF THE COST
OF IMPROVING SAID STREETS 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

be passed as an emergency measure, and that the rule requiring that no ordinance shall go into effect before the expiration of ten days from the time of final passage, as well as other rules, be suspended with regard to said ordinance. 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 foregoing ordinance was read the first time and Councilman Mueller moved that the rule be suspended and the ordinance placed on its second reading. 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.

The ordinance was read the second time and Councilman Mueller 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 Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. 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 resolution:

RESOLUTION OF THE CITY OF AUSTIN,
TEXAS, APPROVING THE CONTRACT AND
BOND WITH L. E. WHITHAM & CO. FOR
IMPROVING PORTIONS OF EAST ELEVENTH
STREET, EAST FIRST STREET, EAST SIXTH
STREET, DUVAL STREET AND THIRTY-FOURTH
STREET, IN THE CITY OF AUSTIN, AND
SETTING ASIDE A FUND TO PAY THE PORTION
OF THE COST REQUIRED BY THE TERMS OF
SAID CONTRACT TO BE PAID BY THE CITY
OF AUSTIN.

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

THAT, whereas, the contract in writing between L. E. Whitham & Company and the City of Austin and the construction bond furnished by L. E. Whitham & Company for the improvement of East Eleventh Street from the east line of San Jacinto Street to the west line of Red River Street, known and designated as Unit or District No. 11; East First Street from the east line of Chicon Street to the east line of Llano Street, known and designated as Unit or District No. 12; East Sixth Street from the west line of Chicon Street to the east line of Perdenales Street, known and designated as Unit or District No. 13; Duval Street from the north line of 29th Street to the north line of 35th Street, known and designated as Unit or District No. 15; Duval Street from the north line of 35th Street to the north line of 45th Street, known and designated as Unit or District No. 16; Thirty-fourth Street from the east line of Speedway to the west line of Duval Street, known and designated as Unit or District No. 18, in the City of Austin, have this day been presented to the City Council for approval; and

WHEREAS, said contract and bond are in proper form and the securities on said bond are good and sufficient;

Now, therefore,

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

THAT said contract and bond be and the same are hereby ratified, adopted and approved; and, further,

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

THAT there be and is hereby set aside out of the proceeds of bonds issued and sold for that purpose now on hand available for street improvements a sufficient sum to pay and defray all that portion of the cost of said improvements required by the terms of said contract to be paid by the City of Austin.

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

Mayor McFadden laid before the Council the following resolution:

RESOLUTION MAKING APPROPRIATION TO PAY THE CITY OF AUSTIN'S PORTION OF THE COST OF IMPROVING A PORTION OF WEST FIRST STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, TO BE IMPROVED BY SOUTHWEST BITULITHIC COMPANY, UNDER CONTRACT WITH THE CITY, AND RATIFYING AND CONFIRMING SUCH CONTRACT, AND THE APPROVAL OF BOND GIVEN IN CONNECTION THEREWITH.

WHEREAS, the City of Austin, Texas, by ordinance heretofore passed has let to Southwest Bitulithic Company a contract for the construction of street improvements on a portion of West First Street and portions of sundry other streets in the City of Austin, Texas, which contract is dated April 19, 1929; and

WHEREAS, a bond securing the performance of said contract was duly given by said contractor and approved and filed; and

WHEREAS, it is proper that provision be made to pay the portion of the cost of such improvements payable by the City of Austin;

THEREFORE,

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

1. THAT said contract entered into between the City of Austin with Southwest Bitulithic Company dated April 19, 1929, is hereby in all things ratified and confirmed, and the approval of said bond is also hereby in all things ratified and confirmed.

2. THAT there be and is hereby appropriated out of the proceeds of the street improvement bonds sold by the City of Austin a sufficient amount of money to pay the City of Austin's portion of the cost of constructing the street improvements on West First Street and sundry other streets provided for in an ordinance heretofore passed by the City of Austin, Texas, and contracted to be made by Southwest Bitulithic Company by contract dated April 19, 1929, on file with the City Clerk of the City of Austin, Texas, and to that end a sufficient amount of the proceeds of the sale of said bonds shall be set aside and kept and held in a sacred fund and applied to the purpose named.

3. THAT this resolution take effect from and after its passage.

The above resolution was adopted 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:

RESOLUTION APPROVING AND ADOPTING ESTIMATE OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF WEST FIRST 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 Six-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:

WEST FIRST STREET from the west property line of Congress Avenue to the west property line of Guadalupe Street, known and designated as Unit or District No. 1, estimated cost of improvements is \$16,340.59. Estimated amount per front foot to be assessed for curb and gutter is \$.70 (70¢). Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$5.034. Total estimated amount per front foot to be assessed against abutting property and its owners is \$5.734.

WEST SECOND STREET from the west property line of Colorado Street to the east property line of Nueces Street, known and designated as Unit or District No. 2, estimated cost of improvements is \$24,141.34. Estimated amount per front foot to be assessed for curb and gutter is \$.70 (70¢). Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$6.912. Total estimated amount per front foot to be assessed against abutting property and its owners is \$7.612.

COLORADO STREET from the north property line of West First Street to the south property line of West Second Street, known and designated as Unit or District No. 6, estimated cost of improvements is \$3796.01. Estimated amount per front foot to be assessed for curb and gutter is \$.70 (70¢). Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$5.264. Total estimated amount per front foot to be assessed against abutting property and its owners is \$5.964.

GUADALUPE STREET from the north property line of West First Street to the north property line of West Fifth Street, known and designated as Unit or District No. 8, estimated cost of improvements is \$18,910.96. Estimated amount per front foot to be assessed for curb and gutter is \$.70 (70¢). Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$6.620. Total estimated amount per front foot to be assessed against abutting property and its owners is \$7.320.

WEST FIFTH STREET from the west property line of Guadalupe Street to the east property line of Nueces Street, known and designated as Unit or District No. 5, estimated cost of improvements is \$11,310.23. Estimated amount per front foot to be assessed for curb and gutter is \$.70 (70¢). Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$6.847. Total estimated amount per front foot to be assessed against abutting property and its owners is \$7.547.

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 23rd day of May, 1929, at 10 o'clock A. M., in the regular Commission 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 Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

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 Twelve Thousand Dollars (\$12,000.00) be and the same is hereby transferred from the General Fund to the Street Improvement Bond Fund; said amount to be repaid the General Fund out of money to be received from the sale of Street Improvement Bonds.

The above resolution was adopted 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:

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

THAT the sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby transferred from the General Fund to the Sanitary Sewer Bond Fund; said amount to be repaid the General Fund out of money to be received from the sale of Sanitary Sewer Bonds.

The above resolution was adopted 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:

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

THAT the sum of Ten Thousand Dollars (\$10,000.00) be and the same is hereby appropriated out of the Water & Light Fund, for the purpose of placing same to the Job Account of the U. G. I. Contracting Company, to be used for the payment of labor and materials in connection with the construction at the Water & Light Plant, under the terms of the contract between the City and said Company.

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

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 Thousand Dollars (\$1,000.00) be and the same is hereby transferred from the General Fund to the Parks and Playgrounds Bond Fund; said amount to be repaid the General Fund out of money to be received from the sale of Parks and Playgrounds Bonds.

The above resolution was adopted 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 the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

A 4 inch gas main on Canterbury Street beginning at a point 140 feet west of and 19 feet south of the intersection of the west line of Mildred 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 the east line of Canadian Street, said gas main to have a cover of not less than 1½ feet.

THAT, whereas, this street has been recently gravelled, that the Gas Company shall prepare their ditch as follows:

That the last 6 inches of fill shall be of fresh gravel of the quality equal to that originally placed in the street.

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.

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 the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A 4 inch gas main on West 34th Street, beginning at a point 16 feet east of and 20 feet south of the intersection of the west line of Cedar Street and the north line of West 34th Street.

Thence westerly 400 feet along a line 20 feet distant from and parallel to the north line of West 34th Street, said gas main to have a cover of not less than 1 1/2 feet.

(2) A 4 inch gas main on San Gabriel Street, beginning at a point 17 feet south of and 23 feet east of the intersection of the north line of West 28½ Street and the west line of San Gabriel Street.

Thence northerly along a line 23 feet distant from and parallel to the west line of San Gabriel Street to the south line of West 29th Street, said gas main to have a cover of not less than two (2) feet.

(3) A 4 inch gas main on Duval Street, beginning at a point 26 feet south of and 17 feet west of the intersection of the north line of West 43rd Street and the east line of Duval Street.

Thence southerly 275 feet along a line 17 feet distant from and parallel to the east line of Duval Street to a point on the existing Duval Street main, said gas main to have a cover of not less than 2 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 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.

Mayor McFadden laid before the Council the application of W. E. McCaleb to erect a gasoline filling and tire station at the corner of West 5th and Lavaca Streets; also the following report of the Safety Committee upon same:

"Austin, Texas, May 9th, 1929.

Hon. Mayor and City Council,
Gentlemen:

We, your committee, on the application of W. E. McCaleb, asking permission to install and operate a drive-in gasoline filling station at the N. W. corner of Fifth and Lavaca Streets, make the following report:

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, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. 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 City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline 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 sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having the station designed in such a manner that all waste oils and water shall concentrate into a catch basin and trap and that the water shall be carried from said trap or traps to the storm sewer in the city street and that the storm sewer between the property line and the existing storm sewer shall be made by city forces at the expense of the applicant.
9. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector and a special plumbing permit must be secured by the party or firm making said installation.
10. That the applicant shall file a later plan showing proposed location of all gasoline pumps and tanks before proceeding with installation.

10a. That all sidewalks, ramps, curbs and gutters shall be constructed of concrete.

10. That permission shall be granted subject to the above conditions and the present and future rules and 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 W. E. McCaleb has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Councilman Pannell moved that permit be granted to said W. E. McCaleb, subject to the above recommendations of the Safety Committee. 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.

The Mayor laid before the Council the application of James R. Hamilton to erect a filling and tire station at 1011 Red River Street, together with the report of the Safety Committee recommending the tentative approval of the site for said station, pending submission of the ground plan by the applicant and approval of same by the Safety Committee. Councilman Mueller moved that in accordance with the recommendation of the Safety Committee, the site for said station be tentatively approved, subject to the submission of the ground plan by the applicant. 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 petition signed by a number of citizens, protesting against a smoke nuisance created by the Cactus Pressing Shop at 2504 Guadalupe Street, was read and the matter referred to the City Manager for attention.

The Mayor laid before the Council the application of H. Von Kalow for permission to install an underground tank and pump at 1803 East 1st Street, together with the following report of the Safety Committee upon same:

"Austin, Texas, May 9, 1929.

Hon. Mayor and City Council,
Gentlemen:

We, your committee on the application of H. Von Kalow asking permission to install one 280 gallon underground storage tank with five gallon gasoline pump for private use only at 1803 East First Street, make the following report:

We, your 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 or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. 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 City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline 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 way obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times a chemical fire

extinguisher for emergency use.

8. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector and that the property owner shall apply for a permit to the City Plumbing Inspector for instructions before proceeding with his work.

9. That permission shall be granted for private use only subject to the above conditions and the present and future rules and 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 H. Von Kalow at 1803 East First Street has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Signed) J: E. Woody, Fire Chief;

R. F. Rockwood, Fire Marshal

Orin E. Metcalfe, City Engineer.

CITY SAFETY COMMITTEE."

Councilman Mueller moved that permit be granted to said H. Von Kalow, subject to the above recommendations of the Safety Committee. 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.

A petition signed by the property owners and tenants in the 200 block on West Seventh Street, asking that the one hour parking law apply to this street, was read, and Councilman Mueller moved that the City Attorney be directed to have proper ordinance drawn covering the matter and submit same to the Council for passage. 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.

A petition signed by a number of residents, indorsing the erection of a store building at 2511 Nueces Street by M. L. Bowdoin, and another protesting against the erection of such building, were received and ordered filed by the Council.

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

The Council then recessed.

Approved: J. H. McFadden
Mayor.