

WHEREAS, the Texas Public Service Company has requested the City Council for permission to cut the pavement on West Sixth Street from West Lynn Street to Theresa Street for the purpose of repairing their gas main; and

WHEREAS, the City Engineer has presented to the City Council recommendations governing the repairs of pavement cuts, namely, that the Texas Public Service Company backfill the ditches and pour the base under the supervision of the City Engineer and that the City replace the surface with rock asphalt, the Texas Public Service Company to pay for the same at cost plus ten per cent.

All backfilling shall be done with sound materials in small layers and thoroughly water tamped.

The concrete base shall be not less than 6 inches thick and composed of concrete having a strength of not less than 3000 pounds per square inch at 3 days and that only incoor cement be used in connection with these repairs.

The surface repairs shall be of rock asphalt on all portions of the street except that upon which a brick surface is now existing.

That those areas which were previously repaired by the Texas Public Service Company if opened up again shall be entirely resurfaced with rock asphalt even though the entire base has not been removed in this proposed new repair program; therefore,

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

THAT the said Texas Public Service Company be and they are hereby advised that the pavement repairs must be made in accordance with the foregoing recommendations and to the satisfaction of the City Engineer and the City Manager.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no further business, Councilman Alford moved to recess subject to call of the Mayor. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed.

Attest:

Y. K. McFellars City Clerk

Approved:

Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 6, 1933.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; absent, none.

The Minutes of the last regular meeting were read and Councilman Gillis moved the adoption of same as read. The motion was seconded by Councilman Wolf and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mr. L. E. Seeligson, a representative of Hangar Six, Inc., of San Antonio, Texas, submitted to the Council a written proposal from said Corporation to lease ground space at the Robert Mueller Airport for the location of their flying service here when same is moved from San Antonio. The matter was taken under advisement.

Mr. Horace Barnhart presented to the Council petitions signed by the Retail Merchants Association, the Austin Wholesale Credit Men's Association, the Mercantile Division of the Chamber of Commerce, the local Dairymen's Association, the local Creamery Association, the local Retail Dry Goods Association, and various other business interests of the City, urging that the Council take action immediately to protect the legitimate business dealers of the City from unfair competition with itinerant vendors. The matter was referred to the City Attorney for attention, and, if necessary, the preparation of an ordinance that would give the relief asked for.

Dr. A. W. Griffith presented a resolution passed by the Austin Lions Club, petitioning the City Council to have erected at once long rows of cement seats on the north side of the Barton Springs bathing pool in order to better accommodate the large crowds that visit this resort. The matter was referred to the City Manager for consideration.

The Mayor stated that the hearing called for this day, by published notice thereof, on the proposal to amend the USE designation of Lots 13, 14, 15, and 16, Niles Graham Subdivision Number Two (2), Division "2", said property being located directly across the street from the Confederate Home and being known as 1601-3-5-7 West Sixth Street, so as to change same from "B" Residence District to "C" Commercial District, would now be opened. A large number of contiguous property owners appeared to protest the proposed change and written protests, signed by a number of interested property owners, was also presented to the Council. The following report of the Board of Adjustment on the matter was read:

"Austin, Texas, June 8, 1933.

Hon. City Council,
City of Austin, Texas.

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 1, 1933, in regard to the changing of the Use designation of property located in the 1600 block on West Sixth Street.

Yours respectfully,

(Sgd) H. F. Kuehne,
Chairman Board of Adjustment. "

RESOLUTION

WHEREAS, the City Council, in accordance with the terms of the Zoning Ordinance, has submitted to the Board of Adjustment, for its consideration and recommendation, an amendment to the Zoning Ordinance providing for the change of the Use designation of Lots 13, 14, 15, and 16, Niles Graham Subdivision Number Two (2), Division "E", of the City of Austin, said property being located directly across the street from the Confederate Home, and being known as 1601-3-5-7 West Sixth Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board held a public hearing at the City Hall at 8:00 P. M. on June 1, 1933, at which the applicants for the change and a number of surrounding property owners presented arguments for and against the proposed change; and

WHEREAS, the appellant plead for the change on the grounds that the property was purchased as an investment with a view of selling the same for commercial purposes and now, having an opportunity to so sell the same, the purchaser thereof proposing to erect a store on the corner lot and a residence on the adjoining lot; and

WHEREAS, the appellant further plead that to change this property which is now zoned for Residence "B" uses would be advantageous to the occupants of the Confederate Home across the street and would serve as a community center for the neighborhood as there are no stores near the same, the nearest being at the Blanco Street and Deep Eddy intersections, and that the commercial use of the property would not detract from the neighborhood nor adversely affect the surrounding homesteads and other residential property; and

WHEREAS, the protestants appearing before the Board objected to the change on the grounds that this area was primarily a residential area, there being no business from Blanco Street to Deep Eddy;

That they had bought their property and built homes under the belief that this area would remain residential;

That the peace and comfort and the intangible values represented by their homesteads were as dear to them as those afforded to residents in privately restricted residential districts or subdivisions;

That they depended upon the protection provided by the Zoning Ordinance in maintaining the character of the neighborhood as a residential district;

That the erection of a store building and other commercial structures and the accessories incidental thereto would seriously affect the peace and comfort of their homes, depreciate the residential value of their property, and would create serious traffic hazards in view of the fact that West Sixth Street is narrow at this point and that there is a street car track with a switch directly in front of this property;

That the traffic is now heavy, both vehicular and pedestrian, and that the commercial use of said property would increase the congestion of traffic and enhance the hazard of pedestrians, especially school children on their way to and from Mathews School; and

WHEREAS, the Board carefully considered the proposed amendment in the light of all the arguments presented, both for and against the same, and according to the fundamental principals of a comprehensive zoning plan and found objection thereto; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

THAT the above amendment to the Zoning Ordinance and change in the Use District map be and is hereby disapproved and not recommended to the City Council of the City of Austin for the following reasons:

(1) That West Sixth Street from the end of the present Commercial "C" zone at Harthan Street to Deep Eddy is essentially a residential street which would have its character destroyed by the intrusion of commercial uses.

(2) That a number of adjacent and neighboring property owners are opposed to this change and that the property owners on either side of the proposed change especially protest on the grounds that they acquired their property because of the zoning classification as a Residence "B" District now in effect on this property which would protect them in the enjoyment of their property as homesteads.

(3) That the establishment of a business district would tend to destroy rather than enhance the adjoining property values.

(4) That the property in question is suitable for residential purposes and that a denial of the change would therefore not cause unnecessary hardship or depreciate its value.

(5) That there does not appear a sufficient demand at the present time for more commercial areas in this locality inasmuch as West Sixth Street is zoned for business purposes as far as Harthan Street and there is a commercial district on West Lynn Street and that the areas so zoned are only partially developed for business purposes.

(6) That one of the functions of the Zoning Ordinance is to preserve the residential character of residential districts.

(7) That until present areas zoned for commercial purposes are fully developed and there is a general demand for additional commercial facilities there is no justification for changing the Use designation of the appellant's property.

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,
Chairman.

Councilman Alford moved that the above report of the Board of Adjustment be approved and the proposed change in the zoning of the above property from Residence "B" to Commercial "C" be denied. The motion was seconded by Councilman Wolf and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf, 5; nays, none.

Mayor Miller stated that the election of a City Health Officer, which had been deferred, would now be taken up for consideration and declared nominations for that position in order.

Councilman Gillis nominated Dr. Banner Gregg as City Health Officer. The nomination was seconded by Councilman Wolf.

Councilman Bartholomew nominated Dr. Lee E. Edens as City Health Officer. There being no second to this nomination, Councilman Bartholomew asked to withdraw same in favor of Dr. Banner Gregg.

There being no further nominations, Mayor Miller declared the nominations closed and ordered the roll called on the nomination of Dr. Banner Gregg as City Health Officer, which resulted as follows: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Mayor Miller then declared Dr. Banner Gregg duly elected City Health Officer, effective the 15th instant.

Mr. Louis Reuter, representing the Retail Grocery Merchants of the City, appeared before the Council and asked for an impartial enforcement of the Pure Food Ordinance with reference to screening. The matter was referred to the City Manager, City Attorney and City Health Officer for investigation.

A telegram from Paul V. Betters, Secretary of the United States Conference of Mayors, asking for an estimate of the local projects which the City of Austin will sponsor under the Public Works Program was read and referred to the City Manager for study and recommendation.

Mr. A. H. Osburn appeared before the Council and requested that the Texas Public Service Company be required to extend their gas mains to service the new houses to be built in Enfield "F". The matter was referred to the City Manager and City Attorney for a conference with the Texas Public Service Company with a view to securing this service.

The Mayor laid before the Council the following resolution:

WHEREAS, A. C. Black is the Contractor for the remodeling of a building located at 1600 Lavaca Street and desires a portion of the sidewalk and street space abutting Lot 6, Block 37, Division "E" of the City of Austin during the remodeling 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 A. C. Black, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the southeast corner of the above described lot; thence in a westerly direction along the south line of the above described lot a distance of 78 feet; thence in a southerly direction and at right angles to the centerline of West 16th Street a distance to a point 11 feet south of the north curb line of West 16th Street; thence in an easterly direction and parallel with the centerline of West 16th Street a distance to a point in the west line of Lavaca Street; thence in a northeasterly direction and at a 45° angle with the centerline of West 16th Street a distance to a point 11 feet east of the west curb line of Lavaca Street; thence in a northerly direction and parallel with the centerline of Lavaca Street a distance of 82 feet; thence in a westerly direction and at right angles to the centerline of Lavaca Street a distance to the west line of Lavaca Street a distance to the west line of Lavaca Street; thence in a southerly direction along the west line of Lavaca Street to the place of the beginning.

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

(1) That the Contractor shall construct temporary walkways in Lavaca Street and West 16th Street within the boundary lines of the above described spaces, such walkways to be at least 4 feet high, substantially braced and anchored.

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

(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 August 15, 1933.

(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 repair work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Scott Yeamans is the Contractor for the demolition of a building located at 108 East 5th Street and desires a portion of the street, alley and sidewalk space abutting Lot 1, Block 56, of the Original City of Austin, during the demolition 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 Scott Yeamans, the boundary of which is described as follows:

STREET, ALLEY AND SIDEWALK WORKING SPACE

Beginning at the southeast corner of Lot 1, Block 56; thence in a northerly direction along the east line of said lot a distance of 40 feet; thence in an easterly direction and at right angles to the east line of said lot a distance of 4 feet; thence in a southerly direction and parallel with the east line of said lot a distance to a point 5 feet south of the north curb line of East 5th Street; thence in a westerly direction and parallel with the centerline of East 5th Street a distance of 75 feet to a point; thence in a northerly direction and at right angles to the centerline of East 5th Street a distance to the north line of East 5th Street; thence in an easterly direction along the north line of East 5th Street to the place of the beginning.

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

(1) That the Contractor shall construct a fence in the alley along the east line of the above described space, such fence to be at least 4 feet high, substantially braced and anchored, and shall construct a temporary walkway in East 5th Street within the south boundary line of the above described space, such walkway to be at least 4 feet in width and constructed with guard rails on each side at least 4 feet high, substantially braced and anchored;

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

(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 July 1, 1933;

(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 demolition work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Scott Yeamans is the Contractor for the demolition of a building located at 212-216 Congress Avenue and desires a portion of the street and sidewalk space abutting Lots 3 and 4, Block 19, Original City of Austin, during the demolition 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 Scott Yeamans, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the northeast corner of Lot 4, Block 19, of the Original City; thence in a westerly direction along the north line of said Lot 4 a distance of 100 feet; thence in a northerly direction and at right angles with the north line of said Lot 4 a distance of 6 feet; thence in an easterly direction and parallel with the north line of said lot 4 a distance to a point 4 feet east of the west curb line of Congress Avenue; thence in a southerly direction and parallel with the centerline of Congress Avenue a distance of 64 feet; thence in a westerly direction and at right angles with 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 Scott Yeamans, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a fence at least 4 feet high, substantially braced and anchored, along the north line of the above described area and shall construct a temporary walkway in Congress Avenue within the east boundary line of the above described space, said walkway to be at least 4 feet in width and constructed with guard rails on each side at least 4 feet high, substantially braced and anchored;

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

(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 July 15, 1933;

(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 repair work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Brydson Lumber Company is the Contractor for the remodeling of a building located at 501 Congress Avenue and desires a portion of the street, alley and sidewalk space abutting Lot 1, Block 56, of the Original City of Austin, during the remodeling 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 Brydson Lumber Company, the boundary of which is described as follows:

STREET, ALLEY AND SIDEWALK WORKING SPACE

Beginning at the southwest corner of the above described lot; thence in an easterly direction along the south line of said lot a distance of 160 feet; thence in a northerly direction along the east line of said lot a distance of 40 feet; thence in an easterly direction and at right angles to the east line of said lot a distance of 4 feet; thence in a southerly direction and parallel with the east line of said lot a distance to a point 5 feet south of the north curb line of East 5th Street; thence in a westerly direction and parallel with the centerline of East 5th Street a distance to a point in the east line of Congress Avenue; thence in a northwesterly direction and at a 45° angle with the centerline of East 5th Street a distance to a point 5 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 to a point 40 feet north of the north line of East 5th Street; thence in an easterly direction and at right angles with 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 Brydson Lumber Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a fence at least 4 feet high, substantially braced and anchored, along the east line of the above described space which is situated in the alley east of Congress Avenue and shall construct a temporary walkway in East 5th Street within the south boundary line of the above described space and shall construct a

temporary walk in Congress Avenue within the west boundary line of the above described space, such walkway to be at least 4 feet in width and constructed with guard rails on each side at least 4 feet high, substantially braced and anchored;

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

(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 July 15, 1933;

(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 claim 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 remodeling work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The above resolution was adopted by the following vote: Ayer, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Claude Traweck is the Contractor for the construction of a building located at 312 Colorado Street and desires a portion of the sidewalk space abutting Lot 7, Block 28, of the Original City of Austin, 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 Claude Traweck, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at a point in the east line of the above described lot, such point being the northeast corner of the building located on the south end of said lot; thence in a northerly direction along the east line of said lot a distance of 38 feet; thence in an easterly direction and at right angles to the centerline of Colorado Street a distance of 6 feet; thence in a southerly direction and parallel with the centerline of Colorado Street a distance of 38 feet; thence in a westerly direction to the place of the beginning.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the east line of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored;

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

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

(4) That the Contractor shall place on the outside corners of any walkway, 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 August 1, 1933;

(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 above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

City Manager Morgan submitted to the Council bids received for the construction of an auxiliary concessions stand in Zilker Park. Councilman Alford moved that the bid of J. R. Morris, in the amount of \$322.00, be accepted as the lowest and best bid, upon the condition that said Contractor be required to pay the current scale of wages in the event labor is employed on this construction. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, bids have been received for the construction of an auxiliary concessions stand in Zilker Park, the lowest bid therefor being in the amount of \$322.00; and

WHEREAS, there is available in the budget for the year 1933 for this type of construction the sum of only \$250.00, or \$72.00 less than the amount specified in the bid accepted for the construction of said auxiliary concessions stand; now, therefore,

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

THAT the sum of \$72.00 be and the same is hereby appropriated out of the Contingent Fund in the General Fund to supplement the appropriation above mentioned.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, the City of Austin has leased House Park to the Compton's Fire Work Display Company on the night of July Fourth, for the sum of One Hundred Dollars (\$100.00); and

WHEREAS, the City League baseball spectators need some protection from rain and sun; therefore,

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

THAT the sum of \$100.00 is hereby appropriated out of the General Fund for the purpose of erecting a section of a baseball grand stand at House Park.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, June 12, 1933, has been proclaimed by Mayor Miller as ROOSEVELT DAY in honor of the efforts being made by the President of the United States to bring back prosperity to this country; and

WHEREAS, as a part of the program of celebration for that day it is desirable to have band concerts at Wooldridge and Lamar Parks ; and

WHEREAS, the Austin Municipal Band, as a contribution to the success of the occasion, has agreed to render such concerts for the sum of \$100.00; now, therefore,

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

THAT the sum of \$100.00 be and the same is hereby appropriated out of the contingent fund in the General Fund and made payable to said Austin Municipal Band when such concerts have been rendered.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A communication from the Austin Public Library Commission, through its President, Mrs. Chas. Stephenson, recommending that the Negro Library Building be stuccoed when same is moved to the site recently purchased for this purpose, was read, and the matter was referred to the City Manager with instructions to call for bids on the remodelling of this structure.

The Mayor laid before the Council the following resolution:

WHEREAS, Lots 12 to 36, inclusive, and Lots 74 to 167, inclusive, of Section "G" of Oakwood Cemetery Annex, a subdivision of a portion of Outlot 39, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Section "G" of Oakwood Cemetery Annex as recorded in Travis County Clerk's office, Plat Book 3, Page 162, have been resubdivided for the purpose of being offered for sale for single spaces; and

WHEREAS, the City Engineer has presented a map of said resubdivision of Lots 12 to 36, inclusive, and Lots 74 to 167, inclusive, of Section "G" of Oakwood Cemetery Annex, which

map is marked 2-B-258, accompanied by certain recommendations, as hereinafter set forth, regulating the sale of said single spaces; and

WHEREAS, the City Council has considered and approved said plan of resubdivision and the recommendations regulating the sale of said single spaces; therefore,

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

THAT the map of the resubdivision of Lots 12 to 36, inclusive, and Lots 74 to 167, inclusive, of Section "G" of Oakwood Cemetery Annex, which map is entitled, "Single Space Resubdivision Section 'G' Oakwood Cemetery Annex", and marked 2-B-258, and the following recommendations regulating the sale of said single spaces, be and the same are hereby adopted as the official subdivision of said Lots 12 to 36, inclusive, and Lots 74 to 167, inclusive, of Section "G" of Oakwood Cemetery Annex and the official regulations by which said spaces shall be sold:

1. That single spaces shall be sold only as a definite need for immediate burial.
2. That these single spaces must be taken consecutively as numbered by lot and by single space number, and shall not be as a matter of choice of the purchaser.
3. That the old price of \$7.50 for a single space be adopted, but that the regulations shall include immediate use of said lot and that where there has been a definite immediate need of one single space, one additional adjacent single space may be purchased but that the price for the two lots shall be not less than \$12.50 each, or \$25.00 for the pair.
4. That no person shall be sold more than a pair of single spaces in Lots 12 to 36, inclusive, and 74 to 139, inclusive.
5. That to meet the demand for people desiring a four-space lot at a less price than the lowest present four-space lot, lots 140 to 157, inclusive, shall be divided into four-space lots as shown on the aforesaid map of resubdivision marked 2-B-258, and shall be sold for the sum of \$60.00 per lot, but said lots shall not be made available for sale until one of the spaces is actually needed for immediate burial, and that these lots must be taken by the purchasers in consecutive order; and

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

THAT the City Manager is hereby authorized and instructed to properly authenticate said map entitled "Single Space Resubdivision Section 'G' of Oakwood Cemetery Annex", marked 2-B-258, and to have said map together with this resolution filed for record with the County Clerk of Travis County, Texas.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

City Manager Morgan brought to the attention of the Council the urgent need for the purchase of one additional street sprinkler truck for use in sprinkling the gravelled streets during the summer and he was instructed to call for bids on same.

The application of Jas. W. Waltrip, Deep Eddy, for license to operate as a taxicab one 1930 Chevrolet Coach, Engine No. 1864083, State Highway License No. A34-747, was read. Councilman Alford moved that the license be granted. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis brought to the attention of the Council the necessity for placing "SLOW" signs on South Congress Avenue at its intersection with Monroe Street, and at the Lone Oak Filling Station on South Congress Avenue, and at the bend in the Avenue before reaching said station, in order to regulate northbound and southbound traffic at these points. The matter was referred to the City Manager with instructions to have same attended to.

A written communication from the City Attorney, recommending that the application of Bill King for remission of fine and costs assessed against him in the Corporation Court for