

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 11, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, May 11, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

Mr. C. O. Smith presented a letter to the City Council asking that certain clients of his be given an opportunity to demonstrate a recent invention of theirs to the Council. The matter was referred to Councilman Wolf for attention.

Mr. William H. Bright, Agent, appeared before the Council and asked that a public hearing be called on the application of the owners for a change in the zoning of the property at the corner of West 24th and Leon Streets from "A" Residence District to "B" Residence District.

Councilman Wolf moved that a public hearing on the application for a change in zoning of the property at the corner of West 24th and Leon Streets, being Lots 15 and 16, Block 48, Robar Addition, from "A" Residence District to "B" Residence District, be called for Thursday, June 1, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the resolution adopted.

The resolution is as follows:

WHEREAS, an application for a grant for the construction of an Incinerator was placed by the City of Austin with the Public Works Administration May 18, 1938; and

WHEREAS, such grant was made by the Public Works Administration August 18, 1938; and

WHEREAS, the agreement in which the grant allotment was made stipulated that the project must be completed not later than seven months after commencement of work thereon; and

WHEREAS, the City Council of the City of Austin on March 23, 1939, passed a resolution authorizing the City Manager to submit an application to the Public Works Administration for an extension of time of forty (40) days for completion of the project, such extension of time being required for the reasons set out in said resolution; and

WHEREAS, such application for an extension of time was made by the City Manager and approved by the Public Works Administration on April 25, 1939; and

WHEREAS, the City Manager is now advised by the contractor that the manufacturer has failed to comply with the scheduled shipping date of March 31, 1939, for an overhead crane to be installed in the Incinerator; and

WHEREAS, the manufacturer now advises that shipment of the crane cannot be made until May 15, 1939; and

WHEREAS, it is estimated that approximately thirty (30) days will be required for the installation of the crane and adjustment of mechanical equipment throughout the building, some of which cannot be made until the crane is in operation; therefore,

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

THAT the City Manager be and is hereby authorized to submit an application to the Public Works Administration for an extension in time of forty-five (45) days for the completion of the project, which will make the completion date June 29, 1939.

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the resolution adopted:

The resolution is as follows:

WHEREAS, the City Council is in receipt of copy of Architect's recommendation of acceptance, and of a School Board resolution, recommending the acceptance of the Foundation Contracts under PWA Docket TEX-2134-F, as follows:

Contract No. 11 - Rex D. Kitchens Construction Company, Contractor, for Foundation Work for Addition to Austin High School;

Contract No. 12 - Edward T. Lorey, Contractor, for Foundation Work for: Addition to Becker School and 6-Room S. E. Austin School (now known as Travis Heights School);

Contract No. 13 - Rex D. Kitchens Construction Co., Contractor, for Foundation Work for the following: 12-Room N. E. Austin School (now known as L.L. Campbell School); Addition to Zavala School; Addition to Rosewood School; and Addition to Kealing School;

Contract No. 21 - Edward T. Lorey, Contractor, for Foundation Work for the Two 8-Room N. W. Austin Schools (now known as the Brykerwoods School and the Rosedale School, respectively); and

WHEREAS, all contracts are under the direct supervision of the Supervising Architect's Office and are the responsibility of the Board of Trustees of the Austin Independent School District, whose recommendation and resolution, respectively, are attached hereto; Therefore,

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

THAT acceptance of the above-listed contracts be and the same is hereby made, subject to final approval of the Public Works Administration; and the City Manager is hereby authorized and instructed to execute any and all documents relating to such final acceptance.

(RESOLUTION SCHOOL BOARD)

WHEREAS, the Supervising Architect's Office has advised that the following contracts under PWA Docket TEX-2134-F, for Foundation Work have been inspected both by that office and by representatives of the Public Works Administration, and have been found satisfactory and according to the plans and specifications, and that the same were completed within the respective contract completion dates; and

WHEREAS, Superstructure Contracts have been awarded for each building for which foundations were installed under the contracts here referred to, and these superstructure contracts are now under way and no objection was raised by any of the Superstructure Contractors to any of the Foundation Work; and

WHEREAS, the Supervising Architect's Office recommends final acceptance of the following Foundation Contracts; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the Board do and does hereby recommend final acceptance to the City Council of the City of Austin of these contracts:

Contract No. 11- Rex D. Kitchens Construction Company, Contractor, for Foundation Work for Addition to Austin High School;

Contract No. 12- Edward T. Lorey, Contractor, for Foundation Work for Addition to Becker School; and 6-Room S.E. Austin School (now known as Travis Heights School);

Contract No. 13- Rex D. Kitchens Construction Co., Contractor, for Foundation Work for the following:
12-Room N.E. Austin School (now known as L.L. Campbell School); Addition to Zavala School; Addition to Rosewood School; Addition to Kealing School;

Contract No. 21- Edward T. Lorey, Contractor, for Foundation Work for the Two 8-Room N. W. Austin Schools (now known respectively as the Brykerwoods School and the Rosedale School).

I, Cousins Gregg, Secretary to the Superintendent of Schools, hereby certify that the above resolution was introduced and unanimously carried at a meeting of the Board of Trustees held on May 8, 1939, at which were present the following members: E. H. Murchison, President; Mrs. Hal P. Bybee; L. H. Blenderman; Carl T. Widen; Mrs. A. P. Robinson; also A. N. McCallum, Superintendent of Schools.

(Signed) Cousins Gregg
Secretary to the
Superintendent of
Public Schools
Austin, Texas.

(SEAL)

(RECOMMENDATIONS OF ARCHITECTS)

"Austin, Texas
April 28, 1939

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

Dear Sir:

Re: Docket TEX-2134-F
Schools, Austin, Texas
Contracts Nos. 11, 12, 13 and 21
Acceptance

This is to advise that the following contracts for Foundation Work only have been satisfactorily completed according to the plans and specifications, and that final inspection on each has been made by a representative of this office and by representatives of the Public Works Administration:

Contract No. 11 - Rex D. Kitchens Construction Company, Contractor for Foundation Work only for Addition to High School
(Completion time of this particular contract was extended by PWA Change Order No. 42-11-2 to February 26, 1939. Actual date of completion of the work under this contract, as shown by the last pay roll was February 16, 1939, i.e., within the completion date as set up by Change Order).

Contract No. 12 - Edward T. Lorey, Contractor, for Foundation Work only for Addition to Becker School and for the Travis Heights School (formerly known as the 6-Room S.E. Austin School). (Completion time, as established by PWA Change Order No. 43-12-2, was set at March 19, 1939. Actual completion of this contract, as shown by the last pay roll account, was March 1, 1939, i.e., within the completion date established by Change Order).

Contract No. 13 - Rex D. Kitchens Construction Company, Contractor, for Foundation Work only for L. L. Campbell School (formerly known as 12-Room N.E. Austin School); for Addition to Zavala School; Addition to Rosewood School; and Addition to Kealing School. (Completion time for this contract was set by PWA Change Order No. 44-13-1 as March 19, 1939. This contract was completed, as shown by last pay roll date, on March 3, 1939, i.e., within the completion period set up by the PWA Change Order).

Contract No. 21 - Edward T. Lorey, Contractor, for Foundation Work only for Brykerwoods School (formerly known as the 8-Room N.W. Austin School, Bryant Site; and for Rosedale School (formerly known as 8-Room N.W. Austin School, Rosedale Site). (Completion date set by PWA Change Order No. 45-21-3 as March 14, 1939. Contract actually completed on February 13, 1939, as shown by last pay roll date, i.e., within the completion time established by Change Order).

Actual recommendation of acceptance of the above contracts was held in abeyance until after the superstructure contract for each foundation was awarded and the superstructure contractor had had the opportunity of checking the exactness of the Foundation Work, and of accepting the same.

All superstructures are now under construction, and the Superstructure Contractor, in each case, has raised no objection to any of the foundation contract work and has therefore accepted the same as being satisfactory.

We, as your Supervising Architects, now therefore recommend final acceptance of each of the above contracts.

Respectfully submitted,

GIESECKE & HARRIS
SUPERVISING ARCHITECTS
By Bertram E. Giesecke.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the resolution adopted.

The resolution is as follows:

WHEREAS, the City Council is in receipt of a resolution enacted at the regular meeting of the Board of Trustees of the Austin Independent School District on May 8, 1939, in connection with Contract No. 2 and Contract No. 10 under PWA Docket TEX-2134-F, as follows:

- (A) Recommending to the City Council that acceptance be made of the work of J. R. Blackmore & Sons for the construction of a concrete stadium, under Contract No. 2, and that the liquidated damages for the 17-day over run in time be waived, for the good and sufficient reasons recited in said resolution, a copy of which is attached to and made a part hereof; and
- (B) Recommending to the City Council that acceptance be made of the work of Will O'Connell for the General Construction of the Addition to the Anderson High School Shop, under Contract No. 10, a copy of which resolution is attached to and made a part hereof;

Now, therefore,

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

THAT the said recommendations of the School Board be and the same are hereby accepted and ratified, and so recommended to the Public Works Administration, and the City Manager is hereby authorized and instructed to execute any necessary forms in connection with the acceptance of said Contracts No. 2 and No. 10.

(RESOLUTION OF SCHOOL BOARD)

WHEREAS, the Supervising Architect's Office has advised that the General Construction Contract of J. R. Blackmore & Sons, for the construction of the Concrete Stadium, under Contract No. 2, PWA Docket TEX-2134-F, has been satisfactorily completed (Except for an over run of 17 days in the contract construction period); that the work has been inspected by a representative of the Supervising Architect's Office and by a representative of the Public Works Administration, as well as by the Chairman of the Building Committee and other representatives of the School Board; and

WHEREAS, the Supervising Architect recommends final acceptance of said contract, and the Chairman of the Building Committee at this meeting endorses said recommendation:

now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT said contract be declared completed and that final acceptance of the same be and is hereby recommended to the City Council of the City of Austin; and

BE IT FURTHER RESOLVED:

THAT the Board of Trustees recommend to the City Council of the City of Austin that the liquidated damages provided for in the contract, at the rate of \$25.00 per day, be waived, due to the fact that the Contractor was handicapped in the later portion of the construction of the Concrete Stadium by reason of the preparations which were being made by the City for the Centennial celebration in House Park; and for the further reason that the Stadium will not be put to actual use until the fall of 1939, and the 17-day delay in the completion of this contract has therefore not damaged the City nor the School Board.

I, Cousins Gregg, Secretary to the Superintendent of Schools, hereby certify that the above resolution was introduced and unanimously carried at a meeting of the Board of Trustees, held on May 8, 1939, at which the following members were present: E. H. Murchison, President; Mrs. Hal P. Bybee; L. H. Blenderman; Mrs. A. P. Robinson; Carl T. Widen; also A. N. McCallum, Superintendent of Schools.

(Signed) Cousins Gregg
Secretary to the Superintendent of Public
Schools, Austin, Texas.

(Seal)

(Recommendation of Architect)

"Austin, Texas
May 3, 1939

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

Dear Mr. Murchison:

Re: Docket Tex-2134-F
Contract No. 2 - Concrete Stadium

We hereby report the completion of the contract of J. R. Blackmore & Sons for the General Construction of the Concrete Stadium, under Contract No. 2.

The completed work was this day jointly inspected by the writer, representing your Supervising Architect's Office, and by Mr. Lamont Andrews, Inspector out of the PWA Resident Engineer's Office, who has been in charge of that particular project, as PWA Representative; and the work was found to have been satisfactorily completed.

The project has been separately inspected since completion by Mr. L. H. Blenderman, Chairman, Building Committee, by Mr. T. H. Porter, Assistant to the Superintendent, and by Mr. H. B. Iglehart, the Owner's representative.

According to the contract between the City and J. R. Blackmore & Sons, the completion time on this project was set as March 10, 1939, whereas the construction work was not substantially complete until March 27, an over run of 17 days.

We hereby respectfully recommend final acceptance of the contract. There is included in the contract a provision, under which the Contractor is required to refund to the Owner the sum of \$25.00 for each day's over run of time, as liquidated damages. We suggest for your consideration waiving the liquidated damages (subject, of course, to PWA approval), based on the fact that the later stages of the work were slightly interfered with due to the preparations being made by the City of Austin for the

Centennial celebration which was held at House Park; and the further delay, partly occasioned by the fact that Mr. Gerald Blackmore, who was in charge of this particular work during the early stages of construction, was stricken with pneumonia and has been off of the project for the past several months. It is further suggested that the Owner has suffered no damages due to this 17-day over run since the Stadium will not be needed until next fall, and the Docket itself has not been delayed since the Public Works Administration reports that the progress of the Docket is now slightly ahead of schedule.

Respectfully submitted

GIESECKE & HARRIS
Supervising Architects

By Bertram E. Giesecke

(Resolution of School Board)

WHEREAS, the office of the Supervising Architect and Mr. Arthur Fehr, Associate Architect, report completion of the contract of Will O'Connell, covering the general construction of the Shop Addition to the Anderson High School, and recommend its final acceptance; and

WHEREAS, the completed project has been inspected by the Chairman of the Building Committee and representatives of the Superintendent's office, who report the work to have been satisfactorily completed; now, therefore,

BE IT RESOLVED That the Board of Trustees of the Austin Independent School District hereby accept the work of Will O'Connell under Contract No. 10, PWA Docket TEX-2134-F, and recommend its acceptance by the City Council of the City of Austin, Texas, subject to approval by the Public Works Administration.

I, Cousins Gregg, Secretary to the Superintendent of Schools, hereby certify that the above resolution was introduced and unanimously adopted at a meeting of the Board of Trustees, held on May 8, 1939, at which the following members were present: E. A. Murchison, President; Mrs. Hal. P. Bybee; L. H. Blenderman; Mrs. A. P. Robinson; Carl T. Widen; also A. N. McCallum, Superintendent of Schools.

(Signed) Cousins Gregg
Secretary to the Superintendent of Schools
Austin, Texas.

(Seal)

(Recommendation of Architect)

"Austin, Texas
May 8, 1939

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

Dear Sir:

Re: Docket Tex-2134-F
Schools, Austin, Texas
Contract No. 10

We wish to report that Mr. Arthur Fehr, Associate Architect in charge of the Shop Addition for the Anderson High Addition reports, under date of May 4, 1939, "that the work by Mr. Will O'Connell for the General Construction of that building has been completed and that Mr. Fehr has found that the same complies with the plans and specifications and is ready for final acceptance."

Under the contract documents, the contract of Mr. Will O'Connell was to have been completed by May 10, 1939. In other words, the same has been completed within the contract period, and we hereby recommend final acceptance of the same.

Yours very truly,

Giesecke & Harris
Supervising Architects

By Bertram Giesecke. "

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the City Council is in receipt of a resolution by the Board of Trustees of the Austin Independent School District, rescinding a previous recommendation made by resolution dated March 13, 1939, with reference to award of contract for Electric Work for Units 29, 30 and 31 under PWA Docket Tex-2134-F, a copy of which latter-dated resolution is attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of Austin is, in connection with said Docket Tex-2134-F, acting for and in behalf of the Austin Independent School District and is, in all normal requests, ratifying the actions of said School Board; now, therefore,

BE IT RESOLVED That in compliance with the request of the Board of Trustees of the Austin Independent School District, the City Council hereby rescinds its resolution of March 16, 1939, in which resolution the City Council did, at the request of the Austin Independent School District, recommend award of contract to Fox-Schmidt for the Electric Work under Units 29, 30 and 31 of the above-mentioned Docket; and

BE IT FURTHER RESOLVED That at the recommendation of the Board of Trustees of the Austin Independent School District, the City Council hereby recommends to the Public Works Administration the award of contract for the Electric Work for said Units 29, 30 and 31 to the Drago Electric Company of Port Arthur, Texas, said recommendation of the said Board of Trustees being in line with the requirements of the Public Works Administration regulations. The City Manager is hereby authorized and instructed to execute the necessary contract documents, upon receipt of notice of approval of this recommendation from the Regional Office of the Public Works Administration.

(Resolution School Board)

WHEREAS, at a regular meeting of the Board of Trustees of the Austin Independent School District, held on March 13, 1939, said Board of Trustees by resolution recommended rejection of the bid of the Drago Electric Company of Port Arthur, Texas, new low bidder by the sum of \$1.00 on the Electric Branch of Units 29, 30 and 31 under PWA Docket Tex-2134-F, for insufficiency of bid security, and in

the same resolution did recommend award of contract for said work to Fox-Schmidt of Austin, Texas, who was, after the rejection of bid of the Drago Electric Company, the net low bidder on said work; and

WHEREAS, the Regional Office of the Public Works Administration rejected the recommendation of award; and

WHEREAS, the Supervising Architect's Office, at the instruction of the Board, did later review and brief the facts entering into that resolution of March 13, 1939, sending same, through the Regional Office, to the Central Office of the Public Works Administration in Washington, D. C., with a request for reconsideration and approval of the Board's action; and

WHEREAS, the Supervising Architect's Office has been advised by the Regional PWA Office, by letter dated April 22, 1939, and received April 26, 1939, reading as follows:

" We have been advised by our Central Office that the Public Works Administration could not concur in the proposed award of Contract No. 38 to other than the low bidder.

" In the event you wish to change your previous stand in this matter and award this contract to the low bidder, you will please make your recommendation to the governing body and have them pass the necessary resolution, in the usual manner, expressing their official action in awarding this contract to the Drago Electric Company on their base bid of \$9,202.00, less Alternate No. 1 in the amount of \$1,862.00, which develops a net low bid of \$7,340.00";

and

WHEREAS, under the conditions of "THE OFFER," the owner has agreed to comply with the regulations of the Public Works Administration; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

That the resolution of said Board, passed at the regular meeting of March 13, 1939, recommending rejection of the bid of the Drago Electric Company, and recommending award to Fox-Schmidt, be and the same is hereby rescinded; and

BE IT FURTHER RESOLVED :

That the Board of Trustees of the Austin Independent School District hereby recommends to the City Council, acting for and in behalf of the Austin Independent School District, that award of contract for the Electric Work under Units 29, 30 and 31 be awarded to the Drago Electric Company of Port Arthur, Texas, at their base proposal of \$9,202.00, less Alternate No. 1, under which the sum of \$1,862.00 is deducted, for a net contract price of \$7,340.00.

The above resolution was adopted at a meeting of the Board of Trustees of the Austin Independent School District, held May 8, 1939, at which the following members were present: E. H. Murchison, President; Mrs. Hal P. Bybee; L. H. Blenderman; Mrs. A. P. Robinson; Carl T. Widen; also A. N. McCallum, Superintendent of Schools.

(Signed) Cousins Gregg
Secretary to the
Superintendent of Schools
Austin, Texas

(Seal)

(Recommendation of Architect)

" Austin, Texas
May 8, 1939

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

Dear Mr. Murchison:

Re: Docket Tex-2134-F
Schools, Austin, Texas
Contract No. 38

Under date of April 22, we are advised by the Regional PWA Office that the Washington Office had concurred with Fort Worth in its statement that the recommendation of award of the Electric Work on Units 29, 30 and 31 was not concurred in because PWA would not approve an award "to other than the Low Bidder." Their letter of April 22 included the following paragraph:

" In the event you wish to change your previous stand in this matter and award this contract to the low bidder, you will please make your recommendation to the governing body and have them pass the necessary resolution, in the usual manner, expressing their official action in awarding this contract to the Drago Electric Company on their base bid of \$9,202.00, less Alternate No. 1 in the amount of \$1,862.00, which develops a net low bid of \$7,340.00."

As this question has been taken up personally by the writer with the Fort Worth Office and with several divisions of the Washington Office up to and including Judge McCall, First Assistant Counsel of the Public Works Administration, and in each case has been advised that the award to Fox-Schmidt will not be approved, we feel that if the Board is to properly protect the Grant which would be involved in this particular subcontract, the suggestion contained in the Fort Worth Office's letter of April 22 should be followed.

We therefore recommend that the Board of Trustees withdraw its original recommendations and substitute in place of the same a recommendation for award of the Electrical Work on Units 29, 30 and 31 to the Drago Electric Company under Contract No. 38, at their base bid of \$9,202.00, less Alternate No. 1 of \$1,862.00, at a net contract price of \$7,340.00.

Yours truly,

Giesecke & Harris
Supervising Architects

By: Bertram Giesecke. "

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its regulation be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket Texas-1852-F, Incinerator, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket Texas 1852-F, Incinerator; 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 submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas 1852-F, Incinerator, with notice that such scale of wages must be complied with.

"Docket Texas-1852-F
Incinerator
Austin, Texas

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Linoleum Layer	\$ 1.25	\$10.00

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for the installation of the Incinerator for the City of Austin, under Docket Texas-1852-F were received and opened August 29, 1938; and

WHEREAS, said contract was duly executed with Yarbrough Construction Company of Austin, Texas, on August 30, 1938, and approved by the Public Works Administration on October 20, 1938; and

WHEREAS, it was provided in this contract agreement that 200 calendar days were provided for; and

WHEREAS, the City Council adopted a resolution March 23, 1939, authorizing the City Manager to submit a change order to the Public Works Administration for an extension of forty (40) days for the contract completion date; and

WHEREAS, such change order request was submitted by the City Manager and approved by the Public Works Administration April 26, 1939; and

WHEREAS, the Contractor now advises the City Manager that the manufacturer has failed to ship an overhead crane for the Incinerator on March 31, 1939, the agreed

shipping date; and

WHEREAS, the manufacturer advises that the crane will be shipped May 15, 1939; and

WHEREAS, the shipping date of May 15 is approximately 13 days after the present contract completion date of May 2, 1939; and

WHEREAS, it is estimated that approximately thirty (30) days will be required for installation of the crane and adjustments to mechanical equipment which must be made after the crane is installed; and

WHEREAS, it is estimated that two (2) weeks time will expire in the shipping procedure on the crane; therefore

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

THAT a fifty-two (52) day extension of time for completion of the contract be granted to Yarbrough Construction Company, Contractor on this work.

Councilman Alford introduced the following resolution:

WHEREAS, H. E. Wattinger is the Contractor for the erection of a building located at 2252 Guadalupe Street and desires a portion of the alley space abutting Lot 35, Outlot 35, Division "D", of the Original City of Austin, Travis County, Texas, during the erection 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 H. E. Wattinger, the boundary of which is described as follows:

Alley Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of the alley that runs north and south between Guadalupe Street and San Antonio Street 10 feet to a point; thence in a northerly direction and parallel with the centerline of said alley 43 feet to a point; thence in an easterly direction and at right angles with the centerline of said alley to the northwest corner of the above described property.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the south, west, and north line of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the alley outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the alley side of the barricades.

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

(6) That provisions 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 water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the alley immediately after the necessity for their existence on said alley has ceased, such time to be determined by the City Manager, and in any event all such barricades, materials, equipment, and other obstructions shall be removed not later than July 1, 1939.

(9) 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.

(10) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) 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 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Rex Kitchens is the contractor for the alteration of a building located at 609 Congress Avenue and desires a portion of the sidewalk space abutting Lot A, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration of said building, such space to be used in the work and for the storage of materials therefor. The Contractor also desires to occupy one car space immediately in front of the above described building at such times as it is necessary to load and unload materials for the above project; 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 Rex Kitchens, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Congress Avenue to a point 6 feet east of the east curb line; thence in a southerly direction and parallel with the centerline of Congress Avenue 23 feet to a point; thence in an easterly direction and at right angles with the centerline of Congress Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Rex Kitchens, hereinafter termed "Contractor," upon the following express terms and

conditions:

(1) That the Contractor shall construct a guard rail within outer boundaries of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk 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 June 1, 1939.

(3) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(4) 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.

(5) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(6) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(7) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claim for damages to any person or property that may accrue to or be brought by any person or persons 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Moore Construction Company is the contractor for the alteration of a building located at 115 West 6th Street, and desires a portion of the sidewalk space abutting Block 55 of the Original City of Austin, Travis County, Texas, during the alteration of said building, such space to be used in the work and for the storage of materials therefor. The Contractor also desires to occupy one car space immediately in front of the above described building at such times as it is necessary to load and unload materials for the above project; 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 Moore Construction Company, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 6th Street to the south curb line; thence in a westerly

direction and parallel with the centerline of West 6th Street 60 feet to a point; thence in a southerly direction and at right angles with the centerline of West 6th Street to the northwest corner of the above described property.

2. That the above privileges and allotment of space are granted to the said Moore Construction Company, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor will erect and substantially brace a solid floor supported on two-inch material and as approved by the Building Inspector, a solidly covered floor not less than 8 feet clear height from the present sidewalk, covered on top with building paper or other suitable material to prevent water or dirt from sifting through the cracks in the boards. The Contractor will be permitted to erect a scaffold over this covered walkway in order to remodel the building on the above described premises. He will be permitted to chop off the present stucco and cement at such time when traffic on West 6th Street is at low ebb.

(2) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk 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 June 1, 1939.

(3) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(4) 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.

(5) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(6) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(7) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, J. F. Johnson, is the Contractor for the erection of a building located at 1511 San Jacinto Street, and desires a portion of the sidewalk and street space abutting Lot 12, Block 55, of the Original City of Austin, Travis County, Texas, during

the erection 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.F. Johnson, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of San Jacinto Street to a point 5 feet west of the east curb line; thence in a northerly direction and parallel to the centerline of San Jacinto Street 26 feet to a point; thence in an easterly direction and at right angles with the centerline of San Jacinto Street to the west corner of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any person to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(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 in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions 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 water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) 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 June 1, 1939.

(10) 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.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, the City of Austin no longer needs the following described property and has heretofore duly authorized the sale of same; and

WHEREAS, after said property had been duly advertised for sale in a newspaper of general circulation published in the City of Austin, the highest and best bid received in response to said advertisement was that of Max Sandgarten, made by and through Ted Wendlandt, as his agent, who bid for said property \$3,625.00 cash; and

WHEREAS, it is the opinion of the City Council of the City of Austin, Texas, that said bid should be accepted and sale made in accordance therewith; therefore

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

THAT the aforesaid offer of Max Sandgarten to purchase the hereinafter described property be and the same is hereby accepted, and the City Manager of Austin, Texas, is hereby authorized and directed to sell to Max Sandgarten the following described property, to wit: all of that certain lot, tract or parcel of land situated in the City of Austin, Travis County, Texas, and being a part of Block No. Sixty-one (61) in Division "E", in the City of Austin, and more particularly described by metes and bounds as follows:

Beginning at the S. E. corner of that certain 92x130 feet conveyed by C. J. Widerstrom and wife, Christina Widerstrom, to Helena G. Collins by deed dated June 24th, 1905, recorded in the Deed Records of Travis County, Texas, Book 199, page 170, said beginning point also being the intersection of the W. line of Red River Street with the N. line of an alley; thence in a westerly direction with the N. line of said alley and parallel with the north and south lines of Outlot No. 61, 138 feet to a stake for corner; thence in a northerly direction, parallel with the East line of said Outlot No. 61, 52 feet to a stake for corner; thence in an easterly direction, parallel with the north and south lines of said Outlot No. 61, 138 feet to a point in the W. line of said Red River Street; thence in a southerly direction with the W. line of Red River Street, 52 feet to the place of beginning, together with all improvements thereon.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to furnish said Max Sandgarten an abstract of title to said property at the expense of the City, and that on the payment of the purchase price, to wit, \$3625.00, the City Manager

is hereby authorized and directed to execute a deed of conveyance to said Max Sandgarten to the above described property.

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

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF THREE AND FIFTEEN ONE-HUNDREDTHS (3.15) ACRES OF LAND OUT OF THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN DECEMBER 15, 1938, AND IS RECORDED IN BOOK "K", PAGES 440-452, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

Mayor Miller moved that the following named persons be reappointed as members of the Library Commission, for the term ending July 1, 1940, retroactive July 1, 1938:

Mrs. Chas. Stephenson
Chairman
Mrs. D. L. Clark
William J. Freese
Geo. C. Hawley
Mrs. Claude Hill
H. H. Luedcke
Mrs. W. T. Mather
V. H. Pannell
Coleman Gay
Mrs. Arnold Romberg
Mrs. Louis Slaughter
F. W. Sternenberg
Wm. J. Weeg
Prof. O. D. Weeks
Mrs. A. W. Harris

The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that the following named persons be reappointed as members of the City Plan Commission, for the term ending December 31, 1940, retroactive December 31, 1938:

H. F. Kuehne
Chairman
Murray Ramsey
Gillespie Stacy
B. J. Rupert
T. B. Warden
C. A. Schutze
W. M. Graham

Ex Officio:

A. L. Love
J. E. Motheral

The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that in view of the arduous duties imposed upon the City Plan Commission, each member thereof be paid \$5 per meeting, where such meetings do not exceed two per month. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller announced that the public hearing called for this day, in accordance with published notice thereof, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, would now be opened:

To amend the USE designation of the property known as Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 1, Pecan Grove Addition, said property lying between Butler Road, Josephine Street, old Fredericksburg Road, and Lots 1, 2, 3, 4, and 5, Block 1, Pecan Grove Addition, so as to change same from "A" Residence District to "C" Commercial District

No one appearing to protest the proposed change, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller submitted to the Council the following:

CERTIFICATE OF CITY MANAGER

This certifies that an investigation has been made of the attached application of Frank Duran, 2001 East Fourth Street, for license to operate a taxicab in the City of Austin, and, as a result of said investigation, it is recommended that the license applied for be granted.

