

the furnishing and installation of bronze plates on the 34th Street Bridge at Shoal Creek, the 29th Street Bridge at Shoal Creek, and the 24th Street Bridge at Shoal Creek, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works; and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said J. F. Johnson, subject to the approval of the Federal Emergency Administration of Public Works.

The City Manager was delegated to meet with the County Commissioners and formulate a plan for the operation of the Austin-Travis County Tuberculosis Sanatorium by which the supervision of said institution would be placed under the direct supervision of the County and a Board, the City to contribute its pro rata of the cost of maintenance and to receive monthly reports of its operation.

Upon motion, seconded and carried, the meeting was recessed at 12:05 P. M., subject to call of the Mayor.

Approved: Tom Miller.
Mayor

Attest:

Sharon M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 20, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, July 20, 1939, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman Simon Gillis.

The reading of the Minutes was dispensed with.

Mr. Brown Robbins appeared before the Council and complained of the excessive building of garage apartments on the rear of lots. The matter was referred to the City Manager, the Building Inspector, and the Assistant City Attorney for a conference with Mr. Robbins to determine how the situation could be remedied.

A. L. McKean, Attorney for Hugh Haynie, came before the Council and submitted a letter, together with pictures, relative to his client's claim for damages to his property by reason of the City's work shop at Deep Eddy. The matter was taken under advisement.

The Mayor announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following property so as to change same from "A" Residence District to "B" Residence District: the lot directly north of and adjoining Seton Infirmary, which said lot faces west on Rio Grande Street and extends back east to the alley, being 50'x195'.

To amend the USE designation of the following described property so as to change same from "A" Residence District to "D" Industrial District: Lot 22 (1 acre), Outlot 28, Plat 254; Lots 27, 28, 29, 30, 31, Outlot 28, Plat 254; 49/100 acre, Outlot 28, Plat 254; 85/100 acre, Outlot 30, Plat 256; 1 acre, Outlots 28/31, Plat 254; 12/100 acre, Outlot 28, Plat 254; 6.42 acres, Outlot 30, Plat 256; 45/100 acre, Outlot 31, Plat 255; 1.08 acre, Outlot 31, Plat 255; 1.08 acre, Outlot 31, Plat 255; 1.08 acre, Outlot 31, Plat 255; 84/100 acre, Outlot 31, Plat 255; 8.03 acres, Outlot 31, Plat 255; 7/10 acre, Outlot 31, Plat 255; all in Division "B", and lying contiguous to the Southern Pacific Railroad track between East 12th and East 19th Streets, in the City of Austin, Texas.

No one appearing to protest the foregoing proposed changes, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Mrs. L. A. Palmer submitted a petition, signed by the abutting property owners, asking that the thoroughfare, fifty feet in width, extending from Theresa Avenue to the alley running parallel to Patterson Avenue, be not closed, and that the obstruction at the north end of said alley be removed. The matter was referred to the City Manager, the City Engineer, and the Assistant City Attorney for investigation and report.

The following protests against the proposed ordinance regulating certain persons engaged in the business of lending money without security were heard: William Yelderman, Attorney, representing the Citizens Industrial Bank; the Peoples Finance Company; the Eagle Finance Company, represented by Mr. E. B. Sowell; and the Commercial Finance Company, represented by Mr. E. J. Lee Johnson.

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

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATING OF CERTAIN PERSONS ENGAGED IN THE BUSINESS OF LENDING MONEY WITHOUT SECURITY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; DEFINING THE WORD "PERSON" AND PROVIDING FOR THE EXCEPTION OF CERTAIN PERSONS, FIRMS AND CORPORATIONS FROM THE OPERATION OF THIS ORDINANCE; FIXING AN ANNUAL LICENSE FEE OF \$12.00 FOR EACH SUCH BUSINESS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING A SAVING CLAUSE FOR VALID PORTIONS IN THE EVENT ANY PROVISION OF THE ORDINANCE SHALL BE DECLARED INVALID; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

The following report of the Board of Adjustment was received:

"Austin, Texas
July 7, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 1939:

R E S O L U T I O N .

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 Westenfield Development Company by E. P. Thomas requesting a change in the Use designation of the following property:

Lots 1 and 2, Block "G", Shelley Heights, and that tract described by metes and bounds in said petition

from "A" Residence District and First Height and Area District to "B" Residence District and First Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on June 29, 1939, carefully considered the changing of the Use designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; and

WHEREAS, the Zoning Maps of the City of Austin show that the property north, west, and south of these lots is now zoned as "B" Residence District and First Height and Area District; and

WHEREAS, changing the Use designation will bring the classification thereof in harmony with the surrounding property and eliminate the projection of an "A" Residence zone into a "B" Residence District; and

WHEREAS, owing to the conditions surrounding this property, it is more desirable for "B" Residence purposes than for "A" Residence purposes; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the Use designation of this property be changed from "A" Residence District and First Height and Area District to "B" Residence District and First Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

A public hearing on the change in zoning of the property recommended in the foregoing report of the Board of Adjustment, from "A" Residence District and First Height and Area District, to "B" Residence District and First Height and Area District, was called for August 10, 1939, at 11:00 A. M.

The following report of the Board of Adjustment was received:

"Austin, Texas
July 7, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 1939:

R E S O L U T I O N .

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 Jack H. Key, through his attorneys, Hart & Brown and Jack Sparks, requesting a change in the Use designation of the following property:

Lot No. 24 in Block No. 9 of Rosedown, a subdivision and addition out of the George W. Spear League, in Travis County, Texas, according to the map or plat of said addition recorded in Volume 3, at page 221, of the Travis County Plat Records

from "C" Commercial District and Second Height and Area District to "C-2" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on June 29, 1939, carefully considered the changing of the Use designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is not recommended to the City Council to change the above described property from "C" Commercial District and Second Height and Area District to "C-2" Commercial District and Second Height and Area District for the following principal reasons:

1. That this property is a single lot in a single ownership and its change would create a spot zone with no relation to the surrounding neighborhood.
2. That the property is now zoned for "C" Commercial purposes and no adequate proof of unnecessary hardship and public convenience and necessity has been shown to justify the change.
3. That this property is located within a block of the new Rosedale School and the establishment of a liquor zone close to the school would be objectionable.
4. That this property is located at the intersection of two highways on which the traffic is destined to become more and more dense and the establishment of a liquor zone would tend to increase the traffic hazards and affect public safety.
5. That this property is subject to other uses, both residential and commercial, without the necessity of changes in zoning classification.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman

A public hearing on the proposal to change the zoning of the property described in the foregoing report of the Board of Adjustment, from "C" Commercial District, to "C-2" Commercial District, was called for August 10, 1939, at 11:00 A. M.

The following report of the Board of Adjustment was received:

"Austin, Texas
July 7, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 1939:

R E S O L U T I O N .

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 Mrs. Pearl R. Key, through her attorneys, Hart & Brown and Jack Sparks, requesting a change in the Use designation of the following property:

Part of Lot No. 3, in Block 76, of the Original City of Austin, and more particularly described in the petition

from "C" Commercial District and Fourth Height and Area District to "C-2" Commercial District and Fourth Height and Area District; and

WHEREAS, the Zoning Maps of the City of Austin show that this property is located in a "C-2" Commercial District which extends from along the north side of West Sixth Street from San Antonio Street to West Avenue, and that on the south side of West Sixth Street between San Antonio Street and West Avenue the property is now zoned as "C-2" Commercial District, and that the property along West Sixth Street is zoned as a "C-2" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this petition on June 29, 1939, at which hearing several protests against this change were registered from owners of property on the opposite side of West Sixth Street; and

WHEREAS, the petition of a number of property owners and others in this neighborhood approving this change accompanied this petition; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that all the frontage on the north side of West Sixth Street between San Antonio Street and West Avenue be changed

to a "C-2" Commercial District and remain in a Fourth Height and Area District for the following principal reasons:

1. That inasmuch as all the frontage on the south side of West Sixth Street extending to Shoal Creek is now zoned as a "C-2" Commercial District, and the owners enjoy the privileges permitted in this district, it appears illogical and discriminatory not to accord the same privileges to the property owners on the north side of West Sixth Street, as the properties are of like character similarly situated and without specific differentiation.

2. That it is a well recognized principle of zoning, which is upheld by the higher courts, that property of like character should be zoned alike.

3. That no evidence or sound reasoning was advanced by protestants to this change why this petition should not be granted.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

The following report of the Board of Adjustment was received:

" Austin, Texas
July 13, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 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 Roy L. Thomas in behalf of Col. H. J. Weiler and wife, requesting a change in the Use designation of the following property:

The lot immediately north and adjoining the property of the Seton Infirmary, being 50'x195' fronting on Rio Grande Street,

from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on June 29, 1939, carefully considered the changing of the USE designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; and

WHEREAS, the Zoning Maps of the City of Austin show that the property east, south, and west of this lot is now zoned as a "B" Residence District and Second Height and Area District; and

WHEREAS, this lot is adjacent to the Nurses' Home of Seton Infirmary, which renders it more desirable for "B" Residence purposes than for "A" Residence purposes; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the USE designation of this property be changed from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman

Councilman Bartholomew introduced the following resolution:

WHEREAS, the City Manager advertised for bids on one Booster Tank Truck for the Fire Department, same to be received by the City Manager at the Municipal Building, July 20, 1939, at 10:00 A. M.; and

WHEREAS, said bids were received and opened and read publicly and tabulated; and

WHEREAS, it was found that the bid of the Seagraves Corporation of Columbus, Ohio,

in the amount of \$3,575.25, was the lowest and best bid; now, therefore,

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

THAT the City Manager is hereby authorized to enter into a contract with the Seagraves Corporation of Columbus, Ohio, for the purchase of the said Booster Tank Truck for the sum of \$3,575.25.

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

Councilman Bartholomew introduced the following resolution:

WHEREAS, the City Council is in receipt of copy of Architect's recommendation of acceptance, and of a School Board resolution recommending the conditional acceptance of Contract No. 1 under PWA Docket TEX-2134-F, as performed by Rex D. Kitchens Construction Company, for the general construction of underpass and tunnels, such recommendations of acceptance being conditioned upon adjustment of certain PWA non-compliances charged against the contractor account of his failure to report on certain sub-contractors, furnishing insurance certificates and certain sub-contractors payrolls; 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 Ind. School District, whose recommendations and resolution (as set out above) are attached hereto; therefore

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

THAT acceptance of the above-listed contract be and the same is hereby made, subject to adjustment of the above-mentioned non-compliances and subject further 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, upon receipt of satisfactory evidence of such adjustment and approval by PWA.

(Resolution of School Board)

WHEREAS, the Supervising Architect, under date of July 1, 1939, advises that the general construction of the underpass and tunnel by the Rex D. Kitchens Construction Company, under Contract No. 1, Docket TEX-2134-F, has been satisfactorily completed, and recommends final inspection and acceptance, said acceptance, however, being conditioned upon adjustment of certain PWA non-compliance charges; and

WHEREAS, a committee of the Board, consisting of Messrs. R. G. Mueller, L.H. Blenderman, Carl Widen, and Mrs. Hal C. Bybee, accompanied by Messrs. H. B. Iglehart and T. N. Porter of the School Board office, by Mr. A. W. Harris, representing the Supervising Architect's office, and by Mr. Lamont Andrews of the Resident Engineer Inspector's office of the Public Works Administration, have made final inspection of the work under said contract, and have found that the same has been satisfactorily completed, according to plans and specifications and within the contract construction period, as extended by resolution and change order; now, therefore,

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

THAT said Board hereby recommends to the City Council of the City of Austin, acting for the Austin Ind. School District, that it do accept Contract No. 1 as having been satisfactorily completed, but conditioned upon the contractor's adjustment of non-compliance charges which have developed through failure to properly report certain sub-contractors for electric and for plumbing work.

I hereby certify that the foregoing resolution was introduced and unanimously adopted at the special meeting of the Board of Trustees of the Austin Ind. School District, held on July 19, 1939, at which the following were present and voted:
R. G. Mueller, L. H. Blenderman, Carl Widen, and Mrs. Hal C. Bybee.

(SEAL)

(Signed) T. N. Porter
Acting Secretary.

"Austin, Texas
July 1, 1939.

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

Dear Sir:

Re: Docket TEX-2134-F
Schools - Austin, Texas
Contract No. 1.

We wish to advise that the construction work under Contract No. 1, Rex D. Kitchens Construction Company, Contractor, General Construction, Underpass and Tunnels, is substantially complete.

The writer, together with Mr. Porter, Mr. Iglehart of the School Board office, and Mr. Andrews of the Public Works Administration office, have made preliminary inspection of the work, and recommend a final inspection and acceptance by the Board. This contract was substantially complete on June 3, 1939, and therefore within the contract construction period, as extended by resolution and change order, which change order fixes the final completion date as July 13, 1939.

The acceptance resolution should contain a provision qualifying acceptance until certain PWA non-compliances have been adjusted. These non-compliances do not affect the quality of the construction, being violations of certain PWA requirements as to reporting on sub-contractors, furnishing insurance certificates, and certain sub-contractors' pay rolls.

As some of those non-compliances may not be adjustable, and may lead to a grant penalty, we recommend that 10% of the contract price be withheld until final action is taken by PWA in connection with those non-compliance charges.

Yours very truly,

GIESECKE & HARRIS
Supervising Architects

By Bertram E. Giesecke

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

Councilman Bartholomew introduced the following resolution:

WHEREAS, the City Council is in receipt of copy of Architect's Recommendations of Acceptance, and of a School Board resolution recommending the Acceptance, under PWA Docket TEX-2134-F, of:

Contract No. 3 - Wood & Sourlock, General Construction - Govalle School;
Contract No. 4 - J. O. Andrewartha, Plumbing Work - Govalle School;
Contract No. 5 - Spiller-Miller, Heating Work - Govalle School;
Contract No. 6 - John L. Martin, Electric Work - Govalle School;
Contract No. 22 - L. L. McCandless, General Construction - High School Group;
Contract No. 23 - L. L. McCandless, General Construction - Jno. T. Allan Boiler House;
Contract No. 37 - W. K. Jennings, Jr., Electrical Work - Jno. T. Allan Boiler House;
Contract No. 59 - W. K. Jennings, Jr., Electrical Work - Kealing & Bickler Schools;
Contract No. 60 - H. B. Zachry Co., General Construction - Concrete Heating Tunnels;

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 Ind. School District, whose recommendations and resolution (as set out above) 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 by 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 of School Board)

WHEREAS, the Supervising Architect's office recommends under date of July 7, 1939, final inspection and acceptance of Contracts Nos. 3, 4, 5, 6, 22, 23, 37, 59, and 60, under Docket TEX-2134-F, and reports that each of the above contracts was completed within the contract construction period, as extended by resolution and change order; and

WHEREAS, the Chairman of the Building Committee reports that representatives of the School Board office, Messrs. H. B. Iglehart and T. N. Porter, accompanied by representatives of the Supervising and Associate Architects, and by representative of the Public Works Administration, have made final inspection of Contracts Nos. 59 and 60, and have found that the same have been satisfactorily completed, according to plans and specifications; and

WHEREAS, a committee of the Board of Trustees of the Austin Ind. School District, consisting of Messrs. R. G. Mueller, L. H. Blenderman, Carl W. Widen and Mrs. Hal C. Bybee, accompanied by Messrs. H. B. Iglehart and T. N. Porter of the School Board office, by Mr. A. W. Harris, representing the Supervising Architect's office, and by Messrs. Lamont Andrews and L. G. Hogle, both representatives of the Public Works Administration, has this date made final inspection of Contracts Nos. 1, 2, 3, 4, 6, 22, 23, and 37, and has found that the work under those contracts has been satisfactorily completed according to the plans and specifications; now, therefore,

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

THAT said Board recommends to the City Council of the City of Austin, acting for the Austin Ind. School District, that it do make final acceptance of the following contracts:

Contract No. 3 - Wood & Sourlock, General Construction - Govalle School;
 Contract No. 4 - J. O. Andrewartha, Plumbing Work - Govalle School;
 Contract No. 5 - Spiller-Miller, Heating Work, - Govalle School;
 Contract No. 6 - John L. Martin, Electric Work - Govalle School;
 Contract No. 22 - L. L. McCandless, General Construction - High School Group;
 Contract No. 23 - L. L. McCandless, General Construction, Jno. T. Allan B.H.;
 Contract No. 37 - W. K. Jennings, Jr., Electric Work, Jno. T. Allan, B.H.;
 Contract No. 59 - W. K. Jennings, Jr., Electric Work - Kealing & Bickler Schools;
 Contract No. 60 - H. B. Zachry Co., General Construction - Concrete Tunnels.

I hereby certify that the foregoing resolution was introduced and unanimously adopted at the special meeting of the Board of Trustees of the Austin Ind. School District, held on July 19, 1939, at which the following were present and voted:
 R. G. Mueller, L. H. Blenderman, Carl Widen, Mrs. Hal C. Bybee.

(Seal)

(Signed) T. N. Porter
 Acting Secretary.

GIESECKE & HARRIS
 ARCHITECTS
 Austin, Texas
 July 7, 1939

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

Dear Mr. Murchison:

Re: Docket TEX-2134-F- Schools, Austin, Texas.

We wish to report that the work under Docket TEX-2134-F, as covered by the following contract numbers, has been substantially completed on the various dates as listed below, that preliminary inspections have been made by representatives of your

office and of the various architects in charge, and by representatives of the Public Works Administration.

We wish to advise further that the work under each of these contracts is ready for final inspection and acceptance by the Board, and that in each instance the same has been completed within the contract construction period, as extended by resolution and change order, all as follows:

Contract No. 3 - WOOD & SCURLOCK, Contractors, General Construction, Govalle School.
(Substantial completion reported as of June 19, 1939-Contract completion time as extended, July 11, 1939.)

Contract No. 4 - J. O. Andrewartha, Contractor, Plumbing Work, Govalle School.

Contract No. 5 - SPILLER-MILLER, Contractors, Heating Work, Govalle School.

Contract No. 6 - JNO. L. MARTIN, Contractor, Electric Work, Govalle School.

(Substantial completion reports on those three contracts as of June 19, 1939. Contract time on Contracts 4, 5, and 6 extended by change order and resolution to July 21, 1939.)

Contract No. 22- L. L. McCANDLESS, Contractor, General Construction of High School Group, consisting of Music Building, H.S. Boiler House, Concrete Stairs and Public Toilets. (Substantial completion reported as of July 7, 1939. Contract completion period extended by resolution and change order to 7-13-39.)

Contract No. 23- L. L. McCANDLESS, Contractor, General Construction of Jno. T. Allan Boiler House. (Substantial completion reported as of June 28, 1939. Contract completion period extended by resolution and change order to July 3, 1939.)

Contract No. 37- W. K. Jennings, Jr., Contractor, Electric Work, Boiler House, John T. Allan Jr. H.S. (Contract for this Electric Work did not include a fixed calendar day completion date, as the work under this contract could not be completed until after the completion of the General Construction (Contract No. 23). The completion date of which was set as July 3, 1939. Therefore this contract is deemed to have been completed without delay.

Contract No. 59- W. K. Jennings, Jr. - Electric Work, Kealing and Bickler Schools (connecting Boiler House and School Building, etc.) (Substantial completion reported on this contract as of June 21, 1939. Contract completion date extended to June 23, 1939, by resolution and change order.)

Contract No. 60- H. B. Zachry Co., Contractor, General Construction Concrete Heating Tunnels. (Substantial completion reported as of July 5, 1939. Contract completion period extended to July 8, 1939, by resolution and change order.)

It will be noted from the above that in each instance the substantial completion of the above contracts has been reported within the contract construction periods, as extended by resolution and change order, and there has therefore been no delay chargeable against any of the above contractors.

This office awaits the convenience of the Board, or its Committee, for a final inspection trip.

