

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

August 10, 1950  
10:00 A.M.

## Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

## Roll Call:

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

Present also: Walter E. Seaholm, City Manager; 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 approved as individually read by the Council 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. HARRY PESNELL, and REPRESENTATIVE JOHNNIE ROGERS, Tenth Ward Civic Club, asked for a cheaper type of paving for the tenth ward area than is now being used in the paving program. A petition was submitted from the residents living in the area of East of Congress Avenue and lying between East Sixth Street and the Colorado River, urging a low-cost paving program, stating the assessment plan paving is so great that many residents cannot afford it; the cost of grading and sprinkling the streets is a constant burden on the City; and suggesting a two-course asphalt paving, without curbs and gutters, be applied, and the property owners paying for the paving and the City using its own equipment and men to prepare the base. Estimates had indicated this could be handled at \$25.00 for each 50-foot lot on a 30-foot street. The Mayor explained the paving program to be a permanent one, and that maintenance would be cut down; and that over a period of years, the present program would not work a hardship. MR. ROGERS stated their proposed type of paving was used in other cities and on farm-to-market roads. The Director of Public Works stated there would be a problem of drainage to be considered. The Tenth Ward Civic Club group figured there was not enough traffic to wear down the cheaper type of pavement. The Council

referred this matter to the Engineering Department to check into to see if such a program would be advisable.

MRS. MAUDE PRIDGEN submitted additional petitions favoring the change of name of East Avenue to BROADWAY, and changing the name of the street now named "Broadway" to RICHARDS or DURAN. The Council received the petition.

MR. JOHN COFER, Attorney for the firemen and policemen, presented their request for increase in pay, classification, over-time for work in excess of 144 hours in two consecutive weeks; six holidays to be added to vacation time, all in accordance with an initiative petition for adoption of a city ordinance, filed July 31, 1950, and signed by 25% of the highest vote cast for a councilman at the last general election under provisions of Article IX, Section 1 of the Charter. MR. COFER stated he was under the impression money was already available and would not have to be obtained through a tax raise-- that there was an increase in the utility fund; there was \$87,500 saved on the payment previously paid to the Schools (\$87,500 for a six months period); and he listed other increases. After a lengthy statement he asked that if the Council did not pass the ordinance as petitioned, that it submit it to the people who have indicated they favored the increase of pay; and that if the Council did not submit it to the people or pass it, it would only throw the matter into the Courts. MAYOR GLASS explained the City's position in that it did submit a charter amendment to raise salaries, and some of the firemen campaigned against it, in the belief that their taxes would be higher than their raise. Mayor Glass stated he would like to see the present classification job finished, and that the Council is in favor of higher salaries for the City employees, but the money must be available first. Mr. Cofer suggested that the Council commit itself to meet these schedules after the first of the year, and the firemen would withdraw their petitions. The Mayor stated the Council could not commit itself definitely as to what can be done; that one group would not get raises while another group didn't. The Mayor promised that the Council would do its best, and would act in accordance with the provisions of the Charter, and would give an answer within ten days.

In this discussion, a chemical engineer, spoke favoring the increase of salaries to firemen, stating he had a fire outside the City limits, and the Fire Department saved him about \$6,000.00 and he was willing to work for the raise. He suggested working toward a reduction of fire insurance rates. MR. EDDIE JOSEPH stated his willingness to pay increased taxes if necessary to pay the policemen, firemen, and all city employees higher salaries.

DR. E. H. GIVENS came before the Council endorsing the low-cost paving program submitted by the Tenth Ward Civic Club; protesting any sales tax; asking that the moving of the Incinerator be included in the bond issue, and the present site of the Incinerator be converted into a recreation center. Playground facilities on the school grounds in west Austin and South Austin were again requested; also a fire station in east Austin to be manned by negroes; and a golf course for negroes. He stated the east Austin group was well pleased with the recommendations set out for their library, and hoped those would go through in the bond issue.

Pursuant to published notice thereof, public hearings on the following applications for change of zoning were held:

JENNIE M. HAILE,	501-511 West 7th Street	From "B" Residence
KATIE GANNAWAY AND	605-607 Nueces Street	To "C" Commercial
MRS. R. G. WEST		RECOMMENDED by the
		Zoning Board of Ad-
		justment.

No opposition was present at this hearing. Councilman Johnson moved that the recommendation of the Zoning Board of Adjustment be upheld and the requested change granted, and that 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

CHAS. S. HEACOCK and	203 and 205 W. 15th,	From "B" Residence
J. M. PATTERSON, JR.	1406 and 1410 Colorado	To "C" Commercial
	and additional property	RECOMMENDED by the
	recommended by the Zon-	Zoning Board to in-
	ing Board (All "B" prop-	clude the additional
	erty in Blocks 173 & 174.	property.

No opposition was present at this hearing. Councilman MacCorkle moved that the recommendation of the Zoning Board of Adjustment be upheld and the requested change granted, including the additional property recommended; 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

SAM McDONALD	6010 North Lamar Boulevard	From "A" Residence
		To "C" Commercial

No opposition was present at this hearing. Councilman MacCorkle moved that the recommendation of the Zoning Board of Adjustment 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

EDWARD JOSEPH and MRS.  
WILHELMINE B. SHEFFIELD  
By Donald Thomas, Atty.

3407-09 Guadalupe St.  
500-504 West 34th

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

MR. DONALD THOMAS represented Mr. Joseph, stating he wished to build a bowling alley in the building now erected, but needed to extend it back forty feet. He stated the building was now vacant, and this zone change would not conflict with the public health, welfare or general interest of Austin, and it would help him to make use of his property. He stated he could make a bowling alley out of the present building, but that building would have to be remodeled, which would be far more expensive than building an extension. MR. WILHELMINE B. SHEFFIELD stated she did not ask for the change; but if Mr. Joseph were granted a change, then she wanted her property zoned Commercial also. MR. GRADY CHANDLER representing the residents in that vicinity, spoke in opposition to the change, stating a bowling alley would destroy the value of their property and ruin the tourist court next door; would create a traffic and fire hazard, as the streets were so narrow now and the trucks unloading beer blocked the street; and with other cars, it would be impossible to use 34th at all; that it was a "spot" zoning. MRS. E. K. BLEWITT expressed opposition, stating the present set-up was bad from a health and moral standpoint, and the neighborhood could not stand additional traffic and people patronizing a bowling alley. MR. OLIVER BRUCK, MR. DICK MATTHEWS spoke in opposition. After much discussion, Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change NOT be granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

GEORGE SLAUGHTER and  
LEOLA SLAUGHTER and  
ANNIE MAE VANCE By  
Donald Thomas

2119 East 8th and  
710 Prospect Avenue

From "B" Residence and  
"C" Commercial  
To "C-1" Commercial  
NOT Recommended by Zon-  
ing Board.

MR. DONALD THOMAS presented the case, stating Mr. George Slaughter was hurt on a defense job, and had gone into the cafe business as a means of making a living. He was about to lose the business; and felt if he could sell beer, he would be able to maintain his business. Opposition was expressed by RAY HERNANDEZ stating he did not want the sale of beer near his home, that it would ruin the whole neighborhood, that there were already too many "beer joints" around there now. MR. LURA MAE KIMBLE, REV. HURLEY D. WILLIAM, Baptist Minister and Scout Master, expressed opposition. MRS. JENSON, W.C.T.U., Hardena Middleton, and Louis Davis, were opposed. Councilman Johnson moved that the recommendation of the Zoning Board be upheld and the requested change NOT granted. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. WILLIE KOCUREK, President, Board of Trustees, Austin Independent School District, submitted the following request from the School Board for 19 acres of land on Lamar between 12th and 19th for the purpose of building a Junior High School, and asked that this proposition be submitted as a Charter Amendment in the next election:

"Austin Public Schools  
Austin, Texas  
August 9, 1950

"The Honorable Mayor and Members of the  
City Council  
City of Austin, Texas

"Ladies and Gentlemen:

"The Board of Trustees of the Austin Independent School District have for many months been attempting to locate a site for a much needed junior high school to serve the West Austin area. Three sites have been considered. In two cases these are considered too far from the center of the scholastic population which the proposed school will serve. In the initial stages of investigation the third appears to be far too expensive to meet with the limited available funds.

"A fourth possibility has presented itself and meets with the approval of those persons concerned with the location of school plants in our over-all plans. This site is that property now owned by the City and commonly known as the north end of Pease Park, but not a portion of the original park bequest, having been purchased by the City.

"It is therefore requested that the following described land be conveyed by the Honorable City Council to the Board of Trustees of the Austin Independent School District exclusively for the use in the erection and development of a school plant:

"Beginning at a point of intersection of the west line of Lamar Blvd. and the south line of West 24th Street; thence along the west line of Lamar Blvd. to a point of intersection with the original center line of the channel of Shoal Creek; thence northwesterly along the center line of Shoal Creek to the point of intersection of said center line with the north-line of the original Pease Estate; thence westerly along the north line of the original Pease Estate to a point of intersection with the east line of Parkway; thence along the east line of Parkway to a point of intersection with the south line of 24th Street; thence along the said line to the point of beginning.

"It is to be agreed that should this tract not be used as a school site it will revert in title to the City of Austin for its original use. It is further agreed that no building shall be erected south of the original boundary of the Pease Estate thus providing for any street structure now projected by the city. It is anticipated that the

City Recreation Department and schools will plan for the joint use of this development.

"It is planned to follow one of two possibilities; erect a building on the 792 acres on the west side of Shoal Creek and use that portion of the east side for play grounds; or move the channel of the creek adjacent to Lamar Blvd. thus consolidating the entire area.

"To insure sufficient and generous play area for physical activities it is further requested the permission be granted for the use of Pease Park during school hours and during the school year, no structures to be allowed to encroach on this area. In event an extension of West 19th Street is found possible, it is anticipated that this area can be reached from the school by means of a passing under the apparently high bridge and recommended over-pass necessary to span Shoal Creek.

"Preliminary consideration of the problems involved in the use of this site have been considered by various staff agencies of the City and the school staff and in their opinion these problems can be satisfactorily solved.

"In view of the long standing of this problem and the necessity of an early decision relative to the location of the plant, it is respectfully suggested that your immediate attention be given this request.

"Very truly yours,  
(Signed)  
W. I. KOCUREK  
President, Board of Trustees  
Austin Independent School District"

The Council referred the above request to the City Manager.

Discussion was held on the Mausoleum question. The City Manager submitted the following letter addressed to him under date of July 19, 1950, and signed by Bob J. Lyles:

"Dear Mr. Seaholm:

"At your suggestion, after our conference this morning, I take pleasure in writing you this letter outlining the proposal of The Texas Mausoleum Co. to be organized by E. H. Perry, W. H. Johnson and Bob J. Lyles in regard to the Community Mausoleum we propose to build.

1. We would like for the city to sell us two acres of ground in the Memorial Park for the purpose of building a community mausoleum, which will have 588 crypts.

2. We agree to pay the city \$125 from the sale of each crypt as they are sold which would amount to \$75,500.00, plus \$25 a crypt which would be put in a trust fund of some bank which the law requires, making a total the city would receive when all crypts are sold of \$90,200.
3. The city would agree to put in a circular drive-way to the acreage and agree to assume perpetual maintenance.
4. We agree not to take possession of the property or start construction of the building until half of the crypts are sold. All money from the sale of the first half of the crypts will be held by a Trustee until they are sold.

"We feel that this is a wonderful opportunity for the city and citizens of Austin to have a beautiful Community Mausoleum, which will not only cost the City nothing but to receive over \$90,000 in cash.

"We would appreciate a final vote by the City Council this Thursday."

The City Manager recommended a 50% payment (\$45,100) upon delivery of the deed from the City of two certain acres of Memorial Park; and then the TEXAS MAUSOLEUM COMPANY are to pay as crypts are sold, but in no wise shall their payments be less than \$9,000 a year for five years, paying two and one-half percent interest on the balance due. Councilman Drake then moved that the City Manager be instructed to negotiate a contract with the TEXAS MAUSOLEUM COMPANY in accordance with their proposal and his recommendation. The motion, seconded by Councilman Johnson, carried by the following vote:

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

A discussion was held as to a trust fund. It was stated the City did not have such a fund for the permanent upkeep of Cemeteries, and the City Manager explained that when the initial payment of the TEXAS MAUSOLEUM COMPANY was made, if it were immediately set up in a trust fund, other money would have to be available for maintenance at first. The Mayor suggested that this situation be corrected now, and Councilman Johnson moved that the City Manager and City Attorney work up an audit, in accordance with State Laws, on the permanent fund and get it started. The motion, seconded by Councilman Drake carried by the following vote:

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

Discussion of the recommendations of the Zoning Board of Adjustment dated May 12, 1950, pertaining to an amendment to the Zoning ordinance to permit the sale of beer for off-site consumption in C-1 Districts, was held. (Copy of this recommendation on file in the City Clerk's Office). Opposition was expressed by MRS. H. A. BUTCHER, and MRS. JENSEN, W.T.C.U., to the sale of beer in grocery stores; also MR. ROBERT WERNER, Pastor, Seventh Day Adventist Church, opposed this amendment, stating it would create more outlets for beer. Councilman Drake moved that the City Manager be instructed to have an amendment to the Zoning Ordinance drawn up providing for the sale of beer in cases or unbroken cartons containing not less than six bottles or cans, for off-premise consumption in a C-1 District. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Public hearing on the above amendment to the Zoning Ordinance was set for AUGUST 31, 1950, at 11:00 A.M.

MR. FRANK J. MASUR, JR., appeared before the Council, stating the 4000 block of Sinclair, was included in the paving program, and the other blocks connecting with this had already been paved, leaving this one block unpaved, and the paving of the others had caused an increase in traffic. He was asking that this one block be given early consideration, and paved to finish out the Sinclair portion. The City Manager was asked to check into this request for Mr. Masur.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Hannah E. Garcia has made application in writing for permission to use and maintain in her residence an institution of an educational nature (kindergarten and pre-school children) on Lot 11, Block 1, Graham Addition, in the City of Austin, Travis County, Texas, the same being on the southwest corner of the intersection of West 6th Street and West Lynn Street, and locally known as 1601 West 6th Street, which is located in a "B" Residence District which, under Section #5, Item #7 of the Zoning Ordinance, requires a special permit from the City Council; and

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

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

That permission for the use and maintenance of this institution of an educational nature at the location described above be granted to Mrs. Hannah E. Garcia.

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

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

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE  
ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON  
THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRE-  
SCRIBING PENALTIES FOR THE VIOLATION OF SAME;



REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 22(e) and 22(f) OF ARTICLE IV, RELATING TO ONE-HOUR PARKING LOCATIONS AND TWO-HOUR PARKING LOCATIONS, RESPECTIVELY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

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

The ordinance was read the second time, and Councilman Long moved 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, MacCorkle, Mayor Glass  
Noes: None

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Stephen F. Austin Hotel Company, and its successors, are hereby authorized to erect and construct at the rear of the Hotel Stephen F. Austin building in the public alley between Congress Avenue and Brazos Street an air ventilating duct from the basement of said building, such air ventilating duct to extend into the public alley an approximate distance of  $2\frac{1}{2}$  feet at a position about thirty-five (35) feet south of the north wall of the building; subject, however, to the right of the City of Austin to cause such air ventilating duct situated in such public alley to be removed by the owners of the Hotel Stephen F. Austin building without cost to the City of Austin upon ninety (90) days notice in writing to such owners from the City of Austin.

The motion, seconded by Councilman Long, 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, by ordinance duly passed on July 21, 1950, recorded in Book "P" of the Ordinance Records of the City of Austin, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by excavating, grading and paving the same, by the installation of drainage facilities therein, and by the construction of curbs and gutters where required, in accordance with plans and specifications on file with and approved by the City Council; and,

WHEREAS, pursuant to said ordinance, the City Manager advertised for bids for such improvement work, and bids were received and opened, all as provided by the Charter of the City of Austin and the laws of the State of Texas; and,

WHEREAS, the bid of Brown & Root, Inc. in the amount of Three Hundred Ninety-Eight Thousand Nine Hundred Eighty Dollars and Eighty Cents (\$398,980.80) was the lowest and best responsible bid; and,

WHEREAS, the Director of Public Works of the City of Austin has estimated that the part of the contract price for such work to be paid by the City of Austin is the sum of One Hundred Eighteen Thousand Thirty-Two Dollars and Four Cents (\$118,032.04); Now, Therefore,

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

That the bid of Brown & Root, Inc. be accepted; that the contract for such improvement work be awarded to said company; and that the sum of One Hundred Eighteen Thousand Thirty-Two Dollars and Four Cents (\$118,032.04) be and the same is hereby appropriated from General Funds of the City set apart in the current budget for street improvements, to defray the part of the cost such construction under such contract, which is to be paid by the City of Austin.

The motion, seconded by Councilman Drake, 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, a certain portion of Lot 14 in the W. E. Wilson Subdivision in the City of Austin is needed for street purposes; and

Whereas, W. W. Stevens and wife, Eleanor B. Stevens, the owners of said property, have executed a deed to the City of Austin, conveying said portion of said Lot 14 for street purposes; and

Whereas, the City Council finds that said property will serve the interests of the public when used as a street; Now, Therefore,

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

That the deed from W. W. Stevens and wife, Eleanor B. Stevens, dated August 9, 1950, conveying to the City of Austin for street purposes that certain portion of Lot 14, W. E. Wilson Subdivision, recorded in Plat Book 5, page 6, Plat Records of Travis County, Texas, described in said deed, be and the same is hereby accepted, and the City Clerk is directed to cause said deed to be recorded in the deed records of Travis County, Texas.

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

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

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Cannizzo Subdivision", approved by the City Plan Commission of the City of Austin on February 8, 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 Long, carried by the following vote:

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

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the "Resubdivision of Blocks C and A and a portion of Block D, Fiset Place", approved by the City Plan Commission of the City of Austin on July 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 Long carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Schieffer Place, Section 2", approved by the City Plan Commission of the City of Austin on July 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 Long, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Highland Village, Section 1", approved by the City Plan Commission of the City of Austin on October 13, 1949, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the plat Records of Travis County, Texas.

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

Councilman Long moved that the following application for change of zoning be set for public hearing at 11:00 A.M., September 14, 1950:

HERMAN E. BECKER

80'x150' out of Outlot  
7, Div. "O", Unplatted,  
301 Chicon Street  
and

3.72 acre out of outlot  
7, Div. "O", Unplatted,  
1904-2010 E. 3rd

From "B" Residence  
To "C" Commercial

From "B" Residence  
To "D" Industrial  
RECOMMENDED by the Zoning Board of Adjustment  
on August 8, 1950.

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with L. L. McCandless, for the laying of certain water mains, sanitary sewer mains and other pipes in Sky View, Section 1, 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)

THE STATE OF TEXAS )  
COUNTY OF TRAVIS ) KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter called "City" and L. L. McCandless of Travis County, Texas, hereinafter called "Customer",  
WITNESSETH:

I.

(a) The Customer, acting by contract with Karl B. Wagner, has caused to be installed in and along certain public streets in Sky View, Section 1, an addition to the City of Austin, certain water mains and other pipes at the location and in the sizes described as follows:

SIX-inch (6") cast iron water main in Avenue F from East 56th to Koenig Lane. Link Avenue from Koenig to Sky View. Avenue D from Koenig Lane to Chesterfield. Chesterfield from East 56th to Sky View. Sky View Road from Avenue F to Chesterfield.

Eight-inch (8") cast iron water main in Avenue F from Koenig Lane to Sky View Road.

Two-inch (2") cast iron water main in Avenue C from Koenig Lane to Chesterfield Avenue.

(b) The Customer, acting by contract with Karl B. Wagner, has caused to be installed in and along certain public streets in Sky View, Section 1, an addition to the City of Austin, certain sanitary sewer mains and other pipes at the locations described as follows:

Six-inch (6") sanitary sewer in Chesterfield Avenue from Koenig Lane north serving Lot 17. Avenue C from Chesterfield Avenue south to serve Lot 24. Avenue D from Chesterfield Avenue south serving Lot 41. Avenue F from Sky View Road south serving Lot 104. Link Avenue from Sky View Road south serving Lot 74.

Eight-inch (8") sanitary sewer in Chesterfield Avenue from east 56th to Koenig Lane. In Sky View Road from West line of Subdivision east to Avenue F.

## II.

The contract for all such construction work was submitted to the City and the prices of such work were approved by the City before the work was done. It is agreed and understood that such work was completed and approved by the City as of August 4, 1950, and that the cost to the Customer of the water mains and pipes herein described was Seventeen Thousand Eight Hundred Seven Dollars and Fifty Five Cents (\$17,807.55), and that the cost to customer of the sewer lines herein described, including necessary manholes, cleanouts and appurtenances was Thirteen Thousand Two Hundred Forty Five Dollars and Eleven Cents (\$13,245.11) being a total cost to customer for all such mains and pipes of Thirty One Thousand and Fifty Two Dollars and Sixty Six cents (\$31,052.66).

## III.

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

## IV.

It is agreed that the Customer shall be reimbursed for the cost of the water mains and pipes, and sanitary sewer mains and pipes, described in Paragraph I (a) and (b) above on the basis of the agreed total cost of Thirty One Thousand Fifty Two Dollars and Sixty Six Cents (\$31,052.66), for all such water and sewer mains, pipes and appurtenances, such reimbursements to be made in the following manner:

Refunds to the Customer by the City shall begin from January 1, 1951, the first such refunds to cover the year 1950; and upon the execution of this contract, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City, during the calendar year 1950, from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to consumers having a direct connection with the water mains and sewer lines described in Paragraph I (a) and (b), above; and within Sixty (60) days after the first day of January of each succeeding year after 1951 the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of

water from said water lines for usual, customary and normal domestic, commercial and industrial uses to consumers having a direct connection with said water mains and said sewer mains, until the sum of Thirty One Thousand Fifty Two Dollars and Sixty Six Cents (\$31,052.66), being the total amount of cost of the construction of the utility improvements have been repaid, but in no event shall such refunds exceed said sum of Thirty One Thousand Fifty Two Dollars and Sixty Six Cents (\$31,052.66), and the City shall not, in any event, make such annual payments for a period of time longer than ten (10) years from and after August 4, 1950 even though the full cost of \$31,052.66 for such work has not been refunded in full to the Customer at the end of said ten (10) years; and if at any time before the expiration of said ten (10) year period the principal sum of said cost has been repaid, further payment shall cease.

## V.

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

## VI.

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

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by the City Clerk and with its corporate seal affixed, and the said L. L. McCandless has caused this instrument to be executed in duplicate, this the \_\_\_ day of \_\_\_ 1950.

CITY OF AUSTIN

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

ATTEST:

\_\_\_\_\_  
City Clerk\_\_\_\_\_  
L. L. McCandless

APPROVED:

\_\_\_\_\_  
Superintendent of Water Department\_\_\_\_\_  
Director of Public Works\_\_\_\_\_  
City Attorney

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 Frank Robertson for the laying of certain water mains, sanitary sewer mains, and other pipes in Highland Village, Section I, in the City of Austin, Travis County, Texas, 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)

THE STATE OF TEXAS )

COUNTY OF TRAVIS ) KNOW ALL MEN BY THESE PRESENTS:

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 Frank Robertson, of Bexar County, State of Texas, hereinafter for convenience sometimes called the Customer; WITNESSETH:

I.

(a) 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 in Highland Village Subdivision, Section 1, on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Placid Place from water main in Perry Lane to Village Drive, a distance of approximately 230'. In Village Drive from Placid place to West Park Drive, a distance of approximately 250'. In West Park Drive from Village Drive to Hancock Drive, a distance of approximately 1690'

(b) 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 Highland Village Subdivision, Section 1, on the streets and easements at the locations described as follows:

Eight-inch (8") sewer mains in 50th Street from Finley Drive to West Market Drive. West Market Drive, 50th Street south through easement to Placid Place and Village Drive. Village Drive, Placid Place to West Park Drive. West Park Drive, Village Drive to Lot 51.



## II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Thirteen Thousand Three Hundred Fifty Dollars and Ninety Five Cents (\$13,350.95) when completed, of which cost the sum of Six Thousand Dollars (\$6000.00) is estimated to be the cost of the water lines and the sum of Seven Thousand Three Hundred Fifty Dollars and Ninety Five Cents (\$7,350.95) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Thirteen Thousand Three Hundred Fifty Dollars and Ninety Five Cents (\$13,350.95) 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 sub-let 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 Paragraph II 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 twice 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 twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to 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 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 Frank Robertson has executed this instrument in duplicate this the \_\_\_\_ day of \_\_\_\_ 1950.

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager\_\_\_\_\_  
Frank Robertson

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Superintendent of Water Dept.

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

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

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ENTERED UPON AUTHORITY OF PARAGRAPH V.

Actual cost of construction: \$ \_\_\_\_\_

Date of completion of work: \$ \_\_\_\_\_

CITY OF AUSTIN

By \_\_\_\_\_

Upon the request of KENNETH GARDNER SMITH through the Police Department that this Permit No. 2019 to drive a taxicab be cancelled, Councilman Johnson moved that Permit No. 2019 of KENNETH GARDNER SMITH be cancelled. The motion seconded by Councilman Drake, carried by the following vote:

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

The Chief of Police submitted through the City Manager a request that the permit of FRANCIS B. BECKER, JR., NO. 1937, be revoked as he was arrested for Driving While Intoxicated and carrying a prohibited weapon. Councilman Drake moved that this permit to drive a taxicab be revoked in accordance with the Chief of Police recommendation. The motion, seconded by Councilman Long, carried by the following vote:

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

Mayor Glass introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE SOUTH LINE OF EAST EIGHTH STREET AND THE WEST LINE OF BRAZOS STREET, AS THE LINES OF SAID STREETS ABUT LOT 7, BLOCK 84, OF THE ORIGINAL CITY OF AUSTIN; AND WAIVING ANY CLAIM WHICH THE CITY OF AUSTIN MAY HAVE FOR REAL OR SUPPOSED ENCROACHMENT ON SAID STREETS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES 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, seconded by Councilman Drake, carried by the following vote:

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

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

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

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

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

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

COUNCILMAN DRAKE suggested that the Council and City Manager make lists of sources of revenue for the City, for study purposes.

COUNCILMAN MacCORKLE inquired about tax suits on delinquent taxes. The City Attorney explained the new procedure, and stated the summer months were the best months to make these suits, so amendments would not have to be filed. He believed by next year, the money would come in much faster and in greater amounts.

COUNCILMAN LONG inquired about the radio statement that there were lots of uncollected water and light bills. The City Manager stated the percentage ran less than any utility in the State.

There being no further business, the Council adjourned subject to call of the Mayor at 4:00 P.M.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk