

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 6, 1936.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen G. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The Minutes of the regular meetings of July 23 and July 30 were read and upon motion of Councilman Gillis were adopted, as read, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Messrs. Bond and Greathouse submitted a proposal to the City Council that the City contribute one-half of the rental for the proposed new headquarters of the National Reemployment Bureau at Fifth and Guadalupe Streets, the County of Travis to pay the other one-half - the total amount of said rental being \$165.00 per month. It was the sense of the Council that the proposal be accepted, provided satisfactory showing is made to the City Manager of the work being done by said agency.

A petition of citizens asking for street lights on Dam Boulevard from Deep Eddy to the Dam was received and referred to the City Manager to have the matter attended to.

The City Manager was authorized to grant the request of the Labor Day Committee for the use of some of the City's equipment in the parade on that day, and, furthermore, to have the City of Austin represented by a float in said parade, if possible.

The City Manager was authorized to sell, for the best price obtainable, certain old turbines and other discarded equipment at the Power Plant.

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 a gas measuring and regulating station for the purpose of serving the power plant of the Water and Light Department of the City of Austin, and also showing the proposed removal of approximately 88 feet of existing gas line and the proposed construction of 38 feet of additional gas line, all of which construction is to be done in the first alley north of West 2nd Street at a location approximately 150 feet west of the west line of Nueces Street within the City of Austin, Travis County, Texas, 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 the Texas Public Service Company be and the same is hereby permitted to construct a gas measuring and regulating station for the purpose of serving the power plant of the Water and Light Department of the City of Austin and to remove approximately 88 feet of existing gas main, and to install 38 feet of additional gas main incidental to the construction, maintenance and operation of said gas measuring and regulating station, the location of the site of said measuring and regulating station being in the alley between West 2nd Street and West 3rd Street and west of Nueces Street, and being more particularly described as follows:

Beginning at a point 127'6" west of the west line of Nueces Street and 1'6" south of the north line of said alley, thence running westerly parallel to the north line of said alley a distance of 46', thence running at right angles to said alley line a distance of 12', thence easterly parallel with said alley line a distance of 46', thence at right angle to said alley line a distance of 12' to point of beginning.

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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, J. R. Blackmore is the Contractor for the alteration of a building located at 720 Congress Avenue and desires a portion of the sidewalk space abutting the south 16 feet of Lot 6, Block 83, of the Original City of Austin, Texas, during the alteration 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 J. R. Blackmore, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described lot; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance of 6 feet; thence in a northerly direction and parallel with the centerline of Congress Avenue a distance of 16 feet; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to the west line of Congress Avenue; thence in a southerly direction along the west line of Congress Avenue to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail around the above described working space, such guard rail to be 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, barri-

ades 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 August 31, 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 Five Thousand Dollars (\$5000.00), 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf 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 WEST THIRTEENTH STREET, beginning at a point 7 feet south of the north line of West 13th Street and 53 feet west of the west line of Lorrain Street;

Thence in a westerly direction with a gas main, the centerline of which shall be 7 feet south of and parallel to the north line of said West 13th Street, for a distance of 148 feet.

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

(2) A gas main in RAMSEY AVENUE, beginning at a point 7½ feet west of the east line of Ramsey Avenue and 199 feet south of the south line of West 45th Street;

Thence in a northerly direction with a gas main, the centerline of which shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue, for a distance of 80 feet.

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

(3) A gas main in WEST NINTH STREET, beginning at a point 23 feet south of the north line of said West 9th Street and 331 feet east of the east line of Oakland Avenue;

Thence in an easterly direction with a gas main, the centerline of which shall be 23 feet south of and parallel to the north line of said West 9th Street, for a distance of 325 feet to connect with the dead end of an existing gas main.

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

(4) A gas main in HAWTHORNE STREET, beginning at a point 21 feet east of the west line of Longfellow Street and 13½ feet south of the north line of said Hawthorne Street;

Thence in an easterly direction with a gas main, the centerline of which shall be

13½ feet south of and parallel to the north line of said Hawthorne Street, to a point 117 feet west of the west line of Whittier Street.

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

(5) A gas main in CONCORDIA AVENUE, beginning at a point 7½ feet south of the north line of said Concordia Avenue and 472 feet west of the west line of East Avenue;

Thence in an easterly direction with a gas main, the centerline of which shall be 7½ feet south of and parallel to the north line of said Concordia Avenue, for a distance of 532 feet to a point on the east line of East Avenue.

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

(6) A gas main in CONCORDIA AVENUE from East Avenue to Robinson Avenue, the centerline of which gas main shall be 12½ feet south of and parallel to the north line of said Concordia Avenue.

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

(7) A gas main in ROBINSON AVENUE, beginning at a point 13½ feet west of the east line of said Robinson Avenue and 12½ feet south of the north line of Concordia Avenue;

Thence in a southerly direction with a gas main, the centerline of which shall be 13½ feet west of and parallel to the east line of said Robinson Avenue, to a point 101 feet south of the south line of Concordia Avenue.

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

(8) A gas main in EAST AVENUE, beginning at a point 13½ feet west of the east line of said East Avenue and 12½ feet south of the north line of Concordia Avenue;

Thence in a northerly direction with a gas main, the centerline of which shall be 13½ feet west of and parallel to the east line of said East Avenue, to a point 283 feet north of the north line of said Concordia Avenue.

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 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford moved 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: Lee Cagle, 2114 Brooklyn Street; Murray Pogue, 709 East First Street; Clyde Bradshaw, 904 Holly Street; and Fred Walker, 1005½ Congress Avenue. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis moved that the Council consider an amendment to the Zoning

Ordinance changing the Height and Area requirements so that garage setbacks shall be not more than 35 feet from the alley, such setback requirements to apply to each street on which a corner lot abuts, thus affording protection to inside lots, and that the City Attorney be instructed to prepare the necessary legal procedure. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, the City of Austin has heretofore filed condemnation proceedings against Mrs. Lelia O. Chilton, as the owner of certain land situated on the Fredericksburg Road in the City of Austin, for the purpose of appropriating out of same the certain strip of land needed for widening and improving said Fredericksburg Road, as appears in Cause No. 8248, City of Austin vs. Mrs. Lelia O. Chilton, on the docket of the County Court of Travis County, Texas; and the Special Commissioners appointed by the County Judge in said Cause to assess the damages to said land and the owner on account of said condemnation have awarded the sum of \$278.75 to said owner; and

WHEREAS, said award and finding of the Special Commissioners was duly filed in the County Court of Travis County, Texas, and the sum of \$278.75 was duly appropriated out of the General Fund for the purpose of making such a deposit for the payment of such award, and a warrant issued therefor in said sum payable to Emilie Limberg, Clerk of the County Court of Travis County, Texas, for the benefit of said Mrs. Lelia O. Chilton, directing that the sum of money recited in said warrant be delivered to said Mrs. Lelia O. Chilton upon her demand; and

WHEREAS, within the period of ten days, said Mrs. Lelia O. Chilton filed her objections to said award and finding by the Special Commissioners, and alleged therein that same was totally insufficient and that she had been damaged largely in excess of said amount, in her amended petition claiming the sum of \$4200 as damages by reason of the condemnation of said property; and

WHEREAS, said suit has been compromised and it has been agreed that a judgment be entered in the County Court of Travis County condemning said land for the purposes stated in the petition for condemnation and in the award of the Special Commissioners, and that the title to said land be decreed out of Mrs. Lelia O. Chilton and vested in the City of Austin for the purposes in the petition for said condemnation stated, and judgment rendered in favor of Mrs. Lelia O. Chilton for the sum of \$500 in full compensation to her for all damages sustained by the taking of the land condemned in the report of the Special Commissioners and for all damages of any and every character which she may have sustained by reason of the taking of said land, said sum of \$500 to be in full satisfaction of any and all claims of any kind and character which she had or may have by reason of the aforesaid condemnation and taking of said land; and

WHEREAS, her son, L. B. Chilton, acting in accordance with the power of attorney executed by Mrs. Lelia O. Chilton to him on the 30th day of April, 1936, entered into a written contract and agreement with Lloyd Mann, conveying to him an interest of 25% of all monies recovered in said suit in excess of said sum of \$278.75; therefore,

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

THAT the said sum of \$278.75 be delivered to Mrs. Lelia O. Chilton, or her order, on demand, or she be paid a sum of money equivalent to said amount.

BE IT FURTHER RESOLVED:

THAT the further sum of \$221.25 be and the same is hereby appropriated out of the

General Fund for the purpose of paying the difference between the said \$278.75 and the \$500.00 total, the amount to be paid in settlement of said suit, and that said warrant be made payable jointly to Mrs. Lelia O. Chilton, L. B. Chilton and to Lloyd Mann, her Attorney of record, upon their executing a release of said agreed judgment to be entered in said cause, said release to be approved by the City Attorney of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, bids were received, opened, and publicly read aloud at 10:00 A. M., July 23, 1936, on PWA Docket Tex-1300R, Contracts 24-39, all in accordance with PWA approved contract documents, plans, specifications, and advertisements, by the officials of the Austin Independent School District and the architects and representatives of the Public Works Administration; and

WHEREAS, upon the recommendation of Glesecke and Harris, Architects for the School Board, copy of which is attached herewith, marked Exhibit "A", the Austin Independent School District, through its duly constituted officers, have submitted resolution awarding said contracts to the lowest and best bidders in accordance with the resolution attached herewith; and

WHEREAS, the City Council, acting for and in behalf of the Austin Independent School District, approves the award of the contracts so indicated, subject to the approval of the State Director of the Public Works Administration; now, therefore,

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

THAT the City Manager be authorized and is hereby directed to sign the resolution of the School Board approving said resolution on the part of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

(RESOLUTION OF SCHOOL BOARD ATTACHED)

"WHEREAS, bids were received, publicly read aloud, and tabulated at 10:00 A. M., July 23, 1936, on PWA Docket Tex-1300R, Contracts 24-39, all in accordance with PWA approved contract documents, plans, specifications, and advertisements; and

WHEREAS, the Architects were requested to, and did, make a study of the bids which were received and recommended to the Board the result of their study; and

WHEREAS, the recommendations of the Architects, marked Exhibit A, and attached to and made a part of this Resolution, have been studied by the Board and are believed to be well-founded;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the Austin Independent School District, with the approval of the City of Austin, through its City Manager, hereby recommend awards of contract to the various low bidders as listed in the attached Exhibit A, above referred to.

I hereby certify that the above Resolution was introduced and unanimously adopted at a meeting of the Board of Trustees of the Austin Independent School District, August 4, 1936, at which the following members were present: R. G. Mueller, Mrs. A. P. Robinson, L. H. Blenderman, J. Harris Gardner, Carl T. Widen.

(Signed) T. N. Porter, Acting Secretary.

Approved:

CITY OF AUSTIN

By _____
City Manager. "

(EXHIBIT "A" Attached)

"August 4, 1936

Docket; Tex-1300R
Austin Schools
Painting

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

Dear Sir:

We, your Architects, having carefully examined the bids received on July 23, 1936, in connection with the projects under consideration upon that date, advise and recommend to you as follows:

1. That the bid of G. B. Buyinhausen, of Houston, Texas, upon the painting of Baker School, and in the sum of \$2,672, be considered the lowest and best bid received, and that award be made to him upon this basis.
2. That the bid of S. Roy Owens, of Austin, Texas, upon the painting of Wooldridge School, and in the sum of \$2,536, be considered the lowest and best bid received, and that award be made to him upon this basis.
3. That the bid of S. Roy Owens, of Austin, Texas, upon the painting of John T. Allan Junior High School, and in the sum of \$10,835, be considered the lowest and best bid received, and that award be made to him upon this basis, except that there be omitted Alternate 1, in the amount of \$7,381, and award be made in the net sum of \$3,454.

Respectfully submitted,

GIESECKE & HARRIS, Architects

By (Signed) A. W. Harris "

Councilman Wolf offered the following resolution:

WHEREAS, there is assessed on the tax rolls of the City of Austin for the year 1923, taxes amounting to \$2.35, upon which 5% penalty, aggregating \$.12 has been taxed, and the interest thereon, amounting to \$1.69 taxed thereon, and for the year 1924 the taxes on the hereinafter described land was assessed in the sum of \$2.30, penalty \$.11 and interest \$1.54, said taxes, penalty and interest being assessed on Lot 6 (60x150 feet) Outlot 5, Division "O", in the City of Austin, Travis County, Texas, said taxes assessed in the name of R. T. Graham, the penalty and interest on said taxes for the years 1923-1924, aggregating the sum of \$3.46; and

WHEREAS, owing to a "mixup" and confusion in the record and on the rolls in regard to this matter, it has been difficult to determine the ownership of said property and the amount of taxes due thereon; and

WHEREAS, the taxes on said property for said years, amounting to \$4.65, have been paid in full by R. T. Graham, but said penalties and interest have not been paid; and

WHEREAS, in view of the fact that the records as to said property are in a state of confusion, it would be inequitable to collect the said penalties and interest on said taxes; therefore

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

THAT in consideration of the premises, said penalties and interest are hereby remitted.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford,

Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, Stephen White, executor of the estate of J. R. Donnelly, advises that burial lot No. 7, Section "B", Oakwood Cemetery Annex, was willed to Mrs. Alta Eddy under the terms of J. R. Donnelly's will; and

WHEREAS, under the ordinances of the City of Austin transfer of ownership of cemetery lots must be approved by the City Council; now, therefore

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

THAT the records of the City of Austin be changed so as to show ownership of said lot No. 7, Section "B", Oakwood Cemetery Annex, in said Mrs. Alta Eddy in place of J. R. Donnelly.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mayor Miller submitted the following resolution:

WHEREAS, In the passing of Dr. Burford Weller several months ago, the citizens of Austin lost an understanding and a capable physician and a skilled surgeon; and the City Government lost a valuable member of its Board of Health and Sanitation; therefore,

BE IT RESOLVED, That the City Council hereby records its appreciation of the faithful services rendered by Dr. Weller and the loss we feel at his passing; and

BE IT FURTHER RESOLVED, That a copy of this resolution be spread upon the minutes of this Body, and that a copy be sent to Dr. Weller's widow as a testimonial of our sincere appreciation of his usefulness, not only as a physician and a surgeon, but also as a member of our medical advisory board.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mayor Miller then nominated Dr. C. P. Hardwicke as a member of the Board of Health and Sanitation to fill the vacancy on said Board caused by the death of Dr. Burford Weller. The nomination was confirmed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion duly seconded and carried the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor.

Attest:

Halle McKeen
City Clerk.