

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 1, 1936.

The meeting was called to order at 10:45 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.

A committee from the Disabled War Veterans Association came before the Council and asked that Saturday, October 3, be officially proclaimed as "Forget-me-not Day" to promote the sale of tags for the benefit of said organization. The request was granted.

Upon motion of Councilman Gillis, the request of J. E. Haire, through his attorney, W. D. Hart, for permission to park taxicabs at 28th and Guadalupe Streets and 19th and Guadalupe Streets for the purpose of receiving calls from the terminal stations of the said J. E. Haire was referred to the Legal Department.

The following report of the Board of Equalization was received and filed:

"Austin, Texas
Sept. 24, 1936.

The Honorable Mayor & City Council
City of Austin,
Austin, Texas.

Gentlemen:

We, the Board of Equalization for the year 1936, submit our report herewith of the work accomplished this year.

The Board convened August 4, 1936, and adjourned as of September 22, 1936. We have checked all of the assessments on the records of the Tax Department. There were submitted to us about 2,000 items representing changes in valuations due to new buildings or alterations, and changes in personal property subject to taxation for the year 1936. There were approximately 560 protests made to the Board, and in every instance that we were requested to do so, the property was inspected. Of these cases, an agreement was reached that was satisfactory to both the property owner and the Board in approximately 225 of them. A few changes in valuations were made, but not many. In all probability there will be a few appeals to the City Council by property owners who were not satisfied with the action of the Board, but we anticipate that there will be only a few.

As has been the policy heretofore, the Board will convene about the first of December, 1936, for the purpose of making inspections of, and placing valuations on, all new construction. Due to the fact that there has been more building during this year than usual, there will be more of this type of work for the Board to do than has generally been the case.

In closing, we wish to extend our thanks to the Tax Department for its cooperation at all times when requested to assist us. We especially wish to express our appreciation of the confidence placed in us by your honorable body in appointing us to serve on this Board of Equalization.

Respectfully submitted,

The Board of Equalization
(Sgd) K. R. Meyer, Chairman
John B. Pearson
J. B. Webb. "

The following report of the Board of Adjustment was received and filed:

"September 28, 1936.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on September 22, 1936, passed the following resolution, which is hereby submitted for your consideration.

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30

of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration and recommendation, a petition of the John Bremond Company for the change of the Use designation of the east 75 feet of Lot 31, Block 3, Outlot #68, Division D, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment of the City of Austin, at a meeting held on September 22, 1936, carefully considered the changing of the Use designation of this property and has viewed the property and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the Use designation of this property be not recommended and that its present use designation remain unchanged for the following reasons:

1. That this request is for the change of a single lot in a single ownership and a change would thus create a spot zone.
2. That this lot is larger than the adjacent lots to the west thereof on which residences have been constructed and that therefore this lot is also available for the construction of a residence.
3. That this property is surrounded by residences and is essentially a residence district.
4. That any such change would benefit only one property owner and would adversely affect the adjoining property owners in destroying the residential character of the property.
5. That an examination of the neighborhood indicated that there is no need for additional commercial property at this point, as all of Guadalupe Street is now zoned as "C" Commercial District, which is only a block distance from this property.
6. That to change this would adversely affect the residential character of the surrounding property and tend to damage the value of the said property for such purposes.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

The following report of the Board of Adjustment was received:

" September 30, 1936.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on September 30, 1936, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin has been administering the Zoning Ordinance of the City of Austin since its passage on April 23, 1931, and has at a meeting held on September 30, 1936, carefully considered several amendments thereto; and

WHEREAS, during this long period of hearing appeals from the strict enforcement of the terms of the Zoning Ordinance and granting numerous variations thereto, the Board has found that the Ordinance in many instances is not sufficiently clear, definite, and explicit in its definitions, terms, and the wording of its regulations, and that it is now highly desirable to amend the ordinance to clarify such ambiguous, indefinite, and conflicting portions thereof; and

WHEREAS, the experience of the Board has also indicated the desirability of changing certain provisions of the Ordinance which have been found to be difficult of enforcement and to bring the ordinance in harmony with the growth and changed conditions within the corporate limits of the City of Austin; and

