

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 23, 1950  
10:00 AM

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

Councilman Johnson 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 adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

CHIEF PETTY OFFICERS CHARLES MAKY and CHARLES P. ORR, Navy Recruiting Center, asked permission to sound a siren at 1:00, 4:30, and 7:30 P.M. on March 8th and 9th, to attract attention to the mobile exhibit which will be at 11th and Congress. This matter was referred to the Legal and Police Departments. The Council thought with advance publicity, and for the short period requested, that it might not be objectionable, but the Council asked the Legal Department and Police Department work this out. MR. MAKY AND MR. ORR presented invitations to the Council, City Manager, and others to be present at a preview at 1:00, March 8th.

MR. CHARLES HERRING representing some friends who live at 3612 Enfield Road presented pictures of the lot adjoining this location. The lot is owned by Mr. George Hatley, who started building a house and dug the basement, but who has abandoned building, and the excavation is holding water and debris. The Council, in the interest of public health, felt this pit should be filled in and referred the matter to the Health Department.

MR. FRANK WALLING presented a petition asking the Council to clean up Boulding Creek from its source to where it empties into the Colorado River, as many houses run sewage into this creek. Councilman Long stated the City was aware of this condition and it had been reported to the Health Department and investigated by that Department. Petitioners live in the 1100 Block of South 3rd, 800 Block of Columbus, West James, West Gibson, Christopher, and 900 and 1100 blocks of Bouldin Avenue.

MR. JOSEPH LUCAS came before the Council regarding his property at First and Neches, picture of which appeared in the paper. He stated the signs showed in the picture, but the papers, debris, etc., which was on State property did not show up. He also stated there was a storm sewer emptying on this property, and he had tried to get the Engineering Department to run it on down into the Creek. The Director of Public Works stated it would take about \$600 or \$700 to extend the sewer, and it might not help out to do it. The Mayor stated something would be done as soon as money and equipment was available.

MR. LUCAS had a second request, about the traffic light at First and Red River, stating the filling station at that corner has lost money and has been hurt by this light being located at this particular place, as there is an offset in the intersection. He asked that the light be moved to the corner and thus relieve the traffic situation and allow the customers entrance into the Station. The Council referred this matter to the Police Department to work out with Mr. Lucas.

MR. M. T. STALLTER and MR. J. K. LYLES appeared in behalf of their company, the Traffic Meter Advertising Company, requesting a franchise to use parking meters for advertising. Mr. Stallter read his proposal, dated February 8, 1950, copy of which is on file in the City Clerk's Office. He read an excerpt from a letter from the Austin Area Economic Development Foundation under date of September 12, 1949 as follows:

"....After a thorough investigation, looking objectively into the new national company, headquartered in Austin, we believe the idea behind it has considerable merit. We feel that the national company should be supported because continued growth will bring substantial new income into Austin, a large part of which will be distributed locally in payment for goods and services and as dividends to local stockholders.

"Furthermore, by virtue of its location in Austin, growth of the company will attract national recognition to our City as a center of a new form of advertising.

"Thirdly, we feel that the franchising of our parking meters for advertising purposes opens up a new source of municipal revenue which the City could easily find useful.

"In view of our feeling about the importance to Austin of the Parking Meter Advertising Company development, it follows that we look with favor upon an Austin business operated by a local licensee, such as the one soon to be proposed by Mr. Stallter.

(S) Frank W. Jessen"

Mr. Stallter stated also that the Tips Engine works would make these designs and this would provide employment to about 35 individuals at payrolls ranging from \$450,000 to \$646,000, as well as provide from \$8,000 to \$11,000 income to the City. The City Attorney stated the streets were dedicated for traffic, and that private advertisement on meters would in no way serve the movement of traffic and has no connection with the original dedication of the streets; and for that reason, the lease of the parking meters for private advertising would not be legal. Councilman Long felt that the advertising would not hurt the merchants or anyone, and it would provide about \$8,000 or \$11,000 per year that could be used in installing storm sewers out in East Austin. Councilman MacCorkle stated the trend over the country was to do away with advertising on highways, thoroughfares and streets. Mayor Glass stated the City was clearing out billboards on city property and the Highway Department was clearing the highways of billboards. He expressed the idea that this was a nice industry, but that the City should not use its property for advertising. Councilman Long moved that the City grant the use of parking meters for advertising and enter into a contract with this Company. The motion, seconded by Councilman Drake, lost by the following vote:

Ayes: Councilmen Drake, Long

Noes: Councilmen Johnson, MacCorkle, Mayor Glass

The following applications for changes of zoning, were advertised for public hearing and were heard this date:

JESS H. CUMMINGS	3707 Lake Austin Blvd.	From "C-1" Commercial To "C-2" Commercial NOT Recommended by the Zoning Board of Adjust- ment.
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Mr. Jess H. Cummings appeared in his own behalf and no one appeared in opposition. The Council felt that since there was so much University land in this area, and that the nearest "C-2" zone was blocks away, that there would be a public demand in this area. Councilman Drake moved that the Council not uphold the recommendation of the Zoning Board and grant the requested change. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass

Noes: Councilman Johnson

The Council instructed the City Attorney to draw up the necessary ordinance.

JAKE SILBERSTEIN

1000-1018 Red River

From "C-1" Commercial  
To "C-2" Commercial  
NOT Recommended by the  
Zoning Board of Adjust-  
ment.

Mr. Silberstein appeared in his own behalf. No one appeared in opposition. After discussing this location, it was thought to consider this application along with the following application:

OUIDA F. NALLE

1201-1211 Red River

From "C-1" Commercial  
To "C-2" Commercial  
NOT Recommended by the  
Zoning Board of Adjust-  
ment.

Mr. George Nalle appeared in behalf of the above applicant. No opposition was present. There was a discussion of this application and the one above and it was thought perhaps the C-2 zoning should be extended from 10th street on to 13th. Councilman Drake moved that the City Attorney be instructed to advertise the three blocks from 10th Street to 13th Street on Red River (From 10th to 11th on the east side; and from 11th to 13th on both sides) for public hearing March 16th, 11:00 A.M. to be changed from its present zoning to "C-2" Commercial. Councilman MacCorkle seconded the motion, and it carried by the following vote:

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

(This would include the two applications above, to all be heard at the same time)

MR. TOM LONG appeared before the Council with regard to the proposed wrecker ordinance, stating the Wrecker Companies he represented, had one opposition to the ordinance, and offered a suggestion that the when Police Headquarters called a wrecker company on the list to tow the disabled vehicle that it not be required to take it to the City Pound, and Mr. Long asked that the words "to the City Pound" be omitted, and that Section 12 of the ordinance be worded to omit those words, and the last sentence in that section be omitted. The Council, after considerable discussion, agreed to the amendment in that manner.

Mayor Glass introduced the following ordinance as amended:

AN ORDINANCE REGULATING THE OPERATION OF WRECKERS  
AND WRECKER COMPANIES IN THE CITY OF AUSTIN; DEFIN-  
ING CERTAIN WORDS AND PHRASES; PROVIDING FOR ISSU-  
ANCE OF PERMITS FOR OPERATION OF WRECKERS AND WRECKER  
COMPANIES; PROHIBITING PURSUIT OF AMBULANCES AND PO-  
LICE CARS; PROHIBITING WRECKERS AT THE SCENE OF AN

303

ACCIDENT ON PUBLIC STREETS; PROHIBITING THE SOLICITATION OF WRECKER BUSINESS ON PUBLIC STREETS; PROHIBITING THE INTERCEPTION OF POLICE RADIO MESSAGES; PRESCRIBING FORMS TO BE USED FOR CALLING WRECKERS TO ACCIDENT SCENES; PRESCRIBING PROCEDURE TO BE USED IN CALLING WRECKERS TO ACCIDENT SCENES; PROHIBITING RECOMMENDATION OF WRECKERS BY POLICE OFFICERS; PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND MAKING THIS ORDINANCE EFFECTIVE ON THE 15TH DAY OF MARCH, 1950.

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager stated to the Council that MR. B. L. CABANISS is remodeling a building at 5th and Colorado Street, and the building will encroach on the sidewalk area. Mr. Cabaniss asked that his building be on the line with other buildings in the block, which line was the result of errors in old surveys. The City Manager recommended that this line be established in line with the other buildings in that block, as there is adequate sidewalk space and no public necessity exists for any changes, and the encroachment was not one that the City would need to abate. Councilman Johnson moved that his request be authorized. The motion seconded by Councilman Drake, carried by the following vote:

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Herman Brown Subdivision", approved by the City Plan Commission of the City of Austin on October 13, 1949, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a release, on behalf of the City of Austin, of a certain sanitary sewer easement in, upon and across portions of Ward and Treadwell Subdivision, such portions of land being more particularly described in said release, a copy of which is attached hereto and made a part hereof.

(Release attached)

"THE STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, by instrument dated April 30, 1938, and recorded in Volume 588 at page 167 of the Deed Records of Travis County, Texas, J. Thomas Ward and wife, Martha Stone Ward, and W. C. Treadwell and wife, Mary C. Treadwell, granted to the City of Austin a sanitary sewer easement in, upon and across certain lands in the City of Austin, Travis County, Texas, including the north one-half ( $\frac{1}{2}$ ) of Lot 2 and all of Lots 3, 4 and 5 in Block 11 of Westfield A, and

WHEREAS, by instrument dated April 30, 1938, and recorded in Volume 589 at page 48 of the Deed Records of Travis County, Texas, W. C. Treadwell and wife, Mary C. Treadwell granted to the City of Austin, a sanitary sewer easement in, upon and across certain lands in the City of Austin, Travis County, Texas, including the south ninety (90) feet of Lot 2 and all of Lot 1 of said Block 11 of Westfield A, and

WHEREAS, said above described property has now been subdivided into smaller tracts comprising various lots now known as Ward and Treadwell Subdivision, a map or plat of said subdivision being of record in Book 4 at page 90 of the Plat Records of Travis County, Texas, and

WHEREAS, certain parts of said property including the parts thereof hereinafter described as part of the Ward and Treadwell Subdivision, are not traversed by any sanitary sewer, and no future need for a sanitary sewer easement across such parts can be foreseen, NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Austin, a municipal corporation situated in Travis County, Texas, acting by and through Guiton Morgan, its City Manager, herewith duly Authorized, in consideration of the premises, has released and quitclaimed and by these presents does release and quitclaim into the present sewers of the property hereinafter described, all right, title, interest, claim and demands of the City of Austin in and to the easement created by the deeds heretofore referred to insofar as the same relates to or is located upon the following described property in the City of Austin, Travis County, Texas:

All of Block 1 of said Ward and Treadwell Subdivision, said Block 1 consisting of Lots 1 to 13 inclusive; and all of Lots 8, 9 and 10 of Block 3 of said Ward and Treadwell Subdivision except the west five (5) feet and the south five (5) feet of said Lot 10

TO HAVE AND TO HOLD the above released rights, title, interest and claims unto said owners, their heirs and assigns forever.

IN WITNESS WHEREOF, City of Austin has hereunto set its hand, acting by and through its City Manager, hereunto duly authorized, attested by the City Clerk, and with its seal hereunto affixed, this \_\_\_\_\_ day of \_\_\_\_\_, 1950.

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

(Notary Public's Acknowledgement)"

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

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

Councilman Drake 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 Austin Development Company, a corporation, such contract containing an agreement as to cost of construction of water and sewer lines constructed by Austin Development Company in Crestview Addition, Section I, 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 Austin Development Company, a corporation created under the laws of the State of Texas, hereinafter called "Customer", WITNESSETH:

I.

(a) Customer, acting by contract with Taylor Construction Company has caused to be installed in and along certain public streets in Crestview Addition, Section I, an addition to the City of Austin, certain water mains and other pipes at the locations and in the sizes described as follows:

<u>Location</u>	<u>Size</u>
Justin Lane - from Reese Lane westward to City Limit	6" C.I.
Cullen Avenue - from Reese Lane to Woodrow Avenue	6" C.I.
St. Johns Avenue - from Woodrow Avenue westward to City Limit	6" C.I.
Reese Lane - from Justin Lane to intersection of Grover Avenue and St. Johns Avenue	6" C.I.
Cullon Avenue - from Woodrow Avenue westward to City Limit	8" C.I.
Woodrow Avenue - from South limit of Crestview Addition, Section I to St. Johns Avenue	12" C.I.
St. Johns Avenue - from Woodrow Avenue to eastern limit Crestview Addition, Section I	12" C.I.

(b) The Customer, acting by contract with said Taylor Construction Company, has caused to be installed in and along certain public streets in Crestview



Addition, Section I, an addition to the City of Austin, certain sanitary sewer mains and other pipes at the locations described as follows:

- Arroyo Seca - from south boundary of Crestview Addition, Section I to St. Johns Avenue
- Justin Lane - from Arroyo Seca westward to City Limit line
- Grover Avenue - from south boundary of Crestview Addition, Section I to St. Johns Avenue
- Cullen Avenue - from Woodrow Avenue westward to City Limit Line
- Justin Lane - from Arroyo Seca to Woodrow Avenue
- St. Johns Avenue - from Lot 29, Block 7, Crestview Addition, Section I, west to City Limit
- Cullen Avenue - from Lot 29, Block 6, Crestview Addition, Section I to Reese Lane
- Reese Lane - from Lot 1, Block 1 to Lot 15, Block 1, Crestview Addition, Section I
- St. Johns Avenue - from Grover Avenue to Lot 28, Block 7, Crestview Addition, Section I
- Justin Lane - from Lot 15, Block 5 to Lot 1, Block 2, Crestview Addition, Section I

## II.

The contract for all such construction work was submitted to the City and the prices of such work were approved by the City before the work was done. The 12" water mains herein described were substituted at the instance of the City for the 6" mains 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 mains. It is agreed and understood that such work was completed and approved by the City as of January 1, 1949, and that the cost to the Customer of the water mains and pipes herein described was \$19,946.00, and that the cost to customer of the sewer lines herein described, including necessary manholes, cleanouts and appurtenances, was \$23,330.85, being a total cost to Customer for all such mains and pipes of \$43,276.85.

## III.

For and in consideration of the refunds to the Customer by the City, hereinafter 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 proper 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 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 \$43,276.85, for all

such water and sewer mains, pipes and appurtenances, such reimbursement to be made in the following manner:

Refunds to the Customer by the City shall begin from January 1, 1949, the first such refunds to cover the year 1949; and upon the execution of this contract, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City, during the calendar year 1949, from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to consumers having a direct connection with the 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 after 1950 the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar 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 said sewer mains, until the sum of \$43,276.85, being the total amount of cost of the construction of the utility improvements have been repaid, but in no event shall such refunds exceed said sum of \$43,276.85; and the City shall not, in any event, make such annual payments for a period of time longer than ten (10) years from and after January 1, 1949, even though the full cost of \$43,276.85 for such work 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.

V.

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.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by the City Clerk and with its corporate seal affixed, and the said Austin Development Company has caused this instrument to be executed in duplicate by A. B. Beddow, its President, and attested by its Secretary, this the \_\_\_\_\_ day of \_\_\_\_\_, 1950.

CITY OF AUSTIN

By - \_\_\_\_\_  
City Manager

ATTEST:

AUSTIN DEVELOPMENT COMPANY

\_\_\_\_\_  
City Clerk

By - \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED:

\_\_\_\_\_  
Director of Public Utilities

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
City Attorney"

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

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, John Dale Weaver, M.D. has made application in writing for permission to erect a doctor's office and clinic for human beings only, on the south 50 feet of Lot 4, Block 131, in the City of Austin, Travis County, Texas, the same being on the west side of Nueces Street and locally known as 1100 Nueces Street, and is located in a "B" Residential District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

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

THAT permission for the erection and maintenance of a doctor's office and clinic for human beings only be granted to John Dale Weaver, M.D. with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.

