

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 11, 1950
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

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

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

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.

Discussion of lowering Lake Austin for the purpose of killing out the duckweed was held. MR. MARION FOWLER and MR. CHARLES CRENSHAW spoke in favor of lowering the lake. MR. EDWARD T. LOREY, Capitol Rod & Gun Club, Inc., spoke in opposition unless it could be lowered under the recommendation of the Department of Interior and Game, Fish and Oyster Commission, in order not to destroy the fish. MR. CHARLEY ROBERTSON also pointed out that in the lowering of the water, many fish would be trapped. MR. SEAHOLM stated the Game, Fish and Oyster Commission had stated there would be only a negligible amount lost; and from the standpoint of water, it is best to hold the weed to a minimum. The Mayor stated a test was being made in Inks Lake, of draining it in the winter; and if that proved advantageous, Lake Austin might be lowered in the winter months. Councilman Johnson moved that the lake be lowered from June 1st to June 15th. The motion, seconded by Councilman Long, carried by the following vote:

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

ARTHUR DeWITTY, N.A.A.C.P., presented the following statement regarding the death of Rosa Mae Caldwell:

May 11, 1950

"On the evening of May 10, 1950, Mr. and Mrs. James Caldwell, who reside at 3111 East 12th Street, Apartment 'D', of their own free will and accord, appeared before the Executive Board of the Austin Branch of the National Association for the Advancement of Colored People and made the following statement concerning the death of their daughter, Rosa Mae Caldwell:

"Mr. and Mrs. Caldwell purported that on Sunday Afternoon May 7th at approximately 2:P.M., Mrs. Caldwell appeared at the Emergency Room at Brackenridge Hospital with her five-month old daughter, Rosa Mae Caldwell. Mrs. Caldwell requested emergency treatment for her daughter. She purports that a Doctor (subsequently identified by Mrs Lee as Dr. J. R. Simms) casually examined her baby by placing one hand on the baby's stomach and thumping the back of it with his other hand. He advised her that the baby 'has a stomach ache, take it home and put it on its stomach, and if it isn't any better bring it back tomorrow when the Clinic is open.' She followed the advice of the doctor. She further purports that the baby cried intermittently throughout the night, and that early Monday morning around 6:30 A.M., she appeared again with her baby at the Emergency Room of the Hospital requesting emergency service. The Nurse informed her that she would have to go to the office and register. Mrs. Caldwell purports that she went to the office, there was no one there, and she waited until 7:10. At that time an office attendant reported. She asked if Mrs. Caldwell had a clinic card, and Mrs. Caldwell purports that she replied that she did have such a clinic card; thereupon the office attendant informed her that she would have to wait for the doctor, who was expected at 8:30 or 9:00 A.M.

"Mrs. Caldwell purports that she then called her husband, and he came immediately to the hospital. Mr. Caldwell made a further request for emergency service, and was advised that the doctor would be in sometime between 8:30 and 9:00 o'clock. Thereupon Mr. and Mrs. Caldwell left the hospital with their daughter, Rosa Mae, to seek medical aid elsewhere. After visiting the offices of five medical doctors, and finding no doctor on duty, and being advised by the nurse at the last office that quicker service could be obtained at Brackenridge Hospital, they returned to the Emergency Room at the Hospital. Upon arrival at the Hospital the baby was examined by the nurse in charge, who subsequently called a doctor. The doctor declared the baby dead.

Findings

"The above statement of facts clearly indicates that an emergency did exist in this case. Either through negligence, indifference, or lack of professional competence this determination was not made by the Pro-

professional staffs on duty on the occasion of the visits to the Emergency Room at the Hospital by Mr. and Mrs. Caldwell. Investigations show that seven internes and three resident doctors were on duty at the time of the visits.

"In the light of these facts and findings, we recommend that an immediate and thorough investigation of hospital personnel be had."

The Mayor requested that the City Manager look into this case and get a complete report on it. It was brought out that a survey has just been completed at the Hospital and is up for consideration of the Council, and the Council is going into the matter of the Brackenridge Hospital very thoroughly.

Two ladies inquired about the length of time necessary to get the drainage problem on Koenig Lane corrected. It was explained to them that a culvert, storm sewer and channel are being constructed, and it will take three or four months for their completion; but these drainage structure will take care of the situation in that area.

The following zoning application was advertised for public hearing at 11:00 A.M. this date, and was heard:

EAST SIDE INVESTMENT COMPANY
COMMODORE PERRY HOTEL

8th & Brazos

From "C" Commercial
To "C-2" Commercial
RECOMMENDED by the Zoning Board.

