

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 7, 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

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.

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 final plat of the subdivision known as "Walker Heights", approved by the City Plan Commission of the City of Austin on November 20, 1950, 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.

The motion, seconded by Councilman MacCorkle, 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)

WHEREAS, on February 26, 1926, in Cause No. 41,920 in the District Court of Travis County, Texas, the City of Austin obtained a judgment against W. J. Daugherty for taxes, penalty and interest on the property hereinafter described; and

WHEREAS, the taxes, penalties, interest and court costs involved in said suit have been fully paid; Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized to execute a release to the said W. J. Daugherty covering the property described as follows:

Lot 18, Outlot 23 $\frac{1}{2}$, Division D, Horst Subdivision,
in the City of Austin, Travis County, Texas.

Which motion, seconded by Councilman Long, 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, Southern Union Gas 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 Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas main in and upon the following streets:

(1) A gas main in MAPLEWOOD AVENUE, from the north property line of East 38 $\frac{1}{2}$ Street southerly 7 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 MAPLEWOOD 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 38 $\frac{1}{2}$ STREET, from Maplewood Avenue easterly 54 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 38 $\frac{1}{2}$ STREET.

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

(3) A gas main in RIVERVIEW STREET, from Anthony Street westerly 135 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south property line of said RIVERVIEW STREET.

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

(4) A gas main in DIAZ STREET, from a point 438 feet east of Pedernales Street easterly 45 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 DIAZ 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 4th STREET, from San Saba Street easterly 51 feet, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said EAST 4th STREET.

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

(6) A gas main in EVANS AVENUE, from a point 18 feet north of East 55th Street northerly 150 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 EVANS AVENUE.

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

(7) A gas main in MULLEN DRIVE, from Anderson Lane southerly 178 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 MULLEN DRIVE.

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

(8) A gas main in MERIDEN LANE, from West 8th Street northerly 75 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 MERIDEN LANE.

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

(9) A gas main in EAST 16th STREET, from a point 147 feet west of Singleton Avenue westerly 75 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 16th STREET.

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

(10) A gas main in SWISHER STREET, from East 23rd Street northerly 128 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 SWISHER STREET.

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

(11) A gas main in CRESTWAY DRIVE, from Ridge Oak Drive westerly 432 feet, the centerline of which gas main shall be $5\frac{1}{2}$ feet north of and parallel to the south property line of said CRESTWAY DRIVE.

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

(12) A gas main in RIDGE OAK DRIVE, from a point 46 feet north of the south property line of Lot 3, Block 5, Highland Park West, southerly 245 feet, the centerline of which gas main shall be $5\frac{1}{2}$ feet east of and parallel to the west property line of said RIDGE OAK DRIVE.

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

The Southern Union Gas 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 Southern Union Gas 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 Southern Union Gas 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 fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, seconded by Councilman Johnson, 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)

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

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

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

(1) An underground telephone conduit in WEST LYNN STREET from West 10th Street to West 12th Street, the centerline of which underground telephone conduit shall be 22 feet east of and parallel to the centerline of said WEST LYNN STREET.

(2) An underground telephone conduit in EAST 5th STREET from a point 30 feet north of the south property line of East 5th Street at Chicon Street easterly to a point 25 feet north of the south property line of East 5th Street at Pedernales Street.

(3) An underground telephone conduit in EAST 5th STREET from a point 25 feet north of the south property line of East 5th Street at Pedernales Street easterly approximately 150 feet to a point 12 feet north of and parallel to the centerline of said EAST 5th STREET.

(4) An underground telephone conduit in EAST 5th STREET from a point approximately 85 feet east of Pedernales Street easterly to Springdale Road, the centerline of which underground telephone conduit shall be 12 feet north of and parallel to the centerline of said EAST 5th STREET.

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

Which motion, 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 W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute in behalf of the City of Austin a deed conveying to W. C. Blundell a certain tract of land consisting of 4,318 square feet out of Block 3 of Plainview Heights, a subdivision of Outlot 20 and a portion of Outlot 21, Division "C" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Plainview Heights being of record in Book 2 page 214 of the Plat Records of Travis County, Texas, in consideration of the payment by the said W. C. Blundell to the City of Austin of the sum of \$2,000.00 in cash, said tract of land being described by metes and bounds as follows:

BEGINNING at an iron stake at the point of intersection of the west line of the Interregional Highway with the north line of the said City of Austin tract, and from which iron stake another iron stake at the point of intersection of the west line of the Interregional Highway with the south line of East 38th Street bears N. 30°28' E. 64.44 feet;

THENCE with the west line of the Interregional Highway, S. 30°28' W. 62.33 feet to an iron stake on the south line of the said City of Austin tract of land;

THENCE N. 60°02' W. 69.28 feet to the southwest corner of the said City of Austin tract;

THENCE N. 30°28' E. 62.33 feet to the northwest corner of the said City of Austin tract;

THENCE with the north line of said City of Austin tract, S. 60°02' E. 69.28 feet to the point of beginning.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a sanitary sewer easement was dedicated to the public by an instrument dated October 24, 1949, recorded in Volume 948 at pages 235-237, of the Deed Records of Travis County, Texas, a portion of which is hereinafter described; and

WHEREAS, a portion of said sanitary sewer easement is not now needed

and hereafter will not be required by the City of Austin; Now, Therefore,

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 execute to Aubrey Joe DeWitt and wife, Kathryn DeWitt, a release of the portion of such easement described as follows:

Three hundred twenty-seven (327) square feet of land, same being out of and a part of Lot 6 of Block 2 of Ward and Treadwell Subdivision, a resubdivision of a portion of Westfield "A", a subdivision of a portion of the George W. Spear League in Travis County, Texas, according to a map of said Ward and Treadwell Subdivision of record in Book 4 at page 90 of the Plat Records of Travis County, Texas, a map or plat of said Westfield "A" being of record in Book 3 at page 107 of the Plat Records of Travis County, Texas, and also being a portion of that certain easement across Lots 3, 4, 5, and 6 of Block 2 of said Ward and Treadwell Subdivision which was granted to the City of Austin by instrument dated October 24, 1949, of record in Volume 948, at pages 235-237 of the Deed Records of Travis County, Texas, which 327 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the point of intersection of the north line of said Lot 6 with the east line of the above mentioned easement, the east line of said easement being a curve whose intersection angle is $25^{\circ} 08'$, whose radius is 244.30 feet, and whose tangent distance is 54.46 feet; and from which iron stake at the point of beginning another iron stake on the northwest corner of said Lot 6 bears N. $59^{\circ} 59' W$. 52.28 feet;

THENCE following said curving line to the right an arc distance of 101.34 feet to an iron stake on the point of tangency of said curve;

THENCE with the chord of the aforementioned arc, N. $18^{\circ} 09' E$. 100.61 feet to the point of beginning, and being that area lying between the chord and the arc of the curving east line of that portion of the aforementioned easement which traverses Lot 6.

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

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

Councilman MacCorkle moved that the following application for change of zoning be set for public hearing, 11:00 A.M., January 11, 1951:

CECIL H. HALE

Lot 7, Templer Lots, located on the south side of West Gibson Street between South Lamar Boulevard and the I.&G.N. Railroad, locally known as 1101 West Gibson.

From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment on November 28, 1950.

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

MR. WALTER KOCH appeared before the Council making inquiry about securing sidewalks leading to the Casis School which will open in a few weeks. It was brought out in his discussion that the concrete contractors did not want to do the work of signing the property owners up for the sidewalks. The City Manager suggested that the City might furnish a contact man for this purpose. It was suggested that a sidewalk area be set aside and graded; and possibly the right-of-way of the subdivision leading to this School be graded; and later, as people desired, the sidewalks could be paved. The opening of Hillview Avenue was also discussed. The Mayor suggested that estimates be prepared as soon as possible as to what the costs would be, and he suggested that the grading of the sidewalks be done first, and later see how many could be signed up for the paving. The Mayor also suggested that plans for opening of Hillview be started, connecting it with the present street even if it meant cutting down some trees. Councilman Long made inquiry about the sidewalks around Zilker School, and requested that recommendations about sidewalks leading to all the schools be submitted, so a policy could be worked out. The City Manager stated the Planning Commission was now making a study of this and was getting data from other Cities pertaining to this.

MR. JUDSON WISE, representing the Republic National Life Insurance Company made inquiry about their bid for the City insurance, and stated that Mr. Jordan from the Dallas office was here to clarify any misunderstandings about their bid. It was brought out that his company did not meet the specifications, and that the proper procedure would be for them to go before the insurance committee and present their problem to the committee. Councilman Long inquired if it would be proper after all bids had been opened to reconsider other bids which had been ruled out. It was stated it might be a matter of clarification, and MR. WISE was again asked to talk with the insurance committee about his bid.

A discussion was held on the Civil Service Commission's request that some provision be made for leaves of absence for policemen and firemen who go into the Armed Services. Different ideas were expressed as to whether this leave would apply to men called into the Army only or if it would apply to volunteers. The City Manager suggested if a man were subject to Selective Service and volunteered, it should be granted him. The Mayor felt that this leave should apply to all who entered the services, even though they were not subject to call, but went ahead and volunteered. It was his belief that there would not be a crippling amount of key men requesting leave under this condition. The City Attorney stated there

should be some declaration by ordinance to assure these men of their places when they return, as there is no provision in the state law by which they could go on leave of absence. The City Attorney was requested to draw up an ordinance to cover leave of absence of all men or women entering the military service.

The City Manager submitted his recommendation that pay stations be installed in different sections of the city for the payment of utility bills, stating the City would pay three cents per bill collected through the pay-stations; and the personnel of the pay-stations would be bonded. After discussion, Councilman Johnson moved that the City Manager be instructed to set up twelve pay-stations to start out with, for collecting the water and light bills, and to report back to the Council the locations of these stations for final approval. The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager reported that the Schools had asked that the South Austin site be brought into the City limits. He stated he would have more to submit at a later meeting.

Councilman Johnson moved that a public hearing be set at the regular meeting of the City Council on December 21, 1950, for consideration of the budget for the year 1951. The motion, seconded by Councilman Long, carried by the following vote:

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

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

McCANDLESS HOMES, INC.	100 Block West Koenig Lane 100, 200, & 300 Block E. Koenig Lane	From "A" Residence To "C" Commercial
JOE THOMAS	1501-03 East 7th Street	From "A" Residence To "C" Commercial

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

ATTEST:

Elsie Woosley
City Clerk

APPROVED

Mayor
Mayor

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 14, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, Mayor Glass
Absent: Councilman Drake

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

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 MacCorkle, the motion was unanimously adopted by the Council and the minutes so approved.

MR. CHARLES WEST, Public Affairs Committee, Junior Chamber of Commerce, appeared before the Council asking permission to use the fire stations during the month of January to help in their campaign "Pay Your Poll Tax." He stated the fire stations were used last year for about ten days. At the fire stations, there are firemen who are notaries who could handle that part of it. He asked for permission for the month of January--from January 2nd to January 31st. Councilman Long moved that the Junior Chamber of Commerce be given permission to use the fire stations with the help of the firemen in their "Pay Your Poll Tax" Campaign from January 2, 1951, to January 31, 1951. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Mayor Glass read the following memorandum from the City Manager:

"December 13, 1950

"MEMORANDUM

"To: Honorable Mayor and City Council Members
 From: W. E. Seaholm, City Manager
 Subject: Hospitalization Insurance for City Employees

"Considerable study has been given to the bids received for Employee Hospitalization by the Employee Committee, Max Werkenthin, consulting actuary for the City, and myself. It is difficult to make a definite statement saying that one company has lower bid than another, because of the variable factors which can change the rates paid by the City and the employees for their dependents.

