

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 13, 1936.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

Miss Lydia Littman, representing the Business & Professional Women's Club, appeared before the City Council and asked that the building and grounds of said Club at Deep Eddy be exempted from taxation. It was the sense of the meeting that the property was not entitled to exemption, but probably was entitled to a reduction in assessment. The matter was referred to the City Attorney for his recommendation.

Mr. M. F. Abrahamson and Mrs. N. M. Vogelsang appeared before the City Council and asked that the alley in the rear of their property at 38th and Duval Streets be closed. The matter was referred to the City Manager for investigation and report at the next regular meeting.

Councilman Alford introduced the following resolution, which was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent;

WHEREAS, Bids were received, opened, and publicly read aloud at 10:00 A. M., August 12, 1936, on PWA Docket Tex-1300R, Contract 45, all in accordance with PWA approved contract documents, plans, specifications, and advertisements, by the officials of the Austin Independent School District and the architects and representatives of the Public Works Administration; and

WHEREAS, Upon the recommendation of Gleesocke and Harris, Architects for the School Board, a copy of which is attached herewith, the Austin Independent School District, through its duly constituted officers, has submitted a resolution awarding said contracts to the lowest and best bidders in accordance with the resolutions attached herewith; and

WHEREAS, The City Council, acting for and in behalf of the Austin Independent School District, approves the award of the contracts so indicated, subject to the approval of the State Director of the Public Works Administration; now, therefore,

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

THAT the City Manager be authorized and is hereby directed to sign the resolution of the School Board, approving said resolution on the part of the City of Austin.

(Resolution of School Board attached)

WHEREAS, bids were received, publicly read aloud, and tabulated at 10:00 A. M., August 12, 1936, on PWA Docket Tex-1300R, Contract 45, all in accordance with PWA approved contract documents, plans, specifications, and advertisements; and

WHEREAS, the Architects were requested to, and did, make a study of the bids which were received and recommended to the Board the result of their study; and

WHEREAS, the recommendations of the Architects, marked Exhibit A, and attached to and made a part of this Resolution, have been studied by the Board and are believed to be well founded;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the Austin Independent School District, with the approval of the City of Austin, through its City Manager,

hereby recommend awards of contract to the various low bidders as listed in the attached Exhibit A, above referred to.

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WHEREAS, the Walter Tips Company, in connection with their bid upon Group C failed to execute the experience and financial schedule included in the bid form, and the Southern Stage Equipment Company failed to notarize the financial and equipment form, both of which being technicalities which the advertisement for bids on this project authorizes the Board of waive; and

WHEREAS, the legality of neither bid was effected by the omissions above recited;

THEREFORE BE IT RESOLVED further that the Board of Trustees hereby waive these technicalities.

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I hereby certify that the above resolutions were introduced and passed at a meeting of the Board of Trustees of the Austin Independent School District, August 13, 1936, at which the following members were present:

E. A. Murchison  
R. G. Mueller  
Mrs. Eleanor H. Wells

Mrs. A. P. Robinson  
L. H. Blenderman  
J. Harris Gardner

(Signed) Eleanor H. Wells  
Mrs. Eleanor H. Wells, Secretary

Approved:

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager.

(Exhibit "A" attached)

"August 12, 1936

Docket: Tex-1300R-45  
Austin Schools  
Furniture & Equipment

Honorable E. A. Murchison, President  
The Board of Trustees  
Austin Independent School District  
Austin, Texas

Dear Mr. Murchison:

We, your Architects, having carefully examined the bids submitted at 10:00 A. M., August 12, 1936, under the designation Docket Tex-1300R-45, and being bids submitted for various furnishings and equipment for various school purpose structures within your District, hereby respectfully recommend to you as follows:

1. That our examination shows no qualification or amendment of any bid received which would affect its regularity or competitive value.

2. That the bid of Swann-Schulle, of Austin, Texas, upon Group "A" of the proposal form, be considered the lowest and best bid offered and in the total sum of TWELVE THOUSAND NINE HUNDRED EIGHT DOLLARS and Twenty-four cents (\$12,904.24), upon wood constructed furniture. This bid is recommended for acceptance under authority of Article 3, page D-8, of the specifications, as well as the fact that is from every standpoint of comparison the lowest bid received upon either wood constructed furniture or wood-and-steel constructed furniture.

3. That the bid of the Bickley School & Church Furniture Company, of Houston, Texas, be considered the lowest and best bid received upon the following: Group "B", in the sum of TWO THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS (\$2,771.00); Group "D", in the sum of ONE THOUSAND EIGHT HUNDRED SIXTY SIX DOLLARS and Seventy-five Cents (\$1,866.75); Group "E", in the sum of FOUR THOUSAND NINETY EIGHT DOLLARS (\$4,098.00); together with 619 units Item 13, Group "A" (Auditorium Chairs) for the added sum of TWO THOUSAND TWO HUNDRED FIFTY NINE DOLLARS and Thirty-five cents (\$2,259.35) (it is necessary that these Auditorium Chairs be awarded either under Group "A" or in connection with Group "E", under the terms of the specifications, and this bid is low at the greater unit price in combination with this Opera Chair proffer as compared with the bid of the American Seating Company at the lower unit price on Auditorium Chairs in combination with their higher proffer on Opera Chairs), and that awards be made on these amounts.

4. That the bid of the Walter Tips Co., of Austin, Texas, be considered the lowest and best bid received upon Group "C-1", and in the sum of THREE THOUSAND TWO

HUNDRED ELEVEN DOLLARS and Eighty-nine Cents (\$3,211.89), and upon Group "C-2" in the sum of EIGHT HUNDRED EIGHTY EIGHT DOLLARS and Ninety-nine Cents (\$888.99), and that awards be made on these amounts.

5. That the bid of the American Seating Company (C. A. Bryant Company, Dallas, Texas, Agents), be considered the lowest and best bid received upon Group "F", and in the sum of ONE THOUSAND SIX HUNDRED ONE DOLLARS and Twenty-one Cents (\$1,601.21), and that the award be made in this amount.

The total of low bids is the sum of \$29,605.43. The budget amount for this group of equipment was approximately \$32,000.00. The purchase is within the budget amount and funds are available for purchase.

Respectfully submitted,

GIESECKE & HARRIS, Architects

By A. W. Harris. "

Councilman Gillis offered the following resolution:

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

THAT the sum of \$82.50 per month be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying one-half of the rent for office space for the National Reemployment Service, for the remainder of 1936, or such time as the results obtained justify such expenditure.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

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

THAT the sum of \$125.00 per month be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the salary of an Assistant Building and Plumbing Inspector for the remainder of the year.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The petition of John Bremond Company for a change in the zoning of the east 75 feet of Lot 31, Block 3, Outlot No. 68, Division "D" from "B" Residential District to "C" Commercial District was received and referred to the Zoning Board of Adjustment for recommendation.

The petition of owners and operators of taxicabs, asking that no taxicab licenses be issued over and above the number now operating, was received and filed.

Councilman Gillis moved that the following named persons be granted taxicab driver's licenses, in accordance with the recommendation of Roy J. Smith, Traffic Captain, Police Department: Johnnie Clayton Trotter, 1613 Drake Street; Clarence Ray Doherty; Lee Oagle, 2114 Brooklyn Avenue; Woodie Monroe Lowery, 816 Essex Avenue; Henry Irwin Sites, Sr., 1910 Willow Street; Henry Irwin Sites, Jr., 1910 Willow Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, there appears of record in Volume 333, page 461, and in Volume 360, page 432, Deed Records of Travis County, Texas, a full and complete description of Laurel Heights Addition by lots and blocks in Travis County, Texas, upon which records are shown the certain streets in said Laurel Heights Addition, which streets were

dedicated to public use; and

WHEREAS, there is in said Laurel Heights Addition a street known as Lydia Street running east and west and lying on the extreme south line of said Addition, which said Addition is adjacent to and adjoining the city limits of the City of Austin; and

WHEREAS, there is within the city limits of the City of Austin another and a different street also known as Lydia Street, which tends to create confusion; and

WHEREAS, it has come to the attention of the City Council that the name "Kennelwood Road" would be an acceptable name for Lydia Street in said Laurel Heights Addition; now, therefore,

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

THAT the County Commissioners of Travis County, Texas, be and they are hereby requested to adopt a resolution changing the name of Lydia Street in Laurel Heights Addition to Kennelwood Road in order to eliminate and correct the confusion now existing between said street and a street known as Lydia Street within the City limits of the City of Austin.

BE IT FURTHER RESOLVED:

THAT the City Clerk be directed to send a certified copy of this Resolution to the Commissioners Court of Travis County, Texas.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, four loan and grant agreements were originally executed by and between the City of Austin, Texas, and the United States of America, on projects consisting of improvements to the water works system and the sewer system of the City of Austin, dated respectively as:

May 10, 1934	comprising of Docket No. 2863 with a total allotment of and a grant of	\$500,000 94,000
July 16, 1934	comprising of dockets Nos. 1758 and 3487, with a total allotment of and a grant of	129,500 30,500
Sept. 4, 1934	comprising of Docket No. 4870 with a total allotment of and a grant of	160,000 40,000
Sept. 20, 1934	comprising of Docket No. 4869 with a total allotment of and a grant of	175,000 41,000
	Total allotment of these four contracts	964,500
	Total grant allowance	205,500;

and,

WHEREAS, on September 5, 1935, an amendatory loan and grant agreement between the City of Austin, Texas, and the United States of America, amended and consolidated the four above mentioned loan and grant agreements heretofore entered into by and between the City of Austin, Texas, and the United States of America, the terms of this agreement setting forth an allotment of \$965,000 with a grant allowance of 30% of the cost of the labor and material, but which grant should not exceed \$206,000; and

WHEREAS, in the completion of the projects undertaken under the above grant and allotment, a grant from the United States of 30% on the labor and material and other items allowable under the regulations of the Public Works Administration, as actually

set forth in the loan and grant agreements, would amount, in the aggregate, to \$206,000, as set out in the amendatory application for additional grant under which the grant should not exceed \$280,000; and

WHEREAS, we feel that the City of Austin is entitled to an increased grant of \$74,000, for the reason that the City Manager of the City of Austin, prior to and at the time the various loan and grant agreements were entered into, discussed these figures with the then State Engineer for Texas, and with the heads of the Legal and Finance Departments of the Public Works Administration in Washington, and in each instance, these gentlemen made the statement that the figures in the loan and grant agreement were arbitrarily increased with respect to the amount of bonds to be made available to the City, and reduced with respect to the grant figures for the purpose of assuring that sufficient funds would be made available by the City to provide for any reasonable over-runs or increases in the cost of the project, but that the actual grant the United States would pay on the projects would be 30% of labor and material and other items allowable under the regulation of the Public Works Administration, regardless of the figures as actually set forth in the loan and grant agreements, and that said loan and grant agreements were executed with these facts in mind, and fully conscious that the grant figures did not equal the amount of 30% of labor and material items in the execution of said projects; therefore,

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

THAT the work involved in the above projects was performed in the spirit in which the Public Works Administration was created, and that the City of Austin is justly entitled to a further grant of \$74,000, increasing the grant set out in the amendatory loan and grant agreement from \$206,000 to \$280,000.

BE IT FURTHER RESOLVED:

THAT the City Manager is authorized and directed to send six certified copies of this resolution of the City Council of the City of Austin to Julian Montgomery, State Director, Public Works Administration, at Fort Worth, Texas.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and Lloyd W. Taylor, Engineer-Inspector, in direct charge of Docket No. 1758-595-b-1, being the project for the general construction of the Sanitary Sewer Line Extensions in Austin, Texas, have reported that said project has been completed by Brown & Root, Inc., Contractor, in accordance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the PWA Inspector, and have recommended to the City Council the final acceptance of the project and the payment of the final estimate due thereon; and

WHEREAS, The City Council has inspected said project and the works thereunder, and is of the opinion that same should be finally accepted; therefore,

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

THAT said project and the works thereunder is hereby accepted as completed, and the City Manager be, and is hereby, authorized and directed to approve the final estimates and to issue warrants in payment thereof, and that he be further authorized and directed to release the Contractor from any further liability in connection with said work, and

to authorize the cancellation of the bonds guaranteeing the successful completion of the project.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and Lloyd W. Taylor, Engineer-Inspector, in direct charge of Docket No. 1758-595-b-2, being the project for the general construction of a Sewer Pump Station in Austin, Texas, have reported that said project has been completed by Edward T. Lorey, Contractor, in accordance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the PWA Inspector, and have recommended to the City Council the final acceptance of the project and the payment of the final estimate due thereon; and

WHEREAS, The City Council has inspected said project and the works thereunder, and is of the opinion that same should be finally accepted; therefore,

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

THAT said project and the works thereunder is hereby accepted as completed, and the City Manager be, and is hereby, authorized and directed to approve the final estimates and to issue warrants in payment thereof, and that he be further authorized and directed to release the Contractor from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing the successful completion of the project.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The matter of amending the Zoning Ordinance so as to change the regulations for garage setbacks was discussed with H. F. Kuehne, Chairman of the Board of Adjustment, and the matter was referred to said Board for further study and recommendation.

The following application and report of the City Engineer were read:

"August 11, 1936  
Austin, Texas.

Austin City Council  
Austin, Texas

Gentlemen:

I hereby make application to erect a filling station on the West 90' of the South 70' of Lots Nos. 1 and 2, in Block 74, in the City of Austin, Travis County, Texas, which is the Northeast corner of the intersection of Nueces Street and West 6th Street.

Blue-prints, setting out the plans for the building of such station, have previously been filed with your department.

Very respectfully yours,

(Signed) Mrs. Prudence Bailey

By THE ROBBINS COMPANY

By (Signed) R. E. Robbins "

"Austin, Texas  
August 12, 1936

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Mrs. Prudence Bailey,



acting by and through the Robbins Company, her agents, for permission to construct, maintain and operate drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northeast intersection of West 6th Street and Nueces Street, which property fronts 90 feet on said West 6th Street and 70 feet on Nueces Street and is known as a portion of Lots 1 and 2, Block 74, of the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by the said Mrs. Prudence Bailey, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer inlet exists on the north curb line of West 6th Street at a location approximately 4 feet east of the east line of Nueces Street and a storm sewer inlet exists on the east curb line of Nueces Street at or near the north line of West 6th Street.

We recommend that Mrs. Prudence Bailey, acting by and through the Robbins Company, her agents, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before she starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the Ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-88.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-88 and shall be of the pre-moulded type.

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

Respectfully submitted,

J. E. Motheral  
City Engineer

J. C. Eckert  
Building Inspector. "

Councilman Alford then offered the following resolution:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northeast intersection of West 6th Street and Nueces Street, which property is owned by Mrs. Prudence Bailey and fronts 90 feet on said West 6th Street and 70 feet on Nueces Street, and is known as a portion of Lots 1 and 2, Block 74, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Mrs. Prudence Bailey, acting by and through the Robbins Company, her agents, to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all 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 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 the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Mrs. Prudence Bailey has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered 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 PRESTON AVENUE, beginning at a point 3 feet east of the east line of Harris Boulevard and 11 feet south of the north line of said Preston Avenue;

Thence in an easterly direction with a gas main, the centerline of which shall be 11 feet south of and parallel to the north line of said Preston Avenue, for a distance of 64 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in POQUITO STREET, beginning at a point 9 feet east of the west line of Poquito Street and 82 feet south of the south line of East 21st Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 9 feet east of and parallel to the west line of said Poquito Street, for a distance of 204 feet.

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 not 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 whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.



The following application was read:

"To the Honorable Members  
City Council  
Austin, Texas

Gentlemen:

We are inclosing herewith our proposed plans for commercial drive-in concrete ramps on our property located at 1164 Angelina Street, Austin, Texas, on which we ask your kind approval.

Yours very truly,

(Signed) W. H. Fuller

Mrs. M. A. B. Fuller. "

Councilman Alford then offered the following resolution:

WHEREAS, W. H. Fuller and Mrs. M. A. B. Fuller, owners of a portion of Outlot 2, Division B, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of Hackberry Street and the west side of Angelina Street and being located at the southwest intersection of said Hackberry and Angelina Streets, have made application to the City Council of the City of Austin for permission to construct commercial driveways across the south sidewalk area of said Hackberry Street west of Angelina Street, as shown upon the plan hereto attached marked 2-H-515, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT W. H. Fuller and Mrs. M. A. B. Fuller, owners of a portion of Outlot 2, Division B, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of Hackberry Street and the west side of Angelina Street and being located at the southwest intersection of said Hackberry and Angelina Streets, are hereby permitted to construct commercial driveways across the south sidewalk area of said Hackberry Street west of Angelina Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-515, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp, and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineering Department of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, E. O. Stewart, owner of Lots 1, 2, and 3, Block 8, of Swisher Addition within the City of Austin, Travis County, Texas, a portion of which property abuts the north side of West James Street at a location west of South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct one 20-foot commercial driveway across the north sidewalk area of said West James Street as shown upon the plan hereto attached marked 2-H-516, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT E. C. Stewart, owner of Lots 1, 2, and 3, Block 8, of Swisher Addition within the City of Austin, Travis County, Texas, a portion of which property abuts the north side of West James Street at a location west of South Congress Avenue, is hereby permitted to construct one 20-foot commercial driveway across the north sidewalk area of said West James Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-516; which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineering Department of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, J. M. Odom is the Contractor for the construction of a store building located at 2102 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lot 31, Outlot 22½, Division "D", of the City of Austin, Texas, during the construction of the building, such space 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 said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point in the east line of the above described lot 21 feet north of the north line of West 21st Street; thence in an easterly direction and at right angles to the centerline of Guadalupe Street a distance of 25 feet; thence in a northerly direction and parallel with the centerline of Guadalupe Street a distance of 30 feet; thence in a westerly direction and at right angles to the centerline of Guadalupe Street a distance to the west line of Guadalupe Street; thence in a southerly direction along the west line of Guadalupe Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said J. M. Odom, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall maintain an unobstructed walkway at least 4 feet wide through the above described working space and parallel with the west line of Guadalupe Street, such walkway to be protected on each side by guard rails at least 4 feet high and substantially braced and anchored, and the Contractor shall construct a 4-foot guard rail around the balance of the working space.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall remove all fences, barricades, loose materials and

other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than October 15, 1936.

(7) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) 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 from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED VOTERS OF SAID CITY OF AUSTIN, FOR ADOPTION OR REJECTION, AN AMENDMENT TO SECTION 1, ARTICLE 1, OF THE EXISTING CHARTER OF SAID CITY.

WHEREAS, the City Council deems it advisable to submit to the qualified voters of the City of Austin an amendment to Section 1, Article 1, of the existing Charter of said City; and

WHEREAS, the Charter of said City of Austin has not been altered or amended within two years next preceding this date; therefore

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

SECTION 1. THAT it is the intention of the City Council to pass an ordinance on the 3rd day of September, 1936, for the purpose of submitting to the qualified voters of the City of Austin, at an election to be held for that purpose, the following amendment to the existing Charter of said City:

Article 1, Section 1, of said Charter shall be amended so as hereafter to read as follows:

#### ARTICLE I

SECTION 1. The inhabitants of the City of Austin, in Travis County, Texas, residing within the territory hereinafter described, and within the territory which has been annexed to said City and made a part thereof since the adoption of said Charter as amended by election November 24, 1928, shall continue to be and are hereby constituted a body politic and corporate by the name and style of the City of Austin, and by that name shall have perpetual succession and shall have all the rights, property, real,

personal and mixed, immunity, powers, privileges and franchises now possessed and enjoyed by said City, or herein granted, and be subject to all its present liabilities, and may have a common seal and alter the same at pleasure, and may sue or be sued, plead or be impleaded in all courts of law and equity, may contract and be contracted with, may take, hold and convey, lease or acquire or sell or dispose of any property whatever for corporate purposes within the City limits; provided that the City shall not have power to dispose of any part of the water and light system of the City of Austin, the Dam across the Colorado River owned by the City or any property now owned or used or which may hereafter be owned or used as a part of said system, and which may be necessary or incident to the operation thereof; provided, however, that said City of Austin shall have the power, upon authorization by a majority vote of the qualified voters of said City, to grant, convey and cede to the Lower Colorado River Authority the land and territory, or any part thereof, now owned by the City of Austin in the upper extremity of the basin of Lake Austin, lying in and adjacent to the bed of the Colorado River, being such lands in said Lake owned by the City of Austin above the southeast corner of the I. & G. N. R. R. Co. Survey No. 42, Certificate 22/115, Patent No. 457, Volume 43, and above the point where the lower line of said survey intersects the Colorado River, which said point is approximately twelve (12) miles above the Dam across the Colorado River owned by the City of Austin; and with such further powers, rights and duties as herein provided.

SECTION 2. THAT the Mayor is authorized and instructed to publish a copy of this Resolution in the American Statesman and The Austin Dispatch, newspapers published in the City of Austin, as notice of the intention of the City Council to submit at an election the amendment to the Charter of the City of Austin hereinbefore set out, and the same when marked "NOTICE OF INTENTION TO SUBMIT CHARTER AMENDMENT," signed by the Mayor and attested by the City Clerk and published as herein provided, shall be due notice thereof.

SECTION 3. THAT it is the consensus of the City Council, in the adoption of this Resolution and in giving this notice of intention to submit at an election the amendment to the Charter, that the Charter as amended would in no wise authorize the conveyance by the City of Austin of any water rights owned by the City of Austin in or upon the Colorado River, or any portion of Lake Austin below the proposed site of a new Dam to be erected by the Lower Colorado River Authority, nor would such amendment authorize the relinquishment of any rights, title or property, real, personal and mixed, of the City in its present water and electric plants, systems or properties incident thereto, or any property which may hereafter be owned or used as a part of said water and light systems, and which may be necessary or incident to the operation thereof.

SECTION 4. THAT said notice shall be published in the newspapers aforesaid for ten (10)

days, the first publication of which shall be twenty (20) days prior to date on which the proposed ordinance is to be passed as set out in Section 1 of this Resolution.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew upon being contacted by telephone stated that he approved the action of the City Council in passing the resolution and would have voted "aye" on the adoption of same had he been present at the meeting.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF  
THE PARKS AND PLAYGROUNDS BONDS OF THE  
CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF  
SIXTY THOUSAND (\$60,000) DOLLARS, AND  
PROVIDING FOR THE PAYMENT THEREOF.

The ordinance was read the first time and upon motion of Councilman Alford, seconded by Councilman Gillis, the rules were suspended and the ordinance passed to its second reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and upon motion of Councilman Alford, seconded by Councilman Gillis, the rules were further suspended and the ordinance passed to its third reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and upon motion of Councilman Alford, seconded by Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion, duly seconded and carried, the meeting was recessed at 1:30 P. M., subject to call of the Mayor.

Approved: \_\_\_\_\_

Tom Miller  
Mayor

Attest:

Sharon McKee  
City Clerk