

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 20, 1933.

The Council was called to order by Mayor Pro tem Wolf. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; absent, Mayor Miller, 1.

Mayor Pro tem Wolf laid before the Council the following resolution:

WHEREAS, the City Manager has heretofore been directed by resolution of the City Council to advertise for sealed bids for the office of City Treasurer of the City of Austin, said bids to be received by the City Council at the City Hall, until 10:00 A. M. on July 20, 1933, and opened and publicly read at said time; therefore,

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

1. The proposal shall state THAT:

The successful bidder, as City Treasurer, will be required to furnish to the City of Austin good and sufficient bond, with corporate surety, in at least the amount of \$75,000.00 in any event, and in such greater amount and/or amounts as the City Council may from time to time require, as may become necessary to protect the funds of the City deposited with him; provided, that if the funds of the City deposited with the City Treasurer shall exceed at anytime the sum of \$55,000.00, and the City Treasurer shall fail to furnish bond in sufficient amount to protect said funds, the City may withdraw from the depository used by the City Treasurer such excess amount above \$55,000.00.

2. THAT all bids must be submitted on the form furnished by the City of Austin, in accordance with the terms of this resolution.

3. THAT the City Council reserves the right to reject any and all bids.

Councilman Gillis moved the adoption of the above resolution. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

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 Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mayor Pro tem Wolf stated that pursuant to published notice thereof bids received for the office of City Treasurer would be opened. The following bid, being the only bid submitted, was opened and read:

"The Honorable City Council,  
Austin, Texas.

Gentlemen:

In accordance with your proposal for bids for the office of City Treasurer of the City of Austin, Texas, I submit the following bid:

If elected City Treasurer, I agree to the following:

1. To pay interest on average daily balances of all funds of the City of Austin at the rate of .004% per annum, said interest to be paid monthly as it accrues.

2. To advance to the City of Austin such funds as it may require in the way of temporary over-drafts, warrants, etc., at the rate of six % per annum, said interest to be paid monthly as it accrues.

3. To remit to and pay in the City of New York to the holders of bonds of the City of Austin such funds of the City of Austin as are necessary to meet said bonds and their interest coupons as they become due and payable, at the rate of \$1.00 per thousand dollars on bonds paid, and at the rate of \$2.50 per thousand dollars on interest coupons paid.

4. To furnish to the City of Austin good and sufficient bond, with corporate surety, in at least the amount of seventy-five thousand dollars (\$75,000.00) in any event, and in such greater amount and/or amounts as the City Council may from time to time require, as

may become necessary to protect funds of the City deposited with me as City Treasurer; PROVIDED, that if the funds of the City deposited with me as City Treasurer shall exceed at any time the sum of Eighty-five Thousand Dollars (\$85,000.00), and I shall as City Treasurer fail to furnish bond in sufficient amount to protect said funds, the City of Austin may withdraw from the depository used by me as City Treasurer such excess amount above Eighty-five Thousand Dollars (\$85,000.00).

(sgd) E. McKinnon.

Councilman Gillis moved that the above bid of E. McKinnon for City Treasurer be accepted. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mr. J. Harris Gardner, Attorney for Miss Roberta Lavender, came before the Council and complained of the excessive use of the alley between Twenty-first and Twenty-second Streets and Guadalupe and San Antonio Streets by a large volume of traffic wishing to avoid the traffic lights on parallel streets, declaring that it was becoming difficult for his client to rent her property in this block on account of this annoying situation. Following a discussion of the matter, the City Attorney was instructed to prepare an ordinance, designating this alley as a one-way drive, and have same ready for passage at the next regular meeting.

Mr. C. A. Schutze, Chairman of a committee from the Lions Club, submitted to the Council a resolution passed by said Club, recommending the bituminous-surfacing of approximately forty-nine miles of streets in the City under the Public Works Program, and offering their co-operation and assistance in putting this project over. The matter was taken under advisement.

Mayor Pro tem Wolf announced that the hearing called for this day, by published notice thereof, on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars would be opened:

(1) To amend the Use designation of Lots 4 and 5, Block 4; Lots 1, 2, 3, 4, and 5, Block 9; and Lots 1, 2, 3, 4, and 5, Block 14, Division "G", Christian and Fellman Addition to the City of Austin, said property being located directly across the street from the eastern boundary line of the University Campus and facing on Red River Street, so as to change same from "B" Residence District to "G" Commercial District.

Mr. C. A. Schutze submitted a written protest against the proposed change, signed by fifteen property owners, and stated orally his objections to the proposed change substantially as follows: That there is no need for more business property in this neighborhood at the present time; that such change would decrease the value of adjacent residential property; that Red River north of Loomis Street is fundamentally a residential street; and that there is an increasing demand for housing facilities along this street by reason of the proximity of the Laboratory Junior High School.

Mr. Thos. C. Jensen and a large number of other property owners were present and plead for the change on the grounds that the location is more desirable for commercial than for residential purposes and that it would be unfair to deny them the privileges already enjoyed by the protestants, following which Mr. Schutze stated that he withdrew his objections.

The following report of the Board of Adjustment was read:

"Austin, Texas, July 19, 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 July 18, 1933, in regard to the changing of the Use designation of

property located on Red River Street across the street from the eastern boundary line of the University Campus.

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 4 and 5, Block 4, Lots 1, 2, 3, 4, and 5, Block 9, and Lots 1, 2, 3, 4, and 5, Block 14, in Division "C", Christian and Fellman Addition to the City of Austin, all of said property being located directly across the street from the eastern boundary line of the University Campus and facing on Red River Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment has carefully considered this matter and found objection to such change; 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 the petition to the City Council requesting the change in the zoning designation of the above described property included all lots in Block 14, all lots in Block 9, and lots 4 and 5 in Block 4, but an examination of the plat book of the City of Austin discloses that there are five lots in Block 4, Lots 1 and 2 being now zoned for Commercial "C" purposes and Lots 3, 4, and 5 for "B" Residential purposes, the petition thus leaving out Lot 3, which would remain a Residence "B" lot.

(2) THAT should the petition be granted there would be left a spot zone consisting of Lot 3 in Block 4 as a "B" Residence lot between two "C" Commercial zones.

(3) THAT such spot zoning would not be reasonable nor logical and would be contrary to all principles of zoning and would be detrimental to the interests of the property owner of said lot and depreciate its value for residential purposes; and

**BE IT FURTHER RESOLVED:** That should the petition for the said change be unanimous on the part of all bona fide owners of the lots mentioned in the petition and including Lot 3, then the Board of Adjustment would not disapprove the said change.

**BOARD OF ADJUSTMENT**

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

The Council took no action on the above matter, pending the necessary legal procedure for the inclusion of Lot 3, Block 4, above described, in the proposed change.

Mrs. Elizabeth Gardner, Local Director of the Travis County R. F. C. Relief Commission, came before the Council and requested that the City and County, jointly, pay the rental for their office headquarters at 5th and San Antonio Streets, amounting to \$25.00 per month, and for their commissary at 213 West 4th Street, amounting to \$65.00 per month, beginning May 1st, 1933, as the Federal Administrator at Washington had ruled that no R.F.C. funds could be expended for this purpose, all cities and counties being required to furnish housing facilities for their R. F. C. agencies.

The Council deferred action on the above matter pending a meeting with the County Commissioners on Saturday, July 22nd, to ascertain what the County would be willing to do in the premises.

A communication from W. M. Wolf, asking that the City refund to him all occupation taxes paid by him on coin vending machines for the year 1932, amounting to \$57.50, as same was not a legal charge under an Act passed by the 42nd Legislature, was read and referred to the City Attorney for a legal opinion.

Mayor Pro tem Wolf laid before the Council the following resolution, which was introduced at the last regular meeting and laid over:

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

**THAT** the sum of \$945.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of providing the budget for the Negro Branch of the Austin Public Library for five months of the year 1933, beginning with August 1st and ending with December 31, 1933.

Councilman Gillis moved the adoption of the above resolution. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The resolution appropriating the sum of \$270.00 out of the General Fund for the purpose of paying for the services of a life guard at Rosewood Park Swimming Pool and Band Concerts for the Negroes, which was introduced at the last regular meeting, was ordered laid over for another week.

Mayor Pro tem Wolf laid before the Council the following resolution:

**WHEREAS**, J. R. Blackmore is the Contractor for the construction of a brick wall located at 421 East 6th Street and desires a portion of the alley space abutting the west 30 feet of the east 60 feet of Lot 4, Block 59, of the Original City of Austin, during the construction of the wall, 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 J. R. Blackmore, the boundary of which is described as follows:

**ALLEY WORKING SPACE.**

Beginning at the southwest corner of the above described premises; thence in a southerly direction and at right angles to the centerline of the alley traversing Block 59 a distance of 8 feet; thence in an easterly direction and parallel with the centerline of said alley a distance of 30 feet; thence in a northerly direction and at right angles to the centerline of said alley a distance to the north line of said alley; thence in a westerly direction along the north line of said alley to the place of the beginning.

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

(1) That the Contractor shall construct a fence at least 4 feet high along the south, east and west boundary lines of the above described working space during the use of such space.

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

(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 shall remove all fences, barricades, loose materials and other obstructions on the alley immediately after the necessity for their existence on said alley 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.

(6) 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.

(7) 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.

(8) 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.

Councilman Alford moved the adoption of the above resolution. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mayor Pro tem Wolf laid before the Council the following resolution:

WHEREAS, The Venice Art Marble Company, Inc., is the Contractor for the repair of a building located at 512 Congress Avenue and desires a portion of the street and sidewalk space abutting Lots 4, 5, and 6, Block 55, of the Original City of Austin, during the repair 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 Venice Art Marble Company, Inc., the boundary of which is described as follows:

**STREET AND SIDEWALK WORKING SPACE**

Beginning at a point on the east line of the above described Lots 10 feet north of the center of the east entrance to the building situated on said lots; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance to a point 8 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 20 feet; 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 Venice Art Marble Company, Inc., hereinafter termed "Contractor" upon the following express terms and conditions:

(1) That the Contractor shall construct a walkway at least 4 feet wide with guard rails on each side at least 4 feet high along and with the east boundary line 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 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.

(6) 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.

(7) 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.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) 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.

Councilman Gillis moved the adoption of the above resolution. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

Mayor Pro tem Wolf laid before the Council the following resolution:

WHEREAS, Brydson Lumber Company is the Contractor for the construction of a building located at 1706-10 South Congress Avenue and desires a portion of the street and sidewalk space abutting Lot 3 and the south one-half of Lot 2, Block 27, of the Swisher Addition to the 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 Brydson Lumber Company, the boundary of which is described as follows:

STREET AND SIDEWALK WORKING SPACE

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of South Congress Avenue a distance of 20 feet; thence in a northerly direction and parallel with the centerline of South Congress Avenue a distance of 74 feet; thence in a westerly direction and at right angles to the centerline of South Congress Avenue a distance to the west line of South Congress Avenue; thence in a southerly direction along the west line of South 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 walkway at least 4 feet wide with guard rails on each side at least 4 feet high along and with the east boundary line 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 September 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 construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Councilman Gillis moved the adoption of the above resolution. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The application of L. D. Smith, 805 Spence Street, for license to operate as a taxicab one 1928 Model A Ford 4-door Sedan, Engine No. A660165, State Highway License Number A36-555, was read. Councilman Gillis moved that the application be granted. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

There being no further business before the Council, Councilman Bartholomew 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 Pro tem Wolf, 4; nays, none; Mayor Miller absent, 1.

The Council then recessed.

Approved: Bartholomew A. Wolf  
Mayor Pro tem.

Attest:

Hellie McTear  
City Clerk