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MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 21, 1950 10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Absent: None

Present also: Walter E. Seaholm, City Manager; W. T. Williams, Jr., Assistant City Attorney; C. G. Levander, Director of PublicWorks; Dr. Ben Primer, City Health Officer; R. D. Thorp, Chief of Police.

Councilman Drake moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be approved as individually read by the Council in the Clerk's report. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass

Noes: None

Passed: Councilman Johnson

In accordance with published notice thereof, promptly at 10:00 o'clock A.M. Mayor Glass announced that the time for submitting bids on the purchase of City of Austin General Obligation Bonds, Series 1950, in the amount of \$866,000.00 had expired, and that the City Council would proceed with the opening of said bids.

Bids were then opened and read as follows:

	,	9.374	CITY OF		EXAS	80	19		<u>849</u>
	EFFECTIVE INTEREST RATE	1.619621	1.6364557	1.6546484	1.6608	1,661	1,662252	1,669	
	NET INTEREST COSTS	\$ 200,128.50	202,208,65	204,456.63	205,216.76	205,243.13	205,396.25	206,185.63	
les - 1950	PREMIUM OFFERED	\$ 1,299,00	952.60	3,054.00	87.00		780.00		
CITY OF AUSTIN, TEXAS TABULATION OF BIDS RECEIVED ON \$866,000.00 GENERAL OBLIGATION BONDS SERIES SOLD SEPTEMBER 21, 1950	INTEREST	\$ 88,867.50 112,560.00	78,465.00 124,696.25	52,368.75 155,141.88	11,034.38 39,127.50 155,141.88	22,770.00 83,051.25 99,421.88	60,375.00 1 <sup>4</sup> 5,801.25	145,866.93 60,318.75	
	PRINCIPAL	\$ 578,000.00	540,000.00 326,000.00	433,000.00 433,000.00	203,000.00 230,000.00 433,000.00	234,000.00 383,000.00 249,000.00	468,000.00 398,000.00	697,000.00	
	NOMINAL	1 1/2%	1 1/2%	1 1/2%	1 1/4% 1 1/2% 1 3/4%	2 1 1 2 2 2 8 8 8 8 8 8 8 8 8 8 8 8 8 8	1 1/28 1 3/48	1 3/4%	
	NAME OF BIDDER	1. C. J. DEVINE & COMPANY Ira Haupt & Company Francis I. DuPont & Company D. A. Pincus & Company Eddleman Pollok & Co.	2. FIRST SOUTHWEST COMPANY The First of BostonCorp Robert W. Baird & Company	3. THE FIRST NATIONAL BANK OF CHICAGO Glore, Forgan & Co. Barret Fitch & Co., Inc.	4. J. P. MORGAN & CO., INCORPORATED G. H. Walker & Co.	5. PHELPS, FENN & CÓ., N.Y. R. W. Pressprich & Co. N. Y. White, Weld & Co. N. Y. Rauscher, Pierce & Co., San Antonio	6. KIDDER, PEABODY & CO. R. S. Dickson & Co., Inc.	7. SALOMON BROS. & HUTZLER	
			-	• • •	_	<del></del> .	-	-	

			CITY C	of Austin	TEXAS			850	<u>850</u>
	EFFECTIVE INTEREST RATE	1.672	1.6748	1.686425	1.68679	1,6878	1.6988	1.7037	1.7114
CITY OF AUSTIN, TEXAS TABULATION OF BIDS RECEIVED ON \$866,000.00 GENERAL OBLIGATION BONDS SERIES - 1950 SOLD SEPTEMBER 21, 1950	NET INTEREST COSTS	\$ 206,608.13	206,952.13	208,383.13	208,428,42	208,555.28	209,916.88	210,521.75	211,477.75
	PREMIUM OFFERED		\$ 558.50		329.08	86.60		552.00	126.00
	INTEREST COSTS	\$ 14,115.00 93,071.25 99,421.88	52,368.75 155,141.88	15,448.13 47,133.75 145,801.25	44,887.50 163,870.00	26,482.50 111,787.50 70,371.88	37.931.25 171.985.63	24,941.87 30,990.00 155,141.88	19,923.75 27,810.00 163,870.00
	PRINICPAL	142,000.00 475,000.00 249,000.00	433,000.00 433,000.00	203,000.00 265,000.00 398,000.00	398,000.00 468,000.00	203,000.00 494,000.00 169,000.00	363,000.00 503,000.00	265,000.00 168,000.00 433,000.00	234,000.00 164,000.00 468,000.00
	NOM I NAL RATE	3 1/28	1 1/28	1 3/48 1 1/28 1 3/48	1 1/2%	1 1/28	1 1/2%	ID 1 3/4% 1 1/2% 1 3/4%	1 3/4% 1 1/2% 1 3/4%
	NAME OF BIDDER	FIRST SECURITIES CO. OF CHICAGO	MERCANTILE COMMERCE BANK & TRUST COMPANY, ST. LUUIS, MISSOURI	F. S. SMITHERS & CO.	UNION SECURITIES CORPORATION	THE NATIONAL CITY BANK OF NEW YORK	THE PHILADELPHIA NATIONAL BANK	HARRIMAN RIPLEY & CO., INCORPORATED	HALSEY, STUART & CO., INC.
<u></u>		8	6	10.	11.	12.	13.	14.	15.

		·	C	ITY OF	AUSTIN, T	EXAS		851	<u>851</u>
	EPFECTIVE INTEREST RATE	1.72599	1.7353	1.742756	1.75516	1.8384			
	Net Inverest Costs	213,272.13	214,423.61	215,343.67	216,876.75	227,171.02			
ES - 1950	PREMIUM OFFERED	\$ 120.37 \$	1,815.41	112,58	1,177.00	458.98	·		
TITY OF AUSTIN, TEXAS TABULATION OF BIDS GENERAL OBLIGATION BONDS SERIES DLD SEPTEMBER 21, 1950	INTEREST	\$ 17,077.50 196,315.00	216,238.75	4,695.00 210,761.25	28,505.00 10,488.75 179,060.00	28,505.00 136,500.00 62,625.00			
CITY OF AUSTIN, TEXAS TABULATION OF BIDS O GENERAL OBLIGATION BO SOLD SEPTEMBER 21, 1950	PRINCIPAL	\$ 234,000.00 632,000.00	866,000.00	112,000.00 754,000.00	265,000.00 65,000.00 536,000.00	265,000.00 472,000.00 129,000.00			
CRECEIVED ON \$866,000.00	NOMINAL RATE	1 1/2%	1 3/4%	1 1/2%	2 1 1/2% 1 3/4%	2 1 3/48 2 448 2 2 448			
RECEIVED C	NAME OF BIDDER	BLYTH & CO., INC.	SMITH, BARNEY & CO.	SHIELDS & CO. AND ASSOCIATES	THE NORTHERN TRUST CO.	DREXEL & COMPANY			
		16.	17.	18.	19.	50.			

September 21, 1950

Each of the above and foregoing bids was accompanied by a Certified Check in the amount of \$17,320.00.

Whereupon the bids were referred to the Finance Director for tabulation and report.

Councilman Johnson offered the following resolution and Councilman MacCorkle moved its adoption:

## (RESOLUTION)

WHEREAS, C. J. Devine & Company, Ira Haupt & Company, Francis I. DuPont & Company, D. A. Pincus & Company, and Eddleman Pollok & Co., acting by and through their duly authorized agent and representative, American National Bank, Austin, Texas, have this day submitted to the City Council the following proposal:

To the City Council City of Austin Austin, Texas

## Gentlemen:

In accordance with the Notice of Sale and your Prospectus dated August 21, 1950, we will pay par and accrued interest from October 1, 1950, to the date of delivery plus a cash premium of \$1,299.00.

For	Bonds Maturing	Coupon Rate	Interest Cost
	1, 1952, through January 1, 1969 1, 1970, through January 1, 1976	1½% 1-3/4%	\$ 88,867.50 112,560.00
	Total interest cost from October 1950, to final maturity under this		\$201,427.50
	Less: Cash premium paid		1,299.00
	Net interest cost	•	\$200,128.50
	Effective interest rate		1.619621%

No bond shall be optional for redemption prior to maturity.

This bid is based upon the information as to date of issue, principal maturities, delivery, place of payment, etc., as contained in your official Notice of Sale and in the "SUPPLEMENTARY INFORMATION" dated August 21, 1950, issued by you. Specific reference is made to your statement that delivery of the bonds will be made at the office of the City Treasurer of the City of Austin, at Austin, Texas, immediately after approval of the bonds by the Attorney General of the State of Texas, Registration by the Comptroller of the State of Texas, and approval by Messrs. Wood, King and Dawson, Attorneys, New York City. It is estimated that delivery will be not later than October 24, 1950.

Attached hereto is a Cashier's Check in the amount of \$17,320.00 which

is to be retained by you if we are awarded the bonds on this bid. You are to apply the check on the purpose price of the bonds when final delivery is made. In the event we fail or refuse to pay for the bonds, you are to cash the check as full and complete liquidated damages. In the event the bonds are not awarded to us, the check is to be returned to us immediately.

Respectfully submitted,
C. J. Devine & Company
Ira Haupt & Company
Francis I. DuPont & Company
D. A. Pincus & Company
Eddleman Pollok & Co.

By /s/ American National Bank,
Austin, Texas
E. J. Smith, Jr.
Authorized Representative
of above firm or Syndicate

and.

WHEREAS, the said bid and proposal of C. J. Devine and Comapny, and Associates, was the most advantageous bid submitted to the City Council for the purchase of the aforesaid bonds; NOW, THEREFORE,

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

That said proposal of C. J. Devine & Company, Ira Haupt & Company, Francis I. DuPont & Company, D. A. Pincus & Company, and Eddleman Pollok & Co., to purchase \$866,000.00 City of Austin General Obligation Bonds as per the City's Notice of Sale and Prospectus dated August 24, 1950, at the price and upon the terms of said proposal be and the same is hereby accepted and C. J. Devine & Company, and Associates, be awarded the sale of said bonds; and

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

That the City Manager be and he is hereby authorized and directed to sell to C. J. Devine & Company, Ira Haupt & Company, Francis I. DuPont & Company, D. A. Pincus & Company, and Eddleman Pollok & Co. the \$866,000.00 of General Obligation Bonds of the City of Austin as per the City's Notice of Sale and Prospectus dated August 24, 1950, at par and accrued interest from October 1, 1950, to date of delivery plus a cash premium of \$1,299.00, according to the terms of said bid hereinbefore set out.

Which motion, carrying with it the adoption of the resolution carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The following ordinance was introduced by Councilman Long:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING FIRE

STATIONS OF THE CITY OF AUSTIN AND FOR ACQUIRING NECESSARY LANDS AND EQUIPMENT THEREFOR; PROVIDING FOR THE PAYMENT OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved, seconded by Councilman Johnson that the rule be suspended and the ordinance passed to its second reading the motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the second time and Councilman Long moved, seconded by Councilman Johnson, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass.

Noes: None

The ordinance was read the third time and Councilman Long moved, seconded by Councilman Johnson, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The Mayor then announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Johnson:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00) FOR THE PURPOSE OF CONSTRUCTING A POLICE AND MUNICIPAL COURTS BUILDING AND EQUIPPING SAME IN THE CITY OF AUSTIN, AND FOR REMOVING AND ESTABLISHING WITHIN SUCH STRUCTURE NECESSARY FURNISHINGS AND EQUIPMENT FOR THE OPERATION THEREOF; PROVIDING FOR THE PAYMENT OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved, seconded by Councilman MacCorkle, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the second time and Councilman Johnson moved, seconded by Councilman MacCorkle, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

The ordinance was read the third time and Councilman Johnson moved, seconded by Councilman MacCorkle, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The Mayor then announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Johnson:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF AUSTIN, TEXAS, TO THE AMOUNT OF FOUR HUNDRED NINETY SIX THOUSAND DOLLARS (\$496,000.00) FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, AND REPAIRING PUBLIC FREE SCHOOL BUILDINGS OF THE CITY OF AUSTIN AND FOR ACQUIRING NECESSARY LANDS AND EQUIPMENT FOR SAID SCHOOLS; PROVIDING FOR THE PAYMENT OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved, seconded by Councilman MacCorkle, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Aves: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the second time and Councilman Johnson moved, seconded by Councilman MacCorkle, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the third time and Councilman Johnson moved, seconded by Councilman MacCorkle, that the rule be suspended and the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption: (RESOLUTION)

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 enter into a contract for and on behalf of the City of Austin with W. M. Graham, such contract containing an agreement as to cost of construction of water and sewer lines in Allandale, Sections One, Two, Three and Four, and in the resubdivision of Lots 1 to 10, and 38 to 56, of Allandale Section One, and the purchase and payment by the City of said lines, all in accordance with the terms and conditions of the certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS

COUNTY OF TRAVIS

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter called "City", and W. M. Graham, of Travis County, Texas, hereinafter called "Customer", W I T N E S S E T H:

I.

(a) Customer, acting by contract with Roger Smith and under arrangements with the City of Austin, has caused to be installed in and along certain public streets and easements in Allandale, Sections One, Two, Three and Four, and in the resubdivision of Lots 1 to 10, and 38 to 56, of Allandale, Section one, additions to the City of Austin, Texas, certain water mains and other pipes described and located as follows:

12" cast iron water main in Bull Creek Road from Northland Drive to Allandale Road.

12" cast iron water main in Northland Drive from Burnet Road to Bull Creek Road.

8" cast iron water main in Shoalwood Avenue from Allandale Road to White Rock Drive; in White Rock Drive from Shoalwood Avenue to Nasco Drive; and in Allandale Road from Bull Creek Road to Lot 11, Section Four.

6# cast iron water main in Wynona Avenue from Northland Drive to White Horse Trail; in Shoalwood Avenue from Northland Drive to Allandale Road; in Woodview Avenue from Northland Drive to White Rock Drive; in Bull Creek Road from Allandale Road to White Horse Trail; in Nasco Drive from Allandale Road to White Horse Trail; and White Horse Trail from Wynona Avenue west to Lot 63. Section Four.

4" cast iron water main in Shopping Center easement from Northland Drive to Allandale Road.

2" cast iron water main in Shoalwood. Avenue from White Rock Drive to White Horse Trail; in Woodview Avenue from White Rock Drive to White Horse Trail; in Nasco Drive from Northland Drive to Allandale Road; and in Allandale Road from Lot 11 to Lot 1 in Section Four.

(b) The Customer, acting by contract with Roger Smith and under arrangements with the City of Austin, has caused to be installed in and along certain public streets and easements in Allandale Sections One, Two, Three and Four, additions to the City of Austin, certain sanitary sewer mains and other pipes described and located as follows:

8" sanitary sewer mains in Allandale Road from Northland Drive to Nasco Drive; in Nasco Drive from Allandale Road northward to Allandale Road easement; in Allandale Road easement from Nasco Drive to Bull Creek Road; in Bull Creek Road from Allandale Road easement north to White Rock Drive; in White Rock Drive from Bull Creek Road easement to Bull Creek Road easement from White Rock Drive northerly to White Horse Trail.

6" sanitary sewer mains in Shoal Creek Boulevard from the sanitary sewer in place northward 15 feet to manhole in Northland Drive; in Nasco Drive from Allandale Road southward to serve Lots 4 and 13, Section Four; in Nasco Drive from Allandale Road easement northward to White Rock Drive; in White Rock Drive from Nasco Drive westward to the west line of Section Four; in an easement along the west line of Section Four from White Rock Drive northerly to White Horse Trail; in White Horse Trail from the easement along the west line of Section Four easterly to serve Lot 61, Section Four and westerly to serve Lot 63, Section Four; in White Rock Drive from Bull Creek Road westerly to Nasco Drive easement; in Nasco Drive easement from White Rock Drive to White Horse Trail; in White Horse Trail from Nasco Drive easement easterly to serve Lot 62, Section Three, and westerly to serve Lot 60, Section Four; in Bull Creek Road from Allandale Road easement southward to serve Lots 9 and 26, Section Three; in White Rock Drive easement from Bull Creek Road easement easterly to serve Lot 57, Section Three; in Woodview Avenue easement from White Rock Drive easement southward to serve Lot 58, Section Three and northward to serve Lot 55, Section Three; in White Horse Trail from Bull Creek Road easement eastward to Shoalwood Avenue easement; in Shoalwood Avenue easement from White Horse Trail southward to serve Lot 92, Section One; in Bull Creek Road from Northland Drive northward to serve Lot 8, Section Three and Lot 181, Section Two; in Woodview Avenue from Northland Drive northward to serve Lot 35, Section Three; in Northland Drive from pipe in place 272 feet east of Woodview Avenue eastward to Shoalwood Avenue; in Shoalwood Avenue from Northland Drive northward to serve Lot 127, Section One; in Wynona Avenue from Northland Drive northward to serve Lot 91, Section One; in Northland Drive from pipe in place 52 feet east of Wynona Avenue eastward to Wynona Avenue easement; in Wynona Avenue easement from Northland Drive northward to Allandale Road;

and in Northland Drive easement from Wynona Drive easement easterly to Burnet Road.

II.

The contracts for all construction work performed by Roger Smith were submitted to the City and the prices of such work were approved by the City before the work was done. The 12-inch water main in Northland Drive from Burnet Road to Bull Creek Road, herein described, was substituted at the instance of the City for 6-inch main planned by the Customer and adjustment has been made by the City with the Customer for the difference in cost resulting from the difference in size of such main. All of the work described in Paragraph I, and not performed under contract with Roger Smith, was performed by the City of Austin, and it is agreed and understood that all such work has now been completed. It is further agreed and understood that the cost to the Customer of the water mains and pipes, herein described, together with the necessary service lines, was Forty-Eight Thousand Eight Hundred Sixteen Dollars and Ninety-nine Cents (\$48,816.99), and that the cost to Customer of the sanitary sewer lines, herein described, including necessary manholes, cleanouts and appurtenances, was Thirty-One Thousand One Hundred Forty-One Dollars and Fourteen Cents (\$31,141.14), being a total cost to Customer for all such mains and pipe of Seventy-Nine Thousand Nine Hundred Fifty-Eight Dollars and Thirteen Cents (\$79,958.13).

### III.

For and in consideration of the refunds to the Customer by the City, hereinafter as more fully described, and in consideration that the City shall make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of public utility systems, the Customer hereby bargains, sells, grants and conveys to the City of Austin all of Customer's right, title, and interest in and to all said utility improvements more fully described in Paragraph I (a) and (b), and all appurtenances thereto, and title to such water mains and pipes and sanitary sewer mains and pipes and all appurtenances thereto hereafter shall be in the City of Austin.

