

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 2, 1937.

The meeting was called to order at 11:00 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, 5; absent, none.

The minutes of the regular meeting of November 24 were read, and, upon motion of Councilman Gillis, were adopted, as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered 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 TREADWELL STREET from Kinney Avenue easterly 215 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Treadwell Street.

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

(2) A gas main in PEARL STREET from West 22½ Street northerly ¼ block, the centerline of which gas main shall be 13½ feet east of and parallel to the west line of said Pearl Street.

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

(3) A gas main in FREDERICKSBURG ROAD southerly 96 feet from a point 143 feet north of the north line of Treadwell Street, the centerline of which gas main shall be 25 feet west of and parallel to the centerline of said Fredericksburg Road.

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

(4) A gas main in EAST ANNIE STREET easterly 45 feet from a point 139 feet west of the west line of East Side Drive, the centerline of which gas main shall be 35 feet south of and parallel to the north line of said East Annie Street.

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

(5) A gas main in DUVAL STREET northerly 55 feet from a point 290 feet north of the north line of 47th Street, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said Duval Street.

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

(6) A gas main in EAST 46TH STREET from Avenue F westerly 270 feet, the centerline of which gas main shall be 11 feet south of and parallel to the north line of said East 46th 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 depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not

less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

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

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

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

It was moved by Councilman Alford that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Jimmie Grubbs, 309 East 12th Street; William Frank Long, 1608 Newton Street; and Frank McLaughlin Shafer, 1004 West 5th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the City Engineer was received:

"December 2, 1937

Memorandum to Mr. Morgan:

Attached herewith is a resolution for the appropriation of \$495.75 for the construction of curb in 44th Street, Rosedale Avenue and 42nd Street, the same being on the northwest and south sides of Ramsey Park respectively.

The total amount of curb required is 1425 feet. Joe Fuhrman is the low bidder with a price of \$0.35 per foot.

The following prices were also submitted:

Dixon B. Fenick Engineering Co., \$0.38 per foot
V. T. Randolph, \$0.40 per foot
C. W. Henson, \$0.42 per foot.

Yours very truly,

J. E. Motheral.

The following resolution was then introduced:

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

THAT the sum of \$495.75 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of constructing a curb in the streets on the northwest and south sides of Ramsey Park.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis then moved that the City Manager be authorized and directed to accept the bid of Joe Fuhrman, in the amount of \$0.35 per foot for the above named work, being the lowest bid received, and to enter into a contract with the said Joe Fuhrman accordingly. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Bartholomew offered the following resolution:

WHEREAS, the Public Works Administration has made available to the City of Austin a grant of \$112,500, under the terms and conditions of Docket Texas-1854, for the construction of a Central Fire Station and the repair and enlargement of the

Municipal Building for the City of Austin; and

WHEREAS, it is necessary that the City of Austin make available its pro rata part of the funds necessary, based on the bids received; therefore,

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

THAT the City Manager be and he is hereby authorized and directed to create a separate account of the City of Austin with the City Treasurer to be known as "Construction Fund, Docket Texas-1854" and that he be further authorized and directed to deposit therein the sum of \$145,000.00.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report was received:

"Austin, Texas
December 1, 1937

Mr. Gulton Morgan, City Manager, and
Honorable City Council
Austin, Texas

Dear Sirs:

After due consideration, we should like to recommend that the bids for Winter and Summer Air Conditioning for the Municipal Building, City of Austin, Austin, Texas, be rejected because:

1. The low bidder did not bid according to plans and specifications.
2. The remaining two bids are unreasonably high.

We should like to suggest that the City readvertise and receive new bids on the above mentioned work.

Very truly yours,

PAGE & SOUTHERLAND

By L. C. Page.

Councilman Alford then offered the following resolution:

WHEREAS, bids were received November 18, 1937, for the construction of the work proposed under Docket Texas-1854; and

WHEREAS, a part of this proposed work consisted of the heating and air-conditioning of the Municipal Building, and the City Council has heretofore not made any recommendation as to the award of this contract due to the necessity of analyzing the equipment proposed by the various bidders; and

WHEREAS, the bids have been thoroughly analyzed by the Architects and Engineers representing the City and these representatives recommend that due to the fact that the low bid was not in accordance with the plans and specifications on which the bids were called for, and that the remaining two bids received were unnecessarily high and excessive for the work contemplated; therefore,

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

THAT the City Manager be directed to notify the Regional Director of the Public Works Administration that the City Council recommends that all bids received on the heating and air-conditioning part of this project be rejected and that the plans and specifications be revised where necessary and re-submitted to the Public Works Administration for their approval, and the Public Works Administration be requested to authorize the City of Austin to receive new bids on this portion of the project, and to set a date upon which said bids may be received.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report was received:

"Austin, Texas
December 2, 1937

City Council
Austin, Texas

Docket-Texas-1854-1DS.

Dear Sirs:

We have examined the bids received upon the furniture and equipment for the Central Fire Station and recommend that the contract for the furnishing of same be awarded to the Swann-Schulle Furniture Company, Austin, Texas, at the following figure:

Furniture and Equipment ----- \$ 3,209.53

Very truly yours,

KREISLE & BROOKS

By Edwin C. Kreisle.

Councilman Wolf then offered the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for the various works under PWA Docket No. Texas-1854-1DS-2DS, was duly advertised to be received by the City Manager and publicly opened at nine o'clock A. M., Thursday, November 18, 1937, at the City Hall in Austin, Texas; and

WHEREAS, at said time and place said bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the bid of Swann-Schulle Furniture Company, of Austin, Texas, in the amount of \$3,209.53 on furniture for the Central Fire Station, PWA Docket No. Texas-1854-1DS, was the lowest and best bid under said project, and that said bid was regular and proper in all particulars; therefore

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

THAT said bid of Swann-Schulle Furniture Company, in the amount of \$3,209.53, on furniture for the Central Fire Station, 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 Swann-Schulle Furniture Company, subject to the approval of the Federal Emergency Administration of Public Works.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion of Councilman Bartholomew, the City Manager was directed to call the attention of the Traffic Department to the violations of the Traffic Ordinance by boys on bicycles, and to instruct that a more rigid enforcement of the ordinance in this particular be made.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR

TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time, and, upon motion of Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and, upon motion of Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and, upon motion of Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Board of Adjustment was received:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 9th, 1937, passed the following resolution, which is hereby submitted for your consideration:

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 Board of Adjustment for its consideration a petition of Mr. Edward Wendlandt for a change in the "Use" District designation of Lots 19 and 20, Block 4, Outlot 72, Division "D", Leander Brown Subdivision, located at the corner of 29th Street and West Avenue, from Residence "A" to Commercial "C"; and

WHEREAS, this petition is identical to the petition referred to the Board of Adjustment by the City Council in May, 1935, involving the same change of "Use" designation of the same property; and

WHEREAS, the Board of Adjustment submitted a resolution to the City Council on May 27, 1935, in which the above change was not recommended for the reasons stated therein and recorded on Page 100 of the minutes of the Board of Adjustment to which reference is hereby made; and

WHEREAS, the Board of Adjustment at a meeting held on November 9, 1937, again carefully considered this petition in the light of present conditions and developments surrounding this property, therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is again hereby recommended to the City Council that no change be made in the "Use" designation of this property at the present time for the following reasons:

1. That the same reasons for not recommending this change in the previous resolution referred to above now obtain the same force and effect that they did at the time the first petition was presented.
2. That since the presentation of the first petition a number of homes have been built in this neighborhood and north of this property on West Avenue which has extended and emphasized the residential character of this neighborhood thus more definitely determining the residential nature of the surrounding property and stabilizing residential values in this neighborhood.
3. That no new conditions or circumstances have arisen which would justify any different action on this application than was heretofore taken.

Respectfully submitted,

BOARD OF ADJUSTMENT

November 10, 1937

H. F. Kuehne, Chairman. "

The following resolution was introduced:

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

THAT the sum of \$1,405.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing one 1938 Plymouth De Luxe Sedan, and one 1938 Chevrolet De Luxe Touring Sedan for use of the Police Department.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed at 11:45 A.M., subject to call of the Mayor.

Approved:

Tom Miller.
Mayor.

Attest:

Halleie McEllen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 9, 1937.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman Bartholomew, 1.

The reading of the Minutes was dispensed with.

At the request of Chas. Wendlandt, a public hearing on the proposal to amend the Use designation of Lots 19 and 20, Block 4, Outlot 72, Division "D", Leander Brown Subdivision, located at the corner of West 29th Street and West Avenue, so as to change same from "A" Residence District to "C" Commercial District was called for January 6, 1938, at 11:00 A. M.

It was moved by Mayor Miller that the City Manager be authorized to reoffer for sale through the Sheriff of Travis County certain vacant or unimproved tracts of land which the City has acquired tax title to; and to instruct the Legal and Tax Departments in the future before offering such property for sale to have charged off