

the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

We wish to call your attention to the fact that there is an overrun of contract time of delivery of 102 days on this Contract, which overrun of time was not the fault of the Contractor and through which the Owner has not suffered any damage in actuality.

Your Resolution of Acceptance upon this Contract should cite your pleasure in the matter of overrun of contract time of delivery and waiving of liquidated damages which might seem to accrue through such overrun.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said Contract, and recommend payment of the Contract price, in accordance with the statement rendered and approved by the office of the Supervising Architect and of the Public Works Administration.

Sincerely yours,

GIESECKE & HARRIS  
SUPERVISING ARCHITECTS

By (Sgd) A. W. Harris. "

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

Upon motion, seconded and carried, the meeting was recessed at 12:40 P. M., subject to call of the Mayor.

Approved

*Tom Miller*  
Mayor

Attest:

*Louis McKee*  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 18, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room, at the Municipal Building, on Thursday, January 18, 1940, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

The Minutes of the special meeting of January 5 and of the regular meeting of January 11 were read, and, upon motion, were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Messrs. E. A. Murchison, L. H. Blendemann, Carl T. Widen, and Mrs. Hal P. Bybee, Members of the Board of Trustees, and Prof. A. N. McCallum, Superintendent, respectively, of the Austin Public Schools, appeared before the Council and submitted the following communication in writing:

"Austin, Texas  
January 16, 1940

Honorable Mayor and City Council.  
Austin, Texas

Gentlemen:

The Board of Trustees of the Austin Public Schools respectfully requests that an election be called not later than March 15, if practicable, proposing an amendment to the Charter of the City of Austin to increase the tax rate for school maintenance from 60¢ to 70¢ on the one hundred dollars' valuation.

The present tax rate of 60¢ was voted in 1919, and is lower than that of any of the other twelve cities of Texas with 9,000, or more, scholastics, except Beaumont and Port Arthur. But the 50¢ rate in these two cities provides an amount per scholastic 21% and 42%, respectively, in excess of that of Austin. The Austin maintenance tax provides \$21.79 per scholastic, while the average amount per scholastic provided by local taxes for school maintenance in the twelve cities referred to is \$32.37 - 48% more than Austin citizens have been called upon to provide.

Since the completion of the buildings provided by the bond issue of \$300,000, voted in 1928, the school enrollment has increased 62%, while the taxable valuations in Austin have increased only 29%.

In 1936, the people of Austin voted a bond issue of \$350,000; and in 1938, a bond issue of \$750,000. Both of these issues were supplemented by Federal grants; and new buildings, additions to buildings, school sites, equipment, etc., have been provided, costing nearly two million dollars.

The rapid growth in enrollment, the salaries of additional teachers which have had to be employed, and the cost of maintaining the new buildings and additions to buildings obviously necessitate a larger maintenance fund. The School Board has held expenditures each year within the income, but many needs have been postponed for lack of funds.

For over twenty years the 60¢ rate has been stretched to cover the costs. The time has now come when it is essential that the people of Austin provide more money for their schools. It would take a tax rate of 88¢ on the one hundred dollars' valuation to raise the status of Austin to the average of \$32.37 per scholastic provided for the twelve cities referred to; but the Austin School Board proposes to continue to maintain the schools on less than the average. A tax rate of 70¢ will raise our per capita to \$26.88, and will bring Austin about to the level of the four cities whose per capita is just higher than Austin's - Beaumont, Corpus Christi, El Paso, and Wichita Falls (See attached comparative report).

The Board does not intend to ask for the full amount of the additional ten cents, should this be voted by the people, for the first year the new rate is in effect. It is believed that for a time five cents will meet the maintenance needs.

Respectfully submitted,

(Sgd) E. A. Murchison  
R. G. Mueller  
L. H. Blendorman  
Mrs. A. P. Robinson  
Mrs. Hal P. Bybee  
Carl T. Widen  
BOARD OF TRUSTEES OF AUSTIN  
PUBLIC SCHOOLS

Unanimously adopted by the Board of Trustees at a meeting held January 16, 1940. "

The foregoing matter was taken under advisement by the Council.

Mr. Emmett Shelton appeared before the Council and requested that the 43-acre tract adjacent to Lake Austin which the City purchased from him be resurveyed in order that a boundary line may be shifted to give him access to the Lake. The matter was referred to the City Engineer for consideration.

Judge Ike D. White, Attorney, and Mr. J. E. McClain, in charge of transportation, respectively, for the Austin Street Railway Company, appeared before the Council relative to the matter of bus stops under the new franchise recently granted said Company. The matter was referred to the City Attorney for consultation with the representatives of said Company and the Superintendent of the City's Traffic Division in the preparation of an ordinance governing the same.

Mayor Miller expressed, publicly, his thanks to the Chamber of Commerce and the Citizens Advisory Committee for naming the Austin Dam in his honor, but stated that he preferred that the lake be officially known and designated hereafter as LAKE AUSTIN instead of Tom Miller Lake.

A tentative draft of an ordinance regulating control of Lake Austin was discussed. Messrs. Jack Reed and Marion Fowler were present in connection with this matter. Following the discussion, the City Attorney was directed to prepare the final ordinance, with certain changes noted.

The following resolution was introduced by Councilman Wolf, who moved its adoption:

WHEREAS, the City Manager has made a report on the necessity of a survey of the water distribution system of the City to include a complete report and recommendations for future extensions and

enlargements of said system; and

WHEREAS, the City Manager has recommended the Pitometer Company of Chicago as being, in his opinion, the best qualified organization to perform this technical service for the City; therefore

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

THAT the City Manager be and is hereby authorized and directed to contract for the services of said Company to conform to the requirements of the Water Department and to pay said Company the sum of \$2,500.

The motion was seconded by Councilman Gillis. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Wolf, who moved its adoption:

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

THAT the City Council of the City of Austin hereby approves the erection of a commercial dock on the property owned by the City of Austin and occupied by W. W. Bennett, being a portion of the property lying west of the retaining wall and north of the Tom Miller Dam, being within the City limits of the City of Austin, Travis County, Texas, and hereby authorizes the said W. W. Bennett to construct, maintain, and operate this commercial dock, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this dock after full compliance with all the provisions of this resolution. 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 and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said W. W. Bennett has failed and refused, and will continue to fail and refuse to perform any such conditions and regulations and ordinances.

(Building Inspector's recommendations attached)

"Austin, Texas  
January 13, 1940

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

The undersigned has considered the application of W. W. Bennett, occupying of a portion of the property lying west of the retaining wall and north of the Tom Miller Dam and owned by the City of Austin, lying within the City of Austin, Travis County, Texas, which property abuts Lake Austin, for permission to erect docks according to the plans submitted for the use of motor boats on the lake.

I recommend that W. W. Bennett be granted permission to construct and maintain said docks, subject to the following conditions:

- (1) That nothing but creosoted piles and galvanized iron bolts be used in the construction of these docks.
- (2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares or merchandise, and no living quarters of any character shall be erected on these docks.
- (3) That said docks be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.
- (4) That no superstructure can be built over these docks unless this structure shall have first been approved by Mr. McDonough, Manager of the Lower Colorado River Authority, and special permission has been granted by the City Council of the City of Austin.

Respectfully submitted,

(Signed) J. C. Eckert  
Building Inspector. "

Upon roll call, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford,

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

The following resolution was introduced by Councilman Alford, who moved its adoption:

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

THAT the sum of \$250.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of wrecking sheds, cleaning up and repairing the old Incinerator for use as NYA work shop.

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

Upon motion of Councilman Alford, a taxicab driver's permit was granted to Robert Hood Thompson, 4413 Avenue D, in accordance with the recommendations of the City Manager, by the following vote: Ayes, Councilman Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

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 INDIAN TRAIL across Winsted Lane intersection, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Indian Trail.

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

(2) A gas main in VISTA LANE from a point 226 feet south of Griswold Lane south 108 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 Vista Lane.

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

(3) A gas main in NEWFIELD LANE from a point 422 feet north of Enfield Road northerly 160 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 Newfield Lane.

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

(4) A gas main in POST OAK STREET from a point 336 feet east of the east property line of Bouldin Avenue easterly 146 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 Post Oak Street.

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

(5) A gas main in EAST 44TH STREET from a point 45 feet west of Harmon Avenue easterly 117 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 East 44th Street.

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

(6) A gas main in BONNIE ROAD from a point 147 feet west of the west property line of Dillman Street westerly 105 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 Bonnie Road.

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

(7) A gas main in SINCLAIR AVENUE from a point 319 feet north of the north property line of West 47th Street northerly 52 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 Sinclair Avenue.

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

(8) A gas main in SOUTH THIRD STREET from Columbus Street southerly 61 feet, the centerline of which gas main shall be  $17\frac{1}{2}$  feet west of and parallel to the east property line of said South Third Street.

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

(9) A gas main in WEST LIVE OAK STREET from South First Street easterly 50 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet north of and parallel to the south property line of said West Live Oak Street.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the

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

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

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

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

The appeal of Conley Alfred Bement, 808 West Elizabeth Street, from the recommendations of the City Manager and the Chief of Police that his application for a taxicab driver's permit be denied, was heard. The Mayor ordered the roll called on the granting of the permit, those in favor of granting same, voting aye; those opposed, nay. The result was as follows: Ayes, NONE; nays, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

The following resolution was introduced by Councilman Wolf, who moved its adoption:

WHEREAS, previous agreements have been entered into between the State Highway and the City relative to the construction of a boulevard along Shoal Creek and Ruiz Street to connect with the proposed State Highway Bridge over the Colorado River; and

WHEREAS, the State Highway Department, through the State Highway Engineer, has notified the City that said project and location of same has been approved by the United States Public Roads Administration, and it is now proper for the City to proceed with the securing of right-of-way between Sixth Street and the Shoal Creek Boulevard intersection; therefore

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

THAT the City Manager be and is hereby authorized and directed to proceed with the execution of purchase agreements with the property owners concerned and the examination of abstracts of title to said property and conclude the purchase of same as promptly as possible.

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

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE REPEALING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND MAINTENANCE OF THE PORTION OF UNITED STATES HIGHWAY NO. 81, IN THE CITY OF AUSTIN, TEXAS; AUTHORIZING THE STATE OF TEXAS TO CONSTRUCT SUCH HIGHWAY OR STREET PROJECT ACCORDING TO AGREED PLANS AND SPECIFICATIONS; ASSUMING FOR THE CITY ALL LIABILITIES IN CONNECTION WITH THE PROJECT IMPOSED BY LAW; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE OF TEXAS FOR SUCH CONSTRUCTION, AND MAKING THE STATE OF TEXAS THE AGENT OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE HEREBY REPEALED WAS PASSED AND APPROVED NOVEMBER 29, 1939, AND IS RECORDED IN ORDINANCE BOOK "K", PAGES 577-580, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, TEXAS.

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

The ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the ordinance be passed to its third reading. The motion prevailed by the following vote:

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

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

The Mayor announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND MAINTENANCE OF THE PORTION OF UNITED STATES HIGHWAY NO. 51, IN THE CITY OF AUSTIN, TEXAS, HERENAFTER REFERRED TO AS THE "STREET PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY SECRETARY TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE AND MAINTENANCE OF SAID STREET PROJECT; FOR THE PAYMENT, BY THE STATE OF TEXAS, OF THE CONSTRUCTION COSTS OF SAID STREET PROJECT; FOR THE ASSUMPTION, BY THE CITY, OF ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY AND BUSINESS AND TO TENANT OR OCCUPANT THEREOF; FOR THE PROTECTION OF THE STATE OF TEXAS AGAINST ALL SUCH DAMAGES AND EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF; FOR THE MAINTENANCE OF THE STREET PROJECT; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

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

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

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

The Mayor announced that the ordinance had been finally passed.

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved: Tom Miller.  
Mayor

Attest:

Walter M. Keenan  
City Clerk.