

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 14, 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 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 Steck, 4; nays, none; Councilman Reed absent.

Councilman Mueller moved that as the next regular meeting falls on Thanksgiving Day, that same be held on Wednesday, November 27th. 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 report of Orin E. Metcalfe, City Engineer:

"Austin, Texas, November 14, 1929.

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

Dear Sir:

Attached herewith please find tabulation of bids opened yesterday for interior and exterior concrete work at the City Hospital Grounds.

I recommend that the low bidder, Dixon B. Penick Engineering Company, be awarded the contract at the unit prices bid.

Yours very truly,

Orin E. Metcalfe, City Engineer."

SUMMARY OF BIDS OPENED NOVEMBER 13, 1929, FOR CONCRETE
WORK AT CITY HOSPITAL GROUNDS

Bidder	INTERIOR		EXTERIOR		Total Bid	Total Bid Plus 5% Contingencies
	Park Bond Fund	Plus 5% Contingencies	Street Improvement Bond Fund	Plus 5% Contingencies		
Julius Johnson	\$1174.38	\$	\$2507.06		\$3681.44	
Dixon B. Penick Engineering Co.	1239.00	1300.95	2362.60	\$2480.73	3601.60	\$3781.68
R. F. McDonald	1450.02		2750.36		4200.38	
C. A. Maufrais	1452.50		2682.40		4134.90	
R. H. Gaylor	1395.30		2548.50		3943.80	

Orin E. Metcalfe, City Engineer.

Councilman Mueller moved that the bid of the Dixon B. Penick Engineering Company be accepted as the lowest and best bid submitted, and that contract be awarded to said firm at the unit prices bid. 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 bid of said Dixon B. Penick Engineering Company here follows:

"Austin, Texas, November 13, 1929.

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

Dear Sir:

Pursuant to the foregoing INSTRUCTIONS TO BIDDERS, the undersigned Bidder hereby proposes to do all work, and furnish all necessary labor, equipment and materials and to complete all the work on which he bids, the same being all the interior concrete work at City Hospital grounds, as provided for in the attached specifications, and binds himself on acceptance of his proposal to execute a contract and bond according to the accompanying forms for performing and completing the said work within the time stated for the following prices, to-wit:

UNIT PRICES			
<u>No.</u>	<u>ITEM</u>	<u>WRITTEN PRICE</u>	<u>FIGURES</u>
1.	Combination curb and gutter, per lin. ft. (Type A)	Seventy Cents	(\$0.70)
2.	15½" curb per lineal ft. (Type B)	Fifty Cents	(\$0.50)
3.	12" curb per lineal ft. (Type C)	Forty Cents	(\$0.40)
4.	18" gutter per lineal ft. (Type D)	Thirty Cents	(\$0.30)
5.	12" gutter per lineal ft. (Type E)	Twenty Cents	(\$0.20)
6.	Combination walk and curb per lineal ft.	One & 20/100 Dollars	(\$1.20)
7.	Sidewalk per square ft.	Eighteen Cents	(\$0.18)
<u>Alternate</u>			
8.	Clinton wire mesh reinforcement for gutters per lb.	Twenty Cents	(\$0.20)

The undersigned bidder agrees to begin work within ten (10) days after execution of contract and to complete the same within thirty (30) working days.

Enclosed with these proposals is one certified check for Two Hundred and Fifty (\$250.00) Dollars, which it is agreed shall become forfeited to the City of Austin if in case the proposal be accepted by said City of Austin, and the undersigned bidder should fail to execute a contract with the City of Austin and furnish bond within ten (10) days, as provided in INSTRUCTION TO BIDDERS; otherwise, said check will be returned to the undersigned on demand.

DIXON B. PENICK ENGINEERING CO.

By Dixon B. Penick, Bidder."

"Austin, Texas, November 13, 1929.

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

Dear Sir:

Pursuant to the foregoing INSTRUCTIONS TO BIDDERS, the undersigned Bidder hereby proposes to do all work and furnish all necessary labor, equipment and materials, and to complete all the work on which he bids, the same being all the exterior concrete work at City Hospital grounds, as provided for in the attached specifications, and binds himself on acceptance of his proposal to execute a contract and bond according to the accompanying forms for performing and completing the said work within the time stated for the following prices, to-wit:

UNIT PRICES			
<u>No.</u>	<u>ITEM</u>	<u>WRITTEN PRICE</u>	<u>FIGURES</u>
1.	Combination curb and gutter (Type A)	Seventy Cents	(\$0.70)
2.	Sidewalk per square foot	Eighteen Cents	(\$0.18)
3.	Rock excavation per cu. yd.	Two & 50/100	(\$2.50)

The undersigned Bidder agrees to begin work within ten (10) days after execution of contract and to complete the same within thirty (30) working days.

Enclosed with these proposals is one certified check for Two Hundred and Fifty (\$250.00) Dollars, which it is agreed shall become forfeited to the City of Austin if in case the proposal be accepted by said City of Austin and the undersigned Bidder should fail to execute a contract with the City of Austin and furnish bond within ten (10) days, as provided in INSTRUCTIONS TO BIDDERS;

otherwise, said check will be returned to the undersigned on demand.

DIXON B. PENICK ENGINEERING CO.

By Dixon B. Penick, Bidder."

The Mayor laid before the Council the following communication from the City Engineer:

"Austin, Texas, November 7, 1929.

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

Dear Sir:

Various citizens have complained of the existing condition of their house numbers on Twenty-third Street, between San Gabriel and Rio Grande Streets. These complaints have been caused by the construction of more houses than were anticipated by the residents several years ago and it seems to be necessary to re-number same so as to correct the confusion.

I have prepared a resolution which includes a plan showing both the old numbers and the proposed new numbers and suggest that same be adopted by the City Council.

Respectfully submitted,

Orin E. Metcalfe,
City Engineer. "

Also the following resolution:

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

of Twenty-third Street
THAT the various premises situated on the south side, between Rio Grande and San Gabriel Streets shall hereafter be numbered according to the attached plan No. 2-C-174, as designated by new numbers. Said plan 2-C-174 hereto attached is made a part of this resolution.

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 EAST FIRST 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 First Street from the west line of Llano Street to the city limits at the east line of the Pleasant Valley Road, known and designated as Unit or District No. 22, 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.

The Mayor laid before the Council for its second reading the following ordinance, which had been read at a previous meeting and laid over:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE NECESSITY FOR LEVYING
AN ASSESSMENT AGAINST THE PROPERTY
AND THE OWNERS THEREOF ON EAST FIRST
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 second time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

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

The Mayor laid before the Council the following communication from the City Engineer:

"Austin, Texas, November 12, 1929.

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

Dear Sir:

Pursuant to your request, I have made an investigation in relation to the application of D. K. Woodward, Jr., for a permit to construct a rock curb at 1316 Windsor Road. In as much as nearly all of the curbs in this neighborhood are constructed of rock instead of concrete, I consider that it is proper to grant his request, subject however, to said rock curb being built upon a concrete foundation and having a concrete gutter adjacent to same.

Trusting that the City Council will follow this recommendation, I have prepared a resolution in accordance with same.

Yours very truly,

Orin E. Metcalfe,
City Engineer. "

Also the following resolution:

WHEREAS, D. K. Woodward, Jr. has presented to the City Council a request for a permit to construct a rock curb on the regular curb line at 1316 Windsor 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 D. K. Woodward's 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 D. K. Woodward, Jr., adjacent to said curb; therefore,

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

THAT D. K. Woodward, Jr., 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-C-285, and also subject to D. K. Woodward, Jr. 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, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE PROHIBITING THE RIDING OF MORE THAN ONE PERSON ON A MOTORCYCLE, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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

The Mayor laid before the Council the following ordinance:

AN ORDINANCE REGULATING THE OPERATION OF AUTOMOBILES AS TO THE CARRIAGE OF PASSENGERS, PROHIBITING PERSONS FROM RIDING ON AUTOMOBILES OUTSIDE OF THE BODIES THEREOF, AND PROVIDING A PENALTY FOR THE VIOLATION OF THE ORDINANCE.

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

The Mayor 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 D. M. McRae and wife, for the consideration hereinafter named, the following described land, said land to be used by the City of Austin in the widening of the Barton Springs Boulevard, to-wit: Eight-hundredths (.08) of one acre of land, out of the Isaac Decker League Survey in the City of Austin, Travis County, Texas, and described by metes and bounds as, beginning at an iron pipe which is on the east line of a 2 acre and 93 square feet tract of land which was conveyed to James T. Plumley by Grover H. Sterzing and wife in accordance with a deed recorded in Travis County Deed Records, Book 264, Page 513, and from which iron pipe the northeast corner of said tract as now evidenced by a cedar post at fence corner bears N. 36°42' E. 525.2 feet; thence S. 36°42' W. along the northeast line of said Plumley tract 38.8 feet to a cedar post which is the southeast corner of said Plumley tract and the southwest corner of the D.M. McRae tract; thence with the north line of the old Barton Creek Road as now fenced S. 41°35' E. 76.71 feet to a nail in a cedar post; thence N. 37°57' E. 51.75 feet to a wooden stake; thence N. 51° 06' W. 76.0 feet to the place of beginning; provided, that evidence of good title be shown to said described property in said parties, free from all liens and incumbrances, upon examination by the City Attorney.

BE IT FURTHER RESOLVED:

THAT the sum of Five Hundred and Seventy (\$570.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said first named parties for the following: \$80.00 for said land, and \$490.00 for expenses to be caused said parties in moving their house, barn and fences back from the north line of the land to be purchased, and that a warrant in said amount issue therefor, to be delivered to said parties after approval of title to said land by the City Attorney and the delivery by said parties of their general warranty deed to said land, free from all liens and incumbrances.

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, it is necessary and the City of Austin has agreed to purchase from A. E. Schutze and wife, for an agreed consideration of One Hundred and Fifty (\$150.00) Dollars, the certain hereinafter described land, for the purpose of widening Barton Springs Boulevard, and in order to use said land it will be necessary for said Schutze to move a house off of same at an agreed cost of \$1900.00; and it is determined between said parties that said Schutze will suffer damages to his business while changing the location of said house in the sum of \$200.00, and that he will lose altogether a hamburger stand now located on said land at an agreed sum of \$125.00, also shrubbery and a stone wall located on said land at agreed sums of \$50.00 and \$75.00, respectively, all aggregating the sum of \$2500.00; therefore,

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. Schutze and wife, the following described property, to-wit: Fifteen-hundredths (.15) of one acre of land, out of the Isaac Decker League Survey in the City of Austin, Travis County, Texas; provided, that evidence of good title be shown to said described property in said parties, free from all liens and incumbrances, upon examination by the City Attorney;

BE IT FURTHER RESOLVED:

THAT the sum of Twenty-five Hundred (\$2500.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said first named parties for said land and for the damages above stated, and that a warrant in said amount issue therefor, payable to said parties, to be delivered to said parties after approval of title to said land by the City Attorney and the delivery by said parties of their general warranty deed to said land, free from all liens and incumbrances, and the entire removal from said land of said house, hamburger stand, stone wall, shrubbery, and all other structures.

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:

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 Mrs. Annie Schutze, for the cash consideration of Sixty (\$60.00) Dollars, the following described property, said property to be used by the City of Austin in the widening of the Barton Springs Boulevard, to-wit: Six-hundredths (.06) of one acre of land, out of the Isaac Decker League Survey in the City of Austin, Travis County, Texas; provided, that evidence of good title be

shown to said described property in said party, free from all liens and incumbrances, upon examination by the City Attorney, and warranty deed to said property delivered to the City of Austin.

BE IT FURTHER RESOLVED:

THAT the sum of Sixty (\$60.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said first named party for said property, and that a warrant in said amount issue therefor and to be delivered to said party after approval of title to said land by the City Attorney and the delivery by said party of her general warranty deed to said land, free from all liens and incumbrances.

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:

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 Grover Sterzing and wife, Jennie V. Sterzing, for the cash consideration of Three Hundred (\$300.00) Dollars, the following described property and appurtenances, said property to be used by the City of Austin in the widening of the Barton Springs Boulevard, to-wit: Twenty-nine-hundredths of one acre of land, out of the Isaac Decker League Survey in the City of Austin, Travis County, Texas; provided, that evidence of good title be shown to said described property in said parties, free from all liens and incumbrances, upon examination by the City Attorney, and warranty deed to said property delivered to the City of Austin; it being understood, however, that the sum of Two Hundred and Ninety (\$290.00) Dollars is to be paid for the real estate, on the basis of \$1,000.00 per acre, and Ten (\$10.00) Dollars for one pecan tree, which it becomes necessary to appropriate and destroy in pursuance of the above mentioned purpose.

BE IT FURTHER RESOLVED:

THAT the sum of Three Hundred (\$300.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said first named parties for said property and said damages, and that a warrant in said amount issue therefor, and to be delivered to said parties after approval of title to said land by the City Attorney and the delivery by said parties of their general warranty deed to said land, free from all liens and incumbrances.

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:

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 Carl B. Sterzing, for the cash consideration of Three Hundred and Seventy-five (\$375.00) Dollars, the following described property and appurtenances, said property to be used by the City of Austin in the widening of the Barton Springs Boulevard, to-wit: Sixteen-hundredths (.16) of one acre of land, and Nine-hundredths (.09) of one acre of land, aggregating Twenty-five-hundredths (.25) of one acre of land, out of the Isaac Decker League Survey in the City of Austin, Travis County, Texas; provided, that evidence of good title be shown to said described property in said party, free from all liens and incumbrances, upon examination by the City Attorney, and warranty deed to said property delivered to the City

of Austin; it being understood, however, that the sum of Two Hundred and Fifty (\$250.00) Dollars is to be paid for the real estate, on the basis of \$1,000.00 per acre, and One Hundred Twenty-five (\$125.00) Dollars for one pecan tree which it becomes necessary to appropriate and destroy in pursuance of the above mentioned purpose.

BE IT FURTHER RESOLVED:

That the sum of Three Hundred and Seventy-five (\$375.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of paying said first named party for said property and said damages, and that a warrant in said amount issue therefor and to be delivered to said party after approval of title to said land by the City Attorney and the delivery by said party of his general warranty deed to said land, free from all liens and incumbrances.

The above resolution was adopted 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, November 21, 1929.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, and Steck, 3; absent, Councilmen Pannell and Reed, 2.

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

The Mayor 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 immediately advertise in the Bond Buyer of New York, the Dallas News, the Austin Statesman and the Austin News for bids for the purchase of the Bonds of the City of Austin, for the purposes and in the amounts hereinafter stated, to be issued under authority of the election held on May 18, 1928, said bids to be received and opened on December 16, 1929, to-wit: