

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 4, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

Mr. W. J. Morris presented a petition, signed by forty-three residents and property owners in the vicinity of the 900 block on East First Street, protesting the erection of a beer saloon at this location. After a discussion of the matter, Mr. Morris withdrew the petition in order to prepare a supplement asking for a change in the zoning of this area from "C" Commercial District to "A" Residence District, and the Assistant City Attorney was instructed to consider an amendment to the Zoning Ordinance to prohibit the sale of alcoholic and malt beverages within "C" Commercial Districts under the same provisions as the ordinance now regulates and excepts certain businesses and occupations in zoned areas.

A resolution granting sidewalk working space to Weise Bros., Contractors for the construction of a building at 916 East First Street, was submitted. Upon motion of Councilman Gillis the matter was deferred until the next regular meeting, pending a report from the City Engineer on traffic hazard at this location, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Following a discussion of the technicalities involved in the enforcement of the hour-parking law, in which the Judge of the Corporation Court pointed out the defects of same, the Assistant City Attorney was instructed to give consideration to the framing of an ordinance which would be enforceable, particularly with reference to the impounding of automobiles for over-parking, or the making of the owners responsible for the offense.

A tabulated report of the City Manager, showing the savings that have been made to the public for the past three years through the reduction of tax levies and cuts in utilities rates, was received and filed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE PASSED April 5, 1934, AS AMENDED ON APRIL 2, 1936, ENTITLED "AN ORDINANCE DECLARING WHEN TAXES DUE THE CITY OF AUSTIN SHALL BECOME DELINQUENT, PROVIDING THAT SAME SHALL THEREAFTER BEAR INTEREST, ASSESSING A PENALTY FOR DEFAULT THEREAFTER AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE."

The ordinance was read the first time, and upon motion of Mayor Miller, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time, and upon motion of Mayor Miller, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time, and upon motion of Mayor Miller, the same was finally passed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller,

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

The following written opinion of the Assistant City Attorney was received and filed:

"June 3, 1936

To the Honorable Mayor and Council of the City of Austin,

Gentlemen:

The matter of amending the zoning ordinance as to certain land on the Fredericksburg Road so as to change the "use" designation thereof from "A" Residence District to "C" Commercial District, and in doing so provide that intoxicating liquor should not be sold in said district and public dances should not be conducted therein presents a question to which I have given considerable study.

As a result of my investigation, I am of the opinion that a provision that intoxicating liquor should not be sold or public dances conducted on said premises can not be legally inserted in the amendment changing the use of said district.

The zoning ordinance is a comprehensive document, in which "C" Commercial District is defined, and the excluded uses definitely named, and an ordinance adding to those uses would perhaps be held invalid on the ground of discrimination, in other words, if in "C" Commercial Districts, intoxicating liquors are permitted to be sold, then the amendment attempting to restrict the use to which a certain commercial district should be subject would be void.

I have drawn a contract and agreement, copy of which is hereto attached, which has not yet been executed, but it has been put in the hands of Mr. John Butler, by the terms of which the owners of the land in question covenant and agree with the City of Austin that they will not, on any part of the land which they severally own, sell or permit the sale of intoxicating liquor or the operation or giving of public dances. This instrument as drawn requires that same be acknowledged in the same manner as required for deeds. This is necessary in order that same may be recorded.

I doubt very much whether the City can enforce such an agreement, but if it should be placed of record, it might perhaps prevent anyone from conducting establishments on said premises for the sale of liquor or the giving of public dances. I look upon the contract more in the nature of a "gentlemen's agreement" rather than an enforceable contract.

I am submitting this in order that the views of the Legal Department of this City may be understood.

Very truly yours,

(Signed) A. L. Love,
Assistant City Attorney. "

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman

Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford submitted the following resolution:

WHEREAS, M. L. Pearson is the Contractor for the alteration of a building located at 709 Congress Avenue and desires a portion of the sidewalk and street space abutting the south one-half of Lot 3, Block 84, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said M. L. Pearson, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described lot; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to a point 4 feet west of the east curb line of Congress Avenue; thence in a northerly direction and parallel with the centerline of Congress Avenue a distance of 23 feet; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance to the east line of Congress Avenue; thence in a southerly direction along the east line of Congress Avenue to the place of the beginning.

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

(1) That the Contractor shall maintain an unobstructed walkway through the above described working space parallel with the sidewalk and shall construct guard rails at least 4 feet high and substantially braced and anchored around the balance of the working space.

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

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

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

(5) That the Contractor 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 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 June 30, 1936.

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

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum

of Two Thousand (\$2000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Councilman Alford offered the following resolution:

WHEREAS, Epperson Bros. is the Contractor for the alteration and repair of a building located at 922 Congress Avenue and desires a portion of the sidewalk space abutting the north one-half of Lot 6, Block 110, of the Original City of Austin, Texas, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said Epperson Bros., the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described lot; thence in a westerly direction along the north line of said lot a distance of 15 feet; thence in a northerly direction and at right angles to the centerline of West 10th Street a distance to the south curb line of West 10th Street; thence in an easterly direction along the south curb line of West 10th Street a distance to the west line of Congress Avenue; thence in a southeasterly direction and at a 45° angle with the centerline of West 10th Street a distance to a point in the west curb line of Congress Avenue; thence in a southerly direction along the west curb line of Congress Avenue a distance to a point 23 feet south of the south line of West 10th Street; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to the west line of Congress Avenue; thence in a northerly direction along the west line of Congress Avenue to the place of the beginning.

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

(1) That the Contractor shall maintain an unobstructed walkway through the above described working space and shall construct a 4-foot guard rail on each side of the walkway.

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

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

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

(5) That the Contractor 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 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 June 18, 1936.

(7) That the Contractor shall restore all public and private property injured during

the use of such space to as good condition as the same existed before the use of such space began.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Councilman Alford submitted 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 ANGELINA STREET, BEGINNING at a point 25 feet west of the east line of Angelina Street and 290 feet south of the south line of East 12th Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 25 feet west of and parallel to the east line of said Angelina Street, for a distance of 78 feet.

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

(2) A gas main in SALINA STREET from East 12th Street to East 13th Street, the centerline of which gas main shall be 18 feet west of and parallel to the east line of said Salina Street.

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

(3) A gas main in BURNETT ROAD, beginning at a point 15 feet south of the north line of West 44th Street and 15 feet west of the east line of said Burnett Road;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of said Burnett Road, for a distance of 185 feet.

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

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

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be

used at intervals during the course of backfilling of the ditches.

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

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

Councilman Gillis offered the following resolution:

WHEREAS, Mrs. E. J. Blankenship, owner of Lots 1 and 2, of a re-subdivision of La Prella Place, which property abuts the west side of South Congress Avenue and the south side of Oltorf Street and being located at the southwest corner of the intersection of said streets, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the west sidewalk area of South Congress Avenue at the above described location as shown upon the plan hereto attached marked 2-H-504, 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 Mrs. E. J. Blankenship, owner of Lots 1 and 2, of a resubdivision of La Prella Place, which property abuts the west side of South Congress Avenue and the south side of Oltorf Street and being located at the southwest corner of the intersection of said streets, is hereby permitted to construct commercial driveways across the west sidewalk area of South Congress Avenue 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-H-504, 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 foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in ANGELINA STREET, beginning at a point 18 feet west of the east line of said Angelina Street and 253 feet south of the south line of Rosewood Avenue;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 18 feet west of and parallel to the east line of said Angelina Street, for a distance of 50 feet.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special

points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

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

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

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

Councilman Gillis offered the following resolution:

WHEREAS, Stanley Smith, owner of Lots 17, 18, and 39, in a resubdivision of Block 28, of Travis Heights within the City of Austin, Travis County, Texas, which property abuts the north side of Harwood Place at a location between Kenwood Avenue and Travis Heights Boulevard and being locally known as 1016 Harwood Place, has made application to the City Council of the City of Austin for permission to construct a stone curb adjacent to the above described property; and

WHEREAS, the ordinance which regulates the construction of curbs upon or within streets in the City of Austin requires that anyone desiring to construct any curb other than a concrete curb shall get special permission to do so from the City Council of the City of Austin; and

WHEREAS, the City Council has investigated and approved the construction of a stone curb at the aforesaid location; therefore

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

THAT Stanley Smith, owner of Lots 17, 18, and 39, in a resubdivision of Block 28, of Travis Heights within the City of Austin, Travis County, Texas, which property abuts the north side of Harwood Place at a location between Kenwood Avenue and Travis Heights Boulevard and being locally known as 1016 Harwood Place, is hereby granted permission to construct a stone curb adjacent to that portion of his property which faces Harwood Place; provided, however, that said stone curb shall be constructed upon a concrete base and shall have an exposure of 8 inches above the gutter and shall be 10 inches wide at the top in accordance with the standard design for rock curbs as adopted by the City of Austin and as detailed upon the plan hereto attached marked 2-C-501, which plan is hereby made a part of this resolution; and further provided that all work shall be done by a bonded curb and sidewalk contractor and that said curb shall be constructed under the supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by him.

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

Councilman Gillis offered the following:

" Austin, Texas
June 4, 1936

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

I have investigated the request of Stanley Smith, owner of Lots 17, 18 and 39, in a re-subdivision of Block 28, of Travis Heights within the City of Austin, Travis County, Texas, which property abuts the north side of Harwood Place at a location between Kenwood Avenue and Travis Heights Boulevard and being locally known as 1016 Harwood Place, for permission to construct a flagstone walk in lieu of the customary concrete walk at the above described location.

I recommend that this permit be granted at the above location, subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

Respectfully submitted,

J. E. Motheral, City Engineer. "

(RESOLUTION)

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, Stanley Smith, owner of Lots 17, 18 and 39, in a resubdivision of Block 28, of Travis Heights within the City of Austin, Travis County, Texas, which property abuts the north side of Harwood Place at a location between Kenwood Avenue and Travis Heights Boulevard and being locally known as 1016 Harwood Place, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT Stanley Smith, owner of Lots 17, 18, and 39, in a re-subdivision of Block 28, of Travis Heights within the City of Austin, Travis County, Texas, which property abuts the north side of Harwood Place at a location between Kenwood Avenue and Travis Heights Boulevard and being locally known as 1016 Harwood Place, is hereby granted permission to construct a flagstone walk in lieu of the customary concrete walk at the above described location and said walk is to be constructed under the supervision and direction 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, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

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

The following certificate of the City Manager was received and filed:

"COUNTY OF TRAVIS :

CITY OF AUSTIN :

This is to certify that I, Guiton Morgan, City Manager of the City of Austin, have on this 28th day of May, 1936, as directed by a resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attending witnesses, caused the following numbered and otherwise described Water, Electric Light and Sewer Systems 4% Revenue Bonds of July 1, 1934, with all interest coupons attached, to be destroyed by cremation in the City Incinerator:

<u>Bond Numbers</u>	<u>Maturity</u>	<u>Amount</u>
41 to 86, inclusive	July 1, 1935	\$ 46,000.00
129 to 172, inclusive	July 1, 1936	44,000.00
216 to 258, inclusive	July 1, 1937	43,000.00
304 to 344, inclusive	July 1, 1938	41,000.00
390 to 430, inclusive	July 1, 1939	41,000.00
477 to 516, inclusive	July 1, 1940	40,000.00
564 to 602, inclusive	July 1, 1941	39,000.00
651 to 687, inclusive	July 1, 1942	37,000.00
736 to 772, inclusive	July 1, 1943	37,000.00
822 to 857, inclusive	July 1, 1944	36,000.00
		<u>\$404,000.00</u>

(Signed) Guiton Morgan,
City Manager.

Witnesses:

(Signed) Oswald G. Wolf

" Simon Gillis "

Councilman Wolf offered the following ordinance:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The foregoing ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and Councilman Wolf moved that the same be finally passed. The motion carried by the following vote: Ayes, Councilman Bartholomew absent, 1.

Councilman Alford moved that the following named persons be granted Taxicab Driver's Permits in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Robert Furrow, 104 East 19th Street; C. Q. Scott, 2614 Willow Street; and Guss W. Riffe, 1003 West 3rd Street. The motion carried by the following vote: Ayes,

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

Mayor Miller offered the following resolution:

WHEREAS, On this 100th anniversary of Texas Independence, the Daughters of the Republic of Texas, descendants of the pioneer women of Texas, have seen fit to honor the memory of these noble women by erecting a suitable monument to their memory; and

WHEREAS, Said organization has purchased, with its own funds, a very attractive and appropriate monument which it desires to have placed on the triangular strip of ground owned by the City of Austin fronting State Highway No. 2 as it crosses the La Prelle Place; now, therefore,

BE IT RESOLVED:

THAT the City Council of the City of Austin, recognizing the fact that the memory of these great pioneer women should be fittingly commemorated, hereby congratulates the Daughters of the Republic of Texas in this worthy achievement and hereby grants permission to said organization to place said monument at the location requested, and further agrees that as long as this monument remains at its present location, said organization may use this plot of ground as an outdoor meeting place whenever it may so desire; and

BE IT FURTHER RESOLVED:

THAT this resolution be spread on the minutes of this meeting and a copy of same be sent to the President of the Daughters of the Republic of Texas.

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

Councilman Wolf offered the following resolution:

WHEREAS, at the time the City of Austin submitted applications to the Public Works Administration an approximate classification of the costs of the various projects was submitted by the City Manager, as authorized by the City Council; and

WHEREAS, during construction certain costs varied and certain items of expense anticipated were not necessary; therefore,

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

THAT the City Manager be and he is hereby authorized to submit to the Public Works Administration a reclassification of the various items of scheduled costs and to provide \$15,391.55 from Water and Light Revenue Bond funds to cover such anticipated over-run in the Construction Account in Docket No. 1758.

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

Councilman Wolf offered the following resolution:

WHEREAS, Edward T. Lorey, Contractor on a portion of Docket No. 1758, has requested an extension of time for twenty-seven days, due to weather conditions and other legitimate reasons set out in letters to the City Manager; now, therefore,

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

THAT the City Manager be and he is hereby authorized to grant such extension of time and to furnish the Public Works Administration copies of this resolution.

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

Councilman Wolf offered the following resolution:

WHEREAS, F. O. Linden has been compelled to recover from Cecelia Olsen Lot 4, Block 41, Stephenson and Young Subdivision, Christian and Fellman Addition, Division "C", Plat

51, in the City of Austin, for debt, and has discovered that City taxes for the years 1929, 1931, 1933, and 1934, in the aggregate amount of \$209.97, plus \$10.48 penalties and \$44.97 interest, have accrued while said property was under ownership of his debtor; and

WHEREAS, it is deemed equitable and expedient that, under the above facts, the penalties on said taxes and one-half of the interest should be remitted; therefore,

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

THAT said penalties, amounting in the aggregate to the sum of \$10.48, for the years 1929, 1931, 1933, and 1934, and said one-half of the accrued interest, amounting in the aggregate to the sum of \$22.47, for the years 1929, 1931, 1933, and 1934, be and the same are hereby remitted, provided that said F. O. Linden pays all of said taxes by June 19, 1936.

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

Upon motion duly made and seconded, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor.

Attest:

Hallie McKellan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 11, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; absent, Councilmen Bartholomew and Alford, 2.

The reading of the minutes was dispensed with.

Jay H. Brown, Attorney for Joe Miller, submitted a petition, signed by fifty-three property owners and residents, indorsing the proposed coffee shop and beer saloon at 908 East First Street to be erected by the said Joe Miller.

George S. Dowell, Attorney, presented two petitions signed by the residents and property owners in the 900 block on East First Street, asking for a change in the zoning of said block from Commercial "C" District to Residence "A" District, and protesting the proposed location of a liquor and beer saloon in this block.

Mayor Miller moved that a public hearing be called for Monday, June 29, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars: to change the Use designation of the property in the 900 block on East First Street so