

Watchhill Road, and being locally known as 2311 Woodlawn Boulevard, is hereby granted permission to construct a flagstone walk from the property line to the curb 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The City Attorney was directed to prepare a resolution, for passage at the next regular meeting, granting permission to the Colorado River Authority to blast in the Colorado River below the dam, and to erect danger signs along the banks of the river as a warning to the public.

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Nellie McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 28, 1938.

The City Council met in regular session at the regular meeting place, on Thursday, July 28, 1938, at 10:30 A. M. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman C. M. Bartholomew.

The reading of the Minutes was dispensed with.

A representative of the Plumbers and Steamfitters Union appeared before the Council to ask that the Plumbing Inspector, Fred Bernd, be sent to the convention of the American Sanitary Engineers, to be held in Cleveland, Ohio, on September 23-26. The matter was referred to the City Manager to determine whether the services of said Plumbing Inspector could be spared at that time, and the probable cost of the trip.

M. A. Lang, a representative of the Plasterers Union, appeared before the Council to ask that an inspector of plaster and lathe be appointed by the City. The matter was taken under advisement.

Councilman Alford introduced the following resolution:

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

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

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

(1) A gas main in BREMEN STREET from Griswold Lane to Windsor Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Bremen Street.

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

(2) A gas main in WINDSOR ROAD from Bremen Street to John D. McCall Road, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said Windsor Road.

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

(3) A gas main in JOHN D. MCCALL ROAD from Windsor Road northerly 388 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said John D. McCall Road.

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

(4) A gas main in HORN LANE from Bremen Street easterly 88 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Horn Street.

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

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

AND THAT whenever pavement is 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis introduced the following resolution:

WHEREAS, the Wilmot Estate, acting by and through Mrs. Sully B. Roberdeau, owner of Lot 2, Block 73, of the Original City of Austin, Travis County, Texas, which property abuts the north side of West Sixth Street, and is locally known as 406 West Sixth Street, has made application to the City Council of the City of Austin for

permission to construct a commercial driveway across the north sidewalk area of West Sixth Street at the above described location, as shown upon the plan hereto attached, marked 2-C-751, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

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

THAT the Wilmot Estate, acting by and through Mrs. Sully B. Roberdeau, owner of Lot 2, Block 73, of the Original City of Austin, Travis County, Texas, which property abuts the north side of West Sixth Street and is locally known as 408 West Sixth Street, is hereby permitted to construct a commercial driveway across the north sidewalk area of West Sixth Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-751, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

Councilman Wolf introduced the following resolution:

WHEREAS, H. A. Saathoff is the contractor for the erection of an addition to a building located at 508 Neches Street, and desires a portion of the sidewalk space abutting Lot H, Block 59, of the Original City of Austin, Travis County, Texas, during the erection of said addition to a 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 H. A. Saathoff, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Neches Street to a point 4 feet west of the west curb line; thence in a northerly direction and parallel with the centerline of Neches Street 26 feet to a point; thence in a westerly direction and at right angles with the centerline of Neches Street to the east property line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said H. A. Saathoff, 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 southeast and north lines 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 barricades.

(3) That provisions 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 water.

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

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk 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, 1938.

(6) 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.

(7) That the use and enjoyment of the spaces herein granted, shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution:

WHEREAS, in the construction and/or reconstruction of the dam across the Colorado River about two and one-half miles upstream from the Colorado River Bridge in the City of Austin, it will be necessary for the CRA to lower the water in the present dam in order to carry on said work; and

WHEREAS, there is an island in the Colorado River, the north end of which is approximately 650 feet downstream from said dam, said island being approximately 1800 feet long and approximately 300 feet wide, and located within the corporate limits of the City of Austin, Texas; and

WHEREAS, in order to lower the waters of said dam so as to facilitate the work in the construction and/or reconstruction thereof, it will be necessary for the CRA to deepen said channel on each side of said island by blasting; and while such blasting is being done a proper regard for the safety of the people requires that said island be policed so as to prevent people during said time from approaching same; therefore,

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

THAT the CRA is granted permission to deepen the channel by blasting on each side of the island in order to lower said dam; and the Chief of Police of the City of Austin is authorized and directed to permit the CRA to erect proper signs on the bank of said River, and is authorized and directed to see that such signs are erected along the bank of said river and along said island prohibiting persons to approach

said island or to be in the channel or in the bed of said river from said dam to said island and for a distance of 200 yards below said island during the time of said blasting work; and

BE IT FURTHER RESOLVED:

THAT the Chief of Police of the City of Austin is authorized and directed to cooperate in every possible way with the CRA in the policing of said island during the time such work is being done in order to prevent any person or persons from being injured by blasting along the aforesaid island.

BE IT FURTHER RESOLVED:

THAT as such blasting may cause the destruction of fish life in said river, the Chief of Police of the City of Austin and the CRA, when said blasting is being done, are directed to timely notify the Game, Fish and Oyster Commission in order that it may have a representative in said river to properly care for fish that may be killed or injured by such blasting.

BE IT FURTHER RESOLVED:

THAT nothing herein shall be construed as binding the City in any way to bear any part of the cost of deepening said channel, but the City agrees to police and assist CRA in policing said river at said point during the progress of such work.

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

Upon motion of Councilman Alford, Harvey Pierce Paul, 112 East 13th Street, was granted a taxicab driver's permit, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution, and moved its adoption. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its regulations be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket Texas-1854-DS, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket Texas-1854-DS; therefore

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

THAT the City Manager be, and he is hereby, authorized and directed to submit such additional schedule to the State Director of the Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas-1854-DS with notice that such scale of wages must be complied with.

(Attached)

"July 27, 1938

In Re: Docket Texas-1854-
Ds-Municipal Building
Austin, Texas

Mr. Gulton Morgan,
City Manager
City Library Building
Austin, Texas

Dear Sir:

The attached wage scale for wages and work classification covers trade operations which are not classified by the State Department of Labor, but this list has been submitted to the State Labor Department, and they advise that same is satisfactory and corresponds with wages paid in their approved list for work of a similar nature.

Yours very truly

PAGE & SOUTHERLAND

By: L. C. Page "

"Docket No. Texas 1854-DS
Municipal Building
Austin, Texas

July 27, 1938

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Diem</u>
Kettle Man	\$.50	\$4.00
Mop Man	.50	4.00
Roofer Helper	.50	4.00

Councilman Wolf introduced the following ordinance:

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

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

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

The ordinance was read the third time, and upon motion of Councilman Wolf, seconded by Councilman Alford, the ordinance was finally passed, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution, and moved its adoption. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The resolution is as follows:

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northeast corner of the intersection of South Congress Avenue and Academy Drive, which property fronts 58 feet on Academy Drive and 91 feet on South Congress Avenue, and being a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, being owned by Mrs. Sarah Brooks Martin, and

hereby authorizes the said Mrs. Sarah Brooks Martin to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Mrs. Sarah Brooks Martin has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Attached)

"Austin, Texas
July 28, 1938

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Mrs. Sarah Brooks Martin for permission to construct, maintain, and operate a drive-in gasoline filling station, and to construct commercial driveways in conjunction therewith, upon property located at the northeast corner of the intersection of South Congress Avenue and Academy Drive, which property fronts 58 feet on Academy Drive and 91 feet on South Congress Avenue, and being a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by the said Mrs. Sarah Brooks Martin, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "G" Commercial Use District upon the Zoning maps of the City of Austin.

A storm sewer exists on the east side of South Congress Avenue adjacent to the above described location.

We recommend that Mrs. Sarah Brooks Martin be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before she starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-602.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-602, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when she considers that she has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral, City Engineer
J. C. Eckert, Building Inspector. "

Councilman Alford introduced 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, Mrs. W. L. Brown, acting by and through W. L. Brown, owner of all of Lot 1 except 10 feet of same, in Block 10, Section 2 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property is situated on the east side of Harris Boulevard and being locally known as 2511 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 Mrs. W. L. Brown, acting by and through W. L. Brown, owner of all of Lot 1 except 10 feet of same, in Block 10, Section 2 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property is situated on the east side of Harris Boulevard and being locally known as 2511 Harris Boulevard, is hereby granted permission to construct a flagstone walk from the property line to the curb 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

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

THAT the Southwestern Bell Telephone Company be, and the same is hereby, permitted to construct its underground conduits in the following streets:

An underground conduit in LAVACA STREET from West 8th Street Alley southerly approximately 1/4 block, the centerline of which underground telephone conduit shall be 1 foot east of and parallel to the west line of said Lavaca Street.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said conduit has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

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

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on July 26, 1938:

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 Lots 1, 2, 3, and 4, Block B, Statesman Hyde Park Addition, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment on July 14, 1936, and on September 22, 1936, considered a similar petition by Mr. Wukasch for changing the Use designation of Lots 1 and 2, Block B, Statesman Hyde Park Addition, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, after a hearing on September 22, 1936, on the above petition, did not recommend to the City Council the change requested; and

WHEREAS, the Board held a public hearing on the revised petition of Mr. Wukasch requesting a change of Lots 1, 2, 3, and 4, of Block "B", Statesman Hyde Park Addition, being an area fronting 100 feet on Duval Street and extending a distance of 130 feet westward along East 43rd Street to an alley; and

WHEREAS, at the above hearing, a number of property owners in this neighborhood appeared before the Board protesting this change and the Board was presented with three petitions signed by numerous property owners also protesting this change, said petitions being attached hereto; and

WHEREAS, the Board carefully considered these petitions and the arguments presented in protest against changing the Use designation of this property and the pleadings of the appellant, Mr. Wukasch, and found that the same question of law and fact is applicable to this petition as there was to the original petition, and that no new conditions and circumstances have developed to change the status of this property from a zoning point of view; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of this property be not recommended unless the property now occupied by commercial uses opposite and on the north side of East 43rd Street, which are now non-conforming uses, be also changed from "B" Residence District to "C" Commercial District for the following reasons:

1. That this petition is for a change of property in a single ownership and would be a spot zone for the benefit of a single property owner.
2. That to change this property and leave the present non-conforming commercial uses on the opposite side of the street would be discriminatory and illogical zoning as it would apply different Use classifications to property of like character and similarity, which is a fundamental principle of land Use zoning.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman. "

Upon motion, seconded and carried, a public hearing on the proposal to change the zoning of the property recommended in the foregoing report of the Board of Adjustment, from "B" Residence District to "C" Commercial District, was called for Thursday, August 18, 1938, at 11:00 A. M.

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

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on July 26, 1938:

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 a petition of Mr. V. A. Cunsco requesting a change in the USE designation of Lots 15 and 16, in Block 5, Highlands Addition, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment, at a meeting on July 26, 1938, carefully considered the zoning designation of this property, and has viewed the premises and carefully considered the conditions surrounding the property and the trend of development, and otherwise considered the question in the light of sound zoning principles; and

WHEREAS, the zoning maps of the City of Austin show this property to be located south of and across the street from Block 14 of Highlands Addition, which entire block has been zoned for commercial uses; and

WHEREAS, the Board of Adjustment had previously recommended the zoning of Block 14 as a community center on the theory that a community center at this location would be desirable and that the area of the district would be sufficient to take care of the needs of this neighborhood for retail commercial purposes; and

WHEREAS, the above petition is for the change of two 25-foot lots in a single ownership which, in area and size, is equivalent to a normal city lot and would, therefore, be a spot zone, and that if such were made the same change should apply on all the other lots surrounding Block 14; and

WHEREAS, the Board again deemed that the present commercial district comprising Block 14 is ample and sufficient and that no public conveniences and necessity have been shown for changing any more property for commercial use and that it has not been shown that any hardship would be sustained by the owner of this property should this change be denied; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the above two lots from "A" Residence District to "C" Commercial District be not recommended to the City Council for the reasons above stated.

Respectfully submitted,

BOARD OF ADJUSTMENT

By: H. F. Kuehne
Chairman. "

The foregoing matter was taken under further consideration.

Councilman Wolf introduced 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, G. M. Cox, acting by and through J. R. White, architect, owner of property in Enfield "D", within the City of Austin, Travis County, Texas, which property abuts the east side of Pease Road at a location north of Niles Road, and being locally known as 2105 Pease Road, has requested the City Council of the City of Austin to grant permission to construct a brick sidewalk 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 brick flagstone walk; therefore,

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

THAT G. M. Cox, acting by and through J. R. White, architect, owner of property in Enfield "D", within the City of Austin, Travis County, Texas, which property abuts the east side of Pease Road at a location north of Niles Road, and being locally known as 2105 Pease Road, is hereby granted permission to construct a brick sidewalk from the property line to the curb 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 brick 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 brick 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 resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was then recessed at 1:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Walter McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 4, 1938.

The City Council met in regular session, at the regular meeting place in the City Hall, on Thursday, August 4, 1938, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C.M. Bartholomew, Simon Gillis, and Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

The Minutes of the regular meetings of June 2, June 9, June 16, the special meeting of June 21, and the regular meetings of June 23, and June 30 were read, and upon motion of Councilman Gillis, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following tabulation of bids was received:

"Austin, Texas
August 3, 1938

Memorandum to Mr. Morgan:

Bids were received at 10 o'clock, Wednesday morning, August 3, 1938, for the construction of the Park Place bridge over Waller Creek, as follows:

<u>Name</u>	<u>Amount</u>
Yarbrough Construction Co.	\$5,398.75
J. F. Johnson	5,558.45
C. W. Henson	5,875.13
Ed Lorey	6,081.20
Brown & Root	6,300.83
J. M. Odom	6,564.25
Moore Construction Co	7,272.74
C. A. Maufrais	7,286.25
R. Schmidt	7,294.00

I recommend that the contract be awarded to the low bidder, Yarbrough Construction Company.

Yours very truly,

J. E. Motheral
City Engineer."

Recommended for approval:

Guiton Morgan
City Manager. "

Councilman Gillis moved that the contract for the construction of the Park Place