(Signed) Guiton Morgan
City Manager.

Councilman Wolf moved that, in accordance with the foregoing recommendation of the City Manager, a taxicab license be granted to the said Frank Duran, 2001 East Fourth Street. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, by deed of easement dated June 13, 1918, recorded in Volume 406, pages 390-391, of the Deed Records of Travis County, Texas, R. Niles Graham, et al., did grant and convey to the City of Austin the right to construct and perpetually maintain a sanitary sewer on a portion of a 27.4 acre tract of land out of the Geo. W. Spear League in the City of Austin, Travis County, Texas, which tract is more particularly described in a deed to E. M. Sherrill from J. C. Bryant, recorded in Volume 360, at pages 370-371, of the Deed Records of Travis County, Texas, being a two-acre tract and a portion of Lot No. 4 of the Subdivision of an 87-acre tract out of the Geo. W. Spear League, according to a map or plat of said Subdivision of record in Book "2", at page 601, of the Deed Records of Travis County, Texas; and

WHEREAS, said sanitary sewer line has been definitely located and may be described by field notes; now, 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 in the name of the City of Austin to release and quitclaim to the said E. M. Sherrill, his heirs and assigns, all the right, title, interest, claim and demand in and to the said easement described above except as such easement is specifically described in field notes prepared by the City Engineer May 8, 1939, which are recorded in the office of the City Engineer under reference 2-C-800.

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

Councilman Wolf moved that a public hearing on the proposal of the City Council to amend certain sections of the Zoning Ordinance and to extend the "C-2" Commercial District from the intersection of East Sixth Street and Chicon Street, along both sides of Chicon Street, to East Seventh Street, and thence along East Seventh Street to the intersection of East Seventh Street with Northwestern Avenue, as recommended in the report of the Board of Adjustment dated May 1, be called for June 1, 1939, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Elizabeth Winn Estate for the years 1920 and 1922-1925, inclusive, and 1927-1937, inclusive, on 57x135 feet of Lot 6, Block 14, Maas Subdivision, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$136.39, and for non-payment of same at maturity, penalty in the sum of \$6.82 has been assessed, and interest in the sum of \$68.39, making the total amount of taxes, penalty and interest \$211.60; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$6.82 and one-half of the interest in the sum of \$34.20; therefore

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

THAT the aforesaid penalty in the sum of \$6.82, and one-half of the interest in the sum of \$34.20, are hereby remitted, and the Tax Assessor and Collector of the

City of Austin is authorized and directed to charge said penalty in the sum of \$6.82, and one-half of the interest in the sum of \$34.20, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 11:10 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McNeel
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 18, 1939.

The City Council of the City of Austin, of the State of Texas, convened in regular session, at the regular meeting place, on this 18th day of May, 1939, with the following members present, to-wit: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; with the following absent, NONE, constituting a quorum.

The reading of the Minutes was dispensed with.

Councilman Alford introduced a proposed resolution and moved its adoption. The resolution was read in full. Councilman Wolf seconded the motion. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; NOES: NONE.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

RESOLUTION ACCEPTING AN AMENDATORY OFFER OF THE UNITED STATES OF AMERICA TO AID BY WAY OF GRANT IN FINANCING A PROJECT THEREIN DESCRIBED

WHEREAS, the United States of America has offered to aid the City of Austin, Texas, by way of an amendatory grant in financing the construction of an incinerator, including necessary equipment and the acquisition of necessary land; and

WHEREAS, at a regular meeting of the City Council of the City of Austin, held Thursday, May 18, 1939, this Amendatory Offer was presented and it is deemed desirable that the said Amendatory Offer be accepted by the City at this time; now, therefore,

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

1. THAT the Amendatory Offer of the United States of America, reading as follows: