

Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller announced to the City Council that, by virtue of the authority vested in him as Mayor under Section 5 of the "Housing Authorities Law" of the State of Texas, he had appointed J. H. Pittsford as Commissioner of the Housing Authority of the City of Austin to fill out the unexpired term of W. R. Nabours, whose resignation as Commissioner of the Housing Authority of the City of Austin had been received .

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Hallie M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 29, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, July 29, 1939, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Chas. F. Alford, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilmen C. M. Bartholomew and Simon Gillis.

The reading of the Minutes was dispensed with.

The Mayor declared the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, in accordance with published notice thereof:

To amend the USE designation of the following described property so as to change same from "A" Residence District and "C" Commercial District to "D" Industrial District:

The property located at the southeast corner of West 34th Street and Scenic Drive, and more particularly described as follows: Lots 1, 2, 3, 4, and 5, in Block No. 1; Lots 1, 2, 3, and 4, in Block No. 2; Lot 1 in Block No. 5; and that certain strip of land lying north of Lot No. 1 in Block No. 1 and Lot No. 1 in Block No. 2, said strip lying south of West 34th Street, all of said land being in the Wilson Subdivision of part of Daniel J. Gilbert One-Third League in the City of Austin, Travis County, Texas, according to the map or plat thereof of record in Volume 3, on page 2, of the Plat Records of Travis County, Texas.

Jack Sparks, Attorney for petitioners, was present and asked permission to withdraw his client's petition asking for the change, and resubmit same to the Board of

Adjustment for a variation.

The following property owners were also present and registered their protests against the proposed change in zoning, on the grounds that it would greatly deteriorate the residential value of their property, and that the contemplated use of this property, namely, as a riding stable, would be very objectionable: W. C. Lloyd, Mrs. W. C. Rivers, Capt. F. W. Edmiston, representing Camp Mabry, Wm. S. Gatewood, and Jeff D. Thompson.

No action was taken on the matter in view of the withdrawal of proponent's petition.

The following report of the Board of Adjustment on the foregoing matter was received and filed:

"Austin, Texas
June 15, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 13, 1939:

RESOLUTION.

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. J. G. Burr, requesting a change in the Use designation of the following property:

Lots 1, 2, 3, 4, and 5, in Block No. 1; Lots 1, 2, 3, and 4, in Block No. 2; Lot 1 in Block 5; and that certain strip of land lying north of Lot No. 1 in Block No. 1 and Lot No. 1 in Block No. 2, said strip lying south of West 34th Street, all of said land being in the Wilson Subdivision of part of Daniel J. Gilbert One-third League in the City of Austin, Travis County, Texas, according to the map or plat thereof on record in Volume 3, on page 2, of the Plat Records of Travis County, Texas,

from "A" Residence and "C" Commercial Districts, First Height and Area, to "D" Industrial District, First Height and Area; and

WHEREAS, at a meeting held by the Board of Adjustment on June 13, 1939, there was carefully considered the change of the zoning designation of the above described property in relation to the property itself, the character of the surrounding neighborhood, and the development in this section of the City; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the above described property from "A" Residence District and "C" Commercial District, First Height and Area, to "D" Industrial District, First Height and Area, is not recommended to the City Council for the following principal reasons:

1. That the above described property is located in a residential area, with the exception of Camp Mabry, which is across the street north of the same, but that all the property east, south and west thereof is being developed for high-class residential purposes.

2. That to change this property to "D" Industrial District would permit the establishment of many uses thereon which would be definitely obnoxious, undesirable, and detrimental to the residential property surrounding the same and would depress property values in this area.

3. That the establishment of a "D" Industrial District in this restricted area would be entirely out of harmony with the Master City plan and especially with the principles of a comprehensive Zoning Ordinance.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman.

Dr. H. A. Scott presented a petition, bearing approximately 211 signatures, asking that the City Council reconsider its proposed action to sell the triangular tract of land lying along Shoal Creek Boulevard at 24th Street, and withdraw this tract from sale.

The foregoing petition was received and ordered filed.

A committee of Mexican citizens appeared before the Council to find out what action had been taken on their previous request for separate wards at Brackenridge Hospital for Negroes and Mexicans. The Mayor assured the committee that the matter would be referred to the Rotating Staff of Doctors of Brackenridge Hospital and the newly-appointed Manager of said Hospital, Dr. Geo. S. Buis, when he assumes his duties on August 1 next, to work out, if possible, a plan whereby such separate wards could be provided.

The application of Col. H. J. Weiler and wife, by Roy L. Thomas, Architect, for a change in the zoning of a 50x195' lot directly north of and adjoining Seton Infirmary, said lot facing west on Rio Grande Street and extending east to the alley, from "A" Residence District to "B" Residence District, was received. Councilman Wolf moved that the matter be referred to the Board of Adjustment, and that a public hearing on same be called for July 20. The motion prevailed by the following vote: Ayes, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

The application of Jack H. Key, by Jack Sparks and Hart & Brown, Attorneys, for a change in the zoning of the triangular tract of land located at the southwest corner of Marshall Ford Dam and Burnet Roads, from "C" Commercial District to "C-2" Commercial District, was received, and the matter was referred to the Board of Adjustment for recommendation.

The application of Edwin M. Dezendorf, et al., for a change in the zoning of property lying contiguous to the Southern Pacific Railroad tracks between East 12th and East 19th Streets, from "A" Residence District to "D" Industrial District, was received. Councilman Wolf moved that the matter be referred to the Board of Adjustment for recommendation, and that a public hearing on same be called for July 20. The motion prevailed by the following vote: Ayes, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

The application of Westenfield Development Company for a change in the zoning of Lots 1 and 2, Block "C", Shelley Heights, and all that certain lot, tract or parcel of land being a part of the south half of Outlot 7, Division "2", of the Outlots of the City of Austin, Texas, from "A" Residence to "B" Residence Districts, was received, and the matter was referred to the Board of Adjustment for recommendation.

Councilman Alford introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, A MUNICIPAL CORPORATION OF THE STATE OF TEXAS:

THAT said corporation's City Manager be and he is hereby duly authorized and fully empowered to enter into and execute, for and in the name of said corporation, one certain written agreement, dated and effective June 22, 1939, between said corporation and Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, herein called Carrier, respecting among certain things a certain 24" water pipe line crossing under I-GN tracks at Engr. Sta. 9498+3.5 and Engr. Sta. 9500+78.5, Austin, Travis County, Texas, true copy of said agreement being attached hereto as part hereof."

(AGREEMENT)

PIPE LINE AND CANAL CROSSING LICENSE

This instrument executed in duplicate on this 22nd day of June, A. D. 1939,
WITNESSETH:

The undersigned Carrier hereby grants, solely on the herein expressed terms and conditions, and the undersigned Licensee, CITY OF AUSTIN, a municipal Corporation of the State of Texas, Austin, Texas, hereby accepts, permission to install, keep, and use, free of charge, for conveying water (24" water line) along or across the right of way or other grounds constituting a part of Carrier's railroad (hereinafter called premises) at Austin, Travis County, Texas, a certain pipe line (or canal and/or flume), the same to cross premises at Engr. Sta. 9495/03.5, and Engr. Sta. 9500/78.5, and otherwise to be located as shown by yellow line and of said right of way if limited to any track, by white line, but, if wider, by red lines on the map or plat marked Exhibit "A" and hereto attached and made a part hereof.

1. The licensee shall furnish or do at licensee's own cost and responsibility any and all things and when and as from time to time required to accomplish whatsoever the licensee attempts or is bound to do at any time hereunder. Licensee shall adjust Pipe Line (or canal and/or flume) to any physical change as made at any time in any of Carrier's property; at all times keeping upper surface of any pipe line or canal and/or flume at least four feet below bottom of rail thereover. Licensee shall cause any Pipe Line, before being used for anything inflammable, to conform substantially to Exhibit "B" attached hereto as part hereof; obtaining Exhibit "B", if missing, from Carrier. Said things, including the time and manner of doing any work, each shall conform to the requirements of Carrier as well as of any State, Federal, or Municipal authority. Carrier may acting for Licensee, furnish or do, and Licensee shall pay and bear the cost of, anything which herein required of Licensee at any time, either shall not be furnished or done within ten days following Carrier's written request therefor or shall be undertaken by Carrier at Licensee's request; and Licensee on request shall, in advance, deposit with Carrier the estimated cost thereof. If deposit be less than actual cost, Licensee shall pay difference; if more, Carrier shall repay difference. Any other payment shall be made within twenty days following receipt of bill. Licensee shall pay cost to Carrier for all labor, including wages of foremen, plus 10% to cover accounting and supervision, and Carrier's cost price of all materials, f.o.b. Carrier's rails plus 10% to cover handling and accounting, plus freight at tariff to point of use. Carrier may connect with and discharge sewage into Pipe Line while serving as sewer.