Respectfully submitted,

GIESECKE & HARRIS
Supervising Architects

By Bertram E. Giesecke. "

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

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

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the contract with the Yarbrough Construction Company for the construction of a 150-ton Incinerator for the City of Austin, under Docket Texas 1852-F, provides 200 calendar days for the completion of the work; and

WHEREAS, an extension of forty (40) days for the completion of the work was granted to the contractor by the City Council in a resolution adopted March 23, 1939; and

WHEREAS, an additional extension of time of fifty-two (52) days was granted the contractor by the City Council in a resolution adopted May 11, 1939; and

WHEREAS, the Federal Emergency Administration of Public Works has approved such extensions of time; and

WHEREAS, in the resolutions granting these extensions of time, no reference was made to the question of liquidated damages, which amount to \$25.00 per day as contained in the specifications; and

WHEREAS, it was the intention of the City Council to waive liquidated damages in granting such extensions of time as the causes for delay in each case were beyond the control of the contractor; now, therefore,

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

THAT liquidated damages as provided in the specifications for the Incinerator, Docket Texas 1652-F, shall be waived for the periods of all time extensions, which have been granted the contractor, Yarbrough Construction Company.

Councilman Wolf moved that Clyde Finis Moore, 1303 West Third Street, be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

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 WEST 35TH STREET from Oakmont Boulevard easterly 100 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north property line of said West 35th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(2) A gas main in SHOALWOOD AVENUE from Lawnmont Avenue northerly 75 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Shoalwood Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(3) A gas main in LAWNMONT AVENUE from Shoalwood Avenue westerly 86 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Lawnmont Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(4) A gas main in WEST AVENUE from West 13th Street Alley southerly 266 feet, the centerline of which gas main shall be $18\frac{1}{2}$ feet east of and parallel to the west line of said West Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WEST 13th STREET ALLEY from West Avenue to San Antonio Street, the centerline of which gas main shall be 5 feet south of and parallel to the north line of said West 13th Street Alley.

Said gas main described above shall have a covering of not less

than 2½ feet.

(6) A gas main in SALINA STREET from East 19th Street to Manor Road, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Salina Street.

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 depths stated do not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

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

Councilman Wolf introduced the following resolution:

" Austin, Texas
July 20, 1939

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Mrs. Jessie Ramsey Murray, acting by and through R. Max Brooks, Architect, for permission to construct, maintain and operate a drive-in gasoline filling station on Lots 1 and 2, Block 24 of Rosedale F, a subdivision within the City of Austin, Travis County, Texas, which property is located at the northwest corner of the intersection of West 45th Street and Burnet Road, and we hereby advise that the following conditions exist:

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

Storm sewer drainage facilities exist at the northwest corner of the intersection of West 45th Street and Burnet Road.

We recommend that Mrs. Jessie Ramsey Murray, acting by and through R. Max Brooks, Architect, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

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

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

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said

oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-247.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-247 and shall be of the premoulded type.

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

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector.

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest intersection of 45th Street and Burnet Road, which property is owned by Mrs. Jessie Ramsey Murray and is designated as Lots 1 and 2, Block 24 of Rosedale F, a subdivision within the City of Austin, Travis County, Texas, and hereby authorizes the said Mrs. Jessie Ramsey Murray, acting by and through R. Max Brooks, Architect, to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Mrs. Jessie Ramsey Murray has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

The application of Fred Fields, Colored, for a sandwich shop at 2009 East 10th Street, together with a petition of surrounding property owners indorsing the application, was received. The matter was referred to the Assistant City Attorney to take up with the Board of Adjustment to determine if a variation under the Zoning Ordinance could be granted.

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin taxes have been assessed in the name of Shikrey Joseph for the years 1932-1937, inclusive, on Lot 9, Block 181, of the Original City of Austin, Plat 11, and for the year 1935 on personal property in the City of Austin, Travis County, Texas; said taxes being for the sum of \$366.59, and for non-payment

of same at maturity penalty in the sum of \$18.33 has been assessed, and interest in the sum of \$53.37, making the total amount of taxes, penalty and interest, \$465.29; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$18.33, and one-half of the interest in the sum of \$41.68; therefore

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

THAT the aforesaid penalty in the sum of \$18.33, and one-half of the interest in the sum of \$41.68, 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 \$18.33, and one-half the interest in the sum of \$41.68, 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, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin taxes have been assessed in the name of Mrs. L. V. North Estate for the years 1927 through 1938, on Lots 15 and 16, in Block 1, Outlot 45, Division "D", Plat 48, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$657.54, and for non-payment of same at maturity, penalty in the sum of \$57.29 has been assessed, and interest in the sum of \$231.46, making the total amount of taxes, penalty and interest, \$946.29; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$57.29, and a portion of the interest in the sum of \$115.39; therefore

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

THAT the aforesaid penalty in the sum of \$57.29, and a portion of the interest in the sum of \$115.39, 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 \$57.29, and said portion of said interest in the sum of \$115.39, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and the remainder of said interest in the sum of \$116.07.

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

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin taxes have been assessed in the name of Mrs. Sallie J. Nalle Estate for the years 1931, 1932, 1933, 1934, 1935, 1936, 1937, and 1938, on 8.6 acres, Block 2, Outlot 3, Division "2", Plat 95, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$2,352.93, and for non-payment of same at maturity, penalty in the sum of \$117.64 has been assessed, and interest in the sum of \$500.98, making the total amount of taxes, penalty and interest, \$2,971.55; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$117.64, and one-half the interest in the sum of \$250.49; therefore

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

THAT the aforesaid penalty in the sum of \$117.64 and one-half of the interest in the sum of \$250.49, 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 \$117.64, and

said portion of said interest in the sum of \$250.49, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and the remainder of said interest in the sum of \$250.49.

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

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin taxes have been assessed in the name of Mrs. Sallie J. Nalle Estate for the years 1931, 1932, 1933, 1934, 1935, 1936, 1937, and 1938, on 166½' x 156', in Block 2, Outlot 3, Division "Z", unplatted, Plat 95, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$202.03, and for non-payment of same at maturity, penalty in the sum of \$10.10 has been assessed, and interest in the sum of \$40.76, making the total amount of taxes, penalty and interest, \$252.89; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.10 and one-half the interest in the sum of \$20.38; therefore

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

THAT the aforesaid penalty in the sum of \$10.10, and one-half of the interest in the sum of \$20.38, 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 \$10.10, and one-half the interest in the sum of \$20.38, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and the remainder of said interest in the sum of \$20.38.

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

The following report of the Board of Adjustment was received:

" Austin, Texas
July 7, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 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 the Dezendorf Marble Company by Edwin M. Dezendorf, requesting a change in the Use designation of the following property:

That area along the Southern Pacific tracks lying east and west thereof between East 12th Street and East 19th Street, and otherwise more specifically indicated on the attached map

from "A" Residence District and First Height and Area District to "D" Industrial District and Third Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on June 29, 1939, carefully considered the changing of the Use designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; and

WHEREAS, this property lies in the newly acquired territory recently annexed to the City of Austin and is shown on the Zoning maps as an "A" Residence District and First Height and Area District, although abutting on the railroad right-of-way; and

WHEREAS to the north thereof there is now located an industrial district containing the Texas Quarry Stone Fabricating Plant, and to the south thereof another industrial district containing the new Incinerator of the City of Austin; and

WHEREAS the property is practically undeveloped, there being only a few negro shacks in the neighborhood; and

WHEREAS, the Dezendorf Marble Company is now located at the corner of East Avenue

and Fourth Street and the nature of its operations is such as to cause excessive noise and dust, which is obnoxious and objectionable to the neighborhood in which it is now situated, numerous complaints having been filed protesting against the noise and dust; and

WHEREAS, available industrial property in the City of Austin is more or less limited, and the property along the railroad right-of-way is a logical place of industrial development, it appears desirable that additional industrial areas be provided; and

WHEREAS, it will be especially desirable to provide for the removal of this marble crushing plant from its present location to the new location petitioned for; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the Use designation of this property be changed from "A" Residence District and First Height and Area District to "D" Industrial District and Third Height and Area District.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

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:

Harris McKeen
City Clerk

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, July 21, 1939.

The City Council convened in special session, at the regular meeting place in the Municipal Building, on July 21, 1939, at 7:30 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman C. M. Bartholomew, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilmen C. F. Alford and Simon Gillis.

There were present also a committee from the Chamber of Commerce, represented by Messrs. A. C. Bull and Hale Houston; Judge Ike D. White and Mr. J. F. Springfield, representing the Austin Street Railway Company; and a large group of citizens.

The Mayor stated that the meeting was called for the purpose of a public hearing on the question of the substitution of busses for street cars at the expiration of the Austin Street Railway Company's franchise in August, 1941, and declared the meeting open to discussion.