2. That all regulations required in this zone and all building code provisions be complied with in the erection of such building.

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

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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 East Avenue and Concordia Avenue which property fronts 117 feet on East Avenue and 110.32 feet on Concordia Avenue and being known as a portion of Lots 1 and 2, Block 2, University Park, in the City of Austin, Travis County, Texas, and hereby authorizes the said Philip Bashara 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 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 Philip Bashara has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
February 23, 1950

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Philip Bashara for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northeast intersection of East Avenue and Concordia Avenue which property fronts 117 feet on East Avenue, and 110.32 feet on Concordia Avenue, and being known as a portion of Lots 1 and 2, Block 2, University Park, and the property upon which this filling station is to be located is owned by Philip Bashara and we hereby advise that the following conditions exist:

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

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that Philip Bashara 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 Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; 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.

(4) That the grades of the station shall be such that no waste water or oils 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 into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, 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 Department of Public Works file number 2-H-979.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-979 and shall be of the pre-moulded type.

(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certificate of Operation before such filling station can be put into service.

Respectfully submitted,

/s/ C. G. Levander  
Director of Public Works

/s/ J. C. Eckert  
Building Inspector"

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

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to enter into an agreement on behalf of the City of Austin with Travis County Chapter of The American Red Cross, providing for a lease to the Travis County Chapter of The American Red Cross by the City of Austin, of a tract of land containing approximately six thousand six hundred seventy (6670) square feet of land, and being more particularly described in said Agreement, a copy of which is attached hereto and made a part hereof.

(Agreement attached)

"THE STATE OF TEXAS    §  
                                  :  
COUNTY OF TRAVIS   §

This AGREEMENT made and executed by the City of Austin, Acting herein by and through Guiton Morgan, its City Manager, hereunto duly authorized, and C. L. Higgins, Chairman, Arthur Cunningham, Vice-Chairman, L.D. Williams, Treasurer, and Mrs. Donald James, Secretary, of the Board of Directors of the Travis County Chapter of The American Red Cross, hereinafter called Trustees, WITNESSETH:

I.

In consideration of the covenants and agreements herein undertaken by Trustees for themselves and their successors in office, City of Austin does hereby lease, demise and let unto said Trustees, a tract of six thousand six hundred seventy (6670) square feet of land, same being out of and a part of that certain 33.70 acre tract of land out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin together with other property by deed dated June 28, 1941, of record in Volume 681 at page 199-203 of the Deed Records of Travis County, Texas, which 6670 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake on the west line of Jessie Street, and on the northeast corner of the tract herein described:

THENCE with the west line of Jessie Street, S. 29°50'W. at 25.00 feet pass an iron stake on the point of intersection of the westerly prolongation of the north line of Butler Road with the west line of Jessie Street in all a distance of 50.46 feet to an iron stake.

THENCE N.  $60^{\circ}35'W$ . 130.57 feet to an iron stake on a west line of the said City of Austin 33.70 acre tract;

THENCE with a west line of said tract, N.  $29^{\circ}35'E$ . 51.63 feet to an iron stake;

THENCE S.  $60^{\circ}04'E$ . 130.78 feet to the point of beginning.

## II.

This lease shall exist and continue for a term of ten (10) years, beginning the 1st day of March, 1950, and terminating the 29th day of February, 1960. At the expiration of the ten-year term, upon six months prior notice to the City in writing, the Trustees shall have the option to renew this lease agreement upon terms mutually acceptable to the City and the Trustees.

## III.

In consideration of the foregoing, Trustees, for themselves and their successors in office, agree to hold said premises for the use of Travis County Chapter of The American Red Cross, and agree that said premises will be used by Travis County Chapter of The American Red Cross, without cost or expense to the City, as a local office, headquarters, and center for the conduct of the charitable, relief, and other activities of said organization.

## IV.

Said headquarters and center shall be operated under the rules and regulations of The American Red Cross and of the Travis County Chapter of The American Red Cross, and said Trustees, for themselves and their successors, agree to furnish to the City such reports upon the local operations of said organization as from time to time may be requested by the City.

## V.

Said Trustees, for themselves and their successors, agree that Travis County Chapter of The American Red Cross will hold the City harmless from any and all damages which may accrue to any person, in, upon, and about the leased premises.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 1950.

CITY OF AUSTIN

ATTEST:

By -

City Manager

City Clerk

TRUSTEES FOR THE TRAVIS COUNTY  
CHAPTER OF THE AMERICAN RED CROSS

Chairman

Vice-Chairman

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 Treasurer
 

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 Secretary<sup>II</sup>


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

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

The City Manager presented the following tabulation of bids received at 10:00 A.M., February 17, 1950, in the Department of Public Works, for Double Asphalt Surface Treatment on ROBERT E. LEE ROAD - Lamar Boulevard to Bouldin Avenue, and DAWSON ROAD - Barton Springs Road to Robert E. Lee Road:

M. E. RUBY	- 15,000 Sq. Yds at	\$0.175	\$2,625.00
T. S. SOUTHERLAND		0.196	2,940.00
COLLINS CONSTRUCTION COMPANY		0.1985	2,977.50
McKOWN & SONS		0.2775	4,162.50

The City Manager stated that M. E. Ruby was the low bidder, and that the Director of Public Works recommended that he be awarded the contract, and that was the City Manager's recommendation to the Council also. Councilman Drake moved that M.E.RUBY be awarded the contract as low bidder. The motion seconded by Councilman Johnson carried by the following vote:

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

Councilman Johnson suggested that the resolution adopted February 16, 1950, be amended to include the advertising for bids on the sale of Parks, Playgrounds and Recreation Bonds in the amount of \$50,000.00.

Councilman Johnson then 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 advertise for bids on the sale of bonds on the City of Austin at 10:00 A.M., March 16, 1950, which bonds were authorized for issuance by the electorate May 7, 1946, as follows:

Hospital Improvements . . . . .	\$ 750,000.00
Parks, Playgrounds and Recreation . . . . .	50,000.00
Public Free Schools . . . . .	750,000.00
	<u>\$1,550,000.00</u>



Advertisement for such bids shall be in the usual and customary forms and shall be published at least once in a newspaper of general circulation published in the City of Austin and in the Bond Buyer. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

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

The City Manager stated, with reference to the \$50,000 Recreation Bonds, that it was recommended that proper accoustics be installed at the Coliseum. It was estimated that it would be about \$30,000. The City Manager stated there was \$35,000 in Park and Playground Funds from the sale of the property at Concordia.

The City Manager stated Austin had been listed 13th in Traffic fatalities in cites in the 100-200,000 bracket. He outlined a detail result of a survey on one-way streets made in Fresno, California, showing the success of one-way streets and the approval of the public in general, and the improvement in traffic. He stated the study as proposed by the Council was certainly in the right direction.

Discussion of the block of land at 4th and Guadalupe was held. The Council felt that this should be developed into a parking lot as previously decided to get the cars off the streets. It was decided to try it out as free-parking space. Councilman Long moved that this square be made into a parking lot to rid the streets of so much traffic congestion, and that the City Manager and Director of Public Works proceed with such development as soon as possible. The motion was seconded by Councilman MacCorkle and carried by the following vote:

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

Councilman Johnson brought up the question of sewage in the Brackenridge Tract north of Deep Eddy, stating the people were using cess pools, etc. It was stated that sewer lines were available in that section, but the people had not put in the connections. It was stated sanitary cess pools could be maintained, and should be. It was also stated that the University should not permit this property to be used as "dumping grounds".

Councilman Long stated she had complaints from people on East 41st Street about cesspools, and inquired if the sewage was not available in this area or if people were not connecting to the sewers. She stated the people claimed, when they called this to the Health Department's attention, that the reply was "our hands are tied", and asked that an explanation be given. The City Manager stated that the cesspools could be kept in a sanitary condition, and the people should be notified to have their cesspools worked over.


There being no further business, Councilman Johnson moved that the Council recess, subject to call of the Mayor. Councilman Drake seconded the motion, and it carried by the following vote:

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

APPROVED:

  
M a y o r

ATTEST:

  
City Clerk