

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 6, 1938.

The City Council convened in regular session, at the regular meeting place, on Thursday, October 6, 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.

Representatives from the Junior Chamber of Commerce, the Austin Federation of Womens Clubs, the Sanatorium Central Committee, the Advisory Board of Brackenridge Hospital, and the County Commissioners Court were present to discuss the selection of a site for the Tuberculosis Sanatorium, PWA Docket-Tex-2070.

After a discussion of the proposed sites, a committee was appointed to inspect the site on the Webberville Road offered by the County of Travis and make a report to the City Council.

The personnel of the committee is as follows: Judge George S. Matthews and Dr. Robert J. Jaehne, representing the County of Travis; Guiton Morgan, representing the City of Austin; Dr. B. J. Lloyd, representing the Austin-Travis County Health Unit; Dr. Frank Gregg, representing the Advisory Board of Brackenridge Hospital; David C. Baer, representing the Junior Chamber of Commerce; Mrs. Sam J. Smith, representing the Austin Federation of Womens Clubs; and Mrs. A. N. McCallum, representing the Sanatorium Central Committee.

Councilman Wolf introduced a proposed resolution and moved its adoption. The resolution was read in full. Councilman Bartholomew seconded the motion. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

RESOLUTION ACCEPTING AN OFFER OF THE
UNITED STATES OF AMERICA TO AID BY WAY
OF GRANT IN FINANCING A PROJECT THEREIN
DESCRIBED.

WHEREAS, the United States of America has offered to aid the City of Austin, Texas, by way of grant, in financing the construction of a tuberculosis sanatorium, including necessary equipment; and

WHEREAS, at a regular meeting of the City Council of the City of Austin, held Thursday, October 6, 1938, this Offer was presented and it is deemed desirable that the said Offer be accepted by the City at this time; now, therefore,

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

1. THAT the Offer of the United States of America, reading as follows:

"P.W. 83951-91

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Washington, D. C.
Dated: Sept. 26, 1938
Docket No. Tex-2070-F

City of Austin
Austin, Texas

1. Subject to the Terms and Conditions (PWA Form No. 230, as amended to the date of this Offer), which are made a part hereof, the United States of America hereby offers to aid in financing the construction of a tuberculosis sanatorium, including necessary equipment (herein called the "Project"), by making a grant to the City of Austin (herein called the "Applicant") in the amount of 45 percent of the cost of the Project upon completion, as determined by the Federal Emergency Administrator of Public Works (herein called the "Administrator"), but not to exceed, in any event, the sum of \$24,750.

2. By acceptance of this Offer the Applicant covenants to begin work on the Project as early as possible but in no event later than 8 weeks from the date of this Offer and to complete such Project with all practicable dispatch, and in any event within 7 months from the commencement of construction.

3. This Offer is specially conditioned upon the Applicant's depositing in the Construction Account described in the said Terms and Conditions, prior to October 10, 1938, its entire share of the estimated cost of the Project upon completion, as determined by the Administrator.

4. This Offer is made subject to the express condition that, if the Administrator shall determine at any time the Applicant has paid or agreed to pay, whether directly or indirectly, a bonus, commission or fee to any person, firm or corporation for attempting to procure an approval of the Applicant's application, or for alleged services in procuring or in attempting to procure such approval, or for activities of the nature commonly known as lobbying performed or agreed to be performed in connection with the application, then the Administrator shall have the right in his discretion to rescind this Offer and any agreements resulting herefrom, and, in the event of such rescission, the United States of America shall be under no further obligation hereunder.

UNITED STATES OF AMERICA

Federal Emergency Administrator of Public Works

By H. A. Gray
Assistant Administrator."

be and the same is hereby in all respects accepted.

2. That said City of Austin agrees to abide by all the Terms and Conditions of said Offer, including the Terms and Conditions annexed thereto and made a part thereof.

3. That the City Manager be and he is hereby authorized and directed forthwith to send to the Federal Emergency Administrator of Public Works three certified copies of the proceedings of the City Council in connection with the adoption of this Resolution, setting forth this Resolution in full, and such further documents and proofs in connection with the acceptance of said Offer as may be requested by the Federal Emergency Administration of Public Works.

4. That the City Manager be and he is hereby authorized and directed to execute all contract documents or other papers necessary with regard to this project, and to do any and all things required to comply with the regulations of the Federal Emergency Administration of Public Works, and that the said City Manager is designated as the Owner's representative to supervise and be responsible for the various engineers of the City of Austin who will design, plan and supervise the work contemplated under this docket, with full powers and authority to represent the City of Austin.

The question of a proposed increase in telephone rates asked for by the Southwestern Bell Telephone Company came up for discussion.

Mayor Miller informed the meeting that as a result of an examination of the books of the Southwestern Bell Telephone Company by Maxwell & Cox, Auditors, at the instance of the City Council, it was found that an item of \$29,000, representing an excessive allowance for income tax, should revert to the subscribers in a lower rate than at first was thought possible; and that the City Council, therefore, had set the following tentative rates, subject to formal approval at the meeting today, after those present had been given an opportunity to be heard on the matter: \$2.35 for residence telephones, plus the usual rental of 15¢ for hand sets for a twenty-four months period; \$6 for business telephones, with charge for hand sets eliminated; \$9 for PBX or Trunk lines; and \$2 for private long distance telephones.

L. E. Shelby, H. L. Kuhlman, and Mrs. Fannie R. Fuller, representing Ward 2-B, then submitted protests against the proposed rate increase, and asked that the matter be referred to a vote of the people. Dr. R. H. Montgomery and Mrs. L. G. Phares were also heard.

A resolution of the South Austin Civic Club, asking that the matter be delayed until the expiration of the Company's franchise, was presented by B. J. Rupert.

Following the discussion, in which all present were given an opportunity to be heard, Mayor Miller introduced the following ordinance:

AN ORDINANCE REGULATING AND FIXING THE RATES TO BE CHARGED BY THE SOUTHWESTERN BELL TELEPHONE COMPANY FOR TELEPHONE SERVICE WITHIN THE AUSTIN EXCHANGE, REPEALING CONFLICTING PROVISIONS OF A CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL AND RECORDED IN BOOK "F", PAGES 668 TO 683, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Gillis moved, seconded by Councilman Alford, 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, seconded by Councilman Alford, 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, seconded by Councilman Alford, 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 Mayor announced that the ordinance had been finally passed.

The following report of the Board of Adjustment was received:

"Austin, Texas
October 3, 1938

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

In response to the reference by the City Council to the Board of Adjustment for a definite recommendation concerning the changing of the four corners at the intersection of Duval and East 51st Streets from "A" Residence to "C" Commercial Districts, I beg on behalf of the Board to submit the following answer:

A resolution adopted by the Board of Adjustment on September 20, 1938, and submitted to the City Council is very definite in its recommendation concerning the above property. This resolution recommends the creation of a community center at this intersection by zoning the four corners as "C" Commercial Districts. The resolution enumerates the lots and blocks which would be involved in such a change.

The petition of Mr. J. V. Cuneo requests the change of only two lots in Block 15, being one corner of this intersection. The Board deemed that all four corners should be included in such a change. The proper legal procedure to accomplish this would be for the City Council to agree to the change as requested by Mr. J. V. Cuneo and immediately call for a hearing for the change of the other three corners, which were not included in the public notice for the hearing on the J. V. Cuneo petition. This would permit Mr. Cuneo to proceed and would merely delay the completion of the rezoning of the four corners by the statutory fifteen days required for notice of public hearing.

The Board begs to call to the attention of the Council the fact that there is already a triangle of commercial district contiguous to this intersection which the Council rezoned upon petition of Mr. Charles Wendlandt. This triangle, together with the four corners of the intersection of East 51st Street and Duval Street, will provide a large community center which should minister to the needs of this section of the City for considerable time to come.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne "

Councilman Alford moved that a public hearing on the proposal to change the zoning of the property abutting the four corners at the intersection of Duval and East 51st Streets be called for Thursday, October 27, 1938, at 11:00 A. M. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis,

Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, the Public Works Administration has made available to the City of Austin a grant of \$24,750, under the terms and conditions of Docket-Texas-2070-F, for the construction of a Tuberculosis Sanatorium and the necessary equipment therefor for the City of Austin and Travis County; and

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

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

THAT the City Manager be and he is hereby authorized and directed to create a separate account of the City of Austin with the City Treasurer to be known as "Construction Fund, Docket-Texas-2070-F, City of Austin" and that he be further authorized and directed to deposit therein the sum of \$10,000.00.

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

Councilman Bartholomew introduced the following resolution:

BE IT RESOLVED: That the City Council of Austin, Texas, having investigated the qualifications of David C. Baer, Architect, of Austin, Texas, and having confidence in his ability, does hereby nominate him as the architect to prepare plans and specifications and to supervise the construction of a Tuberculosis Sanatorium for the City of Austin and Travis County for which a grant was made by the Public Works Administration under Docket-Texas-2070-F.

BE IT FURTHER RESOLVED: That this nomination be sent to the State Director of Public Works Administration at Fort Worth, Texas, with the request that the same be approved.

BE IT FURTHER RESOLVED: That the City Manager be and he is hereby authorized and instructed to enter into agreements for the necessary architectural services on these projects, and to file said architectural agreements with the State Director of the Public Works Administration in accordance with their requirements, and that he be further directed to proceed as rapidly as possible with the completion of plans and specifications and submit same to the Public Works Administration for their approval in order that their requirements be met.

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 SINCLAIR AVENUE northerly 91 feet from a point 160 feet north of the north line of West 47th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east line of said Sinclair Avenue.

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

(2) A gas main in ROSEDALE AVENUE southerly 42 feet from a point 68 feet south of the south line of West 47th 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.

(3) A gas main in FREDERICKSBURG ROAD from Kinney Road westerly 24 feet, the centerline of which gas main shall be 5 feet north of and parallel to the south line of said Fredericksburg Road.

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

(4) A gas main in KINNEY ROAD from Fredericksburg Road southerly 335 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east line of said Kinney Road.

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

(5) A gas main in TREADWELL STREET easterly 148 feet from a point 224 feet east of the east line of Kinney Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Treadwell Street.

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

(6) A gas main in EXPOSITION BOULEVARD from Woodmont Avenue northerly 282 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Exposition Boulevard.

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

(7) A gas main in EAST 38TH STREET easterly 315 feet from a point 144 feet east of the east line of Red River Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 38th 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 out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

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

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

Councilman Bartholomew introduced the following resolution:

WHEREAS, the City of Austin has previously submitted to the Public Works Administration an application known as Docket-Texas-2600, which provides for the construction of three fire stations and equipment therefor, for the City of Austin; and

WHEREAS, the Public Works Administration has submitted PWA Form 229 providing certain additional information relative to said docket number; and

WHEREAS, paragraph 1-c of this form requests a resolution of the City Council making provision for the City's part of the funds necessary; therefore,

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

THAT the City Manager be, and he is hereby, instructed to budget and set aside from available funds now on hand in the Water, Light and Power Fund, and/or the General Fund, the sum of Ten Thousand Dollars (\$10,000), said sum to be made available at the time of the award of the contract on this docket; and

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

THAT the City Manager be, and he is hereby, authorized and directed to transfer such additional funds from current revenues of the Water, Light and Power Fund, and/or the General Fund, each month during the construction of the project as may be necessary to meet construction estimates, said sum being estimated at this time as approximately Six Thousand Dollars (\$6000) per month; and

BE IT FURTHER RESOLVED:

THAT the City Manager be, and he is hereby, authorized and directed to execute all papers, documents, contracts, and agreements required by the Public Works Administration, and to do all things necessary or required by the Public Works Administration in expediting and approving this application. The City Council wishes further to go on record as stating upon advice of the City Manager that the sums of money herein specified are either available at this time, or will be available when needed, and that the City of Austin is adequately able to finance this project in the manner herein specified and as set out in the application. The City Council does not wish to place these funds in separate bank accounts at this time, but guarantees that same can and will be available whenever needed.

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

Councilman Alford moved that a taxicab driver's permit be granted to Alonzo Albert Bittiek, upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

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

THAT the sum of \$750 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of additional engineering services on WPA projects.

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

The following tabulation of bids was received:

"Austin, Texas
October 5, 1938

Memorandum to Mr. Morgan:

Bids were received and opened at 10:00 A. M. today for the extension of the Rosewood Avenue bridge as follows:

Rex Kitchens -	\$1387.44
C. W. Henson	1474.50
Richard Schmidt	1502.70
J. F. Johnson	1530.90
Ed Lorey	1555.01
J. M. Odom	1923.00

This bridge will eliminate a very dangerous traffic hazard near the entrance to Rosewood Park which we believe should be eliminated. I therefore recommend that the

contract be awarded to the low bidder, Rex Kitchens.

Yours very truly,

(Sgd) J. E. Motheral
City Engineer.

Recommended:
(Sgd) Guiton Morgan.

Councilman Gillis moved that the contract for the construction of the Rosewood Avenue bridge be awarded to Rex Kitchens, low bidder, in the amount of \$1387.44. The motion carried 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 1:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Francis McKellar
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 13, 1938.

The City Council convened in regular session, at the regular meeting place, on Thursday, October 13, 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.

The hearing on the rezoning of the property one-half block south of Dam Boulevard between Atlanta and Arlington Streets, which was continued from the regular meeting of September 29, was opened. The property owners asking for the change were present. Mr. William A. Trenckmann, Attorney for said petitioners, stated that his clients were willing to withdraw their request for a change in the zoning of the property east of Johnson Creek from "D" Industrial District to "C" Commercial District as it was thought that the operation of sand and gravel plants could be regulated under the present zoning so as to eliminate objectionable noises. He further stated that the boundaries for the "A" Residence District set forth in the field notes submitted were satisfactory to all the property owners concerned.

The following report of the Board of Adjustment was received: