

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, and Steck, 3; nays, none; Mayor McFadden and Councilman Reed absent.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Steck, 3; nays, none; Mayor McFadden and Councilman Reed absent.

The Council then recessed.

Approved, *H. Pannell*
Mayor Pro tem.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 29th, 1929.

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

The Minutes of the last meeting were read and Councilman 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.

The Mayor then announced that the Council would hear the committees present.

A large number of residents living in the vicinity of West Sixth Street from Rio Grande to Blanco Streets, through their attorney, Judge Charles Rogan, presented a written protest against the unbearable noises created by the switching of the Missouri Pacific cars in that neighborhood. The petition was received and filed, and Councilman Mueller moved that the City Manager be instructed to have a complete survey made of the Missouri Pacific Railway Company's trackage with a view to determining whether or not said Railway Company is legally occupying the streets with their tracks, and report his finding to the Council. 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 committee, composed of Judge Geo. Mendell, Attorney for F. M. Covert and Joseph Fischer, and Ed Rhodes Wroe and Mrs. W. L. Gilfillan, protested to the Council against the widening of Guadalupe Street from Fifth to Sixth Streets and the replacement of the present Uvalde Rock Asphalt pavement with other pavement.

Ben Thrasher, representing his father and sister as owners of the property at Eleventh and Lavaca Streets, and W. L. Bradfield and Harris Brush as agents for said owners, appeared before the Council and renewed their application for permission to erect a gasoline filling station at this location. In this connection, a communication from A. W. Harris, John A. Gracy, and Ralph C. Goeth, members of the

original Zoning Commission, favorably recommending this site for a filling station, was read. Also, a majority report of the Safety Committee, signed by J. E. Woody, Tom Neal, Orin E. Metcalfe, Geo. F. Krueger, recommending a refusal of the permit on account of the traffic hazard at this point, and a minority report of L. A. Palmer, member of the Safety Committee, recommending that permit be granted, were read. After a discussion of the matter, Councilman Mueller moved that permit for a gasoline filling station at said location, No. 1010 Lavaca Street, be refused. Motion was seconded by Councilman Steck, and same failed to carry by the following vote: Ayes, Councilmen Mueller and Steck, 2; nays, Mayor McFadden and Councilman Pannell, 2; absent, Councilman Reed, 1.

The Mayor then ruled that a further consideration of the matter would be deferred until a full Council was present.

Letters from the Anahuac Club and the Consul General of Mexico with reference to the celebration of Mexico's Independence Day, were read and ordered filed.

The Mayor laid before the Council the following resolution:

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

That the sum of Five Thousand Dollars (\$5,000.00) be and the same is hereby appropriated out of the Water and 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 and 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, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

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

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A 4-inch low pressure gas main on East 9th Street, beginning at a point 68 feet west of and 24 feet south of the intersection of the west line of Navasota Street and the north line of East 9th Street;

Thence in an easterly direction 24 feet distant from and parallel to the north line of East 9th Street to a point 19 feet west of the east line of Navasota Street; said gas main described above is to have a cover of not less than two feet.

(2) A 4-inch low pressure gas main on Navasota Street, beginning at a point 19 feet west of and 24 feet south of the intersection of the east line of Navasota Street and the north line of East 9th Street produced;

Thence in a northerly direction 19 feet distant from and parallel to the east line of Navasota Street a distance of 18 feet, said gas main described above to have a cover of not less than two feet.

(3) A 4-inch low pressure gas main on Avenue "B" beginning at a point 38 feet west of and 19 feet south of the intersection of the east line of Avenue "B" and the north line of West Fortieth Street;

Thence in a northerly direction 38 feet distant from and parallel to the east line of Avenue "B", a distance of approximately 98 feet to the end of an existing main, said gas main described above to have a cover of not less than two feet.

(4) A 4-inch low pressure gas main on West 40th Street beginning at a point 38 feet west of and 19 feet south of the intersection of the east line of Avenue "B" and the north line of West 40th Street;

Thence in an easterly direction 19 feet distant from and parallel to the north line of West 40th Street, a distance of approximately 102 feet to the end of an existing gas main, said gas main to have a cover of not less than 2½ feet.

(5) A 4-inch low pressure gas main on Speedway, beginning at a point 31 feet east of and 27 feet south of the intersection of the west line of Speedway and the north line of West Forty-fifth Street;

Thence in a southerly direction 31 feet distant from and parallel to the west line of Speedway a distance of approximately 171 feet to the end of an existing gas main, said gas main described above to have a cover of not less than 1½ feet.

(6) A 4-inch low pressure gas main on West 17th Street, beginning at a point 35 feet east of and 20 feet north of the intersection of the west line of Nueces Street and the south line of West 17th Street;

Thence in a westerly direction, 20 feet distant from and parallel to the south line of West 17th Street, a distance of approximately 204 feet to the end of an existing gas main, said gas main described above is to have a cover of not less than 2½ feet.

(7) A 4-inch low pressure gas main on Nueces Street, beginning at a point 35 feet east of and 20 feet north of the intersection of the west line of Nueces Street and the south line of West 17th Street;

Thence in a northerly direction 35 feet distant from and parallel to the west line of Nueces Street, a distance of approximately 212 feet to the end of an existing gas main, said gas main described above is to have a cover of not less than 2½ feet.

(8) A 4-inch low pressure gas main on Nueces Street, beginning at a point 125 feet north of and 45 feet east of the intersection of the north line of West 11th Street and the west line of Nueces Street, said point being the dead end of an existing gas main;

Thence in a southerly direction 45 feet distant from and parallel to the west line of Nueces Street a distance of approximately 305 feet to the end of an existing gas main, said gas main described above is to have a cover of not less than 2½ feet.

(9) A 4-inch low pressure gas main on West 11th Street, beginning at a point 23 feet south of and 45 feet east of the intersection of the north line of West 11th Street and the west line of Nueces Street.

Thence in a westerly direction 23 feet distant from and parallel to the north line of West 11th Street, a distance of approximately 174 feet to the end of an existing gas main, said gas main described above to have a cover of not less than 2½ feet.

(10) A 4-inch low pressure gas main on West 11th Street, beginning at a point 18 feet north of and 27 feet west of the intersection of the east line of Nueces Street and the south line of West 11th Street;

Thence in an easterly direction 18 feet distant from and parallel to the south line of West 11th Street a distance of approximately 74 feet to the end of an existing gas main, said gas main described above is to have a cover of not less than 2½ feet.

(11) A 2-inch high pressure gas main in West 15th Street alley, or the alley lying between West 15th Street and West 16th Street, beginning at a point 27 feet east of and 5 feet south of the intersection of the west line of San Antonio Street and the north line of West 15th Street alley produced;

Thence in an easterly direction 5 feet distant from and parallel to the north line of said West 15th Street alley to a point 27 feet west of the east line of Guadalupe Street, said gas main described above is to have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

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, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; 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 pole lines in the following streets:

(1) Two (2) poles on Alameda Drive, beginning at Sunset Lane and 5 feet east of the west line of Alameda Drive;

Thence in a northerly direction 5 feet distant from and parallel to the west line of Alameda Drive, a distance of one block.

That the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager.

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, Scott Yeamans is the contractor for a building to be erected for W. T. Caswell to be located on the center portion of Lot 11 and Lot 12 of Block 6 of the Original City of the City of Austin and desires a portion of the street abutting said premises during said construction to be used in the work and for the storage of materials therefor; therefore,

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

1. That space for the uses hereinabove enumerated be granted to Scott Yeamans, the boundaries of which are described as follows:

Beginning at a point on the north line of East First Street 46 feet west of the west line of Brazos Street; thence in a southerly direction a distance of 22 feet to a point; thence in a westerly direction and parallel to the center line of East First Street a distance of 58 feet to a point; thence in a northerly direction to the north line of East First Street; thence in an easterly direction along the north line of East First Street to the point of beginning.

2. That the above privileges and allotments of space are granted to said Scott Yeamans hereinafter termed "Contractor" upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously and in good condition during the use of said space hereby allotted along the east and south boundaries a substantial walkway at least $3\frac{1}{2}$ feet wide and four feet high, to be built according to the sketch marked Exhibit "A" hereto attached and made a part of this resolution.

(2) That the contractor shall be permitted to maintain an opening in the west boundary of said working space for the ingress and egress of trucks and materials, provided that at all times when the opening is not being used a 2"x4" bar shall be placed across such opening on a level with the top of the walkway.

(3) That the contractor shall be allowed to construct a temporary work-office and storeroom within said working space.

(4) That no vehicle shall be loaded or unloaded by the contractor or parked on East First Street outside of said working space.

(5) That storm waters shall be taken care by the contractor around his work.

(6) That any public utilities disturbed during construction shall be replaced in as good condition as same existed when the work started.

(7) That the Contractor shall furnish the City of Austin a surety bond in the sum of FIVE THOUSAND (\$5000.00) DOLLARS, which shall protect, indemnify and hold harmless the City of Austin of any claims for damages to any persons or property that may accrue to or be brought by any persons by reason of the exercise of the privileges granted the Contractor by the City and shall guarantee the replacement of all sidewalk, pavement and all other public property and public utilities disturbed or removed during construction work and shall further guarantee the construction of the walkway and other safeguards during the occupancy of the space.

(8) That the Contractor shall remove all fences, barricades, walks, materials and other obstructions in the street immediately after the necessity for their existence in said street has ceased, such time to be determined by the City Manager.

