

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 21, 1931.

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

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1;

The Mayor announced that all bids received for City Treasurer for the ensuing two years, in accordance with advertised notice of same, would now be opened. The following bids were then opened and read:

E. R. L. Wroe - 2% interest per annum on daily balances, 4-3/4% interest on overdrafts, and a commission of 1/10 of 1% per \$1,000.00 each on bonds and interest coupons;

Sam Sparks - 3.38% interest per annum on daily balances, 6% interest on overdrafts, and a commission of 1/10 of 1% per \$1,000.00 each on bonds and interest coupons;

Republic Bank & Trust Company, by E. McKinnon, President, - 2-3/4% interest per annum on daily balances, 6% interest on overdrafts, and a commission of 1/10 of 1% per \$1,000.00 each on bonds and interest coupons.

Councilman Steck moved that the bid of Sam Sparks, being the most favorable to the City, be accepted and the said Sam Sparks be elected City Treasurer of the City of Austin for a term of two years, beginning June 1, 1931. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent.

The above bid of Sam Sparks as accepted by the City Council is here copied in full:

" THE CITY COUNCIL,
AUSTIN, TEXAS.

Gentlemen:

In accordance with your proposal for bids for the office of City Treasurer of the City of Austin, Texas, I submit the following bid:

If elected City Treasurer, I agree as follows:

1. To pay interest on average daily balances of all funds of the City of Austin, at the rate of 3.38% per annum, said interest to be paid monthly as it accrues.
2. To advance to the City of Austin such funds as it may require in the way of temporary overdrafts, warrants, etc. at the rate of six per cent per annum, said interest to be payable monthly as it accrues.
3. To remit to and pay in the City of New York, to the holders of bonds of the City of Austin, such funds of the City of Austin as are necessary to meet said bonds and their interest coupons as they become due and payable, at the rate of 1/10 of 1% per Thousand Dollars on bonds paid, and at the rate of 1/10 of 1% per Thousand Dollars on interest coupons paid.
4. To furnish to the City of Austin good and sufficient bond, with corporate surety, in such amount as the City Council may require and approve, provided, however, that said bond shall be for a sum not less than Seventy-five Thousand (\$75,000.00) Dollars, as provided in Article VII, Section 16, of the City Charter of the City of Austin; or, in lieu of the requirement to furnish bond of a greater amount than Seventy-five Thousand (\$75,000.00) Dollars, and in addition to said bond of Seventy-five Thousand (\$75,000.00) Dollars, as greater security than said bond of Seventy-five Thousand (\$75,000.00) Dollars for funds of the City deposited with me, I shall be allowed, and if I should make such election, must invest for the City of Austin said funds, except such amount as may be required in the conduct of the business of City, in government and municipal securities acceptable to and approved by the City Manager, and in such event, I will deposit said securities with a Trustee, to be approved by the City Manager, and will withdraw and re-sell, upon demand of the City Manager, from time to time said securities, as funds are required by the City of Austin in the conduct of its business; and I will be responsible and liable for any loss that may

occur by reason of any purchase by me of said securities; and I shall receive as consideration for my services in investing such funds and re-selling said securities and accounting for the proceeds of such sale, all interest and profits on said securities purchased by me and held by such Trustee for the City of Austin.

If I should elect, as City Treasurer, to invest the funds of the City as above provided, it will be understood that for the purpose of computing daily balances and interest thereon, all securities of the City so held by such Trustee shall be taken and considered as that much cash, calculated at the purchase price of said securities as paid by me with the funds of the City of Austin.

(Sgd) Sam Sparks. "

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF
AUSTIN, TEXAS, DETERMINING
THE ADVISABILITY OF REDUCING
THE WIDTH OF THE PAVEMENT
HERETOFORE ORDERED CONSTRUCTED
ON EAST SECOND STREET AND
DIRECTING THE CONSULTING ENGI-
NEER TO PREPARE A REVISED ROLL
OR STATEMENT, AND CLOSING HEAR-
ING.

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

That, whereas, the City of Austin heretofore determined the necessity of levying an assessment for a part of the cost of improving the following street in the City of Austin, to-wit:

PAVING DISTRICT #109: EAST SECOND STREET from the east line of Brazos Street to the west line of Red River Street.

WHEREAS, said ordinance provided a hearing to the owners of property on said street, which hearing was held on the 14th day of May, 1931; and, whereas, a large number of property owners have objected to the making of said pavement 56 feet in width, and desire the width of said street reduced; and, whereas, the City Council after carefully considering the matter, is of the opinion that it will be for the benefit of abutting property owners to reduce the width of said improvements on District No. 109 from 56 feet to 50 feet in width.

Now, therefore,

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

That the Consulting Engineer be and is hereby instructed to prepare a new roll or statement showing the amounts to be assessed against the property owners, based upon a width of 50 feet on District #109. That upon the filing of said revised roll or statement by the Consulting Engineer an ordinance be duly passed providing for a hearing to property owners on said revised estimate of the cost. That the hearing heretofore held on the street above described be and the same is hereby closed so far as said street is concerned.

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, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller 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 PORTIONS OF EAST SECOND 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 CON-
SULTING ENGINEER, AND DECLARING AN
EMERGENCY.

The foregoing ordinance was read the first time and Councilman Steck moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent.

The ordinance was read the second time and Councilman Steck moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent.

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

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

EAST MONROE STREET from the east property line of Congress Avenue to the east property line of Brackenridge Street, known and designated as Unit or District No. P-139;

EAST MONROE STREET from the east property line of Brackenridge Street to the east property line of East Side Drive, known and designated as Unit or District No. P-140;

EAST MONROE STREET from the east property line of East Side Drive to the west property line of Travis Heights Boulevard, known and designated as Unit or District No. P-141;

all as awarded to Southwest Bitulithic Company

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned street and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

EAST MONROE STREET, DISTRICT No. P-139:

John LaPrelle for the South Austin Baptist Church, stated that the paving would not enhance the value of their property and that they were financially unable to pay for same.

EAST MONROE STREET, DISTRICT No. P-141:

J. Roy White stated that he was financially unable to pay for the paving .

Thereupon Harwood Stacy was called as a witness and after being duly sworn testified that he has resided in the City of Austin for several years; that he is well acquainted with the value of the property abutting upon each of the Units or Districts as to which this hearing was being held; that he is acquainted with the type of paving which is proposed to be constructed upon said Units or Districts as to which this hearing was being held; and that, in his opinion, each parcel of abutting property would be enhanced in value by reason of the construction of the proposed improvements in an amount in excess of the amount proposed to be assessed against the same, as set out on the Engineer's Roll or Statement on file relating to such Units or Districts of Improvement.

No other witnesses being offered or desiring to be heard, and no other interested parties or owners having requested to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF EAST MONROE STREET IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING THEREON AND AGAINST THE OWNERS THEREOF, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Steck moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Steck moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Steck moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

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

ORDINANCE DECLARING THE NECESSITY FOR, AND ORDERING AND PROVIDING FOR, THE IMPROVEMENT OF A PORTION OF WABASH AVENUE AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, PROVIDING FOR THE PAYMENT OF THE COST THEREOF, AND MAKING AN APPROPRIATION TO PAY THE CITY OF AUSTIN'S PORTION OF SUCH COST.

The above ordinance was read the second time and Councilman Steck moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read third time and Councilman Steck moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on alleys in Districts Nos. P-75, P-76, P-78, P-79, P-102, P-103, and P-106, in accordance with the plans and specifications, and recommending the acceptance of same, were read and ordered filed.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, ACCEPTING THE IMPROVEMENT OF ALLEY IN BLOCK 134 AND SUNDRY OTHER ALLEYS, IN THE CITY OF AUSTIN, AND AUTHORIZING THE PAYMENT OF THE BALANCE DUE BY THE CITY OF AUSTIN AND THE ISSUANCE AND DELIVERY OF CERTIFICATES OF SPECIAL ASSESSMENT AGAINST OWNERS OF ABUTTING PROPERTY.

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

That, Whereas, heretofore the hereinafter described alleys were ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting property and the owners thereof to cover the portion of the cost payable by the said property owners; and

WHEREAS, pursuant to said contract and other proceedings in connection therewith, L. E. Whitham & Company has completed the improvement of the following alleys, to-wit:

ALLEY BETWEEN ELEVENTH AND TWELFTH STREETS IN BLOCK 134 from the west line of Lavaca Street to the east line of Guadalupe Street, known and designated as Unit or District No. P-75;

ALLEY BETWEEN TWELFTH AND THIRTEENTH STREETS IN BLOCK 149 from the west line of Lavaca Street to the east line of Guadalupe Street, known and designated as Unit or District No. P-76;

ALLEY BETWEEN FOURTEENTH AND FIFTEENTH STREETS IN BLOCK 175 from the west line of Lavaca Street to the east line of Guadalupe Street, known and designated as Unit or District No. P-78;

WEST HALF OF ALLEY BETWEEN FIFTEENTH AND SIXTEENTH STREETS IN OUTLOT 38, DIVISION "E" from the east line of Guadalupe Street to a point 138' east, known and designated as Unit or District No. P-79;

ALLEY BETWEEN UNIVERSITY AVENUE AND WHITIS AVENUE IN BLOCK 20, L. HORST ADDITION, DIVISION "D" from the north line of Nineteenth Street to the south line of Twentieth Street, known and designated as Unit or District No. P-102;

ALLEY BETWEEN UNIVERSITY AVENUE AND WHITIS AVENUE IN BLOCK 21, L. HORST ADDITION, DIVISION "D" from the north line of Twentieth Street to the south line of Twenty-first Street, known and designated as Unit or District No. P-103;

ALLEY IN BLOCK 113 between San Jacinto and Trinity Streets, known and designated as Unit or District No. P-106;

Each unit or district shall be and constitute an entirely and wholly separate and independent unit of improvement, the same as if contracted for in separate and distinct contracts. The construction of said improvements in each separate unit or district shall be wholly independent of the construction in any other unit or district. The assessments to be levied in each unit or district shall be made according to the cost of the improvements in that particular unit or district, and in accordance with the benefits accruing to the property by reason of said improvements in that particular unit or district, wholly and entirely independent of the cost and of the benefits accruing by reason of the improvements in any of the other units or districts; and

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings and connection therewith;

Therefore,

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

That said improvement on said portion of said alleys be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

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, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following:

"Austin, Texas, May 19, 1931.

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

Dear Sir:

On Lafayette Street north from Twenty-third Street there have been numerous complaints from the Health Department because of unsanitary conditions. This can be remedied by the construction of approximately 1,000 feet of six inch sewer. The estimated cost of this line is \$1,075.00. I would recommend that this additional line be added to Contract No. 12 which was recently awarded to W. G. Cullum & Company, as our estimated cost on this contract was approximately \$50,000.00 and the contract price was approximately \$5,000.00 less than this amount.

Yours very truly,

(Sgd) H. R. F. Helland,
Consulting Engineer. "

Councilman Steck moved that the above recommendation of the Consulting Engineer be approved and the City Manager authorized to make such sanitary sewer line extension in accordance therewith. Motion was seconded by Councilman Alford, and same prevailed by the following vote; Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent,

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

AN ORDINANCE REGULATING TRAFFIC ON EAST TENTH STREET, BETWEEN ITS INTERSECTION WITH THE ALLEY AND ITS INTERSECTION WITH BRAZOS STREET, IN THE CITY OF AUSTIN, CUMULATIVE OF CERTAIN ORDINANCES HERETOFORE ORDAINED, REPEALING ORDINANCES IN CONFLICT, AND PRESCRIBING PENALTIES.

The above ordinance was read the second time and Councilman Steck moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Steck moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, and Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following:

"Austin, Texas, May 21, 1931.

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

Dear Sir:

We have considered the application of E. R. Pils, 2000 East 12th Street, for a permit to construct and operate a filling station and hereby advise you that the following conditions exist:

(1) That he proposes to construct his filling station on property which is shown on the Zoning map as being located within the Commercial "C" Use District.

(2) Mr. Pils has conferred with the Building Inspector and has been advised of the provisions of the Building, Zoning and Filling Station Ordinances, and he proposes to construct his station in accord with all of said ordinances.

We recommend that E. R. Pils be granted a permit to construct and operate said filling station subject to the following conditions:

(1) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance and in accord

with the Ordinance prohibiting the disposal of commercial water or oil upon the City streets.

(2) 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.

(3) That pumps shall be located as shown on the plan hereto attached, marked 2-H-167.

(4) That the grades of the interior of the station shall be such that no waste oils or water or any floor washing shall ever pass over the City sidewalk area.

(5) That the location of all ramps and sidewalk area crossings shall be in accord with plan 2-H-167, which plan is hereby made a part of this resolution.

(6) That all of that portion of the sidewalk and the curbs and gutters as shown by crayon marks on plan 2-H-167 shall be constructed of concrete.

(7) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

(Sgd) G. S. Moore,
Building Inspector.

Orin E. Metcalfe,
City Engineer."

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

That the City Council of the City of Austin hereby approves the northeast corner of Poquito and Twelfth Streets, known as 2000 East 12th Street, as a filling station site, and hereby authorizes E. R. Pils to construct and operate a filling station subject to same being constructed subject to all of the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all of the provisions of this resolution, 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 E. R. Pils has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller 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 gas main in Alameda Drive from Avondale Road to Riverside Drive, the center line of which gas main shall be 30 feet west of and parallel to the east line of said Alameda Drive. Said gas main described above shall 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.

And that wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

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, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

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 gas main in Colorado Street from West Seventeenth Street to West Eighteenth Street, the center line of which gas main shall be 12 feet east of and parallel to the center line of said Colorado Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in Colorado Street from West Eighteenth Street to West Nineteenth Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Colorado Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in West Twenty-third Street from Nueces Street to a point opposite a gas main that extends north in San Antonio Street Alley, the center line of which gas main shall be $4\frac{1}{2}$ feet south of and parallel to the center line of said West Twenty-third Street. Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ 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.

And that wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

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, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

A communication from H. R. F. Helland, Consulting Engineer, in the matter of request of Mrs. Maude McDonald that she be reimbursed for cost of curbs at street and alley intersections at her property on Nueces Street, was read and ordered filed.

The Mayor laid before the Council a resolution remitting delinquent taxes on property owned by the County and State, which was read and laid over.

A communication from Geo. E. Shelley, tendering his resignation as a member of the Board of Adjustment, was read. Councilman Steck moved that said resignation be accepted with regret. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

Councilman Steck then nominated Hugo F. Kuehne as a member of the Board of Adjustment to fill the vacancy caused by the resignation of Geo. E. Shelley. Nomination was confirmed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The application of Tom D. Smith for permit to erect a gasoline filling station on the southeast corner of Guadalupe and Tenth Streets was read. Councilman Steck moved that tentative approval of the site for a filling station be given, pending the approval of plans and specifications for same. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

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

That the permit heretofore granted J. V. Siegmund to construct and operate a gasoline filling station at the northwest corner of Barton Springs Road and South Congress Avenue, which permit was granted subject to certain limitations and conditions, one of the conditions being that the applicant shall construct all ramps, gutters and curbs in accordance with plan No. 2-G-153, which plan is made a part of the resolution granting said permit and which plan shows the curbs to be set at twenty-two (22) feet from the property line, be and the same is hereby amended so as to show and require that the curbs shall be placed and constructed at fifteen (15) feet from the property line.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Gillis, Mayor McFadden, Councilmen Steck, 4; nays, none; Councilman Mueller absent, 1.