

seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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 Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

Councilman Pannell moved that the Council recess, subject to call of the Mayor. 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.

The Council then recessed.

Approved: J. M. Fadden
M a y o r .

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 7, 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 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, Reed, and Steck, 5; nays, none.

Judge Charles Rogan, Attorney for citizens in the neighborhood of the switching yards of the Missouri Pacific Railway Company, and other interested citizens appeared before the Council and requested that some immediate action be taken to abate the nuisance being created by said Railway Company. The matter was referred to the City Attorney for further investigation.

J. Harris Gardner presented a petition to the Council signed by a large number of residents of the south side, asking that Elizabeth, Annie, Monroe and Melton Streets be improved and bridges built across same. The petition was received and 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 Ten Thousand Dollars (\$10,000.00) 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, 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 City Manager be and he is hereby authorized and directed to purchase in the name of the City of Austin, from A. E. Agrelius and wife, Mary D. Agrelius, for the consideration of Five Hundred Sixty-one and forty-five One-hundredths (\$561.45) Dollars, a portion of Lot No. One (1), in Block No. Three (3), in Outlot No. Ten (10), in Division "D", of the City of Austin, Travis County, Texas, particularly described by metes and bounds, as follows:

Beginning at the southeast corner of said Lot No. 1, which is also the southeast corner of said Block No. 3; thence north $50^{\circ}38'$ east with the east line of said lot, 50 feet to stake at the northeast corner thereof, for a corner; thence north $84^{\circ}22'$ west 83.36 feet with the north line of said lot, to a stake for corner; thence southerly to a point in the south line of said Lot No. 1, which point is 66.36 feet westerly from the southeast corner of said lot, to a stake for corner; thence south $84^{\circ}22'$ east 66.36 feet with the south line of said lot to the point of beginning;

said transaction to be made, provided that good title is shown upon examination by the City Attorney;

BE IT FURTHER RESOLVED:

THAT the sum of Five Hundred Sixty-one & $45/100$ (\$561.45) Dollars be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund to pay for said property, and that a warrant issue therefor.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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 Avenue "A", beginning at the end of an existing gas main, said end being 25 feet east of and 120 feet south of the intersection of the south line of West Forty-third Street and the west line of Avenue "A";

Thence in a southerly direction 25 feet distant from and parallel to the west line of Avenue "A" to the north line of West Fortieth Street, said gas main to have a cover of not less than three (3) feet;

(2) A 4-inch low pressure gas main on West Forty-first Street, beginning at a point 25 feet east of and 25 feet south of the intersection of the west line of Avenue "A" and the north line of West Forty-first Street;

Thence in a westerly direction 25 feet distant from and parallel to the north line of West Forty-first Street a distance of 90 feet, said gas main to have a cover of not less than _____ feet;

Wherefore, be it understood that at least 3 days notice must be given the City Engineer before actual construction is started on the above line in order that center line stakes may be set.

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

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 gas main on West Ninth Street beginning at a point on an existing gas main, which point is 23 feet south of and 35.5 feet east of the intersection of the north line of West Ninth Street and the west line of Pressler Street produced;

Thence in a southerly direction across West Ninth Street 35.5 feet distant from and parallel to the west line of Pressler Street produced to a point on the south line of West Ninth Street, said gas main described above is to have a cover of not less than 1½ feet to south gutter line.

(2) A 4-inch gas main on Pressler Street, beginning at a point 35.5 feet east of and 154 feet south of the intersection of the south line of West Ninth Street and the west line of Pressler Street produced;

Thence in a southerly direction 35.5 feet distant from and parallel to the west line of Pressler Street to a point on the north line of West Sixth Street, said gas main described above to have a cover of not less than 2½ feet.

(3) A 4-inch gas main on Waller Street, beginning at a point on an existing gas main which point is 20 feet west of and 25 feet north of the intersection of the south line of East Sixth Street and the east line of Waller Street;

Thence in a southerly direction 20 feet distant from and parallel to the east line of Waller Street to the north line of East Fourth Street, said gas main described above is to have a cover of not less than 2½ feet.

(4) A 4-inch gas main on Angelina Street, beginning at a point on an existing gas main, which point of beginning is 38 feet north of and 25 feet west of the intersection of the south line of East Twelfth Street and the east line of Angelina Street;

Thence in a southerly direction 25 feet distant from and parallel to the east line of Angelina Street a distance of one block to the north line of Cotton Street, said gas main described above is to have a cover of not less than two (2) feet.

(5) A 4-inch low pressure gas main on Baylor Street, beginning at the dead end of an existing gas main, which dead end is 13 feet east of and 83 feet south of the intersection of the west line of Baylor Street and the south line of West Ninth Street;

Thence in an easterly direction at right angle to said existing gas main a distance of 13 feet;

Thence in a southerly direction 26 feet distant from and parallel to the west line of Baylor Street, a distance of approximately 150 feet to connect with the dead end of an existing gas main, said gas main described above is to have a cover of not less than 1½ feet;

(6) A 4-inch low pressure gas main on West Eighth Street, beginning at a dead end of an existing gas main, which dead end is 17 feet south of and 324 feet east of the intersection of the east line of Blanco Street and the north line

of West Eighth Street;

Thence in an easterly direction 17 feet distant from and parallel to the north line of West Eighth Street a distance of approximately 120 feet;

Thence in a southerly direction at right angle to the north line of West Eighth Street, a distance of three (3) feet;

Thence easterly 20 feet distant from and parallel to the north line of West Eighth Street to a point on an existing gas main in Baylor Street, said gas main described above is to have a cover of not less than two (2) 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, Reed, and Steck, 5; nays, none.

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 10-inch high pressure gas main on East Second Street, beginning at a point 27 feet north of and 18 feet west of the intersection of the south line of East Second Street and the east line of Brazos Street;

Thence in an easterly direction 27 feet distant from and parallel to the south line of East Second Street to a point 27 feet north of and 30 feet west of the intersection of the south line of East Second Street and the east line of Neches Street produced, said gas main described above is to have a cover of not less than 2½ feet.

(2) A 10-inch high pressure gas main on Neches Street beginning at a point 30 feet west of and 27 feet north of the intersection of the south line of East Second Street and the east line of Neches Street produced;

Thence in a northerly direction 30 feet distant from and parallel to the east line of Neches Street to a point 30 feet east of and 5 feet south of the intersection of the east line of Neches Street produced and the north line of East Second Street alley or the alley lying between East Second Street and East Third Street, said gas main described above is to have a cover of not less than 2½ feet.

(3) A 10-inch high pressure gas main in East First Street alley or the alley lying between East First Street and East Second Street, beginning at a point 30 feet east of and 5 feet south of the intersection of the east line of Neches Street produced and the north line of said East First Street alley.

Thence in an easterly direction, 5 feet distant from and parallel to the north line of said East First Street alley to a point 30 feet west of and 5 feet south of the intersection of the east line of East Avenue and the north line of said East First Street alley produced, said gas main described above is to have a cover of not less than 4 feet.

(4) A 10-inch high pressure gas main on East Avenue, beginning at a point 30 feet west of and 5 feet south of the intersection of the east line of said East Avenue and the north line of East First Street alley produced;

Thence in a northerly direction 30 feet distant from and parallel to the east line of East Avenue to a point 30 feet west of and 28 feet north of the intersection of the east line of East Avenue and the south line of East Third Street, said gas main described above to have a cover of not less than 2½ feet.

(5) A 10-inch high pressure gas main on East Third Street beginning at a point 30 feet west of and 28 feet north of the intersection of the east line of East Avenue and the south line of East Third Street;

Thence in an easterly direction, 28 feet distant from and parallel to the south line of East Third Street to a point 31 feet north of and 12 feet east of the intersection of the south line of East Third Street and the west line of Medina Street produced, said gas main described above to have a cover of not less than 2½ feet.

(6) A 10-inch high pressure gas main on Medina Street beginning at a point 12 feet east of and 28 feet north of the intersection of the south line of East Third Street and the west line of Medina Street produced;

Thence in a northerly direction 12 feet distant from and parallel to the west line of Medina Street a distance of 1/2 block, 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, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following:

"Austin, Texas, November 5, 1929

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

Dear Sir:

This is to notify you that we have completed all work in accordance with our contract dated April 19, 1929, on South Congress Avenue from the north line of Nellie Street to the north line of Live Oak Street, known as District or Unit No. 14.

We have notified the Consulting Engineer and asked for a formal acceptance of this street, as per carbon copy of letter attached hereto.

Yours very truly,

SOUTHWEST BITULITHIO CO.

By W. B. Thompson, Supt. "

"Austin, Texas, November 6, 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 South Congress Avenue from the north line of Nellie Street to the north line of Live Oak Street, being District #14, according to the plans and specifications adopted for these improvements.

I therefore recommend the acceptance of these improvements.

Yours very truly,

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

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC
COMPANY ON A PORTION OF SOUTH CONGRESS
AVENUE 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:

SOUTH CONGRESS AVENUE from the north property line of Nellie Street to the north property line of Live Oak Street, known as District or Unit No. 14; 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:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of South Congress Avenue hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

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.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A report from Orin E. Metcalfe, City Engineer, recommending that Dr. M. E. Rogers be granted permit to construct a rock curb at Northwood Road and Blanco Road, provided same were built in accordance with certain requirements as outlined by him, was read.

The Mayor then laid before the Council the following resolution:

WHEREAS, Dr. M. E. Rogers has presented to the City Council a request for a permit to construct a rock curb on the regular curb line at the intersection of Northwood Road and Blanco Road in the City of Austin, Texas; and

WHEREAS, the specifications adopted by the City of Austin, Texas, August 20th, 1914, require that a special permit shall be granted by the City Council whenever any other kind of curb is granted other than a concrete curb; and

WHEREAS, the City Engineer has recommended that a rock curb be permitted adjacent to Dr. Rogers' property, subject to said rock curb being constructed in accordance with the plan and specifications hereto attached, and further subject to the construction of a standard concrete apron by Dr. Rogers adjacent to said curb; therefore,

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

That Dr. M. E. Rogers be granted a permit to construct a rock curb provided same is constructed in accordance with the plan and specifications hereto attached as shown on a plan marked 2-0-285, and also subject to Dr. M. E. Rogers' constructing a concrete apron adjacent to said rock curb, all of same to be constructed in accordance with lines and grades to be furnished by the City Engineering Department.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF EAST FIRST STREET FROM THE WEST LINE OF LLANO STREET TO THE CITY LIMITS AT THE EAST LINE OF PLEASANT VALLEY ROAD, IN THE CITY OF AUSTIN, LETTING CONTRACT THEREFOR, APPROVING CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF, AND DECLARING AN EMERGENCY.

The above ordinance was read the second time and Councilman Mueller moved that the rule be suspended and the ordinance passed to its third reading. 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.

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

Council 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, Reed, and Steck, 5; nays, none.

The Council then recessed.

Approved: *J. M. Fadden*

Mayor.