(9) That the Contractor shall restore the street to as good condition as same existed before the use of the space hereby granted the Contractor.

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

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

"Austin, Texas, August 29th, 1929.

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

Dear Sir:

This is to advise that the Southwest Bitulithic Company has completed the paving and other improvements on Lavaca Street from the north line of First Street to the south line of Fifth Street, according to the plans and specifications adopted for said improvements.

I, therefore, recommend the acceptance of these improvements.

Yours very truly,

H. R. F. Helland,
Consulting Engineer. "

The above report was received and filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC
COMPANY ON A PORTION OF LAVACA STREET IN
THE CITY OF AUSTIN, PROVIDING FOR PAYMENT
OF ANY BALANCE DUE BY THE CITY FOR ITS
PORTION OF THE COSTS OF SAID IMPROVEMENTS
AND FOR THE DELIVERY OF CERTIFICATES OF
ASSESSMENTS AGAINST ABUTTING PROPERTY AND
ITS OWNERS.

WHEREAS, on the 19th day of April, 1929, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

LAVACA STREET from the north line of West First Street to the south line of West Fifth Street, known and designated as Unit or District No. 7;

and

WHEREAS, said contractor has fully completed the street improvements upon said

unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said city.

Therefore,

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

1. That the street improvements constructed by Southwest Bitulithic Company upon said portion of Lavaca Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.
2. That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.
3. That this resolution take effect at once.

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

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,
APPROVING THE CONTRACT AND BOND WITH
L.E. WHITHAM & COMPANY FOR IMPROVING
ELMWOOD 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 Elmwood Street from the east line of Duval Street to the west line of Harris Park Avenue, known and designated as Unit or District No. 21 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 foregoing resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE NECESSITY FOR LEVYING
AN ASSESSMENT AGAINST THE PROPERTY AND
THE OWNERS THEREOF ON ELMWOOD STREET,
IN THE CITY OF AUSTIN, FOR A PART OF
THE COST OF IMPROVING SAID STREET, 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.

The above ordinance was read the first time and Councilman Mueller moved that the rule be suspended and the ordinance passed to 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.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE FIXING AND LEVYING
MUNICIPAL TAXES FOR THE CITY OF
AUSTIN, TEXAS, FOR THE YEAR A.D.
1929.

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

Councilman Mueller moved that the City Manager be authorized to purchase about a half acre of land known as the old Gas Company's property near the end of West Fifth Street between West Avenue and Bowie Streets, now owned by W. B. Foshay of Minneapolis, Minnesota, for a consideration of Twelve Hundred Dollars (\$1200.00). 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 communication from the School Board, requesting that the Council take immediate action towards closing Ninth Street from Trinity to Neches Streets, was read and the matter was referred to the City Attorney to have proper ordinance drawn.

Councilman Mueller moved that the City Manager be instructed to purchase 128 feet of Lots 5 and 6, Block 166, Division "E" from W. R. Smith for additional grounds to the City Hospital, the consideration for same to be \$5000.00. 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.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck and same prevailed by the following vote.

Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4. Nays, None.
Councilman Reed absent.

The Council then recessed.

Approved: J. H. McFadden
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 5, 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 to open bids for the construction of a sanitary sewer system from Cummings Street to Deep Eddy and the installation of a sewage pumping station at River Street and Colorado River. The following bids were then opened and read:

	<u>Vitrified Clay Pipe</u>	<u>Concrete Pipe</u>	<u>Pump Station</u>	<u>Total</u>
McKenzie Construction Co.	\$115,277.45	\$109,064.95	\$15,000.00	\$130,277.45 \$124,064.95
J. B. McGrary Company -	\$115,218.98	\$110,291.48	\$15,800.00	\$131,018.98 \$126,091.48
Kirkwood, Wharton & Lee -	\$129,727.25	\$124,252.25	\$17,000.00	\$146,727.25 \$141,252.25
J. M. Odom -			\$16,215.00	

The bids were referred to H. R. F. Helland, Consulting Engineer, for tabulation and report to the Council.

The Minutes of the last meeting were read and Councilman Mueller moved that same be adopted as read. 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.

Ben Thrasher, representing the owners of the property, and Walling, Bradfield & Brush, Agents for said owners, again came before the Council in the matter of a permit for the erection of a gasoline filling station at 1010 Lavaca Street. A committee composed of Harvey Harrell, John F. Butler and I. Heidenheimer, also appeared to protest against a permit being granted for a filling station at this location on account of the great traffic hazard at this corner. A communication from Walling, Bradfield & Brush, asking that the Council hear the report of the City Plan Commission upon same before further action is taken, was read.

Councilman Mueller moved that permit for the erection of a gasoline filling station at the above site, 1010 Lavaca Street, be refused on account of the extra traffic hazard at this point. Motion was seconded by Councilman Steck, and same