

County, Texas, and also on personal property, said taxes amounting to the sum of \$1294.65, and for non-payment of said taxes at maturity, penalty in the sum of \$64.73 has been assessed, and interest in the sum of \$158.82, making the total amount of taxes, penalty and interest, \$1518.20; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$64.73, and one-half the interest, in the sum of \$79.41, provided said taxes and one-half the interest thereon, in the sum of \$1374.06, are promptly paid; therefore,

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

THAT the aforesaid penalty in the sum of \$64.73 and one-half the interest in the sum of \$79.41 is hereby remitted, and the Tax Assessor and Collector of the City of Austin, Texas, is hereby authorized and directed to charge said penalty of \$64.73 and one-half the interest in the sum of \$79.41 off his rolls, and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The 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 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McKeen
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 1, 1938.

The City Council convened in regular session, at the regular meeting place, on Thursday, December 1, 1938, at 10:00 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; absent, none.

The reading of the Minutes was dispensed with.

A delegation of citizens, headed by a committee from the Civic Recreational Center Committee, E. B. Moody, General Chairman, Mrs. Joe F. James, General Vice-Chairman, and L. J. Schneider, Chairman, Governmental Affairs Committee, of its Advisory Committee, spokesmen, came before the Council and submitted a proposal for a \$500,000 bond issue to be voted December 20 for the construction of a Civic Recreational Center and Auditorium combined, stating that approximately seventy civic,

social, and cultural organizations of the City had indorsed the movement.

After considerable discussion, Mayor Miller moved that in view of the fact that a committee, representing various individuals and civic clubs but with no special civic clubs sponsoring, has appeared before the Council and asked that a \$500,000 bond issue for the construction of a Civic Recreational Center and Auditorium be submitted, the matter be deferred to Tuesday, December 6, at 10:30 A. M., and that at that time those pro and con on the question be invited to appear before the Council. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. R. F. Voyer, Secretary and General Director of the Texas Social Hygiene Association, came before the Council and submitted a request for an appropriation of \$3000 in next year's budget to supplement an appropriation of \$5000 by the State of Texas for a more adequate Venereal Disease Control Clinic at Brackenridge Hospital.

It was the sense of the meeting that the request be granted if possible to do so, and the matter was referred to the City Manager for study and recommendation.

A draft of an amendment to the Pure Food Ordinance requiring a more rigid examination of food handlers with respect to venereal diseases was also submitted by Mr. R. F. Voyer, and was referred to the City Attorney for study.

A letter from Dr. Geo. W. Cox, State Health Officer, concurring in the appointment of Dr. Ben M. Primer as Director of the Austin-Travis County Health Unit, to fill the vacancy caused by the resignation of Dr. Boliver J. Lloyd, was received.

Councilman Bartholomew introduced the following resolution:

WHEREAS, the recent sudden illness of Doctor Boliver J. Lloyd necessitated his resignation as Director of the City of Austin-Travis County Public Health Unit; and

WHEREAS, Doctor Ben M. Primer, heretofore serving as Assistant Director of said unit, is in all respects acceptable to the City of Austin, Travis County, and the State Health Department; therefore,

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

THAT the City Manager be and is hereby authorized to appoint Doctor Ben M. Primer as Director of said City-County Health Unit and Assistant City Health Officer, with all rights, duties and authority pertaining to these offices as conferred by the State statutes and the City Charter, and the City Manager is directed to file with the State Health Department the necessary papers as evidence of this appointment.

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

Councilman Alford introduced 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 EAST 10TH STREET from Neches Street easterly 55 feet, the centerline of which gas main shall be 26 feet south of and parallel to the north line of said East 10th Street.

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

(2) A gas main in NECHES STREET from East 10th Street northerly 310 feet,

the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Neches Street.

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

(3) A gas main in MARATHON BOULEVARD across West 43rd Street intersection, the centerline of which gas main shall be $8\frac{1}{2}$ feet west of and parallel to the east line of said Marathon Boulevard.

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

(4) A gas main in ALTA VISTA AVENUE northerly 65 feet from a point 119 feet north of the north line of Avondale Road, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Alta Vista Avenue.

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

(5) A gas main in BRIDLE PATH from Forest Trail easterly 107 feet, the centerline of which gas main shall be $1\frac{1}{2}$ feet south of and parallel to the north line of said Bridle Path.

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

(6) A gas main in KINNEY AVENUE southerly 56 feet from a point 344 feet south of the south line of Margarete Street, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said Kinney Avenue.

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

(7) A gas main in COLLEGE ROW easterly 52 feet from a point 98 feet east of the east line of Chicon Street, the centerline of which gas main shall be 7 feet south of and parallel to the north line of said College Row.

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

(8) A gas main in CAPITOL STREET westerly 55 feet from a point 257 feet west of the west line of Center Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said Capitol Street.

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

(9) A gas main in RAMSEY AVENUE southerly 49 feet from a point 156 feet south of the south line of West 47th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Ramsey Avenue.

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

(10) A gas main in EAST 47TH STREET from Duval Street easterly 220 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north line of said East 47th Street.

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

(11) A gas main in ROSEDALE AVENUE northerly 43 feet from a point 123 feet south of the south line of West 46th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west line of said Rosedale Avenue.

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

(12) A gas main in AVENUE "H" northerly 47 feet from a point 210 feet north of the north line of East 50th Street, the centerline of which gas main shall be 14 feet east of and parallel to the west line of said Avenue "H".

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

(13) A gas main in RAMSEY AVENUE from West 46th Street northerly 64 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Ramsey Avenue.

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

(14) A gas main in BURNET ROAD from West 45th Street southerly 146 feet, and from West 45th Street northerly 100 feet, the centerline of which gas main shall be 1 foot east of and parallel to the west line of said Burnet Road.

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

(15) A gas main in EAST 47TH STREET from Caswell Avenue easterly 85 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north line of said East 47th Street.

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

(16) A gas main in SPEEDWAY from West 32nd Street to West 38th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Speedway.

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

(17) A gas regulator pit 7'x9' in size at West 32nd Street and Speedway, the center of which regulator pit shall be 4½ feet south of the north line of 32nd Street and 7½ feet west of the east line of Speedway.

(18) A gas main in SHOAL CREEK BOULEVARD from West 22½ Street northerly 475 feet, the centerline of which gas main shall be 1 foot west of and parallel to the east line of said Shoal Creek Boulevard.

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

(19) A gas main in EAST AVENUE northerly 142 feet from a point 42 feet north of the north line of East 38th Street, the centerline of which gas main shall be 13½ feet west of and parallel to the east line of said East Avenue.

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

(20) A gas main in AVENUE "G" northerly 500 feet from a point 65 feet north of the north line of East 52nd Street, the centerline of which gas main shall be 14 feet west of and parallel to the east line of said Avenue "G".

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

(21) A gas main in EAST 53RD STREET across Avenue "G" intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 53rd Street.

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

(22) A gas main in NEWNING AVENUE northerly 192 feet from a point 41 feet north of the north line of Leland Street, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Newning Avenue.

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

(23) A gas main in WEST 31ST STREET from Kerbey Lane easterly 156 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 31st Street.

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

(24) A gas main in HASKELL STREET easterly 80 feet from a point 94 feet east of the east line of Canadian Street, the centerline of which gas main shall be 22 feet south of and parallel to the north line of said Haskell Street.

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

(25) A gas main in CLEARMONT STREET easterly 100 feet from a point 430 feet east of the east line of San Marcos Street, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Clearmont Street.

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

(26) A gas main in PRESTON AVENUE easterly 290 feet from a point 102 feet east of the east line of Harris Boulevard, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Preston Avenue.

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

(27) A gas regulator pit at the intersection of Newning Avenue and Terrace Drive, the center of which regulator pit shall be 20 feet east of the west line of Newning Avenue and approximately on the south line of Terrace Drive.

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

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

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

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

The following request in writing was presented by the Board of Trustees of the Austin Independent School District and Prof. A. N. McCallum, Superintendent of Schools:

"Austin, Texas
December 1, 1938

Hon. Mayor and City Council
City of Austin

Gentlemen:

At a meeting of the School Board on November 28, 1938, the following resolution, introduced by R. G. Mueller, was unanimously adopted:

"It was ordered that the East South Austin School be located on the Park site north of the Swimming Pool on Sunset Lane and Rosedale Terrace if the City Council will donate this for school purposes. "

This action was taken by the Board after investigation of all available sites in East South Austin, and on the recommendation of the City Park Board on November 22, 1937.

It is the intention of the Board of erect a six-room fire-proof building, in accordance with the recommendation of the Park Board.

Yours truly,

(Signed) A. N. McCallum
Superintendent of Schools. "

Councilman Gillis then introduced the following resolution and moved its adoption. The motion carrying with it the adoption of the resolution was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

WHEREAS, The Board of Trustees of the Austin Independent School District has this day submitted to the City Council a request in writing that the City donate a part of the park site on Sunset Lane and Rosedale Terrace north of the Stacy Swimming Pool as a site for the East South Austin School, said property being legally described as Block 15 of Travis Heights Addition; and

WHEREAS, The Park Board has recommended to the City Council that this request

be granted; 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 execute a deed to the Board of Trustees of the Austin Independent School District conveying said Block 15 of Travis Heights Addition for said purpose.

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The request of the School Board that a part of Block 14 of Travis Heights Addition also be included in the foregoing transaction was referred to the City Manager and Park Board for consideration and recommendation.

Councilman Gillis introduced the following resolution:

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

THAT the City Manager is authorized to purchase from Casper Steiner and Viola Steiner, husband and wife, for the consideration of Five Hundred Dollars (\$500.00), to be used by the City of Austin for street purposes, the following described land, to-wit:

Lot 11, Block 5-C, of Newning and Warner's Subdivision out of the Swisher Addition, a subdivision within the corporate limits of the City of Austin, Travis County, Texas, according to a map or plat of said Block 5-C, appearing of record in Book 1, at page 44, of the Plat Records of Travis County, Texas, which Lot 11 and other lots were conveyed to Casper Steiner by deed of date November 3, 1925, recorded in Volume 380, at page 198, of the Deed Records of Travis County, Texas; said land to be purchased subject to approval of title by the City Attorney; and the sum of Five Hundred Dollars (\$500.00) be appropriated out of the General Fund for the purpose of paying for said tract of land.

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

Councilman Wolf introduced the following resolution:

WHEREAS, the Herman Becker Estate, acting by and through Edwin C. Kreisle, Architect, owner of Lot 6, Block 32, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest intersection of East 3rd Street and Trinity Street, has made application to the City Council of the City of Austin for permission to construct commercial driveways at the above described location; one of which commercial driveways will be across the north sidewalk area of East 3rd Street and one of which driveways shall be across the west sidewalk area of Trinity Street, as shown upon the plan hereto attached marked 2-G-224, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore,

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

THAT the Herman Becker Estate, acting by and through Edwin C. Kreisle, Architect, owner of Lot 6, Block 32, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest intersection of East 3rd Street and Trinity Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Trinity Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints, as shown upon the plan marked 2-G-224, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets

shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

Councilman Alford introduced the following resolution:

WHEREAS, Austin Allright Company, acting by and through Spencer J. Scott, lessee from Charles E. Marsh of Lot 4, Block 82, of the Original City of Austin, Travis County, Texas, which property abuts the north side of West 7th Street at a location west of Colorado Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of said West 7th Street at the above described location, as shown upon the plan hereto attached marked 2-C-777, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore,

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

THAT Austin Allright Company, acting by and through Spencer J. Scott, lessee from Charles E. Marsh of Lot 4, Block 82, of the Original City of Austin, Travis County, Texas, which property abuts the north side of West 7th Street at a location west of Colorado Street, is hereby permitted to construct a commercial driveway across the north sidewalk area of said West 7th Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-C-777, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

Councilman Wolf introduced the following resolution:

WHEREAS, David Bernstein, lessee from Mrs. Katherine P. Hamilton of a tract of land out of the Isaac Decker League and being within the City of Austin, Travis County, Texas, which tract of land abuts the east side of Post Road approximately opposite Oltorf Street intersection, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of said Post Road, as shown upon the plan hereto attached marked 2-C-776, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT David Bernstein, lessee from Mrs. Katherine P. Hamilton of a tract of land out of the Isaac Decker League and being within the City of Austin, Travis County, Texas, which tract of land abuts the east side of Post Road approximately opposite Oltorf Street intersection, is hereby permitted to construct a commercial driveway across the east sidewalk area of Post Road, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked

P-C-776, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

Councilman Gillis introduced the following ordinance:

AN ORDINANCE ACCEPTING THE WORK AND IMPROVEMENTS OF BROWN & ROOT, INC., UPON WEST EIGHTH STREET ON THE NORTH SIDE AND SOUTH SIDE FROM THE EAST CURB LINE OF COLORADO STREET AND THE WEST CURB LINE OF CONGRESS AVENUE, AND WEST EIGHTH STREET ON THE SOUTH SIDE FROM THE EAST CURB LINE OF LAVACA STREET TO THE WEST CURB LINE OF COLORADO STREET IN THE CITY OF AUSTIN, TEXAS; AUTHORIZING THE EXECUTION AND ISSUANCE OF CERTAIN SPECIAL ASSESSMENT CERTIFICATES AS HERETOFORE PROVIDED BY ORDINANCE, AND DECLARING AN EMERGENCY.

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

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

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

The following report of the Architect for Municipal Building Furniture and Equipment was received:

"Austin, Texas
November 20, 1938

Docket-Texas-1854-DS-10
Furniture and Equipment
Municipal Building
Austin, Texas
Steck Company Contract

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

This is to state that the furniture and equipment covered by the contract of Steck Company of Austin, Texas, has been received, and I wish to recommend acceptance of same as it complies in all respects with the conditions of the contract.

This contract calls for the furnishing of all merchandise included in Items Nos. 1, 3, 4, 10, 13, 14, 16, 18, 19, 24, 46, 49, 55, 58, 70, 74, 75, 76, 77, 78, 80, and 81. One change order was made on this contract, involving an addition to the contract price of \$19.55. The original contract of \$3,103.92 plus change order of \$19.55 gives a total cost of \$3,123.47, and payment in full is hereby recommended.

Yours very truly,

(Signed) G. S. Moore
Architect for Municipal Building
Furniture and Equipment. "

Councilman Wolf introduced the following resolution:

WHEREAS, G. S. Moore, Architect in charge of furniture and equipment for Docket Texas-1854-DS, Municipal Building, has reported that the furniture and equipment to be furnished by Steck Company, Contract No. 10, including Items Nos. 1, 3, 4, 10, 13,

14, 16, 18, 19, 24, 46, 49, 55, 58, 70, 74, 75, 76, 77, 78, 80, and 81, of the furniture and equipment specifications of the above docket number, has been received and complies in all respects with the conditions of the contract, with the rules and regulations of the Public Works Administration, and in all respects is acceptable to the PWA Inspector, and has recommended to the City Manager the final acceptance of the furniture and equipment and the payment in full of the amount of the contract plus one change order in the amount of \$19.55; and

WHEREAS, the City Council has inspected said furniture and equipment and is of the opinion that same should be finally accepted; therefore,

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

THAT said furniture and equipment under the above contract number is hereby accepted, and the City Manager be, and he is hereby, authorized and directed to approve the acceptance of this contract and to issue a warrant in payment thereof - \$3,103.92 plus the amount of the change order, \$19.55, or a total of \$3,123.47; and that he be further authorized and directed to release the contractor from any further liability in connection with the furnishing of the furniture and equipment, and to authorize the cancellation of the bond guaranteeing the successful completion of the contract.

The 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 until the afternoon session at 2:00 P. M., of this date.

AFTERNOON SESSION:

The City Council met at 2:00 P. M., December 1, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present; Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

Mayor Miller laid before the Council 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 construction work under PWA Docket No. Tex-2070-F was duly advertised to be received by the City Manager and publicly opened at two o'clock P. M., Thursday, December 1, 1938, 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 Will O'Connell of San Angelo, Texas, in the amount of \$44,600.00 for the construction of a Tuberculosis Sanatorium, PWA Docket No. Tex-2070-F, 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 Will O'Connell, in the amount of \$44,600.00 for the construction of a Tuberculosis Sanatorium, 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 Will O'Connell, subject to the approval of the Federal Emergency Administration of Public Works.

Councilman Bartholomew moved that the foregoing resolution be adopted. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that the adoption of the foregoing resolution be contingent upon acceptance by the Commissioners Court of Travis County of the additional cost of the contract, and the agreement by said Commissioners Court to pay one-half of said additional cost; otherwise, said resolution to be null and void. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was then recessed to 10:00 A. M., December 3, 1938.

Approved: Tom Miller
Mayor.

Attest:

Hallie M. Keen
City Clerk

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, December 3, 1938.

The City Council convened in recessed session at 10:00 A. M., December 3, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

Councilman Bartholomew introduced 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 various work under PWA Docket Texas-2134-F was duly advertised to be received by the City Manager and publicly opened at 2 P. M., Friday, December 2, 1938, at the City Hall in Austin, Texas; and

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

WHEREAS, the Architects representing the Board of Trustees of the Austin Independent School District have recommended to the Board of Trustees the lowest and best bids submitted, together with certain alternates; and

WHEREAS, the Board of Trustees of the Austin Independent School District have by resolution dated December 2, 1938, recommended the award of said contracts to the City Council, said resolution being attached hereto; therefore,

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

THAT the resolutions recommending the contract awards as submitted by the

Councilman Bartholomew moved that the foregoing resolution be adopted. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that the adoption of the foregoing resolution be contingent upon acceptance by the Commissioners Court of Travis County of the additional cost of the contract, and the agreement by said Commissioners Court to pay one-half of said additional cost; otherwise, said resolution to be null and void. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was then recessed to 10:00 A. M., December 3, 1938.

Approved: Tom Miller
Mayor.

Attest:

Hallie M. Keen
City Clerk

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, December 3, 1938.

The City Council convened in recessed session at 10:00 A. M., December 3, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

Councilman Bartholomew introduced 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 various work under PWA Docket Texas-2134-F was duly advertised to be received by the City Manager and publicly opened at 2 P. M., Friday, December 2, 1938, at the City Hall in Austin, Texas; and

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

WHEREAS, the Architects representing the Board of Trustees of the Austin Independent School District have recommended to the Board of Trustees the lowest and best bids submitted, together with certain alternates; and

WHEREAS, the Board of Trustees of the Austin Independent School District have by resolution dated December 2, 1938, recommended the award of said contracts to the City Council, said resolution being attached hereto; therefore,

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

THAT the resolutions recommending the contract awards as submitted by the

Board of Trustees of the Austin Independent School District be and the same are hereby approved, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager, on behalf of the City of Austin acting for the Austin Independent School District, is hereby authorized and directed to execute all contract documents entered into by the Austin Independent School District and the contractors referred to in said resolution of the Austin Independent School District, subject to the approval of said contract documents by the Federal Emergency Administration of Public Works.

(RESOLUTION OF BOARD OF TRUSTEES)
OF AUSTIN INDEPENDENT SCHOOL)
DISTRICT ATTACHED TO FOREGOING)
RESOLUTION)

WHEREAS, bids were this day received for the construction of an underpass and heating tunnel at Austin High School; concrete stadium at Austin High School; general and mechanical construction of Govalle School; and general construction only of the fourteen room elementary school in northeast Austin; and

WHEREAS, bids were publicly opened, read, and tabulated in the presence of representatives of the City of Austin, and of the School Board, and a representative of the Public Works Administration; and

WHEREAS, all bids were regular, with minor, technical non-conformities, which have been waived by resolution; and

WHEREAS, the supervising architects have presented their recommendations of award, which recommendations have been concurred in by the Board of Trustees in each instance, except the recommendation of the acceptance of Alternate 8 on the Govalle School;

THEREFORE, BE IT RESOLVED that the Board of Trustees recommend that the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District, award contracts for the various phases of construction as follows:

Rex D. Kitchens - Underpass and Heating Tunnel, with no alternates accepted -----	\$ 17,911.00
J. R. Blackmore & Sons - Concrete Stadium, with no alternates accepted -----	22,222.00
Wood & Scurlock, Dallas, Texas - General Construction, Govalle School, with alternates 1, 2, and 5 accepted--	31,366.00
J. O. Andrewartha - Plumbing, Govalle School, no alter- nates asked -----	2,656.00
Spiller-Miller - Heating, Govalle School, no alternates asked -----	2,182.00
John L. Martin - Electric contract, Govalle School, with alternates 1 and 2 accepted -----	2,003.00
Wood & Scurlock, Dallas, Texas - General Construction, 14-room N. E. Austin Elementary School, with alternates 1 & 3 accepted -----	95,618.00
Total -	\$173,958.00

The above resolution was unanimously adopted at a called meeting of the Board of Trustees of the Austin Independent School District, held December 2, 1938, at which the following members were present: R. G. Mueller, Mrs. Eleanor H. Wells, L. H. Blenderman, J. Harris Gardner, and Carl T. Widen.

Dec. 2, 1938.

(Signed) Eleanor H. Wells
Secretary

The foregoing resolution of the City Council was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays,

none.

The following resolution of the Board of Trustees of the Austin Independent School District was received:

WHEREAS, the report of the architects calls attention to the fact that certain minor, technical, non-compliances of bids submitted this day were noted, as follows:

In the case of J. F. Johnson, the bid bonds lacked approximately \$300 of covering full 5% total possible cost.

In the case of O. K. Johnson, notation appeared on one bid that the same would be withdrawn if he were awarded contract on the 14-room school.

In the case of Yarbrough Construction Company, one bond lacked \$61.00 of amounting to full 5% of total cost, but the total of the two bonds submitted by this bidder was sufficient to cover all bids.

The following had no title after signature:

J. R. Blackmore & Sons ;
R. H. Folmar;
L. L. McCandless;

and

WHEREAS, these minor non-compliances in no way affect the validity of the bids; and

WHEREAS, the last paragraph of the advertisement for bids reserves to the City the right to "reject any or all bids and to waive any or all formalities."

Therefore, BE IT RESOLVED that the Board of Trustees recommend that the City Council, acting for and in behalf of the Austin Independent School District, waive the technical irregularities and non-conformities as above quoted.

The above resolution was unanimously adopted at a called meeting of the Board of Trustees of the Austin Independent School District, held December 2, 1938, at which the following members were present:

R. G. Mueller
Mrs. Eleanor H. Wells
L. H. Blenderman
J. Harris Gardner
Carl T. Widen

(Signed) Eleanor H. Wells
Secretary

December 2, 1938.

Councilman Alford then introduced the following resolution:

WHEREAS, several minor irregularities in various proposals were noted at the bid opening; and

WHEREAS, the Board of Trustees of the Austin Independent School District have listed those irregularities and have recommended waiving the same, as allowed in the specifications; therefore,

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

THAT the City Council does concur in the recommendation of the Board of Trustees of the Austin Independent School District, and does hereby waive such technicalities.

The 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 then recessed to Tuesday, December 6, 1938.

Approved: Tom Miller
Mayor

Attest:

Helen McKeen City Clerk.

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, December 6, 1938.

The City Council convened in recessed session, at the regular meeting place, on December 6, 1938, at 10:30 A. M., for the purpose of hearing discussions pro and con on the proposal to call an election for the purpose of voting bonds in the amount of \$500,000 for the construction of a civic recreational center and auditorium.

A large group of citizens was present and entered into the discussion.

The proponents of the proposition were represented principally by Mr. E. B. Moody, General Chairman of the Advisory Committee, who submitted a brief of several type-written pages setting forth the urgent needs for such a building and the benefits that would accrue therefrom.

The opponents of the proposition were represented chiefly by Messrs. Jno. T. Smith, George Roberdeau, Mrs. Ada C. Penn, and others, who protested the matter mainly from an economic standpoint.

After hearing all those present who wished to be heard on the matter, the meeting was then recessed at 1:00 P. M., subject to the call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Halle McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 8, 1938.

The City Council convened in regular session, at its regular meeting place, on December 8, 1938, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

Mr. Walter Simms came before the Council and requested that the Fish Ordinance be amended to conform to Section 1 of the ordinance adopted by the City of Houston, which requires a fixed place of business for the sale of fish and other marine products. The matter was taken under advisement, and the Assistant City Attorney was instructed to confer in the meantime with other dealers of the City regarding the matter.

Councilman Alford introduced the following resolution:

WHEREAS, Scott Yeaman is the contractor for the alteration of a building