

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 21, 1949
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

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police.

MR. KENT RIDER appeared before the Council submitting a petition with 95 signatures petitioning the Council to dedicate as a public park and playground the 34 acres, more or less, bounded on the West by Wilshire Boulevard, on the East by Airport Boulevard, and on the South by Schieffer Avenue, and being the remainder of the Patterson Tract acquired by the City of Austin not used for airport and road purposes. The petition further stated that the area surrounding the above described tract of land was not served by a playground and that there is now residing in said area many children who need the facilities of such a park and playground. MAYOR GLASS stated it was contemplated that Polio, Inc., might take the south side of this tract, but that would leave between 15 and 18 acres left; that in laying out the Polio, Inc., plat, a 100' area was left on the south side so that the park could be entered. The Mayor stated further that a park was needed in this area and this property should be left for park purposes only. MR. RIDER stated that 90% of the people signing the petition were opposed to Polio, Inc., locating on this tract, and he thought they would come before the Council in opposition. COUNCILMAN DRAKE stated it would be an asset rather than a detriment and that the entrance would be from Schieffer Avenue, and that he would be glad to explain the details to the group. MR. RIDER stated if information were made available that this was to be a rehabilitation center, there might not be so much opposition. MR. PETER CRANFORD stated he had four objections to the Polio, Incorporation being located on this tract; (1) The site was too near the airport and there would be a nervous reaction to the patients; (2) The site was between two heavy lanes of traffic; (3) the children would want seclusion and would not want everyone to know they were undergoing treatment; and (4) it would have a psychological effect on the other children in the community to see the crippled children undergoing treatment. MR. JESS AKIN stated if the people knew more about the institution and what it involved, he believed they would not

object, and he was of the opinion this was the logical place for it, and that the rest of this land would be a good place for a park. Councilman Johnson moved that the Council take this under consideration; and when the maps and plans were drawn for the park and Polio, Incorporation, that a public hearing be held for all of the citizens signing this petition, and that they be shown the plans and informed of the full scope of the plan. The motion carried by the following vote:

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

MR. CRISPI WOOD appeared before the Council regarding estimates on the playground location formerly requested by him and a group of citizens in Brykerwood. The City Manager stated his figures were not complete, but he would probably have them ready by the next meeting of the Council.

The Council instructed the City Manager to make a study of the taxi-cab ordinance with the view of rewriting this ordinance so that all permits for taxi-cab drivers, taxi-cab operators could be granted by the City Manager and City Attorney; and that only appeals would come before the Council. The Council asked also that permits for the sale of wine and beer and liquor; and boat licenses be handled in the same manner. The City Manager referred this request to the City Attorney.

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 Southeast intersection of West 34th Street and Lamar Boulevard, which property fronts 95.81 feet on West 34th Street and 110 feet on Lamar Boulevard and is known as a portion of Lots 9, 10, and 11, Block 5 of the PennSubdivision of Outlot 75, Division D, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Humble Oil and Refining Company 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 Humble Oil and Refining Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The motion carried by the following vote:

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

Noes: None

The City Manager stated the application was in good order; but in view of the fact the ordinance on the 25' set-back on Lamar Boulevard had not been passed and in view of the fact that the above resolution would not comply with the ordinance when it is passed, that this request might be reconsidered and held pending passage of the proposed 25' set-back on Lamar Boulevard. Councilman Johnson moved that the Council reconsider granting the request of the Humble Oil and Refining Company for a filling station site at the southeast intersection of West 34th Street and Lamar Boulevard, and the resolution just passed be repealed and the permit not granted until the 25' set-back on Lamar Boulevard is finally established. The motion carried by the following vote:

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

Noes: None

MR. WALTER B. CAUGHRAN appeared before the Council with regard to the request of the Humble Oil and Refining Company at the Southeast corner of West 34th Street, inquiring about the proposed 25' set-back. He stated that if the gasoline pumps were back twenty-five feet, that would put the front of the building back forty feet, and his driveway would be hard to enter. He also stated there would be a canopy covering, and this would not block the visibility; and that there would not be permanent parking as there would be in front of stores. He was interested in getting this permit granted as soon as it could be worked out, as they wanted to get the station in operation as soon as Lamar Boulevard was finished, and they planned a \$25,000 station. The Council heard his request and promised an early answer on his request.

Councilman Long 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 lease or purchase from R. B. George Equipment Company, Inc., the equipment described in the contract, a copy of which is attached; and upon delivery of such equipment, he is hereby authorized and directed to execute such contract or one containing substantially the same provisions.

The motion 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 the City Council of the City of Austin hereby approves the erection and maintenance of a private boat dock and fishing pier on the property owned by Stanley P. Finch, as described in the Travis County Deed Records on the shore of Lake Austin and hereby authorizes the said Stanley P. Finch to construct, maintain and operate this private boat dock and fishing pier subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private boat dock and fishing pier after full compliance with all the provisions of this resolution. 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, fire and health regulations and the right of revocation is retained, if after hearing, it is found by the City Council that the said Stanley P. Finch has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The vote 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, 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 EAST AVENUE, from East 16th Street to East 19th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said EAST AVENUE.

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

(2) A gas main in East AVENUE, from a point 85 feet south of East 16th Street to East 19th Street, the centerline of which gas main shall be $10\frac{1}{2}$ feet east of and parallel to the west property line of said EAST AVENUE.

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

(3) A gas main in EAST AVENUE, from East 19th Street to Manor Road, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said EAST AVENUE.

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

(4) A gas main in EAST $20\frac{1}{2}$ STREET, from a point 76 feet west of Oldham Street easterly 146 feet, the centerline of which gas main shall be 16 feet north of and parallel to the south property line of said EAST $20\frac{1}{2}$ STREET.

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

(5) A gas main in EAST $20\frac{1}{2}$ STREET, from a point 112 feet east of Oldham Street easterly 346 feet to a point 13 feet south of north line of Hawthorne Street.

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

(6) A gas main in EAST AVENUE, from East $20\frac{1}{2}$ Street southerly 268 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(7) A gas main in EAST AVENUE, from a point 380 feet south of East 28th Street northerly to Concordia Avenue, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said EAST AVENUE.

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

(8) A gas main in EAST AVENUE, from a point 70 feet north of East 23rd Street north to East 24th Street, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(9) A gas main in EAST AVENUE, from East 30th Street to East 32nd Street, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(10) A gas main in EAST 30th STREET, from a point 29 feet west of East Avenue easterly 35 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 30th STREET.

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

(11) A gas main in EAST AVENUE, from Concordia Avenue southerly 725 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(12) A gas main in EAST AVENUE, from Concordia Avenue northerly 1890 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said EAST AVENUE.

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

(13) A gas main in EAST AVENUE, from East 38th Street southerly 250 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(14) A gas main in EAST AVENUE, from Crestwood Road Alley southerly 300 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said EAST AVENUE.

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

(15) A gas main in EAST AVENUE, from East 46th Street northerly 540 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(16) A gas main in EAST AVENUE, from East 49th Street southerly 505 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

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(17) A gas main in EAST AVENUE, from East 49th Street northerly 116 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said EAST AVENUE.

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

(18) A gas main in the INTERREGIONAL HIGHWAY, from East 51st Street southerly 600 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said INTERREGIONAL HIGHWAY.

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

(19) A gas main in EAST 51st STREET, from a point 55 feet west of Interregional Highway easterly 61 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said EAST 51st STREET.

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

(20) A gas main in the INTERREGIONAL HIGHWAY, from a point 10 feet south of East 50th Street southerly 205 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said INTERREGIONAL HIGHWAY.

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

(21) A gas main across EAST AVENUE at a location approximately 215 feet south of the south line of East 50th Street.

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

(22) A gas main in EAST 20th STREET, from a point 86 feet east of Coleto Street easterly 108 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 20th STREET.

Said gas main described above shall have a cover 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 Department of Public Works 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 be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion carried by the following vote:

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

Noes: None

Councilman Long 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 REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE CHANGING THE HEIGHT AND AREA DESIGNATION FROM ITS PRESENT HEIGHT AND AREA DISTRICT TO FIFTH HEIGHT AND AREA DISTRICT ON ALL THE LAND BOUNDED ON THE SOUTH BY THE NORTH STREET LINE OF WEST 24th STREET, ON THE EAST BY A LINE PARALLEL TO AND 150 FEET EAST FROM THE EAST STREET LINE OF LAMAR BOULEVARD, ON THE NORTH BY THE SOUTH STREET LINE OF WEST 45th STREET, AND ON THE WEST BY A LINE PARALLEL TO AND 150 FEET WEST OF THE WEST STREET LINE OF LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE HEIGHT AND AREA MAP 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 Long moved that it be passed to its second reading: The motion carried by the following vote:

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

Noes: None

The City Manager brought up the matter of the building at 34th and Lamar Boulevard being erected by James R. (Shorty) Allen. This building is erected on the property line, and is a traffic hazard and will not conform to the set-back regulations. Councilman Long moved that the City Manager be instructed to negotiate with Mr. Allen for the removal of the present building and setting back the required number of feet, to avoid the traffic hazard; and if no agreement is reached, to look into the possibility of the City purchasing this property if there can be a satisfactory agreement on the price; and if not, then possibly enter a condemnation suit. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Councilman Johnson moved that the Police and Courts Building location be settled and located on the property on East 5th Street, stating it was with that location in mind that the bond issue was voted on in 1946, and that that part of town had not had anything in the new building program. A discussion followed Councilman Johnson's motion. Councilman Johnson stated he believed that the City could get more money per front foot for the property it wanted to sell if it were established that the Police Building would be located on the other half. MAYOR GLASS stated he felt the Council should wait on voting on this, as the sale of this property would be more economical, and the Police Building could be located on the property on 4th and Guadalupe, which can not be used for anything other than for public purposes. The Mayor suggested waiting for the Attorney General's opinion regarding the use of this public square at 4th and Guadalupe. He brought out the fact that the east part of town had the Public Market, State Health Department, Central Fire Station, and might yet have the Police Building. The Mayor stated that locating the Police Building on this side of town would have other advantages, as it would be nearer the Municipal Building. The City Manager stated it would take the City Attorney from 90 days to six months to get the suit filed on this property on Guadalupe and 4th. Councilman Long moved that the City Manager instruct the City Attorney to file suit at the earliest possible date to establish the title on this land, and to proceed with haste. Councilman MacCorkle second the motion, and Councilman Johnson stated he would not call for a vote on this motion at this time. The motion of Councilman Long, duly seconded, carried by the following vote:

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

Councilman MacCorkle stated that in 1941 the retirement system for City employees was passed, and that the State now had passed an act and amendment in the Legislature, which the experts deem as a good plan of retirement; and he would like to have the City retirement ordinance compared with the plan of the State's. He brought out that at this time the City plan did not provide for inability if an individual was injured, and that he thought there were provisions in the State act that were well worth considering. Councilman MacCorkle moved that the City Manager be instructed to make a study of the two retirement plans--the city and the state--and to compare them and to make a recommendation of his study to the Council. The motion carried by the following vote:

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

The following application for change of zoning, after having been referred to the Zoning Board for consideration and recommendation, was advertised for public hearing at 10:00 A. M. this date:

JACK STABLEFORD 1009 West 11th Street

From "B" Residential
To "C" Commercial
RECOMMENDED by the Zoning
Board of Adjustment

MR. JACK STABLEFORD appeared before the Council in his own behalf on this request. MRS. DALTON RICHARDSON appeared in protest, stating that on used-car lots, horns would get started blowing and blow all night until the batteries ran down. She stated boys would get in the cars and start the horns. She further stated that this type of development would not enhance her residential property, as no one would want to live so near commercial development. MR. STABLEFORD stated it might be that some of his employees would be interested in living near their places of employment, and that her property would not depreciate as residential; and that he intended to keep all the cars locked at night for his own protection in order to keep down prowlers and pranksters from starting the horn blowing. Councilman Drake moved that the recommendation of the Zoning Board be upheld and that the requested change granted. The motion carried by the following vote:

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

The City Manager was instructed to have the Police Department watch this area and stop the horn blowing at night.

The following applications for change of zoning had been deferred from the previous meeting to be voted upon at this meeting:

A. F. DELONEY 3501-3512 Lakeside
Boulevard

From "A" Residential
to "B" Residential
RECOMMENDED by the Zoning
Board of Adjustment.

and
3501-3509 Mills Avenue

From "A" Residential
To "C" Commercial
NOT Recommended by the Zoning
Board of Adjustment.

Councilman Johnson moved that the Council uphold the recommendation of the Zoning Board and grant the requested change at 3501-3512 Lakeside Boulevard from "A" Residential to "B" Residential. The motion, duly seconded, carried by the following vote:

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

Councilman Long moved that the Council not uphold the recommendation of the Zoning Board and grant the requested change on 3501-3509 Mills Avenue from "A" Residential to "C" Commercial. The motion failed to carry by the following vote, and the requested change was denied.

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

HENRY WENDLANDT	1902-04 Lake Austin	From "A" Residential
for K. R. MEYER	Boulevard	To "C" Commercial
		NOT Recommended by the Zoning Board.

The Council deferred action on this at a previous meeting to be considered at the meeting of this date. In further consideration of this application, it was brought out that Mr. Meyer had no plans for Commercial development other than erecting bill boards, and the Council decided to defer action on this request until a later date.

Councilman Long moved that the following application be referred to the Zoning Board of Adjustment for consideration and recommendation:

E. AHLGRIMM, Agt.		From "A" Residential
for H.H. LENTHE	909 East 48th St.	To "C" Commercial

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

HERMAN JONES, Attorney, filed the following application for Motion for Rehearing on the application of W. A. DARNWELL and JACK H. KEY for change of Zoning of Lot 24, Blk. 9, Rosedown Addition, at the intersection of Hancock Drive and Burnet Road, from "C" to "C-1":

"Now comes W. A. Darnwell and Jack H. Key, hereinafter called 'APPLICANTS' and present this their Motion for Rehearing on the above application, and in support thereof Applicants respectfully show:

"On the 14th day of July, 1949, the City Council of the City of Austin held a hearing on the above application which, by order dated June 7, 1949, had been unanimously recommended by the Board of Adjustment of the City of Austin. Following such hearing, the Honorable City Council voted not to follow the recommendation of the Board of Adjustment.

"In the course of the hearing before the City Council, there developed numerous conflicts between the statements and representations made by the Applicants and those presented to the Council by persons protesting the application. Applicants earnestly urge that the Council should not determine this application until such conflicts have been resolved and the facts with reference thereto definitely decided.

"In this connection, Applicants emphasize specifically that there was presented to the Council material differences with reference to the distances between Applicants' location and numerous other properties, particularly churches, Rosedale Elementary School and various private residences. It is the position of these Applicants that the action of the Council probably was influenced by a misunderstanding of certain facts involved in this application, and we respectfully urge that these Applicants be afforded an opportunity to present to the Council the actual and irrefutable facts pertaining hereto in order that the final action of the Council herein may be grounded upon facts rather than opinions and estimates. Applicants believe that only in this way can the Council's decision herein be an intelligent one and deal fairly with all of the parties interested in this application.

"Applicants would show that the facts referred to herein, especially the distances mentioned above, were not presented by Applicants to the Council at the hearing on July 14, 1949, because Applicants considered the locations involved so far removed from Applicants' place of business that they would not be material in the consideration of this application; however, since these locations were injected in the hearing by those protesting the application, it is the feeling of the Applicants that they should be permitted to present to the Council all of the facts pertaining to such locations to the end that conjecture and speculation may be removed and the Council will have available to it factual information upon which to ground its decision herein.

"By presenting this Motion for Rehearing, it is not the purpose of the Applicants unduly to extend the Council's consideration hereof nor to re-open arguments with reference to the application, but the sole and only purpose of this motion is to make it possible for Applicants to present to the Council additional evidence which we believe will assist the Council in its final determination herein.

"WHEREFORE, Applicants respectfully request that this Motion for Rehearing be granted, that the Council's action of July 14, 1949, be set aside and that a further hearing be held hereon at which the parties interested herein will be permitted to present to the Council only evidence not heretofore heard."

The Council received the motion for rehearing, and the Council was of the opinion it had all the facts in mind at the time the vote was taken. Councilman Long moved that the case not be reopened and no rehearing granted. The motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilman Johnson, Long, MacCorkle, Mayor Glass
Noes: Councilman Drake

Councilman Long moved that the following Taxi-cab Operators' Licenses, duly recommended by the City Manager, be approved:

PARK, Jesse James, Sr.	1400 Newning	1948 4-door Chevrolet Sedan, Motor No. FAA39801, License No. KL9636
OWENS, Walter	1311 W. 6th	1946 4-door Chevrolet, Motor No. DAA-78207, License No. KK6456

The motion, duly seconded, carried by the following vote:

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

Councilman Long moved that the following Taxi-cab Drivers' permits duly recommended by the City Manager be granted:

DORAN, J. W.	310 Willow Street
COMER, Charles Hampton	1300 San Jacinto
DAVIS, Otho Kenneth	P.O.Box 4024 - 617 West 37th Street

The motion, duly seconded, carried by the following vote:

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

The application of ALFRED ARNOLD, 2101 E. 9th St., was submitted for reconsideration by the Council. This application had previously been revoked, resubmitted; and on June 16, 1949, the Council again denied the permit. Councilman Drake moved that the application again be NOT GRANTED. The motion, duly seconded, carried by the following vote:

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

Councilman Drake moved that the following applications for Beer and Wine Permits, duly recommended by the City Manager, be granted:

CHEF GRILL, A. C. Wersebe	120 East 7th Street
WING ON CAFE, Lee Ser Lea	319 East 6th Street

The motion carried by the following vote:

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

Councilman Drake moved that the following application for Beer Permit, duly recommended by the City Manager, be granted:

RED ROSE BAR, Macedonio Ruiz	1618½ East 6th Street
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The motion carried by the following vote:

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

Councilman MacCorkle moved that the following applications for boat licenses, duly recommended by the City Manager be granted:

FOWLER, WICK	Skiff	Bee Caves Road
BRUNETTE, William M.	Row Boat	1908 Wichita
MORELAND, Clint	Plywood Flat Bottom	5404 Jeff Davis Avenue

The motion carried by the following vote:

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

The City Manager presented the following tabulation of bids on Additions and Alterations to the Municipal Building:

BID TABULATION
GENERAL CONSTRUCTION
ALTERATIONS & ADDITIONS TO MUNICIPAL BUILDING
AUSTIN, TEXAS

Bids opened
10:00 A.M.
City Council
Room July 12,
1949

Bidders	Base Bid	Alt. #1 Omit Asphalt Tile	Alt. #2 Add Stone	Alt. #3 Cast Iron Spandrels	Check or Bond
J. M. Odom	40,626.00	- 800.00	+1487.00	+801.00	Check \$2150.00
Moore Construction Co.	37,370.00	-1252.00	+ 350.00	+800.00	Bond \$3000.00
Rex D. Kitchens	41,211.00	- 990.00	+1366.00	+650.00	Bond \$2500.00
Yarbrough Constr. Co.	37,877.00	- 850.00	+1150.00	+775.00	Bond \$3000.00
John Broad Constr. Co.	43,557.00	- 850.00	+1100.00	+700.00	Bond \$2500.00
Bill Tarver	40,837.00	- 935.00	+1085.00	+350.00	Bond \$2500.00

BID TABULATION
MECHANICAL CONSTRUCTION
MUNICIPAL BUILDING, AUSTIN, TEXAS

Bids opened 10:00AM
City Council Room
July 12, 1949

Bidders	Heating & Air Cond. Constr.	Electrical Constr.	Check or Bond
J. R. Reed	9,824.00		Check \$495.00
Sebastian-Fulcher			
Capitol Air Conditioning	12,195.00		Bond \$625.00
Air Conditioning & Refrigeration			
Climate, Inc.	9,300.00		Bond \$600.00 No Freon
Air Conditioning, Inc.	10,495.00		Check \$750.00
Young & Pratt	10,968.00		Bond \$750.00
Fox-Schmidt		8,072.00	Check \$410.00
Dean Johnston		7,025.00	Check \$400.00
Nozick Electric Co.		8,422.00	Bond \$425.00
Paul Wright Electric Co.		6,073.00	Bond 5%
O. H. Cummins Electric Co.		5,972.00	Check \$350.00
W. K. Jennings Electric Co.		6,444.00	Bond \$400.00
Bert Williams Electric Co.		6,255.00	Bond \$313.00

July 12, 1949

Re: Bids on Additions & Alterations to
Municipal Building, Austin, Texas

Dear Mr. Morgan:

Bids for additions and alterations to the Municipal Building were received today as scheduled at 10:00 A.M. in the City Council Room. Enclosed you will find a tabulation of general, electrical and heating & air conditioning proposals. We wish to recommend that contracts be awarded to low bidders as follows:

Moore Construction Co., Gen. Construction	\$37,370.00
Climate, Inc., Heating & Air Conditioning	9,300.00
O. H. Cummins Electric Co., Electrical	<u>5,972.00</u>
Total	\$52,642.00
	<u>1,150.00</u>
	\$ 53,792.00

With reference to the general bids, Alternate #1 is for the omission of asphalt tile floor covering (leaving a cement finish floor), Alternate #2 is for the addition of stone instead of brick to the east face of the new addition, and Alternate #3 is for the addition of cast iron spandrels between the second and third floor windows of the east face of the new wing. It is suggested that you may wish to accept Alternate #2 at an additional cost of \$350.00, which is much lower than any other bidder proposed. If you wish to make the east face of the new wing identical with the east face of the present frontwing, you should accept Alternate #3 providing for cast iron spandrels.

The low bidder on heating and air conditioning stated in his bid that he did not propose to furnish any new freon, which was his interpretation of the specifications. This point was not covered specifically, and there may be some room for disagreement about it. He has since given me a letter stating that he will furnish freon necessary for the new equipment only (assuming the present system is fully charged) for an additional sum of \$185.00. He also stated that if the City has their own supply of freon, or wishes to purchase it, which they no doubt do from time to time, he will put it in at no cost over the base bid. We suggest the latter procedure be followed.

It is recommended that we be allowed to return all bid bonds and checks except those of the two lowest bidders in each case. After the award has been made and the contracts executed, we will then return the remaining ones.

If you wish, we will be glad to prepare the contracts and performance bonds on A. I. A. standard forms for execution.

Very truly yours,

PAGE, SOUTHERLAND & PAGE

By /s/

Louis F. Southerland

The City Manager outlined the tabulation, and listed the Moore Construction Company as being low at \$37,370.00; Climate, Incorporated, low at \$9,300.00 for heating and airconditioning; and the electrical work by Cummins Electric Company, low at \$5,972.00. The City Manager listed three alternates as follows:

1. The asphalt floor could be omitted at a \$1,200 reduction, but he recommended leaving the asphalt floor.
2. The addition of stone on the east end of the addition, at an additional cost of \$350.00
3. The addition of cast iron spangles in the east end would add \$800.00 to the original estimate.

He recommended the asphalt floor, but in view of the fact that the building might be enlarged further within the next ten years, he did not recommend the stone on the east end, nor the spangles. There was much discussion as to matching the new part with the rest of the building. Councilman Johnson moved that the City Manager be instructed to award the contract to the lowest bidders on the addition of the Municipal Building; and that the stone be added on the east end at the extra cost of \$350.00, but that the spangles be omitted. The motion was duly seconded, and carried by the following vote:

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

There being no further business, the meeting recessed subject to the call of the Mayor.

APPROVED

Taylor Glass
Mayor

ATTEST:

Elie Woosley
Acting City Clerk