#### IV.

It is agreed that subject to the provisions of Paragraph VI hereof, the Customer shall be reimbursed for the cost of the water mains and pipes and sanitary sewer mains and pipes, described in Paragraph I (a) and (b) above, on the basis of the agreed total cost of \$79,958.13, for all such water and sewer mains, pipes and appurtenances, such reimbursement to be made in the following manner:

Within sixty (60) days after the first day of January, 1951, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City during the preceding calandar year from the service and sale of water for usual, customary and normal domestic, commercial and industrial uses, to consumers having a direct connection with water mains and sewer lines described in Paragraph I (a) and (b) above; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calandar year from the service and sale of water from said

water lines for usual, customary and normal domestic, commercial and industrial uses to consumers having a direct connection with said water mains and sewer mains until the sum of \$79,958.13, being the total amount of the cost to Customer of the construction of such utility improvements, has been paid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the first day of January, 1950, even though the full cost of \$79,958.13 has not been refunded in full to the Customer at the end of said ten (10) years; and if at any time before the expiration of said ten (10) year period the principal sum of said cost has been repaid, further payment shall cease.

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It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances, and charter.

VI.

It is agreed that the City may at its option retain any part or all of any accrued refund to be made to the Customer in compliance with Paragraph IV of this contract and refuse to make the payments and refunds so provided for in this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed by the City of Austin or the State of Texas regulating the platting, planning and development of subdivisions within the City of Austin.

City Attorney

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Councilman Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN. TEXAS. JULY 17. 1941. AND RECORDED IN ORDINANCE BOOK "L". PAGES 152-174. INCLUSIVE. OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN. WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGU-LATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931. AND RE-CORDED IN BOOK "I". PAGES 301-318. INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING (1) THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DIS-TRICT TO #C# COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A TRACT OF LAND 80' x 150' OUT OF OUTLOT 7, DIVISION "O", UNPLATTED, LOCALLY KNOWN AS 301 CHICON STREET, AND (2) CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON A 3.72 ACRE TRACT OF LAND OUT OF OUT-LOT 7. DIVISION "O", UNPLATTED, LOCALLY KNOWN AS 1904-2010 EAST 3rd STREET; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN. TRAVIS COUNTY. TEXAS: ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED: AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

The ordinance was read the second time and Councilman Drake moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: None

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS

OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY, "WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING TO ARTICLE IV A NEW SECTION TO BE KNOWN AS SECTION 23-A, RELATING TO MILITARY PASSENGER AND LOADING ZONES, AND AMENDING SECTION 23(b) OF ARTICLE IV, RELATING TO PASSENGER ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

The ordinance was read the second time and Councilman Johnson moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: None

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Drake offered the following resolution and moved its adoption: (RESOLUTION)

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

That Walter E. Seaholm, City Manager, be and he is hereby authorized to execute a quitclaim deed to J. Bascom Giles covering 435 square feet of land, same being out of and a part of that certain 2.03 acre tract of land, a portion of the Thomas Hawkins Survey in the City of Austin, Travis County, Texas, which property is no longer needed for road or street purposes and is hereby abandoned as such.

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Councilman Drake offered the following resolution and moved its adoption: (RESOLUTION)

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

That Walter E. Seaholm, City Manager, be and he is hereby authorized to execute a quitclaim deed to J. Bascom Giles covering 6,407 square feet of land, being out of and a part of that certain 2.03 acre tract of land, a portion of the Thomas Hawkins Survey in the City of Austin, Travis County, Texas, which property is no longer needed for road or street purposes and is hereby abandoned as such.

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

# (RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into, for and in behalf of the City of Austin, one certain written agreement dated August 30, 1950, with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, for the construction, ownership, maintenance, and use of one certain twenty-four inch (24") drain or storm sewer by the City of Austin across said Trustee's railroad tracks in Third Street and Trustee's property south of said street between Lamar Boulevard and Bowie Street, in the City of Austin, Travis County, Texas, all as more particularly set out in agreement on file in the office of the City Clerk and to which reference is here made for all purposes.

Which motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Mayor Glass brought up the following frainance for first reading:

AN ORDINANCE DEFINING THE TERM "DWELLING UNIT";
PRESCRIBING MINIMUM STANDARDS FOR HOUSES, BUILD—
INGS, STRUCTURES, OR PARTS THEREOF, HEREAFTER
CONSTRUCTED, ERECTED, ESTABLISHED, OR ALTERED,
CONTAINING OR TO CONTAIN ONE OR MORE DWELLING
UNITS; PRESCRIBING PREREQUISITES TO THE ISSUANCE
OF CERTAIN BUILDING PERMITS AND CERTIFICATES OF
OCCUPANCY; PROHIBITING THE CONSTRUCTION, ERECTION,
ESTABLISHMENT, OR ALTERATION OF ANY SUCH HOUSE,

BUILDING, STRUCTURE, OR PART THEREOF WITHOUT COM-PLYING WITH THE MINIMUM STANDARDS HEREIN PRESCRIBED; PROHIBITING THE OCCUPANCY OF ANY SUCH HOUSE, BUILD— ING, STRUCTURE, OR PART THEREOF, HEREAFTER CON-STRUCTED, ERECTED, ESTABLISHED OR ALTERED WITHOUT COMPLYING WITH THE MINIMUM STANDARDS HEREIN PRESCRIBED; PRESCRIBING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

The Mayor then announced that the ordinance had been finally passed.

Mr. W. L. THOMPSON submitted the following report of the Chamber of Commerce, endorsed also by the Citizens Advisory Board, in connection with financing a plan for the Municipal Auditorium:

REPORT AND RECOMMENDATION TO CITY BOND COMMITTEE OF 100 CITIZENS
BY BOARD OF DIRECTORS OF CHAMBER OF COMMERCE
September 13, 1950

The Chamber of Commerce early in 1950 conducted a series of 10 meetings of its membership of 1400 in an effort to arrive at the membership's opinion of the most critically needed civic improvements in Austin.

A municipal auditorium was far in the lead as the preferred project for immediate attention and action. The need for such a structure has been apparent for a generation. The city administration acknowledged the need by including auditorium bonds for \$400,000 in its bond program in 1946. These bonds have not been issued, and no planning for an auditorium has been started. The Chamber of Commerce set about tofind a way to meet that need without further years of delay.

It's first step was to set up an Auditorium Committee. That Committee has completed its work. It's report of September 5 was given unanimous approval on that date by the directors of the Chamber of Commerce and the Junior Chamber

of Commerce. A copy of the report has been sent to each of you.

The Chamber of Commerce makes that Auditorium Committee Report the basis of its plea for immediate action. By immediate action, it means this: That the City administration will proceed to -

a) Before the end of 1950 select architects and expert consultants for the development of plans and specifications

b) Determine the location

- c) Before the end of 1950 to set up a definite plan for financing the construction and equipment of the auditorium
- d) Begin construction as early in 1951 as culmination of plans for financing will permit.

The Chamber of Commerce is sympathetic to the problems which confront the school trustees, the city council, and your committee in trying to provide financing for so many construction projects - - each with its own merits, and each with its cry for urgent attention. Those are the same projects which have held positions of priority for the last 35 years - - while an auditorium that the people have wanted and the community has needed has been consistently shelved. We believe that we speak for the community when we say that no longer are we content to yield to projects that have been expanded, expanded, expanded, and now are seeking further expansion. The auditorium will make a contribution to the economic life of a community which needs strengthening if it is to carry the burden of providing for its other needs. Instead of costing the community, it will pay the community. Estimates acknowledged to be far to low - - yet used for the sake of conservativeness - - show that new money brought into the community by the facilities of the auditorium will in three years more than offset its total cost. Do not misunderstand. We do not claim that the cost of the auditorium can be liquidated in 3 years - - only that the cash benefits to the business community will be as great in three years as the cost of the project. But we do prove - - on the basis of experience of other cities - - that the auditorium will be self supporting. Under proper provisions, it may also be made self-liquidating. None of the other projects proposed to you will be able to present these favorable facts.

If an auditorium is provided for in the bond issue you recommend, we predict that it will be given the greatest number of votes — - that it might, indeed, be responsible for carrying the other issues along with it. And if the auditorium is included in the tax-bond issue, with top priority for issuance of the auditorium bonds and start of construction in 1951, we as a group of citizens pledge ourselves to raise the money for conducting a publicity campaign by press and radio aimed at getting voters' approval of the entire program.

In discussions had by Chamber of Commerce Officials and Auditorium Committee with City Council Members, these proposals have been considered in connection with the issuance and sale of the previously voted \$400,000 auditorium bonds and the proposed \$2,000,000 additional auditorium bonds to be paid out of taxes:

1) It has been said by city officials that no more than \$20,000,000 additional tax bonds can be voted now; and that the issuance and sale of them must be spaced out over 4 or 5 years if the city's present AAA rating in the bond market is maintained - - with total tax bonds sold and outstanding to remain within 10% of the assessed taxable valuations. If that \$20,000,000 bonds for purposes other than auditorium are issued on the schedule which needs seem to dictate; and if the auditorium bonds are sold in

1951; then sometime within the next several years the AAA rating will be lost and the city will be penalized in the form of a higher interest rate on the bonds thereafter to be sold. This puts the auditorium project in the position of a penalizing from the standpoint of bond sales, or of being delayed several years.

2) The city might forsake its present policy of maintaining a AAA credit on its tax bonds, let the bars down, vote all the bonds necessary to cover all proposed projects, sell the bonds as rapidly as the projects could be put under construction, and pay whatever interest rate the market demanded. This course might be justified in the light of present extremely cheap money, savings effected by earlier construction to head off rising costs, and by a consideration of the offsetting value of having the use of the buildings and facilities years ahead of the more conservative schedule.

The city council members, city manager, city finance director, and city attorney have shown a keen and helpful interest in the auditorium project. They have sat in on several meetings with Chamber of Commerce groups where all phases of the auditorium project have been discussed. In recent days, Councilman W. S. Drake has proposed that an attempt be made to finance the early construction of the auditorium by the use of private capital. At his request, the American National Bank contacted an imvestment banker in Dallas who has financed several stadiums on a revenue basis. This banker and his attorney met with city officials and council members and representatives of the Chamber of Commerce on September 13. At that meeting these facts were established:

- 1) The City of Austin is at present without authority to issue revenue bonds for constructing an auditorium, but such authority could be granted by the Legislature.
- 2) The City of Austin could not enter into a lease agreement with an "Auditorium Authority" of its own creation, or with a corporation, or with private individuals, by which lease it would provide funds to liquidate the project.
- 3) Auditorium Revenue Bonds, when authorized by State law, issued by City of Austin probably would sell at an interest rate no greater than 1% above the rate available at the time on its tax bonds.
- 4) The issuance of Auditorium Revenue Bonds by the city would not affect its 10% debt limit and AAA credit rating on its tax bonds, nor would they be a charge against the tax limit of the city unless the voters specifically authorized that.
- 5) Auditorium Revenue Bonds could be authorized without the delay and expense of an election, could be sold immediately after the legislative act takes effect - probably several months ahead of the earliest time tax bonds with top priority could be issued and sold if authorized in the proposed November election.
- 6) Issuance and sale of Auditorium Revenue Bonds likely would eliminate the necessity of issuing the \$400,000 tax bonds voted in

1946, though it was considered advisable to hold them unissued for use in later years if additions or repairs to the auditorium become necessary and if payment for them in that manner might be more feasible than the issuance of more revenue bonds.

7) Financing of the construction by issuance of revenue bonds would permit immediate starting of the planning for auditorium construction with a good chance that actual construction could begin by mid-1951; without delaying or distrubing in any way the several other city and school projects now pressing for action.

Out of this meeting on September 13, 1950, the following suggested plans were agreed upon:

#### THE CHAMBER OF COMMERCE WILL:

- 1) Withdraw its appeal for the voting of \$2,000,000 auditorium bonds in 1950, and sale in 1951 of the total \$2,400,000 auditorium bonds to be supported by a tax levy.
- 2) As individuals, support the city and school tax bonds to be submitted in the 1950 election, contributing funds for necessary publicity to help carry them at the election.
- 3) Help in any way possible to do whatever the city administration requests of it in connection with assembly of data for the planning of the auditorium location and construction.
- 4) Raise any money needed to promote the alignment of support of interested groups, cities, and legislators for the introduction and early passage by the 52nd Legislature of an auditorium revenue bond law.

#### THE CITY ADMINISTRATION WILL:

- 1) Immediately, before the end of 1950, commission recognized experts in auditorium construction to make an on-the-ground study of Austin's auditorium problem for guidance of architects to be commissioned at the same time to develop plans and specifications.
- 2) By the convening of the 52nd Legislature, the City Attorney will have prepared for introduction a bill giving the city its proper authority to issue revenue bonds to finance the construction.
- 3) Have plans and specifications and choice of site ready to advertise for bids as soon as passage of the bill is assured.
- 4) Let contract and sell the auditorium bonds as quickly as legally possible after the auditorium bond law becomes effective.
- 5) Aim toward starting actual construction of the auditorium by mid-1951.
- 6) Give favorable consideration to the submission of a separate tax bond issue sufficient for auditorium construction for sale in 1951 at whatever penalty in interest rate is necessary, should the revenue bond law for any

reason fail of passage by the 52nd Legislature.

This tentative agreement seems to hold the possible happy solution of the auditorium problem, and it is respectfully submitted as the recommendation to you by

THE CHAMBER OF COMMERCE

By /\$/ W. L. Thompson
President

Mr. Thompson stated the Chamber of Commerce would recommend that an Advisory Committee be appointed to work with the City on the auditorium plan, and suggested the following persons for consideration of the Council as the personnel of the Committee: MESSRS. J. H. BROWN, T. H. WILLIAMS, CHESTER SNYDER, JAMES P. YEATES, and JOHN S. BURNS.

Councilman Long moved that the report of the Chamber of Commerce be adopted and that MESSRS. J. H. BROWN, T. H. WILLIAMS, CHESTER SNYDER, JAMES P. YEATES, and JOHN S. BURNS be appointed to serve on the Advisory Committee. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

MR. ED BARTLETT, living in the vicinity of the "City Dump" or St. Edwards location for compost manufacture, asked the Council that since it had had ample time to correct the City Dump, to vote to cease operations at the present site. Citizens from the Govalle area submitted petitions opposing the relocation of the "City Dump" in the Govalle section. MR. MELVIN WARD, Govalle Civic League, opposed any idea of moving it to Govalle. He brought out the fact that a site purchased for a school site was already being used as a dump in that area. This matter was referred to the Director of Public Works to check. MR. METCALFE and others spoke regarding the location at St. Edwards. After much discussion, Councilman Drake moved that the City Manager be instructed to send one of his competent employees, or if mcessary, employ someone to visit a necessary number of cities to find out how they collect and dispose of their trash and garbage and have a report to the Council within thirty days. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Action on the request of JOHN L. HENNING, JR. and JEAN M. HENNING for a nursery school at 604 West 14th was postponed until next Thursday, as one of the neighbors desired information about the school, and neither of the Hennings were present to answer. It was requested that Mr. or Mrs. Henning be present next Thursday.

The request of CARL SMITH, 709-11 Lamar, for a 10' set-back was brought before the Council. This section of Lamar was not subject to the thoroughfare set-back requirements; and in view of the width of the street, it was thought perhaps a 10' set-back might be necessary. Councilman MacCorkle moved that the City Manager be instructed to authorize the Building Inspector to issue a permit on a 10' set-back at 709-11 Lamar. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Regarding the request of ED MALLETT for a permit on a boulevard, where he would not have enough space for a building if it were set back 25 feet, it was stated he was scheduled to meet with the City Manager to work something out before coming before the Council. Councilman Drake suggested that some definite recommendations be submitted for approval for the Council, so that these individuel building permit requests would not have to come before the Council.

Councilman Long offered the following resolution and moved its adoption: (RESOLUTION)

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

That the Zoning Board of Adjustment be requested to consider and report on the following proposed change in zoning:

Change from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District the following described property:

.85 Acre tract of land out of Outlot 25, Division "A", Unplatted, being a triangular tract abutting 90 feet on Calles Street, 378.5 feet on Gonzales Street, and 382.6 feet on East 7th Street, and locally known as 2700-2730 East 7th Street.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the property locally known as 2700-2730 East 7th Street be set for public hearing for zoning change for 11:00 A.M., October 12, 1950. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Councilman Johnson moved that the following applications for change of zoning be set for public hearing, 11:00 A.M., October 12, 1950:

JOE PROWSE, J.C.KELTNER and G. F. ECKHARDT	Lots 1 and 2, Blk. 16, Div. "D", Grooms Addition 3203 Helms Street and 200-202 East 32nd Street	From "A" Residence To "B-1" Residence RECOMMENDED by the Zoning Board of Adjustment
PURE ICE & FOODS, INC., By Jack Sparks, Atty.	N. 150 <sup>t</sup> of Lot A, Blk.15, Outlot 45, Div. B., Un platted, 1603-05 Manor Rd.	From "A" and "C" To "C-1" Commercial RECOMMENDED by the Board of Adjustment
T. A. BEARD	115.83 x208.67, Blk. 1, Div. "Z" Unplatted Spear League, 1713 W. 35th St.	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Board ofAd- justment

The motion, seconded by Councilman Long, carried by the following vote: Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass Noes: None

COUNCILMAN MacCorkle stated he had numerous calls about wreckless driving on Enfield Road, Wilshire Boulevard, and other streets. Councilman Drake added Jefferson to the list. Councilman MacCorkle asked that the Police Department be instructed to "crack-down" on these hot-rods and wreckless drivers.

The Council noted confusion in the interpretation of the wrecker ordinance and asked that the Police Department clear-up the misinterpretation as to the rotation list and selection list.

The Council received a report from the City Manager that the following applications for change of zoning had been referred to the Zoning Board of Adjustment for consideration and recommendation:

REV. J. T. THOMAS	806 East 13th Street	From To	uCu uBu	Residence Commercial
MRS. AGNES S. BURROWS and MISS FANNIE RATCHFORD	2312 and 2314 Longvie	From To	иВ и и <b>У</b> и	Residence Residence
MR. W. E. THOMPSON	1000-02 West 33rd Street	From To	uV u	Residence Commercial

Bless

MR. MELVIN WARD, Secretary, Govalle Civic League, stated in 1942 the name of the Webberville Road was changed where it intersects with Springdale back to what was formerly Rosewood Avenue. The residents protested. Nothing was done and the City maps show that area of Webberville Road to be Rosewood Avenue. He stated he presented a petition to the former Manager requesting that that name be reinstated on the City maps as WEBBERVILLE ROAD. The City Council stated it had not received such petition, and referred the request to the City Manager to work out with Mr. Ward.

There being no further business, the Council adjourned subject to call of the Mayor.

APPROVED / Ayor

ATTEST:

Elin Harry