"Herewith, (estimated on a monthly basis), is a tabulation which was used to determine the best bid, and it will give you some idea of the three best bids received. This tabulation is based upon the following assumption:

"City employees participating in the program 1,472
 Employees with One Family Member in the program 3,094
 Employees with two or more Family Members in the program. 4,123

- (A) Connecticut General Life Insurance Co.
 (B) California-Western States Life Ins.Co.
 (C) American Hospital & Life Insurance Co.

COMPANY:	(A)	(B)	(C)
Gross Premium to be paid by City.....	\$5,434.68	\$5,976.47	\$6,609.43
Gross Premium to be paid by Employees for dependents.....	3,946.14	3,513.68	4,247.45
Total Gross Premiums	\$9,380.82	\$9,490.15	\$10,856.88
Less 12 percent for Company "C"			1,302.72
			\$ 9,554.16
Percentage retention for handling business.....	(9.7%) 909.93	(12.44%) 1,180.57	(20%) 1,910.83
Net Premium for both City & Employees	\$8,480.89	\$8,309.58	\$ 7,643.33
Assumed Loss.....	7,000.00	7,000.00	7,000.00
Cash Return to City for good exper- ience.....	\$1,480.89	\$1,309.58	\$ 643.33
Gross Premium to be paid by City.....	\$5,434.68	\$5,976.47	\$ 5,816.00
Less Cash Return to City.....	1,480.89	1,309.58	643.33
Net estimated Monthly Cost to City	\$3,953.79	\$4,666.89	\$ 5,172.67

"Local companies having Group Insurance are as follows:

CONNECTICUT GENERAL LIFE INSURANCE COMPANY

Stephen F. Austin Hotel
Jack Stableford Pontiac Company
Sears, Roebuck and Company
Austin Transit Company
Alex Ferris Company
Motion Picture Operators Union of Austin

Payment of Claims: All claims may be paid from the Connecticut General Life Insurance Company branch office located in San Antonio, Texas. All group life, hospital and surgery benefit claims will be paid within 24 hours of the time the claim forms, hospital bills and cost of surgery are received by that office. Or claim office may be set up in City organization and the City pay their own claims.

CALIFORNIA-WESTERN STATES LIFE INSURANCE
COMPANY

Lower Colorado River Authority
Lockhart Creamery
Superior Dairies

Payment of Claims: Should this company be successful in securing the City of Austin case, a claim department would be opened in Austin.

AMERICAN HOSPITAL & LIFE INSURANCE COMPANY

Over 100 groups in the Austin area. Some are:

Austin National Bank
Capital National Bank
Woodward Manufacturing Company
Polar Ice Cream Company
Department of Internal Revenue

Payment of Claims: Offices in the Littlefield Building have been established since 1940, and are equipped to handle claims, inquiries, changes of names, beneficiaries, conversions, etc. Company is authorized to pay claims locally and without delay.

From the information given here and the recommendations of the Employee Committee and Mr. Werkenthin, I recommend the Connecticut General Life Insurance Company to carry the City employee insurance.

(S) W.E. Seaholm
W.E. SEAHOLM
City Manager

(Proposals of each of the three companies mentioned above are on file in the City Clerk's Office under INSURANCE)

Discussion followed the reading of this memorandum. Councilman MacCorkle was interested in the service angle. He thought perhaps the Company would want to establish a claim office here. The Manager of the Connecticut General stated the company could give 24-hour service out of San Antonio; and that to establish a claim office in Austin would entail an operating expense which would affect the rate. He felt that any claim could be handled out of San Antonio just as quickly as it could be from a local office. It was the thought of the Committee Chairman, Harold Robinson, that this company was still the low bidder even considering a local claim office. MR. E. M. KING, Western Reserve Life Insurance Company, stated their bid came second, but they were not considered. It was explained that his company did not meet the specifications, in that his company did not consider the age up to 65, but only 60. MR. TED THOMPSON stated he did not realize the City was going to be so strict on the specifications, and he felt that Western Reserve was a local company, with all facilities right here; that the personnel of the Company lived in Austin and contributed much to Austin, and he asked that the Council not take any action on the bids; but to review the whole matter. It was explained to Mr. Thompson that representatives of the Company had had conferences with the Insurance Committee and were fully aware of the specifications, but they did not revise their bid to meet the specifications and consequently were not considered. The City Manager thanked the Insurance Companies for their cooperation and for the information and guidance of all the companies in working up the specifications and helping the committee. The Mayor thanked the Insurance Committee for working so hard and getting the information. Councilman Long moved that the Council accept the bidder as recommended by the Insurance Committee and the City Manager, the CONNECTICUT GENERAL LIFE INSURANCE COMPANY and authorize the City Manager to enter into the contract with the company for the insurance. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Drake

In the discussion about the insurance above, it was stated by Mr. JOHN HARRISON that the insurance could be effective at any time the City saw fit; but the certificates would be delayed about two weeks, as it would take about that time to get them out to the employees. After the Company got the bulletins out it would be able to write up the employees' families; but claims on the employees would be covered January 1st if the Council desired.

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

A. D. CARTER

4813-19 Airport Blvd.

From "A" Residence

To "C" Commercial

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 on behalf of the City of Austin with A. Roy Thomas and E. C. Thomas, for the laying of certain sanitary sewer mains and other sewer pipes in Walker Subdivision, in accordance with the terms and provisions of a 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 |

KNOW ALL MEN BY THESE PRESENTS:

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 for convenience sometimes called the City, and A. Roy Thomas and E. C. Thomas of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H:

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Walker Subdivision on the streets and easements at the locations described as follows:

Six-inch (6") concrete sanitary sewer main in Alegria Road from existing main to Laird Drive thence northerly along Laird Drive to Lot 1 of Walker Heights Subdivision, a distance of approximately 285'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Six Hundred Forty Seven Dollars (\$647.00), and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish sanitary sewer to him, agrees to deposit the sum of Six Hundred Forty Seven Dollars (\$647.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully

completed, but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work. All such construction work, or any part thereof, may be sublet by the City of Austin by contract or subcontract at prices or unit prices approved by the Customer.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work, and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraphs II and IV above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, described above for the period of time immediately preceding the first day of January, 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 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 customers having a direct connection with said water mains and sewer lines until the total amount of the cost of construction of the utility improvements has been repaid, but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer, and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of

said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

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.

IX.

It is agreed that the City of Austin may at its option retain any part of all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin 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 its City Clerk, with its corporate seal affixed, and the said A. Roy Thomas and E. C. Thomas has executed this instrument in duplicate this the _____ day of _____ 1950.

CITY OF AUSTIN

ATTEST:

City Manager

City Clerk

APPROVED:

Superintendent of Water Dept.

Director of Public Works

City Attorney

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Drake

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 property situated on the north side of East 5th Street as a private gasoline plant, which property is owned by Acock Laboratories, LTD., and is designated as being 200'x275' unplatted part of Outlot 12, Division A, in the City of Austin, Travis County, Texas, and hereby authorizes Acock Laboratories, LTD., through Robert H. Acock to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated 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 operation of this private gasoline plant 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 Robert H. Acock has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 14, 1950

Mr. Walter Seaholm
City Manager
Austin, Texas

Dear Sir:

"I, the undersigned, have considered the application of Acock Laboratories, LTD, through Robert H. Acock, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 5th Street, which property is designated as being 200'x275' unplatted part of Outlot 12, Division A, in the City of Austin, Travis County, Texas, and locally known as 2700 East 5th Street.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or

receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4). That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector "

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Drake

Councilman MacCorkle 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 the intersection of Duval Street and East 43rd Street which property fronts 75 feet on Duval Street and 120 feet on East 43rd Street and being known as a portion of Outlot 15, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Joe O. Prowse, 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 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 Joe O. Prowse has failed and refused, and will continue to fail and refuse to perform any such condition, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 12, 1950

Mr. Walter Seaholm
City Manager
Austin, Texas

Dear Sir:

"We, the undersigned, have considered the application of Joe O. Prowse 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 corner of the intersection of Duval Street and East 43rd Street, which property fronts 75 feet on Duval Street and 120 feet on East 43rd Street, and being known as a portion of Outlot 15, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Joe O. Prowse 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 is a storm sewer in East 43rd Street on the opposite side of the street from the above location.

"We recommend that Joe O. Prowse 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.

(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-C-1407.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-1407 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,
C. G. Levander
Director of Public Works

(Sgd) J. C. Eckert
Building Inspector

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

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

Councilman Drake, at this point, enters the Council Room, and takes his place at the table.

The City Manager presented the following recommendations from the Superintendent of the Water Department, with his approval:

"Bids were received on the laying of 16,636' of 36" Concrete Cylinder Pipe Fittings and Valves at 10:00 A.M., December 12th, at the office of Albert R. Davis, Water Superintendent. The bids were opened and read in the Council Chamber. All bidders furnished the required bid bond and all bids were acceptable. The following total prices were quoted:

H. B. Zachry Company	\$125,653.72
Collins Construction Company of Texas	133,031.32
E. E. Farrow Company	139,451.40
Joe Bland Construction Company	146,208.00
Karl B. Wagner	148,111.00
Holland Page	165,861.00
R. W. Smith Construction Company	185,784.42
S. B. Ricks	205,358.92
George Consolidated	223,517.80

"Attached hereto is a complete tabulation of the bids. The low bid was submitted by H. B. Zachry Company of San Antonio; his completion date was set at April 15, 1951. This Company has a high financial rating also has adequate equipment and trained personnel to carry on the work on which he has bid.

"It is my recommendation that the low bid of the H. B. Zachry Company on the laying of the pipe valves and fittings be accepted."

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has advertised for bids for the laying of 16,636 feet of 36" water pipe and fittings, recently purchased; and

WHEREAS, on December 12, 1950, bids were received and opened by the City for the laying of such water pipe and fittings, such bids being as follows:

H. B. Zachry Company	\$125,653.72
Collins Construction Company of Texas	133,031.32
E. E. Farrow Company	139,451.40
Joe Bland Construction Company	146,208.00
Karl B. Wagner	148,111.00
Holland Page	165,861.00
R. W. Smith Construction Co.	185,784.42
S. B. Ricks	205,358.92
George Consolidated	223,517.80

and

WHEREAS, the bid of H. B. Zachry Company of San Antonio in the sum of \$125,653.72 was the lowest and best bid, and the acceptance of such bid has been recommended by the Superintendent of the Water Department of the City and the City Manager; Now, Therefore,

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

That the bid of H. B. Zachry Company be and the same is hereby accepted, and W. E. Seaholm, City Manager, is hereby authorized and directed to enter into a contract with the said H. B. Zachry Company for the laying of said main.

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

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

Mayor Glass introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CRAWFORD AVENUE ALLEY FROM WEST 35th STREET TO WEST 37th STREET, WHICH ALLEY TRAVERSES BLOCK 15, GLENRIDGE ADDITION, AS SHOWN ON A PLAT OF SAID SUBDIVISION OF RECORD IN PLAT BOOK 1, PAGE 65, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BUT RETAINING EASEMENTS IN SAID ALLEY FOR ALL PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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, 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 Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

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

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, 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.

Pursuant to public hearing thereof, the following applications for change of zoning were publicly heard:

<u>M. A. & R. G. KNIPFA</u>	2313-33 East 5th	From "D" Industrial To "E" Industrial RECOMMENDED by the Zoning Board of Adjustment
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MR. FRANK ERWIN represented the applicants, stating they wanted to have a meat processing plant, which would be a very scientific design; that there would be no bad odors from the plant, as all their operations would be done in a scientific manner. He stated there would not be any animals except for a few hours at a time, as they would be kept at the stockyards. Opposition was expressed by Mrs. Thomas B. Allen, 601 Allen, Mrs. C. F. Brown, East 5th Street; Mr. and Mrs. M. R. Withers, 509 Allen, and others, protesting the location of a meat processing plant so near their homes. After discussion Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted, and the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

HENRY CAIN

3009 Lamar Boulevard

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Board of Adjustment

MR. AND MRS. GREENWOOD WOOTEN, 903 West 31st Street, appeared in opposition to the change, as they had just purchased a beautiful home just two lots east of this location. A gentleman living at 1012 West 32nd Street appeared stating the place as was now was an eye-sore, and that Mr. Cain was going to build a nice little building there, and he, having lived in the neighborhood since 1906, was favoring the change to give the man a chance to improve the property. He felt that most people knew that Lamar Boulevard was being changed to commercial in many places. MR. HENRY CAIN was not present at this hearing, and the Council decided not to take any action on this application until Mr. Cain was requested to be present, and they postponed this hearing until the following week, December 21st.

C. B. HAHN & ADA 3701-07 East Avenue
BELLE ONION

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Board of Adjustment to
include additional property
also.

MR. E. H. WAINWRIGHT representing C. B. HAHN and ADA BELLE ONION, stated after East Avenue were completed, this location would not be suitable for homes, and they desired to change their four lots to commercial. Opposition was spoken by MRS. J. T. CROISDALE, stating her opinion that changing this property to commercial automatically raised the taxes, and that she did not want the change at Mr. Hahn's instigation. It was explained that her property and other property were recommended to be changed by the Zoning Board. It was stated that the other property owners whose property had been recommended to be included in this change of zoning would be notified; and if they desired to have theirs changed, the Council would change it. The Council indicated it would approve the change of the four lots of Mr. Hahn and Miss Onion; and after the other property owners were again notified of the recommendation of the Zoning Board, their property would be considered. The Council decided to wait until the following week to take action on this application, the following week being that of December 21, 1950.

EUGENE JOHNSON

2400 East 11th

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

No action was taken on this request for change of zoning, and the application was tabled to be considered at a later date.

JOHN C. NEAL

2405-07 East 19th

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Board of Adjustment

Mr. Neal appeared in his own behalf. He has a store in a non-conforming use, and his permit had been granted on a variation by the Zoning Board. Since then, the City Attorney had ruled against this. There was a little opposition expressed by some colored people who thought this change would include the sale of beer. Councilman MacCorkle moved that the recommendation of the Zoning Board be upheld and the requested change granted, and the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Johnson, carried by the following vote:

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

R. E. LEIGH

1801 San Jacinto Blvd.

From "C" Commercial
To "C-1" Commercial
NOT Recommended by the
Zoning Board of Adjustment.

Mr. J. T. Ward appeared in opposition. Councilman Drake moved that the recommendation of the Zoning Board of Adjustment not be upheld, and that the requested change be granted, and the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Long, carried by the following vote:

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

(Letter from the University of Texas protesting this change on file)

BILL PAPPAS, by
J. T. HEATH

1809 San Jacinto Blvd.

From "C" Commercial
To "C-1" Commercial
NOT Recommended by the
Zoning Board of Adjustment.

Councilman Drake moved that the recommendation of the Zoning Board of Adjustment not be upheld, and that the requested change be granted, and the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Long, carried by the following vote:

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

(Letter from the University of Texas protesting this change on file with City Clerk)

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

APPROVED:


Mayor

ATTEST:


City Clerk