

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 20, 1936.

The meeting was called to order at 10 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 reading of the Minutes was dispensed with.

E. H. Smartt, Attorney, submitted the following petition, which was received and filed:

" We, the undersigned residents and property owners of that part of Travis County immediately east of the City Limits of the City of Austin, file this protest with the City Council of the City of Austin asking that the boundaries of the City of Austin be not extended as heretofore proposed and advertised according to law.

(Signed) L. Owens
J. W. Davis
R. B. Lott
C. Bunton
J. H. Hilliard
Leni Parks
Robt. Alexander
Lucy Holmes
Walter White
Dick Snows
Major M. P. Graham
C. Smith

The following report from the Zoning Board of Adjustment was received:

Austin, Texas
February 19, 1936

Honorable City Council
Austin, Texas

Gentlemen:

Pursuant to the request of the City Council, the Zoning Board of Adjustment carefully considered the request of Mrs. Mary E. Wertz, et al, and submits the following resolution passed at a meeting held on February 11, 1936, as its recommendation.

Respectfully submitted,

ZONING BOARD OF ADJUSTMENT

(Signed) V. H. Pannell,
Acting Chairman.

(RESOLUTION)

WHEREAS, the Honorable City Council at its meeting held on January 30, 1936, referred to the Zoning Board of Adjustment for their consideration and recommendation the request of Mrs. Mary E. Wertz, et al, for a change in the use designation of the following described property:

Beginning at the southeast corner of the intersection of Lydia Street at East Ninth Street, thence southerly 280 feet to the northeast intersection of Lydia Street and East 8th Street, thence easterly 276 feet to a point in the south line of East 9th Street, thence westerly with the south line of East 9th Street 146 feet to the place of beginning,

from Residence "A" to Commercial "C"; and

WHEREAS, the Zoning Board of Adjustment carefully considered this request at a meeting held on February 11, and in their opinion there seems to be no need for the extension of the business zone in this territory as this property lies between East 11th and East 7th Streets which are both zoned for business and at present there is much of this property available for business uses; and

WHEREAS, this property sought to be changed is essentially residence property, surrounded by substantial residences, a church, and school, and in no sense could be construed as business property; and

WHEREAS, the change is sought for the sole benefit of the applicants to the detriment and disadvantage of the surrounding property owners and in the opinion of the Board would seriously affect property values in this section; therefore,

BE IT RESOLVED: THAT the Zoning Board of Adjustment does not recommend the change

in the use designation of the property in question, but, to the contrary, that this property be left zoned Residence "A" as at present.

(Signed) V. H. Fannell,
Acting Chairman, Zoning
Board of Adjustment. "

At the request of Mr. Henry Wendlandt, Agent for Mrs. Mary E. Wertz, Petitioner, the Council deferred action on the above matter.

The following application for a change in the zoning of property on Angelina Street was received and referred to the Board of Adjustment for its recommendation:

"1193 Angelina St.
Austin, Texas
Feb. 18, 1936

Hon. Mayor and City Councilmen:

I hereby respectfully petition that my property, 1193-1191 on Angelina Street at Cotton be changed from Residence "A" District to Commercial "C" District.

Signed: Philip H. Baker,
1400 Cotton Street. "

Councilman Gillis offered the following resolution:

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

WHEREAS, the City of Austin has paid bonds, amounting to \$279,500.00, together with matured interest coupons on its bonded debt in the aggregate amount of \$285,671.25, as follows:

Description	Rate of Interest	Serial Nos.	Number Retired	Amount
1910 School Bonds	5%	36 to 45, inclusive	10	\$ 10,000.00
1912 School Bonds	5%	25	1	1,000.00
1912 School Bonds	5%	36 to 40, inclusive	5	5,000.00
1912 School Bonds	5%	61 to 85, inclusive	25	25,000.00
1915 School Building Bonds	5%	132	1	1,000.00
1915 School Building Bonds	5%	141 to 150, inclusive	10	10,000.00
1918 School Bonds	5%	23 to 24, inclusive	2	2,000.00
1924 School Bonds	5%	53 to 59, inclusive	7	7,000.00
1926 School Bonds	4-3/4%	21 to 23, inclusive	3	3,000.00
1928 School Bonds	4-3/4%	32 to 37, inclusive	6	6,000.00
1912 Street Improvement Bonds	5%	171 to 180, inclusive	10	10,000.00
1928 Street Improvement Bonds	4-3/4%	20 to 23, inclusive	4	4,000.00
1929 Street Improvement Bonds	4-3/4%	47 to 56, inclusive	10	10,000.00
1929 Street Improvement Bonds	4-3/4%	39 to 49, inclusive	11	11,000.00
1931 Street Improvement Bonds	4-3/4%	36 to 48, inclusive	13	13,000.00
1915 Street, Bridge & Sewer Bonds	5%	261 to 275, inclusive	15	15,000.00
1912 Cemetery	5%	45 to 46, inclusive	2	2,000.00
1921 Hospital	6%	10	1	1,000.00
1928 Hospital	4-3/4%	14 to 15, inclusive	2	2,000.00
1932 Public Library	5%	5 to 7, inclusive	3	3,000.00
1928 Airport	4-3/4%	10	1	1,000.00
1928 Abattoir	4-3/4%	5	1	1,000.00
1928 Fire Stations	4-3/4%	8 to 9, inclusive	2	2,000.00
1929 Fire Stations	4-3/4%	1	1	1,000.00
1932 Fire Stations	5%	3	1	1,000.00
1928 Parks & Playgrounds Bonds	4-3/4%	8 to 9, inclusive	2	2,000.00
1929 Parks & Playgrounds Bonds	4-3/4%	16 to 19, inclusive	4	4,000.00
1929 Parks & Playgrounds Bonds	4-3/4%	11 to 13, inclusive	3	3,000.00
1931 Parks & Playgrounds Bonds	4-3/4%	10 to 13, inclusive	4	4,000.00
1934 Parks & Playgrounds Bonds	5%	1 to 5, inclusive	5	5,000.00
1928 Hospital	4-3/4%	7	1	1,000.00
1934 Water, Light & Sewer Bonds	4%	1 to 40, inclusive	40	40,000.00
1912 Sewer Bonds	5%	171 to 180, inclusive	10	10,000.00
1915 Sanitary Sewer Bonds	5%	39 to 40, inclusive	2	2,000.00
1929 Sanitary Sewer Bonds	4-3/4%	24 to 28, inclusive	5	5,000.00
1929 Sanitary Sewer Bonds	4-3/4%	13 to 15, inclusive	3	3,000.00
1931 Sanitary Sewer Bonds	4-3/4%	7 to 8, inclusive	2	2,000.00
1928 Sanitary Sewer Bonds	4-3/4%	7	1	1,000.00
1918 Sewage Disposal Plant	5%	81 to 85, inclusive	5	2,500.00
1924 Incinerator Bonds	5%	11 to 12, inclusive	2	2,000.00
1924 Water Filtration Bonds	5%	58 to 64, inclusive	7	7,000.00
1916 Refunding Bonds	4-3/4%	703 to 741, inclusive	39	39,000.00
				<u>\$279,500.00</u>

and

WHEREAS, such payments of bonds and interest coupons have been duly recorded on its bond registers and other books of account, and verified by the examination and audit of

certified public accountants; therefore

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

THAT the City Manager be, and he is hereby, authorized and directed to destroy, or cause to be destroyed, by cremation in the City Incinerator, before witnesses, all such bonds and interest coupons having been fully recorded and verified as above stated; and

BE IT FURTHER RESOLVED:

THAT the City Manager be instructed, after said bonds have been destroyed, to submit to the City Council his certificate showing that said bonds have been destroyed in the manner herein provided.

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

Councilman Gillis moved that upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted Taxicab Driver's Permits: Wallace G. Garrett, 409 West 24th Street; Gus Pavia, 207 East 7th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis moved that upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the Taxicab Driver's Permit granted to Wesley Willard Lock by the City Council on December 6, 1935, and revoked by said City Council on January 30, 1936, be restored to the said Wesley Willard Lock. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, T. D. Sylvester is the Contractor for the removal of an awning from a building located at 201 West 5th Street and desires a portion of the sidewalk and street space abutting Lots 7 and 8, Block 44, of the Original City of Austin, Texas, during the removal of the awning, 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 T. D. Sylvester, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of Lot 7, Block 44, of the Original City; thence in a westerly direction along the south line of West 5th Street a distance of 92 feet; thence in a northerly direction and at right angles to the centerline of West 5th Street a distance of 20 feet; thence in an easterly direction and parallel with the centerline of West 5th Street a distance of 92 feet; thence in a southeasterly direction and at a 45° angle to the centerline of West 5th Street, a distance to a point in the south line of West 5th Street 20 feet east of the west line of Colorado Street; thence in a southerly direction and parallel with the centerline of Colorado Street a distance of 128 feet; thence in a westerly direction to the southeast corner of the above described Lot 7; thence in a northerly direction along the east line of said Lot 7 to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said T.D.Sylvester, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot guard rail around the above described working space during any period he uses said space on Sundays or between the hours of 10 P. M. and 7 A. M. During any other period in which the space is used the Contractor shall construct around the outer boundaries of said working space a walkway at least 4 feet wide protected on each side by guard rails at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public

utilities in the construction of such guard rail.

(3) That provision 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 waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) 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 March 3, 1936.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) 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.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand (\$2000.00) 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, 5; nays, none.

Councilman Gillis 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 DUVAL STREET, beginning at a point 11 feet west of the centerline of Duval Street and 480 feet north of the north line of East 45th Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 11 feet west of and parallel to the centerline of said Duval Street, for a distance of 120 feet.

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

(2) A gas main in CHICON STREET from a point 19 feet west of the centerline of Chicon Street and 3 feet north of the north line of Rosewood Avenue, northerly a distance of approximately 3 blocks to New York Avenue, the centerline of which gas main shall be 19 feet east of and parallel to the west line of said Chicon Street.

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

(3) A gas main in NEW YORK AVENUE, beginning at a point 18 feet south of the north line of New York Avenue and 19 feet west of the centerline of Chicon Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 18 feet south of and parallel to the north line of New York Avenue, for a distance of 55 feet.

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

(4) A gas main in SOUTH FIRST STREET, beginning at a point 18 feet west of the east line of South 1st Street and 43 feet north of the north line of that portion of Johanna Street that is east of South 1st Street;

Thence in a southerly direction with the centerline of said gas main, which centerline shall be 18 feet west of and parallel to the east line of said South 1st Street, to a point that is 13½ feet north of the south line of said Johanna Street.

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

(5) A gas main in SOUTH FIRST STREET, beginning at a point 22 feet east of the centerline of said South 1st Street and 13½ feet north of the south line of that portion of Johanna Street that is east of South 1st Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 22 feet east of and parallel to the centerline of said South 1st Street, for a distance of 1140 feet.

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

(6) A gas main across SOUTH FIRST STREET at Copeland Street Alley No. 1, the centerline of which gas main shall be 5 feet south of and parallel to the north line of said Copeland Street Alley No. 1.

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

(7) A gas main across SOUTH FIRST STREET at Copeland Street, the centerline of which gas main shall be 6½ feet south of and parallel to the north line of said Copeland Street.

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

(8) A gas main across SOUTH FIRST STREET at that portion of Elizabeth Street which extends westerly from South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said Elizabeth Street.

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

(9) A gas main across SOUTH FIRST STREET at Jewell Street, the centerline of which gas main shall be 4 feet south of and parallel to the north line of said Jewell Street.

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

(10) A gas main across SOUTH FIRST STREET at that portion of Elizabeth Street east of South 1st Street, the centerline of which gas main shall be 8½ feet north of and parallel to the south line of said Elizabeth Street.

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

(11) A gas main across SOUTH FIRST STREET at Monroe Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Monroe Street.

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

(12) A gas main across SOUTH FIRST STREET at Annie Street, the centerline of which gas main shall be 18 feet south of and parallel to the north line of said Annie Street.

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

(13) A gas main across SOUTH FIRST STREET at that portion of Johanna Street east of South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said Johanna Street.

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

(14) A gas main across SOUTH FIRST STREET at that portion of Johanna Street west of South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said Johanna Street.

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

(15) A gas main across SOUTH FIRST STREET at that portion of Live Oak Street east of South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said Live Oak Street.

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

(16) A gas main across SOUTH FIRST STREET at that portion of Live Oak Street west of South 1st Street, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said Live Oak Street.

Said gas main described above shall have a cover 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 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller moved that, in view of the circumstances in the case, the fine assessed against Paul Turner in the Corporation Court, Cause No. 41552, on January 10, 1936, for drunkenness, amounting to \$11.80, be remitted. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION (1) TO REVOKE AND CANCEL THE AUTHORITY GIVEN TO THE CITY COUNCIL BY ELECTION ON NOVEMBER 14, 1935, TO ISSUE BONDS OF THE CITY OF AUSTIN, FOR THE PURPOSE OF THE CONSTRUCTION AND IMPROVEMENT OF PUBLIC FREE SCHOOL BUILDINGS IN THE CITY OF AUSTIN AND THE PURCHASE OF GROUNDS AND EQUIPMENT THEREFOR, AND TO CANCEL AND REVOKE THE BONDS ISSUED UNDER SAID AUTHORITY, AND (2) TO OBTAIN THE CONSENT OF THE QUALIFIED VOTERS OF THE CITY OF AUSTIN, TEXAS, TO THE ISSUANCE OF BONDS BY THE CITY COUNCIL IN THE SUM OF \$350,000, FOR THE PURPOSE OF THE CONSTRUCTION AND IMPROVEMENT OF PUBLIC FREE SCHOOL BUILDINGS IN THE CITY OF AUSTIN AND THE PURCHASE OF GROUNDS AND EQUIPMENT THEREFOR.

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

The ordinance was then read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading and final passage. The motion was seconded by Councilman Gillis and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was then read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, on November 14, 1935, an election was held in the City of Austin authorizing the issuance of Three Hundred and Fifty Thousand (\$350,000) Dollars of School Bonds for the purpose of improving and enlarging the school buildings and facilities of the City; and

WHEREAS, said election was held in conformity with the City Charter and the State laws governing such matters as existed at the time the ordinance of the City Council

was passed; and

WHEREAS, said election was duly carried and the bonds approved by the Attorney General and subsequently printed and advertised for sale, on sealed bids; and

WHEREAS, the syndicate of Miller, Moore, and Brown, Inc., of Dallas, and Blyth and Company, of Chicago, were the successful bidders with an offer of par, accrued interest, and a cash premium of \$3610; and

WHEREAS, the City Council contracted for the delivery of these bonds to the above firms, subject to the approving opinion of the firm of Thomson, Wood and Hoffman, of New York, and said firm has declined to issue said approving opinion due to certain legal technicalities resulting from the passage by the State Legislature of a bill amending the procedure in the manner of advertising bond elections, and said amended bill was passed between the time the City Council passed its ordinance calling the election and the actual date of the election; and

WHEREAS, it has become necessary to call a second election authorizing the issuance of an equal amount of bonds and revoking the authorization as provided in the original election; now, therefore,

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

at the request of Miller, Moore, and Brown, Inc., and in consideration of the premises, THAT the City Manager be authorized and he is hereby directed to return to

Miller, Moore, and Brown, Inc., their certified check for the sum of \$17,500 deposited with the City at the time their offer for the purchase of the bonds was accepted, and further canceling the contract between the City of Austin and the firms of Miller, Moore, and Brown, Inc., and Blyth and Company, represented by Mr. Frank Miller.

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

Upon motion duly made and seconded, the meeting was recessed subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Lacie McKeen
City Clerk