

Lot 65, Tarrytown Place, Plat 163, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$102.38; and for non-payment of same at maturity penalty in the sum of \$5.11 has been assessed, and interest in the sum of \$3.07, making the total amount of taxes, penalty and interest \$110.56; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$5.11; therefore

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

THAT the aforesaid penalty in the sum of \$5.11 is 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 \$5.11 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and interest, as aforesaid.

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

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Walter M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 2, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, November 2, 1939, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. 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.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, in Book 3, page 107, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Westfield "A"; and

WHEREAS, upon said map or plat there are shown various streets, one of which streets is west of and contiguous to the west right-of-way line of the I&GN Railroad and is known and designated upon said map or plat as Saybrook Lane; and

WHEREAS, the said Saybrook Lane adjacent to Lots 1, 2, 3, 4, and 5, Block 11, of said Westfield "A" has never been developed and used for street or roadway purposes; and

WHEREAS, J. T. Ward and W. C. Treadwell are the owners of the aforesaid Lots 1, 2, 3, 4, and 5, Block 11, and contemplate the re-platting of said lots into smaller lots and have planned to lay out

a street fifty feet in width, the east line of which street will be approximately one hundred eighty feet west of the west line of the Missouri-Pacific Railroad right-of-way and will connect with Woodmont Avenue at its junction with Saybrook Lane; and

WHEREAS, the designation of the said street at a location one hundred eighty feet west of the west line of the Missouri-Pacific Railroad right-of-way will serve the property that would be served by the aforementioned Saybrook Lane; and

WHEREAS, the said J. T. Ward and W. C. Treadwell have requested the City Council of the City of Austin to vacate and abandon that portion of Saybrook Lane adjacent to Lots 1, 2, 3, 4, and 5, Block 11 of said Westfield "A" as hereinafter described, and said request has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT certain portions of Saybrook Lane as shown upon the aforesaid map or plat of Westfield "A" more particularly described as follows:

Portion No. 1: All of Saybrook Lane east of and adjacent to Lots 2, 3, 4, and 5, Block 11, of Westfield "A".

Portion No. 2: Beginning at the northeast corner of Lot 1, Block 11, said Westfield "A"; thence in a southerly direction following the east line of Lot 1 a distance of 201.23 feet to an iron stake on a curving line having a radius of 452.90 feet. This curving line is the east line of the aforementioned street proposed to be dedicated for public use by the aforesaid J. T. Ward and W. C. Treadwell; thence following said curving line to the right an arc distance of 6.70 feet, the long chord of which arc bears S. 11°25' W. 6.70 feet; thence continuing with said curving line to the right an arc distance of 16.15 feet, the long chord of which arc bears S. 12°52' W. 16.15 feet to an iron stake; thence S. 55°27' E. 22.08 feet to the west right-of-way line of the I&ON Railroad; thence following the west line of said I&ON Railroad, the same being the east line of said Saybrook Lane referred to above, N. 32°04' E. 226.64 feet to an iron stake in the easterly prolongation of the north line of the aforesaid Lot 1 of Westfield "A"; thence in a westerly direction following a line coincident with the extension of the north line of said Lot 1 of Westfield "A" a distance of approximately 30 feet to the point of beginning;

be permanently closed and vacated, except the City of Austin reserves the right to construct, maintain and operate public utilities in, upon and across the above described portion of said Saybrook Lane.

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

The following resolution was introduced by Councilman Alford:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

- (1) A telephone pole line in WEST EIGHTH STREET from Possum Trot to Hearn Street, the centerline of which pole line shall be 8½ feet south of and parallel to the north property line of said West Eighth Street.
- (2) A telephone pole line in WEST TENTH STREET from Possum Trot to Hearn Street, the centerline of which telephone pole line shall be 8½ feet south of and parallel to the north property line of said West Tenth Street.
- (3) A telephone pole line in CENTER STREET from Capitol Street to Capitol Street Alley, the centerline of which pole line shall be 13½ feet west of and parallel to the east property line of said Center Street.
- (4) A telephone pole line in CENTER STREET, from Capitol Street Alley to West Tenth Street, the centerline of which pole line shall be 8½ feet west of and parallel to the east property line of said Center Street.
- (5) A telephone pole line in DORMARION LANE, from Windsor Road to Townes Lane, the centerline of which pole line shall be 8½ feet east of and parallel to the west property line of said Dormarion Lane.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, Leslie F. Crockett is the Contractor for the demolition and erection of a building at 120 West Fifth Street and desires a portion of the street and sidewalk space abutting part of Lot H, Block 55, of the Original City of Austin, Travis County, Texas, during the demolition and 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 Leslie F. Crockett, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles with the centerline of West Fifth Street to a point 14 feet south of the north curb line; thence in a northerly direction and at right angles with the centerline of West Fifth Street to the south property line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Leslie F. Crockett, 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 four 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 reason 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. That section of the barricade which is between the curb and the building line shall consist of a fence eight feet high and constructed solidly of one inch material substantially braced.

(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 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 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 December 15, 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 projects, 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 Five Thousand (\$5,000.00) 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.

The following resolution was introduced by Councilman Alford:

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 SHARON LANE from Windsor Road southerly 557 feet, the centerline of which gas main shall be 10 feet east of and parallel to the west line of said Sharon Lane.

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

(2) A gas main in SHARON LANE across Windsor Road intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Sharon Lane.

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

(3) A gas main in WINDSOR ROAD across Sharon Lane intersection, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said Windsor Road.

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

(4) A gas main in GARDEN STREET from a point 224 feet east of Chalmers Avenue easterly 59 feet, the centerline of which gas main shall be 18 feet north of and parallel to the south line of said Garden Street.

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

(5) A gas main in MARTIN AVENUE from East 51st Street southerly 159 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Martin Avenue.

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

(6) A gas regulator pit in WEST 10TH STREET at Essex Avenue, the center of which pit shall be 2½ feet south of the north line of West 10th Street and 5½ feet west of the west line of Essex Avenue.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

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

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

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

The following resolution was introduced by Councilman Alford:

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 required 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 materials; and

WHEREAS, Eldridge Moore, owner of Lot 29 of Sunset Hill, Enfield, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Woodlawn Boulevard at a location north of Watchhill Road and being locally known as 2300 Woodlawn Boulevard, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line 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 Eldridge Moore, owner of Lot 29 of Sunset Hill, Enfield, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Woodlawn Boulevard at a location north of Watchhill Road, and being locally known as 2300 Woodlawn Boulevard, 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, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The public hearing on the proposal to change the zoning of the property at 1816 San Jacinto Street from "C" Commercial District to "C-2" Commercial District, which was continued from the regular meeting of October 19, was reopened, and an opportunity was given all present who wished to be heard on the matter.

The following appeared and were heard:

Dr. Edmund Heinsohn, Pastor of the University Methodist Church, protested the proposed change on account of its proximity to the Campus of the University of Texas, declaring that the parents of students coming to the University of Texas looked to the City of Austin to provide them with a wholesome environment; that a wet environment might affect the University's appropriations from the State as some of the Legislators come from dry districts; that too many liquor shops around the University will result in local option for that vicinity; and that, in his judgment, the best interests of the City of Austin would be served by not permitting the sale of beer and liquor on San Jacinto Boulevard from 16th to 19th Streets.

Dr. C. T. Wharton, Pastor of the University Presbyterian Church, stated that he indorsed the protest voiced by Dr. Hoinsohn.

Mrs. M. B. Brown, representing mothers, church women, and the Women's Christian Temperance Union, opposed the change on account of its proximity to the University Junior High School, declaring that same would be a menace to the morals of the students, and would endanger their lives by creating a greater traffic hazard.

A written protest against the change, signed by members of the Susannah Wesley Bible Class of the University Methodist Church, was received and filed.

No one else appearing to be heard, Councilman Bartholomew moved that the recommendation of the Board of Adjustment be sustained, and the change in zoning be denied. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The public hearing on the proposed ordinance to regulate the sale of poultry and eggs in the City of Austin was opened, and the following appeared and were heard on the matter:

Mr. Carrington, who submitted an amendment exempting producers and asked that same be incorporated in the ordinance; Mr. B. W. Giles; Mrs. Wm. Trenchmann; and Miss Clara Yeager.

Following the discussion, the City Attorney was instructed to redraft the ordinance, including therein the amendment submitted by Mr. Carrington, and to furnish copies of the revised ordinance to the Chamber of Commerce Agriculture Committee, to Mr. B. W. Giles, and to the farmers who may request same.

The following ordinance was introduced by Councilman Alford:

AN ORDINANCE REGULATING THE DISCHARGE OF FIREWORKS AND THE CONDUCT OF PYROTECHNIC EXHIBITIONS IN THE CITY OF AUSTIN, EXCEPT ON PRIVATE PREMISES, AND PROHIBITING THE DISCHARGE OF FIREWORKS AND CONDUCT OF PYROTECHNIC EXHIBITIONS IN ANY PUBLIC STREET, SIDEWALK OR ALLEY, OR IN ANY PARK OR OTHER PUBLIC PLACE, EXCEPT BY SPECIAL PERMISSION OF THE CITY COUNCIL; MAKING IT UNLAWFUL TO DISCHARGE ANY FIREWORKS WITHIN A PRIVATE RESIDENCE, HOTEL OR OTHER BUILDING; MAKING IT UNLAWFUL TO THROW ANY FIREWORKS, FIRECRACKERS OR OTHER PYROTECHNIC PRODUCTS AT OR NEAR ANY PERSON, ANIMAL OR AUTOMOBILE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PRESCRIBING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

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

The ordinance was then laid over.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PRESCRIBING REGULATIONS FOR THE ERECTION OR STRUCTURAL ALTERATION OF PIERS, DOCKS, WHARVES, FLOATS, ISLANDS, OR OTHER STRUCTURES, IN TOM MILLER LAKE, AS DEFINED IN THIS ORDINANCE, OR ALONG THE SHORES OF SAID LAKE, BELOW A CONTOUR ELEVATION OF 504.9 FEET ABOVE MEAN SEA LEVEL; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.



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

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the building construction portion of the School Program under PWA Docket TEX-2134-F has been completed according to the report by the Supervising Architect, and recommendation of acceptance has been made in connection with said remaining construction contracts by the Board of Trustees of the Austin Independent School District, both Architect's recommendations and School Board Resolution being attached hereto and are made a part hereof; now, therefore,

BE IT RESOLVED THAT the City Council of the City of Austin, acting for and in behalf of the Board of Trustees of the Austin Independent School District in matters pertaining to PWA Docket TEX-2134-F, finally accept the following Contracts: Nos. 17, 19, 20, 34, 35, 39, 40, 41, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57, which contracts are more fully described in the attached resolution by the Board of Trustees of the Austin Independent School District adopted October 30, 1939; and that Contracts Nos. 33 and 38 be accepted with the conditions as provided in School Board resolution hereto attached, adopted October 30, 1939; and

BE IT FURTHER RESOLVED THAT the construction period under each contract be extended to the final completion date and that liquidated damages be waived, all as recommended by the resolution of the Board of Trustees as adopted October 30, 1939, and attached hereto, which recommendation recites that the delays were not occasioned through fault or neglect of the Contractor and that the Owner was not damaged through such delays.

-----  
(RESOLUTION OF SCHOOL BOARD ATTACHED)

WHEREAS, The office of the Supervising Architect has advised that the building construction portion of the School Construction Program under PWA Docket TEX-2134-F has been completed, and has recommended final acceptance of the remaining construction contracts except that conditions have been placed in the acceptance of Contracts Nos. 33 and 38; and

WHEREAS, the work under the contracts as enumerated below has been inspected by a majority of the Members of the Board of Trustees, accompanied by representatives of the Supervising Architect's office and of the Public Works Administration; and

WHEREAS, this inspection trip indicated that the work had been satisfactorily completed and is now ready for final acceptance as recommended by the Supervising Architect;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that final acceptance is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District, of the following contracts:

Contract No. 17 - Curtis Electrical Company - electric work, Robert E. Lee School.

Contract No. 19 - H. B. Zachry Construction Company of Laredo, Texas - general construction, Fulmore Junior School.

Contract No. 20 - H. B. Zachry Construction Company of Laredo, Texas - general construction, Baker Junior School.

Contract No. 33 - Fox-Schmidt - electric work - Fulmore and Baker Junior Schools.  
(This acceptance conditioned on the completion of the rewiring of the old portion of these two schools as provided under recent Change Order and on furnishing and connecting of Program Clock System as included in the original Contract)

Contract No. 43 - Curtis Electrical Company - plumbing - Fulmore and Baker Junior Schools.

Contract No. 44 - Young and Pratt - heating - Fulmore and Baker Junior Schools.

Contract No. 34 - O. K. Johnson Construction Company - general construction - ADDITION to Senior High School.

Contract No. 35 - Fox-Schmidt - plumbing and heating - High School Group.

Contract No. 38 - Fox-Schmidt - electric work - High School Group.

(Conditioned on the furnishing and setting and connection of Program Clocks and of Public Address System.)

Contract No. 39 - Will O'Connell, San Angelo, Texas - general construction - L. L. Campbell School.

Contract No. 46 - Wallace Plumbing Company - plumbing - L. L. Campbell School.

Contract No. 47 - Spiller-Miller - heating - L. L. Campbell School.

Contract No. 48 - Martin Wright Electric Company, San Antonio, Texas - electric work - L. L. Campbell School.

Contract No. 40 - Will O'Connell, San Angelo, Texas - general construction - Travis Heights School.

Contract No. 49 - Wallace Plumbing Company - plumbing - Travis Heights School.

Contract No. 50 - Fox-Schmidt - heating - Travis Heights School.

Contract No. 51 - Curtis Electrical Company - electric work - Travis Heights School.

Contract No. 41 - Red D. Kitchens Construction Company - general construction - ADDITION to Becker School.

Contract No. 52 - Curtis Electrical Company - plumbing Becker School.

Contract No. 53 - Young and Pratt - heating - Becker School.

Contract No. 54 - Curtis Electrical Company - electric work - Becker School.

Contract No. 55 - Curtis Electrical Company - plumbing - Zavalla School.

Contract No. 56 - Fox-Schmidt - heating - Zavalla School.

Contract No. 57 - Curtis Electrical Company - electric work - Zavalla School.

WHEREAS, the office of the Supervising Architect calls attention to the fact that there are certain overruns of time in the general construction contracts, which overruns were not due to failure of said contractors to properly prosecute the construction program, but were occasioned by a combination of circumstances including time lost through inclement weather, extra work ordered by the Owner, delay caused by the Owner through the late arrival of equipment purchased under separate contracts, the connection with which was included in the contracts listed above; and

WHEREAS, the overrun of time has not damaged the Owner since the Buildings were placed into service at the beginning of the school term;

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Board of Trustees of the Austin Independent School District recommend to the City Council, acting for the Austin Independent School District in matters pertaining to FWA Docket TEX-2134-F, waive liquidated damages and grant extension of contract time to the actual acceptance of each contract.

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 October 30, 1939, at which the following members were present: Mrs. Hal P. Dybee; L. H. Blondorman; Harris Gardner; R. G. Muller; 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.

(Recommendations of Supervising Architects)

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

Dear Sir:

We beg to advise that final inspection has been made of the work carried out under the following contracts:

Contract No. 39 - Will O'Connell - general construction - L. L. Campbell School  
Contract No. 46 - Wallace Plumbing Company - plumbing  
Contract No. 47 - Spiller-Miller - heating  
Contract No. 48 - Martin Wright Electric Company - electric work

"Austin, Texas  
October 30, 1939

Re: Docket TEX-2134-F  
L. L. Campbell School  
Contracts Nos. 39, 46, 47 and 48  
Travis Heights School  
Contracts Nos. 40, 49, 50 and 51



Contract No. 40 - Will O'Connell - general construction - Travis Heights School  
 Contract No. 49 - Wallace Plumbing Company - plumbing  
 Contract No. 50 - Fox-Schmidt - heating  
 Contract No. 51 - Curtis Electrical Company - electric work

This inspection was made by a majority of the Members of the Board of Trustees, accompanied by B. E. Giesecke of the Supervising Architects' office, Mr. Youngblood, representing the Public Works Administration, and Messrs. Porter and Iglohart of the School Board Office, on October 20, 1939.

We respectfully recommend, therefore, final acceptance of the following Contracts on the L. L. Campbell School: Nos. 39, 46, 47 and 48; and for the Travis Heights School, Contracts Nos. 40, 49, 50 and 51, as having been satisfactorily completed according to the plans and specifications.

Under the contract documents, Contract No. 39 was to have been completed August 28, 1939, and Contract No. 40 on September 17, 1939. While final inspection by the Board was made on October 20, general construction of these two buildings was actually completed (with the exception of several pieces of tile in the wainscot which had to be replaced) on October 5, and the contractor allowed use of the building from that date. It is, therefore, apparent that there is an overrun of contract working time as follows: L. L. Campbell School, 83 days; Travis Heights School, 42 days.

We hereby certify that due to our familiarity with the construction work covered by the above Contracts, the delay in completion was not in any way due to neglect or failure to push the work on the part of the Contractor, but was caused by time lost through rains, through additional work ordered by the Board, complicated by delay in receiving materials, though the latter complication was not the primary cause for the overrun.

Since the School Board was not damaged by the overrun in time on either building, it is hereby recommended that liquidated damages be waived and that the construction period on both general contracts should be extended to October 5, which would be set as the date of final completion of Contracts Nos. 39 and 40. If this recommendation is followed, then the mechanical contracts, namely, Nos. 46, 47, 48 and 49, 50 and 51 are automatically extended to October 15.

Respectfully submitted,

GIESECKE & HARRIS  
 Supervising Architects

By B. E. Giesecke "

"Austin, Texas  
 October 30, 1939

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

Re: Docket TEX-2134-F  
 Schools - Austin, Texas  
 Contracts Nos. 19, 20, 33,  
 43 and 44

Dear Sir:

We beg to advise that final inspection has been made of the work carried out under the following contracts:

Contract 33-B - Fox-Schmidt - that portion of the electric work under Contract No. 33 applying to Fulmore School.

Contract 43-B - Curtis Electrical Company - that portion of the plumbing work under Contract No. 43 applying to Fulmore School.

Contract 44-B - Young and Pratt - that portion of the heating work under Contract No. 44 applying to Fulmore School.

Contract 20 - H. B. Zachry Company - general construction, Baker School.

Contract 33-A - Fox-Schmidt - that portion of electric work under Contract No. 33 applying to Baker School

Contract 43-A - Curtis Electrical Company - that portion of the plumbing work under Contract No. 43 applying to Baker School

Contract 44-A - Young and Pratt - that portion of the heating work under Contract No. 44 applying to Baker School.

This inspection was made by a majority of the Members of the Board of Trustees, accompanied by B. E. Giesecke of the Supervising Architect's office, Mr. Youngblood, representing the Public Works Administration, and Messrs. Porter and Iglohart of the School Board Office, on October 20, 1939.

It was found that the work of all the above mentioned contracts had been satisfactorily completed according to the plans and specifications, with the exception of that part of the electric work under Contracts 33-A and B covered by the most recent Change Order and consisting of the work of rewiring the old portion of the Baker and Fulmore Schools, and with the further exception of the Clocks which are a part of the original Contract No. 33.

We, therefore, respectfully recommend final acceptance of Contracts Nos. 19, 20, 43, and 44, and conditional acceptance of Contract No. 33, said condition to be removed upon receipt and installation of the Program Clocks and upon completion of the rewiring of the old portion of these two School Buildings.

The construction period called for in Contracts 19 and 20 call for completion of the construction of the Baker and Fulmore Schools on August 14, 1939. The Mechanical Contracts, namely, Contracts Nos. 33, 43 and 44, had a contract completion time of ten days after completion of the General Contract.

We hereby certify that due to our familiarity with the construction work covered by the above Contracts, the delay in completion was not in any way due to neglect or failure to push the work on the part of the Contractor, but was caused by time lost through rains, through additional work ordered by the Board, complicated by delay in receiving materials, though the latter complication was not the primary cause for the overrun.

Under PWA Nos. 156-19-5 and 157-20-7, Contracts Nos. 19 and 20, respectively, were increased in the amount of Five Thousand Dollars each for the remodeling of the old portion of those two buildings. On these Change Orders the Contractor requested an additional forty days working time, which was not approved by PWA due to the fact that their new rule required that additional time be approved by the Owner at the completion of the job. The Contractor is entitled to that time on each job and is entitled to an additional thirty-five days due to delay caused him by the Owner through additional work ordered by the Owner of the Mechanical Contractors, which work delayed that of the General Contractor on each building. We, therefore, recommend an extension of seventy-five calendar days in the working time on both Contracts Nos. 19 and 20, which extensions, if made to the general contracts, automatically extend the mechanical contracts since those contracts are allowed ten days past the actual completion time of the general contract.

Respectfully submitted,

GIESECKE & HARRIS  
Supervising Architects  
By B. E. Giesecke. "

It was moved by Councilman Wolf that a taxicab driver's permit be granted to Joe Reyes, 2214 East Seventh Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to James Leland Green, 411 East Seventh Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to Walter B. Rhodes, 2207 Haskell Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to Charlie William Holman, 4510 Avenue H, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

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

"Austin, Texas  
October 31, 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 October 26, 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 Winifred M. Travis, by Edmunds Travis, for a change in the Use designation of the following property:

Lot 27, Enfield "H", Austin, Texas,

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 held a public hearing on this petition on October 26, 1939, at which hearing a number of protests against this change were registered by property owners adjacent to and near the property in question; and

WHEREAS, at the hearing five of the property owners owning property in the block in which the above described property occurs, and other property owners surrounding this block on the opposite sides of the bounding streets, vigorously protested this change; and

WHEREAS, the Zoning Maps of the City of Austin show that this property is situated in an area including the subdivisions of Enfield "H" and Enfield "F", which are zoned as "A" Residence Districts and First Height and Area Districts; and

WHEREAS, the applicant affirmed that he proposed to erect an eight family apartment building upon this lot with the necessary garage accommodations; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for and against this change of this property in relation to the general character of the neighborhood, the effect on the public safety with respect to traffic on Enfield Road bordering the same; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council ; and

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT should the property owners owning property in this block in which the above described lot is situated join the applicant in requesting this change, the Board of Adjustment would recommend this change, but since this application is for a single lot in a single ownership, the change applied for would result in a spot zone, which would be contrary to sound zoning principles.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne  
Chairman. "

Pending the calling of a public hearing on the foregoing matter, the City Manager was instructed to write a letter to Mr. Edmund Travis, asking him to find out if the property owners in the entire block in which Lot 27, Enfield "H", is located wish to join in the application for change in zoning.

The following report of the Board of Adjustment was received:

"Austin, Texas  
October 31, 1939.

The Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a resolution which was passed by the Board of Adjustment at a meeting held on October 26, 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. E. L. Williams requesting a change in the Use designation of the following property:

1017 Red River Street, Austin, Texas,

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 held a public hearing on this petition on October 26, 1939, at which hearing a number of protests against this change were registered by property owners adjacent to and near the property in question; and

WHEREAS, at the hearing a petition signed by seventeen individuals protesting against this change was filed with the Board; and

WHEREAS, the hearing disclosed the fact that the petitioner, Mrs. E. L. Williams, did not own this property but was negotiating for a lease, and that prior to the hearing the negotiations had ended and Mrs. E. L. Williams was no longer petitioning for this change, and, instead, the Owner of the property appeared to request the change; and

WHEREAS, the owner affirmed that his only reason for requesting the change was to increase his income from the property; and

WHEREAS, the Zoning Maps of the City of Austin show that a "C-2" Commercial District now extends to the south side of East 10th Street, and that several parcel properties intervene between this district and the applicant's property; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for and against this change, and took into consideration the relation of this change in this property to the neighborhood, the effect upon public safety with respect to traffic on Red River Street, its proximity to Bickler School, its relation to the present "C-2" Commercial District, and otherwise in the light of sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne, Chairman. "

No further action was taken on the foregoing matter.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the following names for the respective years on the respective properties and for the respective amounts following each name, all as shown on Exhibit "A", hereto attached, and made a part hereof, for all purposes; and for non-payment of said taxes at maturity, penalty and interest in the sums as shown by the Tax Rolls of the City of Austin has been assessed and accrued, in the aggregate amount as shown by said Exhibit "A"; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty and one-half of the accrued interest on each item listed; therefore,

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

THAT the penalty and one-half of the interest accrued on each item of delinquent taxes, as shown by the Tax Rolls of the City of Austin, on the respective properties listed below, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty and one-half of the interest on each item off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid, on each item; the names, the properties, and the years for which taxes are delinquent being listed on sheet attached to this resolution:

"EXHIBIT A"

<u>Owner</u>	<u>Lot</u>	<u>Block</u>	<u>Outlot</u>	<u>Division</u>	<u>Subdivision</u>	<u>Flat</u>	<u>Years of levy</u>	<u>Taxes</u>
Robert Alexander	13	B	S, 9, 11	B	College Heights	35	1935 thru 1937	\$ 47.30
Jessie Allen	2	7	34	B		39	1937	9.56
Frank Bryant	2	3	35	B	Hofheins	39	1936, 1937	29.92
Chester Bunton	E. 16' of S. W. 32' of 7	12	37	B		39	1936, 1937	55.44
R. H. Burdett	50' x 133'	2	N. 1/2 4	Z	Shelley Heights #2	92	1937	29.36
L. W. Carroll	50' x 78' (G)		60	D		58	1935 thru 1937	155.89
Anderson Corzine	13	3	32, 33	B		38	1937	10.34
Isaac Craig, Sr.	3		63	B	Rosewood Annex	36-B	1934, 1935, 1937	47.78
James Deloney	1	4	6	B	Unplatted	29	1936	10.45
Alexander DeWitty	E. 60' of 4	8	36	B		40	1937	24.20
Martha Di Dieu	9	182				13	1937	60.16
Frances B. Dodson	8	6	37	B		39	1936	12.65
Mrs. Autrey Evans	10	1	21	C	Plainview Hts.	67	1937	37.95
Frank F. Finks	100' x 100' (H-1)		S 1/2 4	Z	Unplatted	95	1936, 1937	122.32
Mary Gardner	60' x 130' (G)	12	45	B		42	1935 thru 1937	55.02
Fred O. Hankoy	N 1/2 of 32, 33		72	D	Harper	63	1936, 1937	91.73
P. J. Holt	15 & 16	16			Highlands	83-G	1936, 1937	19.20
R. L. Howard	E 1/2 of 23, 24 (B)	1	77	D	Buddington-Inman	71	1937	49.39
Abo Jackson	13	9	2, 9, 10, 62	B	Grandview	28	1937	12.43
E. A. Johnson	18	15, 16	57	B	Patterson	33	1934	10.21
Gussie Johnson	4	7	45	B		42	1934 thru 1937	53.50
Lena H. Johnson	S. E. 1/4 of 8, (U)	14			Mans	91	1936, 1937	26.18
W. S. Jones	S. 54' of 10	B	3	Z	Terrace Park	95	1937	41.13
B. L. Joyce	3 & 8' of 2	11	36	B		39	1936	33.66
W. Frank Laws	1(50x100) & 2 (77x73')	46				134	1936, 1937	75.45
Edgar Lee	13 & 14		12	O	D. C. Pace	25-B	1934 thru 1937	32.18
W. E. Lloyd	1 & 2	7			Walsh Place	142-B	1936, 1937	43.12
Josephine Lockwood	4	18	29	O	Govalle School	25-O	1937	3.20

Owner	Lot	Block	Outlot	Division	Subdivision	Plat	Years of Levy	Taxes
R. S. Lovinggood	33		41	B		32	1937	\$ 55.12
Mrs. Rosa Lowery	4	3			Mrs. T. Martin	97	1936, 1937	38.94
A. J. McCracklin	8		34	D		46	1937	111.55
Mrs. Nora Maupin	20	A	45	O	Wondlandt-Stachely	21	1937	21.34
W. B. Mathis	22 & 20	5			Bluebonnet Hills	124	1937	14.00
W. H. Morely	W. 5' of 32; all of 33				Enfield "B"	90-A	1937	72.27
P. B. Oldham	12	3	44	B	Gammel & Taylor	43	1937	19.68
Willie Palmer	91x150' on Mary Street, S.W. corner	6			J. E. Bouldin	116	1937	28.71
Arthur Parks	1 & 2 (B)	6	35	B	Rogan	39	1937	12.32
Ada Patch	12	9, 10, 11	57	B	Stolley	33	1936, 1937	32.78
B. E. Pierce	7	26			Travis Heights	134	1937	44.54
Rudolph Porter	W 1/2 of W 1/2 of 3 (43x214')	8	56	B		33	1934 thru 1937	274.92
Dana Powell	64				Woodlawn	129	1937	42.03
Arthur Purcell	5	1	4	A		30	1937	29.26
Henry Randle	5	15			Grandview	28	1934 thru 1937	48.28
Ray Riggs	5	7	76	D	Wondlandt-Mueller	72	1937	39.05
W. M. Sibley	4	5			Bluebonnet Hills	124	1937	23.10
Mrs. O. S. Sloan	3		43	E	Unplatted	2	1934 thru 1936	346.45
Jesse Stephens	35'x120' East part of 2	7	8, 9, 10, 62	B	Grandview	35	1936, 1937	39.60
M. Straw	50x120' S.W. cor. N. pt. Orig. 12	1-2	3	Z	Unplatted	95	1935, 1936	62.29
John W. Stobaugh	16 & 17	2	72, 73	E	Bridgeview	14	1935 thru 1937	26.86
J. L. Taylor	E. 2/3 of 2	4	45	B		42	1935 thru 1937	59.93
James & Camelo Thompson	S. 1/2 of 6 & SE 1/4 of 7 (C)	1	38	B		33	1935 thru 1937	75.98
Henry Underwood	1	22	8, 9, 10	B	Grandview	28	1936	16.94
C. D. Waide	2	4			Westfield B	90-H	1937	3.60
Mrs. Nona Whitloy	13	4	70	D	Byrne	60	1937	49.83
Mrs. Arlene B. Wilson	50x208' (H)				J. E. Bouldin	115	1935 thru 1937	58.29
Ollie Wilson	17(50x148')	1	36	B		33	1936, 1937	75.25
J. M. Woolsey	7	3	23, 24	O	Fairgrounds	24	1935 thru 1937	85.80
J. L. Swanzy	15	1			Bluebonnet Hills	124	1937	31.46
Lucille Clark	W. 2/3 of 3	177					1937	63.80
A. C. Gaines	8	7	76, 77	D	Gypsy Grove	72	1936	45.32
Total -								\$3,185.51

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

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:

Harris McKeen  
City Clerk