Mr. Martin Harris represented the applicant. MR. G. L. HUCKABY, MR. C. B. STERZING, elders of the First Southern Presbyterian Church, and REV. FLYNN LONG, Pastor, appeared in opposition. Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted. The motion, seconded by Councilman Long, carried by the following vote:

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

Action on the following application, postponed from the meeting of May 4th to May 11th was taken as follows:

WM. BOHN, R. G. MUELLER
& SAMMIE JOSEPH

5010-5110 and
5220-5228 Georgetown
Road

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

Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted. The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager presented the following tabulation of bids, opened at 10:00 A.M., May 5, 1950, for the construction of a reinforced concrete culvert in East 38 $\frac{1}{2}$ Street at Boggy Creek:

Joe Fuhrman	\$ 6,372.00
Maufrais Bros.	7,452.50
Geor B. Hatley Co.	7,915.00
Richard Schmidt & Son	8,227.00
B. L. McGee	8,668.00
J.C. Gilstrap	8,702.00
Earl Rogers	9,464.00

Councilman Johnson moved that JOE FUHRMAN, low bidder, be awarded the contract. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. C. A. McADEN presented a petition, signed by about 30 citizens, reading as follows:

"We the undersigned, Citizens, Residents, and Taxpayers, respectfully request a change in the name of what is variously called: 'Georgetown Road,' 'Lower Georgetown Road,' 'Fiskville Road', or 'Dallas Highway', but officially known as 'Georgetown Road, beginning at approximately the 4900 block, and extending Northward to and beyond the City Limits, that this said portion of 'Georgetown Road', be changed to 'LAMAR BOULEVARD', which now intersects the Georgetown Road at approximately the 4900 block."

Councilman Drake moved that the City Attorney be instructed to draw up the necessary resolution to name the "Georgetown Road" from the 4900 block to the City Limits, LAMAR BOULEVARD, and that the Fredericksburg Road be named LAMAR BOULEVARD to the City Limits; and that the road extending Guadalupe from 45th Street to the intersection of Lamar Boulevard, be called WEST GUADALUPE. The motion, seconded by Councilman Long carried by the following vote:

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

The Mayor introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING A PORTION OF A STREET KNOWN AS ALEXANDER STREET FROM EAST 38 $\frac{1}{2}$ STREET TO AIRPORT BOULEVARD; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor then stated the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING A PORTION OF A STREET KNOWN AND DESIGNATED AS INWOOD PLACE ON A MAP OR PLAT OF INWOOD PARK, WHICH MAP OR PLAT IS RECORDED IN BOOK 5, AT PAGE 7, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE PORTION OF SUCH STREET SO VACATED BEING 1171 SQUARE FEET; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor then announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the Resubdivision of Lots 14-21, Block J, Highland Park West, approved by the City Plan Commission of the City of Austin on April 13, 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 resubdivision prior to its recording in the Plat Records of Travis County, Texas.

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

The City Manager submitted the recommendation of the Chief of Police that the license to drive a taxicab, of FRANK L. WIER, be revoked due to his police record. Councilman Johnson moved that the recommendation of the Chief of Police be upheld and the license revoked. The motion, seconded by Councilman Long, carried by the following vote:

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Oakmont Boulevard from
West 35th Street to West 39th Street,
being Unit 27 of Current Improvement
Program

The work of improving Oakmont Boulevard from the north property line of West 35th Street to the south property line of West 39th Street, known as Unit 27 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas, in full compliance with the Contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Drake then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF
IMPROVING OAKMONT BOULEVARD, UNIT 27, IN THE
CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-
BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION
COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE
ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN
CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND
PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE
IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Sinclair Avenue from
West 45th Street to West 47th
Street, being Unit 17, of Current
Improvement Program

The work of improving Sinclair Avenue from the north property line of West 45th Street to the North property line of West 47th Street, known as Unit 17 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas, in full compliance with the Contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Drake then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING SINCLAIR AVENUE, UNIT 17, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Sinclair Avenue from
West 43rd Street to West 45th
Street, being Unit 16 of Current
Improvement Program

The work of improving Sinclair Avenue from the south property line of West 43rd Street to the north property line of West 45th Street, known as Unit 16 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas, in full compliance with the Contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Drake then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING SINCLAIR AVENUE, UNIT 16, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving West 34th Street from
Jefferson Street to Mills-Street
Cut-off, being Unit 7 of Current
Improvement Program

The work of improving West 34th Street from the east property line of Jefferson Street to the west property line of Mills Street Cut-off, known as Unit 7 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas, in full compliance with the Contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Drake then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEST 34TH STREET, UNIT 7, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-
BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving West 31st Street from
Lamar Boulevard to Grandview Street,
being Unit 2 of Current Improvement
Program

The work of improving West 31st Street, from the east property line of Lamar Boulevard to the west property line of Grandview Street, known as Unit 2 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas, in full compliance with the Contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Drake then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEST 31ST STREET, UNIT 2, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

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

The Council received the following letter:

May 9, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work of Improving
West 34th Street from Mills Street Cut-off to
Shoal Creek Bridge, being an extension of Unit
7 of Current Improvement Program

The additional work of improving West 34th Street from the west property line of Mills Street Cut-off to the Shoal Creek Bridge, supplementing the current street improvement program and extending the improvement work on West 34th Street, known as Unit 7, included in the Contract and Plans and Specifications, dated November 22, 1949, between the City of Austin and the Collins Construction Company, has been performed and completed by the Collins Construction Company of Texas, in accordance with plans and specifications therefor.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS Collins Construction Company of Texas has completed the work of improving West 34th Street from the west property line of Mills Street Cut-off to the Shoal Creek Bridge, as an extension of the improvement work known as Unit 7, included in the contract and plans and specifications dated November 22, 1949, between the City of Austin and Collins Construction Company, and

WHEREAS such improvement work has been performed in accordance with the plans and specifications therefor and has been inspected and approved and recommended for acceptance by the Director of Public Works of the City of Austin, Now, Therefore,

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

That the work of improving West 34th Street from the west property line of Mills Street Cut-off to the Shoal Creek Bridge by paving same and the construction of curbs and gutters thereon be and the same is hereby accepted.

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

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. W. Speckels for the laying of certain water mains and other pipes on Randolph Road from Manor Road north to Lot No. 24, a distance of approximately 300 feet, all 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. W. Speckels of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer:

WITNESSETH:

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 water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains and other pipes on Randolph Road from Manor Road north to Lot No. 24, a distance of approximately 300 feet.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Seven Hundred Dollars (\$700.00) when completed 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 water service to him, agrees to deposit the sum of Seven Hundred Dollars (\$700.00) 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.

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, to immediately 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 Paragraph II above in the following manner:

Within sixty (60) day 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 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 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 or 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. W. Speckels has executed this instrument in duplicate this the _____ day of _____ 1950.

CITY OF AUSTIN

By _____

City Manager

ATTEST:

City Clerk_____
A. W. Speckels

APPROVED:

Director of Utilities_____
Director of Public Works_____
City Attorney

ENTERED UNDER AUTHORITY OF PARAGRAPH VIII:

Actual cost of construction: \$ _____

Date of completion of work: _____

CITY OF AUSTIN

By _____

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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 mains in and upon the following streets:

(1) A gas main in EAST 13TH STREET, from Harvey Street westerly 340 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EAST 13TH STREET.

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

(2) A gas main in JIM HOGG AVENUE, from a point 37 feet south of the north property line of Broadacres northerly 285 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said JIM HOGG AVENUE.

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

(3) A gas main in GOODNIGHT LANE, from a point 40 feet west of Arroyo Seca easterly 47 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GOODNIGHT LANE.

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

(4) A gas main in ARROYO SECA, from Goodnight Lane northerly 200 feet, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said ARROYO SECA.

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

(5) A gas main in GROVER AVENUE, from a point 150 feet south of Madison Avenue northerly 346 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GROVER AVENUE.

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

(6) A gas main in MADISON AVENUE, from Grover Avenue westerly 2622 feet, the centerline of which gas main shall be 4.5 feet south of and parallel to the north property line of

said MADISON AVENUE.

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

(7) A gas main in ST. JOHNS AVENUE, from a point 587 feet east of Yates Avenue westerly 652 feet, the centerline of which gas main shall be 4.5 feet south of and parallel to the north property line of said ST. JOHNS AVENUE.

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

(8) A gas main in WEST 32ND STREET, from a point 87 feet west of Oakmont Boulevard westerly 58 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST 32ND STREET.

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

(9) A gas main in ARPDAL STREET, from a point 377 feet east of Ann Arbor Avenue easterly 64 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said ARPDAL STREET.

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

(10) A gas main in GULLETT STREET, from a point 5 feet south of Bolm Road northerly 15 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GULLETT STREET.

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

(11) A gas main in BOLM ROAD, from Gullett Street to Airport Boulevard, the centerline of which gas main shall be 9.5 feet north of and parallel to the south property line of said BOLM ROAD.

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

(12) A gas main in AIRPORT BOULEVARD, from Bolm Road southerly 60 feet, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said AIRPORT BOULEVARD.

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 of 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.

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Council received the following letter from the Junior Chamber of Commerce dated May 11, 1950, addressed to Mayor Taylor Glass, and noted the contents:

"The Junior Chamber of Commerce wishes to request that the City Council postpone its decision on the Softball Stadium until next Thursday, May 18th. We find this request necessary because we have been unable to get all of our definite bids, specifications, and blue prints in from bidders in time to submit for Mr. Morgan's study. We shall have this data complete for Mr. Morgan today or tomorrow and shall submit it to him immediately.

"We regret this delay, but it has been unavoidable on our part. We plead your kind consideration for this request.

Respectfully yours,
JUNIOR CHAMBER OF COMMERCE
(Sgd) Don A. Phillips"

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

APPROVED: 
Mayor

ATTEST:


City Clerk