2. Licensee agrees to indemnify and hold harmless the Carrier from all liability, damage and expense, including attorney's fees and costs, which the Carrier may incur or suffer, caused by the installation, maintenance, existence or use of Pipe Line (or canal and/or flume).

3. "Term hereof shall begin with the 22nd day of June, 1939, and continue thereafter indefinitely as long as Licensee shall perform and covenants hereof and shall reasonably need in its business the permission granted hereby and shall not abandon the said Pipe Line (or canal and/or flume); In the event Licensee shall fail to perform the covenants hereof, or shall not reasonably need in its business the permission granted hereby, or shall abandon the said Pipe covenants hereof, or shall not reasonably need in its business the permission granted hereby, or shall abandon the said Pipe Line (or canal and/or flume), the term hereof may be terminated by expiration of thirty days following serving, by Carrier on Licensee of written notice of intention to end term hereof. Term hereof may also be concluded by expiration of thirty days following serving by Licensee on Carrier of written notice of intention to end term

hereof. Any notice of Carrier shall be deemed served when posted conspicuously on Pipe Line (or canal and/or flume) or when deposited, postage prepaid, in U.S. mail addressed as aforesaid, not later than last day of term hereof Licensee shall remove Pipe Line (or canal and/or flume) and restore premises. Any of Pipe Line (or canal and/or flume) not so removed shall at Carrier's election without notice be deemed abandoned. Covenants herein shall inure to or bind each party's heirs, legal representatives, successors and assigns; provided, no right of Licensee shall be transferred or assigned either voluntarily or involuntarily except by express agreement acceptable to Carrier. Carrier or Licensee may waive any default at any time of the other without affecting or impairing any right arising from any subsequent default.

The International-Great Northern Railroad Company, pursuant to Section 77 of the Bankruptcy Act, approved March 3, 1933, is now in process of reorganization and is being operated by the undersigned Trustee under jurisdiction of the United States District Court, Eastern Division, Eastern District of Missouri, and, upon the date that ownership or control of the railroad and property of said Railroad Company by said Trustee or his successor trustee or trustees, shall cease, this agreement shall ipso facto terminate, unless, pursuant to the decree of said court, said agreement shall be continued in effect by the party succeeding to such ownership or control.

GUY A. THOMPSON, TRUSTEE
INTERNATIONAL-GREAT NORTHERN RAILROAD
COMPANY, DEBTOR

By _____
Senior Assistant.
"Carrier"

CITY OF AUSTIN

Attest:

Secretary for the Trustee

By _____
City Manager
"Licensee"

Attest:

City Clerk

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

Councilman Alford introduced the following resolution:

WHEREAS, the City of Austin is the holder of the hereinafter described land and desires to construct and perpetually maintain a water main in, upon and across said land; and

WHEREAS, for the purpose of making the location of said water main definite and certain and for the further purpose of giving any future purchaser of said land from said City of Austin, or its successors or assigns, in the event the City of Austin should part with title to same, notice of the location of the hereinafter described water main and to make the easement granting same a covenant running with the land;

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

THAT a water main be constructed in, upon and across a tract of land ten (10) feet in width by four hundred and twenty-four and 6/100 (424.6) feet in length, which tract or parcel of land is a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas, and is the West 10 feet of that certain tract or parcel of land containing 11.96 acres designated as Tract No. 2, in the deed of

date May 29, 1939, from the Blanco National Bank, a corporation, to the City of Austin, said deed recorded in Volume 621, at pages 31-35, both inclusive, of the Deed Records of Travis County, Texas, to which deed reference is hereby made for all pertinent purposes. Said tract or parcel of land 10 feet in width is particularly described by metes and bounds as follows:

Beginning at an iron stake in the south line of a county road sometimes known as East 51st Street, which iron stake is the northwest corner of the aforesaid tract No. 2 conveyed to the City of Austin, and which point of beginning is also the northeast corner of Lot 35, of Ridgetop Gardens;

Thence following the east line of Lot 35 and the west line of said tract No. 2, containing 11.96 acres of land conveyed to the City of Austin as referred to above, S. 30° W. 424.6 feet to an iron stake in the north line of the Robert Mueller Airport, which iron stake is the southeast corner of Lot 35 of said Ridgetop Gardens, and the southwest corner of said 11.96 acre tract of land conveyed to the City of Austin;

Thence following the south line of said 11.96 acre tract, S. 60° E. 10 feet to a point;

Thence N. 30° E. 424.6 feet to a point in the south line of the aforementioned county road or East 51st Street, which point is the north line of said City of Austin 11.96 acre tract;

Thence following the north line of said tract and the south line of said county road or East 51st Street, N. 60° W. 10 feet to the point of beginning.

BE IT FURTHER RESOLVED:

THAT the City of Austin reserves the right and same shall be a covenant running with the land should it be hereafter conveyed or sold by said City of Austin, or its successors or assigns, to hold said water main perpetually, together with the rights and privileges at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said water main and for making connection therewith all upon the condition that said City of Austin, in the event it has parted with title to said land, will at all times, after doing any work in connection with the construction or repair of said water main, restore said premises to the condition in which same were found before said work was undertaken, and that in the use of said rights and privileges herein granted, the City of Austin will not create a nuisance or do any act that will be detrimental to said premises.

BE IT FURTHER RESOLVED:

THAT the City Clerk of the City of Austin is hereby authorized and directed to have a certified copy of this resolution duly recorded in the office of the County Clerk of Travis County, Texas.

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

Councilman Alford moved that the City Manager be authorized to call for bids, for July 20, on a tank truck for the Fire Department. The motion prevailed by the following vote: Ayes, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

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, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

The Mayor declared the resolution finally adopted.

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 certain power plant improvements for the City of Austin under Docket Texas 1847-1-P-F were received and opened December 14, 1938; and

WHEREAS, said contract was duly executed with Fox-Schmidt of Austin, Texas, on December 15, 1938, and the schedule of contracts were approved by the Public Works Administration on January 20, 1939; and

WHEREAS, it was provided in this contract agreement that 150 calendar days were provided for completion of the work; and

WHEREAS, on May 4, 1939, the City Council passed a resolution approving an extension of 45 days to the contractor's time, such extension being necessary for the reasons set out in the resolution, which resolution was subsequently approved by PWA; and

WHEREAS, the contractor is now requesting an additional extension of twenty-five (25) calendar days because of unforeseen difficulties and delays in moving old equipment from the basement of the turbine building to the new location in the adjoining building, which work has proved to be much slower than was anticipated by the owner and the contractor, because of care that must be exercised in handling high voltage equipment and the necessity of handling parts alternately in order to keep turbines and boilers going during the repair operations, in order that power and water service will not be interrupted; therefore,

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

THAT twenty-five (25) calendar days extension of time for completion of the project be granted to Fox-Schmidt, contractors on this work, and that liquidated damages during this period be waived.

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

The Mayor declared the resolution finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Texas 1852-F, being the project for the construction of a 150-ton Incinerator, have reported that the contract for the construction of the Incinerator has been completed by the Yarbrough Construction Company, General Contractor, in accordance with the plans, specifications and change orders, and in compliance with rules and regulations of the Administration of Public Works and in an acceptable manner to the P.W.A. Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon, with the exception of \$200.00 to be retained in trust until a cast iron gate for one of the ash bins has been delivered to the job, and charging gates have been adjusted; and

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

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

THAT said contract and the works thereunder is hereby accepted and the City Manager be and is hereby authorized and directed to approve the final estimate and to issue warrants in payment thereof, provided that \$200.00 shall be retained in trust until the

ash gate has been delivered to the job, and charging gates have been properly adjusted, and that he be further authorized and directed to release the contractors from any further liability in connection with said work as provided in the specifications and to authorize cancellation of the bond guaranteeing the successful completion of the contract.

Councilman Alford introduced the following resolution:

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

WHEREAS, the City of Austin has paid bonds amounting to \$384,500.00, together with matured interest coupons on its bonded debt in the aggregate amount of \$285,165.00, as follows:

YEAR	DESCRIPTION	BONDS		INTEREST COUPONS	TOTAL
		NUMBERS	AMOUNT		
1910	School			\$ 1,500.00	\$ 1,500.00
1912	School	86-150	61,000.00	3,300.00	64,300.00
	Less: 101-126-142-145				
1912	Sanitary Sewer	201-210	10,000.00	2,450.00	12,450.00
1912	Street Improvement	201-210	10,000.00	2,225.00	12,225.00
1915	School	171-180	10,000.00	4,000.00	14,000.00
1915	Sanitary Sewer	45- 46	2,000.00	300.00	2,300.00
1915	Street, Bridge & Sewer	306-320	15,000.00	5,950.00	20,950.00
1916	Refunding	820-858	39,000.00	16,648.75	55,648.75
1917	Ridgetop School District			250.00	250.00
1918	School	29-30	2,000.00	1,050.00	3,050.00
1918	Sewage Disposal Plant	96-100	2,500.00	2,625.00	5,125.00
1921	Hospital	13	1,000.00	1,080.00	2,080.00
1923	Govalle School District			150.00	150.00
1924	Garbage Incinerator	17- 18	2,000.00	1,625.00	3,625.00
1924	School	74- 81	8,000.00	21,175.00	29,175.00
1924	Water Filtration Plant	81- 88	8,000.00	10,800.00	18,800.00
1926	School	32- 35	4,000.00	5,652.50	9,652.50
1928	Hospital 1-1	20- 21	2,000.00	3,442.50	5,442.50
1928	School	50- 56	7,000.00	11,082.50	18,082.50
1928	Street Improvement	32- 35	4,000.00	6,362.50	10,362.50
1928	Airport	14- 15	2,000.00	2,740.00	4,740.00
1928	Fire Stations	14- 15	2,000.00	2,740.00	4,740.00
1928	Parks & Playgrounds	14- 15	2,000.00	2,695.00	4,695.00
1928	Hospital 11-1	10	1,000.00	1,810.00	2,810.00
1928	Sanitary Sewer	10	1,000.00	680.00	1,680.00
1929	Street Improvement 5-1	79- 90	12,000.00	20,733.75	32,733.75
1929	Sanitary Sewer 5-1	39- 43	5,000.00	10,046.25	15,046.25
1929	Parks & Playgrounds 5-1	29- 33	5,000.00	8,217.50	13,217.50
1929	Fire Stations 5-1	4	1,000.00	1,116.25	2,116.25
1929	Street Improvement 12-16	74- 86	13,000.00	24,723.75	37,723.75
1929	Sanitary Sewer 12-16	23- 26	4,000.00	7,172.50	11,172.50
1929	Parks & Playgrounds 12-16	20- 22	3,000.00	6,127.50	9,127.50
1929	Abattoir 12-16	10- 11	2,000.00	3,087.50	5,087.50
1931	Street Improvement	76- 90	15,000.00	29,331.25	44,331.25
1931	Sanitary Sewer	13- 14	2,000.00	4,132.50	6,132.50
1931	Parks & Playgrounds	22- 25	4,000.00	8,407.50	12,407.50
1932	Public Library	14- 16	3,000.00	6,775.00	9,775.00
1932	Fire Stations	6	1,000.00	2,225.00	3,225.00
1935	Public Market	5- 7	3,000.00	2,780.00	5,780.00
1936	School	14- 26	13,000.00	9,915.00	22,915.00
1936	Parks & Playgrounds	4- 6	3,000.00	1,710.00	4,710.00
1937	Fire Stations	1- 5	5,000.00	2,750.00	7,750.00
			\$289,500.00	\$261,585.00	\$551,085.00
	4% Revenue Bonds	259-303	45,000.00	12,960.00	57,960.00
	3% Revenue Bonds	51-100	50,000.00	10,620.00	60,620.00
			\$ 95,000.00	\$23,580.00	\$118,580.00
			\$384,500.00	\$285,165.00	\$669,665.00

WHEREAS, such payments of bonds and interest coupons have been duly recorded on its bond registers and other books of account, and verified by the examination and audit of certified public accountants; 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 destroy, or cause to be destroyed, by cremation in the City Incinerator, before witnesses, all such bonds and interest coupons, having been fully recorded and verified as above stated.

The resolution was adopted by the following vote: Ayes, Councilman Alford,

Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

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, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

The Mayor declared the resolution finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration Projects, and G. S. Moore, in direct charge of Docket Texas-2072-F, being the project for the construction of Storm Sewers and Bridges, have reported that the contract for the construction of the 29th Street Bridge at Shoal Creek, has been completed by Yarbrough Construction Company, General Contractor, in accordance with the plans, specifications and change orders, and in compliance with the rules and regulations of the Administration of Public Works and in an acceptable manner to the P.W.A. Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

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

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

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

Councilman Alford introduced 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 JULIET STREET from Jessie Street westerly 157 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Juliet Street.

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

(2) A gas main in LAWTON AVENUE 50 feet north of West 36th Street northerly 256 feet, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Lawton Avenue.

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

(3) A gas main in WEST 5TH STREET ALLEY 48 feet west of Colorado Street westerly 50 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north line of said West 5th Street Alley.

Said gas main described above shall have a covering 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 out 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 resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

Councilman Wolf introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin, which have been previously adopted by the City Council of the City of Austin, require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other material; and

WHEREAS, H. F. Kuehne, owner of property situated at the northeast corner of the intersection of East 32nd Street and Duval Street within the City of Austin, Travis County, Texas, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk across the sidewalk area of East 32nd Street at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT H. F. Kuehne, owner of property situated at the northeast corner of the intersection of East 32nd Street and Duval Street within the City of Austin, Travis County, Texas, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location, and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilman Alford,

Mayor Miller, and Councilman Wolf; nays, none; Councilmen Bartholomew and Gillis absent.

Councilman Wolf introduced the following resolution:

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

THAT the sum of \$970.00 be and the same is hereby appropriated out of the Water and Light Fund, not otherwise appropriated, for the purpose of constructing water treatment facilities and piping for the AUSTIN BOY SCOUT CAMP, the same to be designed and built by the Water and Light Department of the City of Austin, and to be paid for by THE AUSTIN BOY SCOUT COUNCIL, their successors or assigns, one year from date; said payment to be evidenced by a note in the principal sum of \$970.00, to bear interest at the rate of 3% per annum, and to bear the customary legal provisions for a negotiable note.

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

A resolution of the City Plan Committee of the Chamber of Commerce, protesting the proposed sale of the triangular tract of land at 24th Street and Shoal Creek Boulevard, was received and filed.

A letter from Miss Olive Huck, protesting the proposed establishment of a riding stable in Mt. Bonnell section, was received and filed.

The Legal Department was instructed to take up with the Missouri Pacific Railroad Company the matter of having warning lights installed at the Windsor Road crossing.

Councilman Wolf introduced the following resolution:

WHEREAS, Dr. Z. T. Scott has presented to the City Council a request that the property known as 708-710 Brazos Street, owned by Scott & Gregg Real Estate Company, be designated as a bus terminal for the Bowen Bus Line as a continuation of the permit formerly granted the Southland Greyhound Lines, Inc., to operate a bus terminal at said location; now, therefore,

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

THAT said above described property is hereby designated as a bus terminal, and the said Bowen Bus Line is hereby given permission to operate same under the same terms and conditions contained in that certain resolution passed by the City Council on April 13, 1933, and recorded in Minute Book No. 14, at pages 57-58, of the Minutes of said City Council, granting permission to the said Southland Greyhound Lines, Inc., to operate such terminal.

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

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Helen McLean
City Clerk.