WHEREAS, the Board deems that by the passage of the amendments herein recommended, the Ordinance will become more equitable, fair, and just, and will cause its enforcement and application to be less difficult and render the work of the Building Inspector and the Board of Adjustment less onerous and less subject to controversy and possible litigation; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it be and is hereby recommended to the City Council that the following amendments to the Zoning Ordinance of the City of Austin be adopted, to-wit:

By adding to Section 2 the following definitions in alphabetical order:

PORTE COCHERE: A roofed space open on three sides, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven and/or temporarily parked.

PERGOLA: A space open on three sides and partially covered on top with beams, lattice or similar skeleton structure supported on posts, pillars or columns.

RESIDENCE: A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating, or lighting are under one control and which shall include one and two family dwellings, apartment houses and boarding houses, and which shall be the principal building on any lot in an "A" and "B" Residential District.

ACCESSORY BUILDING: Any building customarily incidental to the principal building, including among other things a garage, servants' quarters, stable, chicken house, storage house, tool or work shed and an apiary not over 100 square feet in area.

To amend the definition of an apartment hotel of Section 2 by substituting for the word "three" in the second line, the word "twelve."

To amend Section 4 by adding to paragraph (a) of Subsection 13, the words "and permit the employment of one (1) outside person not a member of the immediate family and residing on the premises."

To amend Section 5 by adding to paragraph one, Subsection (b), this sentence "of the vehicles to be stored, not more than two shall be commercial vehicles."

To amend Section 5 by adding to paragraph (a) of Subsection 13, the words "and permit the employment of one (1) outside person not a member of the immediate family and residing on the premises."

To amend Section 9, Subsection 2, by changing the words and figures "eight (8)" to "sixty-four (64)."

To amend Section 10 by inserting between the last two paragraphs the following:

"Nothing herein shall prevent the substantial restoration within a period of twelve months of a building which has been damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, to an extent that the cost of such restoration does not exceed seventy-five percent (75%) of the assessed valuation for tax purposes of said building immediately prior to such damage or the continuance of any 'Use' existing therein immediately prior thereto."

To amend Section 11 by adding to the fifth paragraph after the word "alley" in the ninth line, the words "and shall abut on said easement at least thirty-five (35) feet"; and to strike out after the word "least" in the eleventh line, the words "twelve (12) feet wide if intended to serve one lot and must be at least"; and change the words and figures "twenty-four (24)" in the thirteenth line to "eighteen (18)."

To amend Section 12 by striking out the forty-first to sixty-third words, inclusive, of the first paragraph of subheading "Setback" and substituting therefor the following: "and there shall be a setback line for any wall of not less than twelve (12) feet from any side street line and a setback line for any porch of not less than five (5) feet from any side street line."

To amend Section 13 by inserting the word "Line" after the word "Setback"; and by striking out the fortieth to sixty-second words, inclusive, of the first paragraph under Subsection "Setback" and substituting therefor the following: "and there shall be a setback line for any wall of not less than ten (10) feet from any side street line and a setback line for any porch of not less than four (4) feet from any side street line."

To amend Section 14 by striking out the forty-first to sixty-third words, inclusive, of paragraph under the Subsection "Setback", and substituting therefor the following: "and there shall be a setback line for any wall of not less than ten (10) feet from any side street line and a setback line for any porch of not less than four (4) feet from any side street line."

To amend Section 15 by striking out the Subsection "Rear Yard"; and by changing the word "five" and figure "(5)" in Subsection "Side Yard" to read "three (3)."

To amend Section 16 by changing the Subsection (h) thereof as follows:

By adding after the word "street" in the fifth line thereof the words "or private easement as required in Section 11 of this ordinance," and by changing the word "one-half" in the same line to "one-fourth," and by adding after the word "street" in the sixth line thereof the words "or private easement."

To amend Section 17, Subsection 1, by adding the words "or pergola" after the word "Porch Coohere."

To amend Section 12, Subsection "Lot Area per Family" by changing the words and figures "three thousand (3000)" to "thirty-five hundred (3500) for interior lots" and "four thousand (4000) for corner lots abutting on two streets, one street and an alley or an easement."

To amend Section 13, Subsection "Lot Area per Family" by changing the words and figures "seven hundred fifty (750)" to "one thousand (1000)."

To amend Section 6 by adding to Subsection 11 after the word "yard" the following: "exceeding three hundred eighty-four (384) cubic feet in volume, or four (4) feet from any building or property line, or where noise producing and/or dust producing apparatus is used in connection therewith."

To amend Section 16, Subsection (g) by adding the words "or a 'C-2' Commercial Use District" after the word "District" in the third line thereof.

To amend Section 16, Subsection (1) by adding the words "or a 'C-2' Commercial

Use District" after the word "District" in the third line thereof.

To amend Section 11 by adding the following paragraph:

"Where two or more buildings are erected on one or more lots and an easement is provided for access to the buildings as in the case of "Residence Courts," the building or buildings on the first lot or portion of lot which abuts on a street shall have the said buildings front upon the street and not upon the easement, but all other buildings to the rear of the same shall front upon the easement. "

To amend Section 17 entitled "Special Area Regulations and Exceptions" by adding the following paragraph:

" (3) Setbacks for resubdivided lots of Record.

Where any lot or lots, as defined in Section 2 of this ordinance, originally recorded as commonly fronting in the same direction on a street or easement, are resubdivided, or any portion of said lots is sold or partitioned off by metes and bounds, so that the newly erected lot or lots face or front in a direction making an angle of 90 degrees more or less with the original frontage and abutting on the property line of the adjacent original lot or lots, the garage of the new corner lot thus created shall be attached to or built into the principal structure on the said lot, and the garage and/or accessory buildings of the new created inner lot or lots shall be setback the maximum distance from the original front property line of the original lots so subdivided;

Where any lots of record abutting on a common property line and originally facing or fronting in directions making an angle of 90 degrees more or less with each other, are resubdivided or any portion thereof sold or partitioned off by metes and bounds, the newly created lot or lots shall be considered to front in the same direction as the other original lots in the block and adjacent thereto, and the setback of the garage and accessory buildings, as well as the principal building, shall conform to the same regulations as the original adjacent lots."

To amend Section 12 by striking out the entire paragraph under Subsection "Setback" regarding the setback for garages and accessory buildings and substituting therefor the following paragraph:

" A private garage, private stable, poultry shed, storage room, or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than 75% of the mean depth of the lot, measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than twelve (12) feet, provided further that in no case shall the said building be less than three (3) feet from any property line. "

To amend Section 13 by striking out the entire paragraph under Subsection "Setback" regarding the setback for garages and accessory buildings and substituting therefor the following paragraph:

" A private garage, private stable, poultry shed, storage room, or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than 75% of the mean depth of the lot, measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than ten (10) feet, provided further that in no case shall the said building be less than three (3) feet from any property line. "

To amend Section 14 by striking out the entire paragraph under Subsection "Setback" regarding the setback for garages and accessory buildings, and substituting therefor the following paragraph:

"A private garage, private stable, poultry shed, storage room, or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than 75% of the mean depth of the lot, measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than ten (10) feet, provided further that in no case shall the said building be less than three (3) feet from any property line.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Wolf moved that a public hearing on the above proposed amendments to the Zoning Ordinance be called for Thursday, October 22, at 11:00 A. M. The motion

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

The following report of the Board of Adjustment was received:

"September 28, 1936.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on September 22, 1936, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin, at a meeting held on September 22, 1936, carefully considered the question of changing the Use designation of the property consisting of Lots 1 to 22, inclusive, extending from West 24th Street to West 19th Street along Shoal Creek Boulevard, from an "A" Residence to "B" Residence District, which property is now owned by the City of Austin and is known as Shoal Creek Boulevard Lots Addition; and

WHEREAS, this property represents excess land required by the City for the establishment of Shoal Creek Boulevard and Parkway and is offered for sale by the City of Austin for partial reimbursement of the cost of the entire land purchased; and

WHEREAS, an offer is now made for the purchase of Lots 1, 2, 3, and 4, in this addition for the purpose of erecting a fraternity house, and a petition has been submitted to the City Council and Board of Adjustment requesting the above change in this property; and

WHEREAS, this property is now zoned as an "A" Residence District, which would not permit the erection of a fraternity house; and

WHEREAS, this property is situated on the east side of Shoal Creek at the foot of a bluff extending from 24th Street approximately to 19th Street, the buildable area of which is on a considerably lower level than the building sites on top of the bluff, and there is a considerable area of land in front of these lots between them and Shoal Creek on which no buildings can be erected, this being park land belonging to the City of Austin; and

WHEREAS, the nature and character of this property is not the most desirable for "A" Residence purposes but rather better suited to "B" Residence purposes, therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT in view of all the circumstances and conditions concerning and surrounding this property, the redesignation thereof as "B" Residence would not in the opinion of the Board be contrary to sound zoning principles nor would detract from or adversely affect any surrounding property on account of the fact that the only residential property contiguous thereto is on top of the bluff at a much higher level, and that no residential development is possible in front of the same, it is hereby recommended to the City Council that this property be re-zoned as a "B" Residential District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (sgd) H. F. Kushne,
Chairman. "

Councilman Wolf moved that a public hearing on the above proposed amendment to the Zoning Ordinance be called for Thursday, October 22, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The following report of the Board of Adjustment was received:

" September 28, 1936

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on September 22, 1936, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment

for its consideration and report thereon, a petition of Mr. Joe A. Wukasch, requesting the change of the Use designation of property consisting of Lots 1 and 2, Block B, Hyde Park Addition, known as 4212 Duval Street, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a former meeting considered this petition, postponing action thereon to permit the petitioner, Mr. Joe A. Wukasch, to secure the approval and consent of the surrounding property owners and have them join him in this petition; and

WHEREAS, the petitioner has thus far failed to appear with such amended petition; and

WHEREAS, the Board of Adjustment has viewed the property and carefully studied the conditions and trend of development surrounding this property and considered the same from all points of view of sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the Use designation of this property be not recommended and that the present classification remain "B" Residence District for the following reasons:

- 1. That this petition is for one property owner and a single piece of property and would be a spot zone for the benefit of a single property owner.
- 2. That the petitioner has failed to secure any surrounding property owners to join him in this petition.

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT if any such change is made it should include not only this property but also all the property abutting on the four corners of the intersection of Duval Street and East 43rd Street as there are already in this location several commercial uses on the opposite side of the street from the petitioner's property which are now non-conforming uses, but which should be included in any such change, thus creating a community center at this point, which would be a public convenience and is already partially established; and

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT if a commercial community center is provided by the City Council at the intersection of Duval Street and East 43rd Street, it is recommended to the Council that the present commercial community center located at the intersection of Duval Street and East 45th Street be changed to an "A" Residence District for the following reasons:

- 1. In the opinion of the Board, the location of this community center at 45th Street and Duval Street is in error in the drafting of the Zoning Maps of the City of Austin.
- 2. That it was the original intention of the Zoning Commission to designate the intersection of 43rd and Duval Streets as a commercial community center because there already existed several business uses at this point and therefore was the logical location for such a community center.
- 3. That if a community center is established at the new location, there is no further need of the one at 45th Street, as the new one will amply serve this neighborhood for some time to come.
- 4. That the property owners at the intersection of 45th and Duval Streets have expressed themselves as being opposed to a business district at this point.
- 5. That such a change would create no hardship and would not depreciate any property values, as there is only one small filling station located at this point, which is of temporary construction and which might continue to operate as a non-conforming use.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

Councilman Wolf moved that a public hearing on the above proposed amendments to the Zoning Ordinance be called for Thursday, October 22, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

At the request of the Fire Waste Committee of the Austin Chamber of Commerce, the City Council authorized the Mayor to proclaim the week of October 4 to 10 as Fire Prevention Week.

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 WEST THIRTY-FIFTH STREET from the west line of San Gabriel Street westerly a distance of 142 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said West 35th Street.

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

(2) A gas regulator pit, size 7'x9', in NEW YORK AVENUE, the center of which regulator pit shall be 18 feet south of the north line of said New York Avenue and $50\frac{1}{2}$ feet west of the west line of Chicon Street.

(3) A gas main in BRUSHY STREET, beginning at a point 21 feet west of the east line of said Brushy Street and 91 feet south of the south line of East 2nd Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 21 feet west of and parallel to the east line of said Brushy Street, for a distance of 65 feet.

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

(4) A gas main in WEST THIRTY-SEVENTH STREET, beginning at a point $13\frac{1}{2}$ feet south of the north line of West 37th Street and 156 feet west of the west line of Oakmont Boulevard;

Thence in a westerly direction with a gas main, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said West 37th Street for a distance of 107 feet.

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

(5) A gas main in WEST THIRTY-SECOND STREET, beginning at a point 20 feet south of the north line of West 32nd Street and 15 feet west of the east line of San Gabriel Street;

Thence in a westerly direction with a gas main, the centerline of which shall be 20 feet south of and parallel to the north line of said West 32nd Street, to a point that is 35 feet west of the west line of San Gabriel Street.

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

(6) A gas main in SAN GABRIEL STREET, beginning at a point 20 feet south of the north line of West 32nd Street and 15 feet west of the east line of San Gabriel Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 15 feet west of and parallel to the east line of said San Gabriel Street, to a point 90 feet south of the south line of said West 32nd Street.

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

(7) A gas main in EUCLID AVENUE, beginning at a point 12 feet west of the east line of Euclid Avenue and 90 feet south of the south line of Fletcher Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 12 feet west of and parallel to the east line of said Euclid Avenue, for a distance of 286 feet.

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

(8) A gas main in WEST ANNIE STREET from Bouldin Avenue to South 5th Street, the centerline of which gas main shall be 18 feet south of and parallel to the north line of said West Annie Street.

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

(9) A gas main in SOUTH FIFTH STREET from West Annie Street to West Milton Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said South 5th Street.

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

(10) A gas main in WEST MILTON STREET from South 5th Street westerly a distance of 517 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said West Milton Street.

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

(11) A gas main in SABINE STREET, beginning at a point 23 feet east of the west line of Sabine Street and 13 feet south of the south line of East 25th Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 23 feet east of and parallel to the west line of said Sabine Street, for a distance of 114 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.

The petition of Mrs. J. A. Guerrero for a change in the zoning of a part of Lot No. 4, in Block No. 91, Original City, from "A" Residence to "C" Commercial Districts was referred to the Zoning Board of Adjustment for recommendation.

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: Claud Crow, 1503 East 6th Street; and John V. Mays, 1203 East 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.

Councilman Wolf offered the following 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, Sam L. Busby, owner of Lot 2, Block 3, of Section 2 of Pemberton Heights, which property abuts the east side of Harris Boulevard at a location south of Westover Road, which property is known as 2607 Harris Boulevard, 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 Sam L. Busby, owner of Lot 2, Block 3, of Section 2 of Pemberton Heights, which property abuts the east side of Harris Boulevard at a location south of Westover Road, which property is known as 2607 Harris Boulevard, is hereby granted permission

to construct a flagstone walk from the curb line to the property line 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; Councilman Bartholomew absent, 1.

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

Approved: Tom Miller
Mayor.

Attest:

Hallie McKeel
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 8, 1936.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C.M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the regular meetings of September 24 and October 1 were read and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Bartholomew went on record as approving the action of the City Council pertaining to all matters transacted at the meetings of August 6, August 13, August 27, September 3, September 17, September 24, and October 1, the same as if he had been present and voting.

Mrs. C. B. Easton and Mrs. W. C. Lear presented a petition, asking that the name of Pratt Avenue between 32nd and 34th Streets be changed to Bailey Lane. Upon motion of Councilman Gillis, the matter was referred to the City Engineer for recommendation, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.