

thirty-three mile speed, fully equipped; and one 25-foot Chris-Craft Cabin boat, 95HP, twenty-two mile speed, fully equipped; both boats to be delivered in the water at Lake Austin, and to be delivered in approximately ten days.

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

The following resolution was introduced by Mayor Miller:

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

THAT the sum of \$500 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the Austin High School Band for concerts to be played during the summer months.

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

Upon motion, seconded and carried, the meeting was recessed at 12:15 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Gallie McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 7, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, March 7, 1940, at 10:55 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meeting of February 29, 1940, were read, and, upon motion of Councilman Wolf, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mr. K. H. Crockett appeared before the City Council on behalf of the Parent-Teacher Association and expressed the thanks of said organization for the recent appropriation to the Austin High School Band for concerts, and for the personal checks of Mayor Miller and Councilman Bartholomew for new uniforms for said band.

A large delegation of citizens was present in the interest of the proposed bond issue for Brackenridge Hospital.

Those who spoke in favor of submitting a total issue of \$450,000 were the following:

Dr. W. R. Houston; Wm. Trenckmann, representing the Social Service Committee of the University Church of Christ; Mrs. D. B. Klein, representing an organization of Jewish women; Mrs. Wm. Sheriffs; Dr. C. T. Wharton; Dr. F. C. Gregg; Mrs. Cecil Cabanis; Mrs. Rex Hopper; Father Duffy; C. H. Stautz;

Edmund Travis; and Dr. C. B. Dildy.

Those who spoke in opposition to the total issue of \$450,000 because it would mean an increase in the tax rate were the following: Mrs. Ada C. Penn, M. H. Crockett, and Clifford H. James.

A petition, signed by approximately eighty-one citizens and property owners, indorsing the proposed \$450,000 bond issue, was presented by Mrs. Wm. Sheriffs.

A written communication from Dr. F. N. Moore, F.A.C.C.P., and Neville Johnston, President of the Society for ex-Tubercular Patients, asking that a part of the proposed bond issue for Brackenridge Hospital be allocated to the Austin-Travis County Tuberculosis Sanatorium, was received and ordered filed.

Following the discussion, the foregoing matter was taken under advisement.

The following resolution was introduced by Councilman Wolf:

WHEREAS, in the original plan of the Lower Colorado River Authority the power house was to be built on the west side of the river; however, it has developed that a power house built on the east side of the river would be more accessible and more practicable for all purposes; and

WHEREAS, the City of Austin desires to construct a switching station at the power house, on the property leased to the Authority, and to widen the street and set back the fence line; and

WHEREAS, it is found that when this is done the Authority will be deprived of the full amount of the land covered by their lease with the City of Austin, and has requested that the City of Austin allow the Authority the use of 100 feet additional of land immediately south of that set out in the lease for its use during the operation of the dam and power house; now, therefore,

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

THAT the City Manager be authorized to enter into an agreement with the Lower Colorado River Authority for the use, by the Authority, of 100 additional feet of land immediately south of that set out in the lease, for its use during the operation of the dam, in exchange for the land used for the switching station and for the widening of the street at the dam.

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

The following resolution was introduced by Councilman Alford:

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

THAT the City Council of the City of Austin hereby approves the anchoring of a private floating boat house on the property leased by J. E. Clifton, known as the Walsh property, abutting on Lake Austin approximately 500 feet north of the Tom Miller Dam, and hereby authorizes the said J. E. Clifton to anchor and maintain said private floating boat house, subject to the same's being in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the anchoring of this private floating boat house after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. E. Clifton has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations)
(Attached)

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has considered the application of J. E. Clifton, lessee of a piece of property

"Austin, Texas
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known as the Walsh property, abutting on Lake Austin approximately 200 feet north of the Tom Miller Dam, for permission to locate a private floating boat house extending out into Lake Austin on this property.

I recommend that J. E. Clifton be granted permission to anchor and maintain said private boat house on this property, subject to the following conditions:

1. That said floating boat house be securely tied by heavy cable to trees that have withstood previous floods, or to some other solid object located inland on this property.
2. That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares or merchandise, and no living quarters of any character shall be erected on this private floating boat house.
3. That said private floating boat house be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

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

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

The following resolution was introduced by Councilman Bartholomew:

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

THAT the City Council of the City of Austin hereby approves the anchoring and maintaining of a floating boat dock on the property leased by Mrs. Mary Collins on the shore of Dry Creek, which lease is recorded in Travis County Deed Records, Book 586, page 275, and is known as the W. H. Stevenson property, being approximately five miles north of the Tom Miller Dam, and hereby authorizes the said Mrs. Mary Collins to construct, maintain and operate the floating boat dock, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the anchoring of said floating boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted, subject to all necessary, reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Mrs. Mary Collins has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations)
(attached)

" Austin, Texas
March 7, 1940

Mr. Quilton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed and considered the plans and photograph accompanying the application of Mrs. Mary Collins, lessee of a piece of property abutting on the shores of Dry Creek, which lease is recorded in the Travis County Deed Records, in Book 586, page 275, and known as the W. H. Stevenson property and is approximately five miles north of the Tom Miller Dam, for permission to locate a floating boat dock and anchor same in Dry Creek.

I recommend that said Mrs. Mary Collins be granted permission to anchor and maintain said floating boat dock on property which she has under lease, subject to the following conditions:

1. That said floating boat dock be securely anchored to piling to prevent being drifted by the wind and also to be tied by heavy cable to trees or other permanent objects located inland on this property.
2. That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares or merchandise, and no living quarters of any character shall be erected on this floating boat dock.
3. That said floating boat dock be equipped with proper lights which show all around the horizon for night use, and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted

(Sgd) J. C. Eckert, Building Inspector. "

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

The following resolution was introduced by Councilman Wolf:

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

THAT the City Council of the City of Austin hereby approves the erection of a private pier and diving board on the property leased by H. W. Forsch, which property abuts Lake Austin and is known as part of the Marion Fowler Ranch, and hereby authorizes the said H. W. Forsch to construct, maintain and operate this private pier and diving board, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private pier and diving board after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right to revoke same is retained if, after hearing, it is found by the City Council that the said H. W. Forsch has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations)
(attached)

" Austin, Texas
March 7, 1940

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed the plans and considered the application of H. W. Forsch, lessee of a piece of property abutting on Lake Austin and recorded in Travis County Deed Records, and being known as part of the Marion Fowler Ranch, for permission to erect a private pier and diving board extending out into the water of Lake Austin a distance of 15 feet.

I recommend that H. W. Forsch be granted permission to erect and maintain said pier and diving board on this property, subject to the following conditions:

1. That nothing but creosoted piles and galvanized iron bolts be used in the construction of this pier and diving board.
2. That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares, or merchandise, and no living quarters of any character, shall be erected on this pier.
3. That said pier and diving board be equipped with proper lights which show all around the horizon for night use, and shall be equipped with flags or other warnings for daylight use.

Respectfully submitted,

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

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

The following resolution was introduced by Councilman Alford:

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

THAT the City Council of the City of Austin hereby approves the installation of gasoline equipment located on property leased by Jack Reed, being 93 feet out of the McGinnis & Walsh tract of land within the City of Austin, Travis County, Texas, and lying immediately north of the University property, and hereby authorizes the said Jack Reed, lessee, to install, maintain, and operate this marine fueling station, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this marine fueling station after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future, regulations and

ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Jack Reed has failed and refused, and will continue to fail and refuse to perform any such conditions and regulations and ordinances.

(Recommendations)
(attached)

" Austin, Texas
March 7, 1940

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has reviewed and considered the application of Jack Reed, lessee of 93 feet out of the McGinnis & Walsh tract of land within the City of Austin, Travis County, Texas, abutting on Lake Austin and lying immediately north of the University property, for permission to erect and install gasoline pumps and tanks as a marine fueling station to service motor boats on the Lake.

1. That the installation of all pumps and tanks meet the requirements of the National Board of Fire Underwriters regulations for Marine Oil Terminals used exclusively as gasoline fuel stations for small crafts and must bear the National Board of Fire Underwriters label. All tanks must conform to the regulations for overflow conditions.
2. That signs marked "No Smoking" shall be prominently displayed near any gasoline equipment at all times. That at least one National Board of Fire Underwriters approved type of fire extinguisher shall be provided.

During filling operations smoking should also be prohibited aboard vessels being fueled. During fueling, a sharp watch should be kept for leaks.

The motor of the vessel being fueled should be shut down before and during fueling. No vessel having open light or fires should be permitted to come alongside or close to the gasoline station during fueling operations.

Respectfully submitted,

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

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

The following resolution was introduced by Councilman Alford:

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 HASKELL STREET easterly 236 feet from a point 327 feet east of Navasota Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north property line of said Haskell Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
2. A gas main in WOODMONT AVENUE from Forest Trail westerly 303 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Woodmont Avenue.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
3. A gas main in HETHER STREET easterly 95 feet from a point 195 feet west of Fredericksburg Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Hether Street.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
4. A gas main in BONHAM TERRACE southerly $6\frac{1}{2}$ feet from a point 330 feet southeast of Kenwood Avenue, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Bonham Terrace.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.
5. A gas main in WINDSOR ROAD from Robin Hood Trail westerly 158 feet, the centerline of which gas main shall be $42\frac{1}{2}$ feet north of and parallel to the south property line of said Windsor Road.
Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

6. A gas main in BEVERLY ROAD across West 30th Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Beverly Road.

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

7. A gas main in BEVERLY ROAD across West 32nd Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Beverly Road.

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

8. A gas main in BRYKER DRIVE across West 32nd Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Bryker Drive.

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

9. A gas main in BEVERLY ROAD across West 34th Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Beverly Road.

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

10. A gas main in BRYKER DRIVE across West 33rd Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Bryker Drive.

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

11. A gas main in BRYKER DRIVE across West 34th Street intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Bryker Drive.

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

12. A gas main in ALAMEDA DRIVE across Rosedale Terrace intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Alameda Drive.

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

13. A gas main in ALAMEDA DRIVE across Algarita Avenue intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Alameda Drive.

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

14. A gas main in ALGARITA AVENUE across Alameda Drive intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Algarita Avenue.

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

15. A gas main in ROSEDALE TERRACE across Alameda Drive intersection, the center-line of which gas main shall be 20 feet south of and parallel to the north property line of said Rosedale Terrace.

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

16. A gas main in LAWTON AVENUE across Bull Creek Road intersection, the center-line of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said Lawton Avenue.

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

17. A gas main in SWISHER STREET across East 24th Street intersection, the center-line of which gas main shall be 5 feet west of and parallel to the east property line of said Swisher Street.

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

18. A gas main in SABINE STREET across East 24th Street intersection, the center-line of which gas main shall be 23 feet east of and parallel to the west property line of said Sabine Street.

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

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

any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is 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.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, H. E. White is the Contractor for the digging of a foundation of a building located at 918 Colorado Street and desires a portion of the sidewalk and street space abutting Lot 7 and part of Lot 8, Block 109, of the Original City of Austin, Travis County, Texas, during the digging of the foundation for said 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 H. E. White, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 10th Street to a point 12 feet north of the south curb line; thence in an easterly direction and parallel to the centerline of West 10th Street 96 feet to a point; thence at an angle of approximately 45 degrees to a point 12 feet east of the west curb line of Colorado Street; thence in a southerly direction and parallel with the centerline of Colorado Street to the north line of the east and west alley; thence in a westerly direction to the southeast corner of the above described property.

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

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted H. E. White a substantial walkway at least 4 feet wide in the clear on the inside and at least 3 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 3 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially brace same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions 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 water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) 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 April 15, 1940.

(10) 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.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2000.00), 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.

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

The following resolution was introduced by Mayor Miller:

The late Pinkney Womack Powell, who departed this life July 2, 1939, ably and conscientiously served the City of Austin from 1901 to 1919, first as a member of the Water, Light and Power Commission and later as Alderman and City Councilman. His personal integrity was never questioned and he discharged the duties of his various offices fearlessly. The City of Austin has suffered the loss of an able and valued citizen whose influence will be missed in the civic affairs of this City; therefore

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

THAT the City Council join with the people of Austin in deploring the death of Pinkney Womack Powell and that, in token of our appreciation of the services of Pinkney Womack Powell, a copy of this resolution be entered in the minutes of the City Council and that a copy of the same, signed by the members of the Council, be furnished to the surviving members of his family.

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

The following resolution was introduced by Mayor Miller:

WHEREAS, William Jesse Morris, aged seventy-seven years, passed away on January 19, 1940; and
WHEREAS, William Jesse Morris was honest, fearless and outstanding as a law-enforcement officer, having served the City of Austin as Chief of Police from 1905 to 1909 and again from 1913 to 1919; and

WHEREAS, the death of William Jesse Morris has deprived the City of Austin of a faithful and conscientious citizen; therefore,

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

THAT the City Council desires to thus express its appreciation and high esteem for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council and a copy of same, signed by the members of the Council, furnished to the surviving members of his family.

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

The City Attorney was instructed to prepare resolutions commemorating the deaths of C. W. Moore and J. M. Shumate, ex-Councilmen of the City of Austin.

The following resolution was introduced by Mayor Miller:

R E S O L U T I O N .

PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED VOTERS OF SAID CITY OF AUSTIN, FOR ADOPTION OR REJECTION, CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF SAID CITY.

WHEREAS, the City Council deems it advisable to submit to the qualified voters of the City of Austin certain amendments to the existing Charter of said City; and

WHEREAS, the Charter of the City of Austin has not been altered or amended within two years next preceding this date; therefore,

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

SECTION 1. THAT it is the intention of the City Council to pass an ordinance on the 4th day of April, 1940, for the purpose of submitting to the qualified voters of the City of Austin, at an election to be held for that purpose, the following amendments to the existing Charter of said City:

AMENDMENT NO. 1

To amend Article XII, wherein are defined certain powers which the City Council may exercise by ordinance to levy and collect an annual tax, so that subsection (2), Section 2, of said Article XII, of said Charter, shall read as follows:

(2) To raise such further amount as may be necessary for the maintenance of the public schools of the City, not to exceed seventy cents on the one hundred dollars worth of taxable property in the City. The Board of Trustees for said schools shall determine and advise the City Council as to what amount of said tax shall be levied and collected each year, and the City Council shall levy the amount so determined, but if at any time said Board fails to do so, the City Council shall levy such tax at the same rate as levied for the last preceding year.

AMENDMENT NO. 2

To amend Article XIV of said Charter, wherein are defined certain general powers which the City Council may exercise by ordinance by adding to such enumeration of general powers a section to be known as Section 52 which shall read as follows:

Section 52. To provide for and establish a fund or funds for the retirement and pensioning of any class or classes of employees of the City of Austin, except persons elected by vote of the people, who have become superannuated in the service of the City, and shall provide for the administration of such fund or funds when established.

AMENDMENT NO. 3

To amend Section 26, Article XV, of said Charter, so as to read as follows:

Sec. 26. Before the City of Austin shall be liable for damages for the death or personal injuries of any person, the person injured, if living, or his representatives, if dead, shall give the City Council or City Manager notice in writing of such death or injury, duly verified, within thirty days after same has been sustained, stating in such written notice when, where and how the death or injury occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death or injury, and the name and addresses of all the witnesses upon whom it is relied to establish the claim for damages; and the failure so to notify the City Council or City Manager within the time and manner specified herein shall exonerate, excuse and exempt the

City from any liability whatsoever; provided, however, that nothing in this section shall be construed to affect or repeal the section in this Charter relating to the liability of the City for damages on account of injuries received on the sidewalks, streets, alleys and public places of the City.

AMENDMENT NO. 4.

To amend Article XXVI of said Charter by adding a new section to be known as Section 2, which shall read as follows:

Section 2. No land or lands belonging to the City of Austin adjacent to Shoal Creek between Twelfth Street and Twenty-ninth Street and dedicated to or used for public parks or playgrounds shall be sold, leased or disposed of without providing in the instrument by which such land or lands are sold, leased or disposed of that the use of such land or lands shall be restricted to residential purposes.

SECTION 2. THAT the Mayor is authorized and instructed to publish a copy of this resolution in the Austin American, the Austin Statesman, and the Austin Tribune, newspapers published in the City of Austin, as notice of the intention of the City Council to submit at an election the certain amendments to the Charter of the City of Austin hereinbefore set out; and said copy of this resolution when marked "NOTICE OF INTENTION TO SUBMIT CHARTER AMENDMENTS," signed by the Mayor, and attested by the City Clerk, and published as herein provided, shall be due notice thereof.

SECTION 3. THAT said notice shall be published in the newspapers, aforesaid, for ten days, the first publication of which shall be twenty (20) days prior to the date on which the proposed ordinance is to be passed, as set out in Section 1, of this resolution.

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

The following resolution was introduced by Councilman Alford:

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, and of the State Statutes, an award was made the various contractors listed below for the furnishing and installation of materials or equipment for the Austin-Travis County Sanatorium under PWA Docket No. Tex-2070-F, Sanatorium, and contracts were duly executed covering such work and approved by the Public Works Administration; and

WHEREAS, these contractors were unable to complete their work within the time set out in the above mentioned contracts and have requested an extension of time due to the individual reasons recited in their request made on the regular forms prepared for this purpose by the Public Works Administration; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AND THE COMMISSIONERS COURT OF THE COUNTY OF TRAVIS;

THAT the contract time of the following listed contractors be extended in the number of days set out opposite each:

Hospital Equipment Corporation	- -	62	days
Jack Thorpe	- - - - -	40	"
Will O'Connell	- - - - -	122	"
J. R. Reed Music Company	- - - - -	74	"
Bickley School & Church Furniture Company	- - - - -	62	"
Fox-Schmidt	- - - - -	211	"
W. K. Jennings	- - - - -	221	"
B. F. Lanier & Sons	- - - - -	236	"
Tratex Corporation	- - - - -	62	"

THAT David C. Baer, Architect, be, and is hereby, authorized and ordered to prepare the necessary requests for an extension of time for submission to the Public Works Administration for their approval.

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

The following resolution was introduced by Councilman Alford:

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, and of the State Statutes, an award was made W. K. Jennings, contractor, for the furnishing and installation of electrical work

for the Austin-Travis County Sanatorium under PWA Docket No. Tex-2070-F, Sanatorium, and a contract was duly executed and approved by the Public Works Administration; and

WHEREAS, certain additional work was recommended by the Owner in order to give added circuits of higher capacity in certain portions of the building; and

WHEREAS, W. K. Jennings submitted a bid, in the amount of \$326, for this additional work; and

WHEREAS, the Public Works Administration requests that these be approved by, and concurred in by, the governing bodies or body having control of projects constructed with Public Works Administration grants; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, AND THE COMMISSIONERS COURT OF THE COUNTY OF TRAVIS:

THAT this work be authorized, in the amount of \$326, and that David C. Baor, Architect, be, and is hereby, authorized to prepare the necessary requests for approval of this additional work by the Public Works Administration and that this request be then submitted for their approval.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, the property owners on Cherry Street, located in Westfield, City of Austin, petitioned the City Council to change the name of Cherry Street to Cherry Lane; and

WHEREAS, no objection has been brought to the attention of the City Council about such change of the name of Cherry Street; now, therefore,

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

THAT the City Manager be authorized and instructed to have the name of Cherry Street changed to Cherry Lane, and that the City Engineering Department change the maps of the City to show this change.

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

The City Attorney was instructed to prepare the necessary ordinance vacating a street, shown on the map as North Avenue, contiguous to Shoal Creek, and quitclaiming the same to Kenneth K. Caswell, owner.

The following resolution was introduced by Councilman Wolf:

WHEREAS, City of Austin taxes were assessed in the name of N. A. Baker for the years 1931 through 1938 on Lots 6 and 7, Block 3, Outlot 72, Division "D", Plat 63, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$725.23; and for non-payment of same at maturity penalty, in the sum of \$36.26, has been assessed, and interest, in the sum of \$196.06, making the total amount of taxes, penalty, and interest, \$957.55; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty, in the sum of \$36.26; therefore,

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

THAT the aforesaid penalty, in the sum of \$36.26, be hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty, in the sum of \$36.26, off his rolls, and to issue to the party entitled to receive same a receipt in full, conditioned upon payment of original taxes, plus interest, by April 1, 1940.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, City of Austin taxes were assessed in the name of Dr. S. L. Brown for the years 1926, and 1928 through 1933, on center 62½' x 150' of Lot 4, Block 6, Outlot 56, Division "B", George L. Robertson Subdivision, Plat 33, in the City of Austin, Travis County, Texas, said taxes being for

the sum of \$415.22; and for non-payment of same at maturity, penalty, in the sum of \$20.76, has been assessed, and interest, in the sum of \$165.65, making the total amount of taxes, penalty, and interest, \$601.63; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty, in the sum of \$20.76; therefore,

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

THAT the aforesaid penalty, in the sum of \$20.76, is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty, in the sum of \$20.76, off his rolls, and to issue to the party entitled to receive same a receipt in full, conditioned upon payment of original taxes, plus interest, by April 1, 1940.

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

Upon motion, duly seconded and carried, the meeting was recessed at 1:30 P. M., subject to call of the Mayor.

Approved: Tom Miller

Attest:

Harrie McKeen
City Clerk

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, March 8, 1940.

The City Council convened in special session, at the regular meeting place in the Council Room at the Municipal Building, on Friday, March 8, 1940, at 2:30 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

Councilman Gillis moved that a license to operate a private craft on Lake Austin be granted to the following applicant, in accordance with the recommendations of the Lake Austin Navigation Board:

Miller, Tom - 213 Park Boulevard, 22-foot Chris Craft, 1940 Model.

The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Wolf; nays, none; Councilman Bartholomew absent; Mayor Miller present but not voting.

Councilman Wolf moved that licenses to operate private crafts on Lake Austin be granted to the following applicants, in accordance with the recommendations of the Lake Austin Navigation Board: