

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 17, 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; Dr. Ben Primer, City Health Officer.

Councilman Johnson moved that the minutes of the previous meeting be approved with a correction regarding the proposed Mausoleum, in that the TEXAS MAUSOLEUM COMPANY is to pay 50% (\$45,000) upon receipt of deed for two acres out of Memorial Park, and then pay as crypts are sold; but in no wise shall their payments be less than \$9,000.00 a year for five years, paying two and one-half percent interest on the balance due. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

MR. JOSEPH LUCAS appeared before the Council making the following requests: (1) For a street light at 20 $\frac{1}{2}$ and Sabine; (2) That the drainage problem at the bridge at 1st and Neches be corrected, and (3) A request that 20 $\frac{1}{2}$ Street between Red River and East Avenue be sprinkled, as it is used by large trucks, and the dust is very bad. The City Manager stated that a light had been authorized at 20 $\frac{1}{2}$ and Sabine, and installation would be made as soon as possible. The Mayor asked that the City Manager write the Board of Control to do their part of the drainage. As regarding the sprinkling, the Department of Public Works was requested to get this street on their asphalt-sprinkling list.

MR. E. W. WUPPERMAN appeared before the Council regarding permission to build a concrete block kennel house at the Wupperman-Spangler Animal Hospital at 5916 Dallas Highway. He brought out the fact he had purchased extra land surrounding his present building to make these additions without interfering with any neighbors; that the nearest residence was about 240' away. The City Reservoir, the Highway and a Drive-in stand surround him. The Council decided to make a personal inspection of the property this date and to let him know.

MRS. MAUDE PRIDGEN made inquiry about the changing of the name of East Avenue to BROADWAY as requested by petitions recently submitted. The Council asked that the City Manager make a study and estimate the cost of making such a change; and that later as the Highway nears completion, possibly have a meeting to get the public reaction on such a change. The Mayor brought out that East Avenue was named in the founding of the City.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council has this day authorized the Austin National Bank, a depository of the funds of the City of Austin, to withdraw certain securities pledged to the City of Austin as security for funds deposited in said depository; and

WHEREAS, the Austin National Bank, in substitution for the securities withdrawn, desires to pledge to the City of Austin a certain United States Treasury Note and to deposit said Note in escrow in the Frost National Bank, San Antonio, Texas; and

WHEREAS, approval by the City Council of the kind and value of securities substituted by a depository and of the place of deposit of such securities, is required by law; Now, Therefore,

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

1. That that certain United States Treasury Note, Series D-1951, dated June 1, 1950, is hereby approved and accepted as security for funds of the City of Austin deposited in the Austin National Bank.

2. That the Frost National Bank, San Antonio, Texas, is hereby approved as a place of deposit of said United States Treasury Note and as a place of deposit of such other securities that may from time to time be accepted and approved by the City of Austin.

3. That Walter E. Seaholm, City Manager of the City of Austin be and he is hereby authorized and directed to execute in behalf of the City of Austin such agreements as may be necessary to effect the purpose of this Resolution.

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, the Austin National Bank, a depository of the funds of the City of Austin, has heretofore pledged certain United States Treasury Bonds to the City of Austin as securities for funds of said City deposited in the Austin National Bank, which United States Treasury Bonds are now deposited in escrow in the Central Hanover Bank and Trust Company, New York City, New York; and

WHEREAS, the Austin National Bank desires to withdraw said United States Treasury Bonds from the said Central Hanover Bank and Trust Company; and

WHEREAS, the approval of the City Council of the City of Austin to such withdrawal is required by law; Now, Therefore,

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

That Walter E. Seaholm, City Manager of the City of Austin be and he is hereby authorized and directed to authorize the Central Hanover Bank and Trust Company, New York City, New York, to release and deliver to the Austin National Bank the following numbered United States Treasury Bonds, each in the amount of One Hundred Thousand (\$100,000.00) Dollars:

1. No. 37971
2. No. 55564
3. No. 55565
4. No. 41586
5. No. 41587

The 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)

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

That Walter E. Seaholm, City Manager, be and he is hereby authorized and directed to execute in behalf of the City of Austin a release of all public utility easements in, upon and across certain tracts of land out of Highland Park West, a subdivision of a portion of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Sillsbe Survey No. 1 in the

City of Austin, Travis County, Texas, as shown by the map or plat of said subdivision of record in Plat Book 4, Page 299, of the Plat Records of Travis County, Texas, such portions of land being more particularly described in said release, a copy of which is attached hereto and made a part hereof.

(RELEASE)

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

That the City of Austin, a municipal corporation situated in Travis County, Texas, acting herein by and through Walter E. Seaholm, its City Manager, hereunto duly authorized, has released and by these presents does hereby release unto the owners of the following described sixteen (16) tracts of land all public utility easements as provided upon the map or plat of Highland Park West, a subdivision of a portion of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Sillsbe Survey No. 1 in the City of Austin, Travis County, Texas, said map or plat being of record in Plat Book 4, page 299, of the Plat Records of Travis County, Texas:

Tract No. 1. The west five (5) feet of Lot 11, Block C
Tract No. 2. The east five (5) feet of Lot 12, Block C
Tract No. 3. The east five (5) feet of Lot 24, Block D
Tract No. 4. The west five (5) feet of Lot 25, Block D
Tract No. 5. The north five (5) feet of Lot 5, Block E
Tract No. 6. The south five (5) feet of Lot 6, Block E
Tract No. 7. The north five (5) feet of Lot 6, Block E
Tract No. 8. The south five (5) feet of Lot 7, Block E
Tract No. 9. The north five (5) feet of Lot 7, Block E
Tract No. 10. The south five (5) feet of Lot 8, Block E
Tract No. 11. The north five (5) feet of Lot 8, Block E
Tract No. 12. The south five (5) feet of Lot 9, Block E
Tract No. 13. The north five (5) feet of Lot 9, Block E
Tract No. 14. The south five (5) feet of Lot 10, Block E
Tract No. 15. The north five (5) feet of Lot 4, Block N
Tract No. 16. The south five (5) feet of Lot 5, Block N

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

CITY OF AUSTIN

By _____
City Manager

ATTEST:

City Clerk
(Notary's Acknowledgment)

The motion, seconded by Councilman Johnson, 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)

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

That Walter E. Seaholm, City Manager, be and he is hereby authorized and directed to execute in behalf of the City of Austin a release of all public utility easements in, upon and across two certain tracts of land out of the E. L. Steck Resubdivision of Block 17, Grooms Addition to the City of Austin, Travis County, Texas, as shown by the map or plat of said subdivision of record in Volume 503, at page 517 of the Deed Records of Travis County, Texas, such tracts of land being more particularly described in said release, a copy of which is attached hereto and made a part hereof.

(RELEASE)

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

That the City of Austin, a municipal corporation situated in Travis County, Texas, acting herein by and through Walter E. Seaholm, its City Manager, hereunto duly authorized, has released and by these presents does hereby release unto the owners of the following described two tracts of land all public utility easements as provided upon the map or plat of the E. L. Steck Resubdivision of Block 17, Grooms Addition to the City of Austin, Travis County, Texas, said map or plat being of record in Volume 503, at page 517 of the Deed Records of Travis County, Texas:

Tract No. 1

The west five (5) feet of the north fifty-five (55) feet of Lot 9;

Tract No. 2

The north five (5) feet of the west sixty (60) feet of Lot 9;

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

CITY OF AUSTIN

By _____
City Manager

ATTEST:

City Clerk

(Notary's acknowledgment)

The motion, seconded by Councilman Johnson, 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, there is a certain street within the City of Austin known as Old Burnet Road which street is shown upon the map or plat of the City of Austin, and which street extends from the south line of the Bellaire Subdivision of record in Book 4, page 260 of the Plat Records of Travis County, Texas, in a northerly direction to the north line of Burnet Road Heights of record in Book 4, page 189 of the Plat Records of Travis County, Texas; and

WHEREAS, the Burnet Road or State Highway No. 29 was relocated in this vicinity leaving the old road as it was; and

WHEREAS, much confusion among delivery services in general is caused by having two different streets or roads with the same name; and

WHEREAS, the abutting property owners on the aforementioned street or road have petitioned the City Council of the City of Austin to change the name of Old Burnet Road to Burnet Lane; and

WHEREAS, the City Council of the City of Austin has considered said petitions, therefore

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

THAT the Old Burnet Road as referred to above be known and designated as Burnet Lane.

The motion, seconded by Councilman Drake, 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 PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE

PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT OF LOTS 4, 5, 6, 7, 8 and 9, BLOCK 174; LOT 5, WEST 50 FEET OF LOT 6, ALL OF LOTS 7, 8, 9 and 10 AND WEST ONE-HALF OF LOT 11 AND LOT 12, BLOCK 173, ORIGINAL CITY OF AUSTIN; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON REAR 250 FEET OF A 1.5-ACRE TRACT OF LAND OUT OF THE SPEAR LEAGUE, LOCALLY KNOWN AS 6010 NORTH LAMAR BOULEVARD; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON ORIGINAL LOTS 5, 6, 7, 8 AND NORTH ONE-HALF OF THE ALLEY, BLOCK 74, ORIGINAL CITY, LOCALLY KNOWN AS 501-511 WEST 7TH STREET AND 605-607 NUECES STREET; ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Drake 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 Drake 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 Drake 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 then 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 the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with V. G. Mann, for the laying of certain water mains and other pipes in Ridgelea Subdivision, in the City of Austin, 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 V. G. Mann, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E-
TH

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 a portion of Ridgelea Subdivision on the streets and at the locations described as follows:

Two-Inch (2") cast iron main in Jefferson Street
from Pete's Path to Lot 106, a distance of approxi-
mately 350 feet.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Three Hundred Fifty Dollars (\$350.00) 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 Three Hundred Fifty Dollars (\$350.00) 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 complete; 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 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 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 V. G. Mann, has executed this instrument in duplicate this the _____ day of _____, 1950.

CITY OF AUSTIN

ATTEST:

By _____

City Manager

City Clerk

APPROVED:

V. G. Mann_____
Superintendent of Water Dept._____
Director of Public Works_____
City Attorney

Which motion, duly 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 City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with John Cannizzo, for the laying of certain water mains, sanitary sewer mains and other pipes in Cannizzo Subdivision, a portion of the Henry P. Hill League, 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, and JOHN CANNIZZO, of Travis County, Texas, hereinafter for convenience sometimes called the Owner;
W I T N E S S E T H:

I.

As part of the development of the Cannizzo Subdivision, a portion of the Henry P. Hill League in Travis County, Texas, the Owner desires to provide the following utilities;

(a) Water mains and other water pipes to be located in streets and easements to serve all of such Subdivision.

(b) Sanitary sewer mains and other sewer pipes to be located in streets and easements to serve all of such Subdivision.

II.

It is estimated that all of the work described in Paragraph I will cost the sum of Six Thousand Nine Hundred Sixty Eight Dollars (\$6,968.00) when completed, of which cost the sum of Fourteen Hundred Dollars (\$1,400.00) is estimated to be the cost of water lines and the sum of Five Thousand Five Hundred Sixty Eight Dollars (\$5,568.00) is estimated to be the cost of the sanitary sewer lines.

III.

At the present time the Owner desires to develop only a part of said Cannizzo Subdivision, the part now to be developed being the part thereof to be served by the water and sewer lines and mains described and located as follows:

(a) Water mains and lines located and described as follows:

Six-inch (6") cast iron water main in Paramount Avenue from Rundell Place southerly to Lot 12, Block B, Cannizzo Subdivision, approximately 330 feet.

Two-inch (2") cast iron water pipe in Ann Arbor Avenue from Rundell Place southerly to Lot 11, Block B, Cannizzo Subdivision, approximately 360 feet.

(b) Six-inch (6") concrete sewer lines described and located as follows:

In Rundell Place from the end of the sewer now in such street east of Ann Arbor Avenue westerly to Paramount Avenue, approximately 386 feet.

Paramount Avenue from Rundell Place southerly to Lot 12, Block B, Cannizzo Subdivision, approximately 350 feet.

Ann Arbor Avenue from Rundell Place southerly to Lot 11, Block B, Cannizzo Subdivision, approximately 364 feet.

It is agreed that the estimated cost of this part of the development will be the sum of Five Thousand Two Hundred Fifty Three Dollars (\$5,253.00), of which cost the sum of One Thousand Four Hundred Dollars (\$1,400.00) is estimated to be the cost of water mains and lines and the sum of Three Thousand Eight Hundred Fifty Three Dollars (\$3,853.00) is estimated to be the cost of the sanitary sewer lines.

IV.

As consideration for the obligations of the City of Austin herein undertaken, which are assumed for the benefit of the Owner in order to furnish water service and sewer service to him, the Owner agrees to deposit the sum of Five Thousand Two Hundred Fifty Three Dollars (\$5,253.00), being the estimated cost of the water and sewer lines now to be constructed, with the City of Austin prior to the commencement of the work herein provided to be done by it.

V.

(a) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay the water mains and other pipes described in Paragraph III of this contract.

(b) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the sanitary sewer mains and other sewer pipes described in Paragraph III of this contract.

VI.

Within a reasonable time after the deposit of the sum or sums of money as provided in Paragraph IV hereof, the City of Austin agrees to commence construction of the work described in Paragraph V 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.

VII.

The deposit provided for in Paragraph IV hereof is an estimate only of the cost of the work to be done by the City as described in Paragraph V; and it is agreed that if the actual cost of such work is less than the amount deposited by the Owner, the City of Austin, after the work is completed and subject to the provisions of Paragraphs XII and XIV hereof, will refund to the Owner 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 Owner 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.

VIII.

Immediately upon completed of the work described in Paragraph V, the City of Austin will furnish to the Owner 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 and agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

IX.

It is agreed that, subject to the provisions of Paragraphs XII and XIV hereof, the Owner shall be reimbursed for the money deposited as provided in Paragraph IV hereof in the following manner: Within sixty (60) days after the first day of January following completion of the work described in Paragraph V, the City shall pay to the Owner a sum equal to twice the gross amount of income realized by the City from the service and sale of water to customers having a direct connection with the water mains constructed as provided in Paragraph V 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 Owner a sum equal to twice the gross income realized by the City during the preceding calendaryear from the service and sale of water from said water lines or mains to its customers having a direct connection with said water mains, until the total amount of the cost of the work provided in Paragraph V shall have been repaid; but in no event shall the City make such payment over a period of time longer than ten (10) years from the date of completion of said work as such date is noted on this contract under the provisions of Paragraph VIII.

X.

It is agreed that the title to all improvements to be constructed as provided herein shall be and remain in the City of Austin and the City may make such repairs, changes, and connections therewith as may be proper or necessary to the orderly conduct of its water system.

XI.

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 Owner agrees to comply with all such provisions of such laws, ordinances, and Charter.

XII.

It is agreed that the City of Austin may, at its option, retain all or any part of the deposits made by the Owner in compliance with Paragraphs IV and VII of this contract and refuse to make the payments and refunds provided for in Paragraph VII and IX of this Contract in the event the Owner shall fail or refuse to comply substantially with any obligation lawfully imposed upon the Owner under any provision of the State laws or the ordinances of the City of Austin regulating the platting, planning and development of subdivisions within the City of Austin.

XIII.

Owner agrees that prior to the sale of any of Lots 2, 3, 4, and 5 in Block C of such subdivision he will complete or will arrange with the City of Austin for completion of all of the improvements described in Paragraph I of this contract, in such units as may be approved by the City of Austin.

Any arrangements made with the City of Austin shall be similar to the provisions of this contract for partial development, and shall be in accordance with the deposit and refund policy of the City of Austin and based on estimates of cost at the time such arrangements are made.

XIV.

It is estimated that the cost of completion of the remainder of the improvements described in Paragraph I hereof will be Seventeen Hundred Fifteen Dollars (\$1,715.00). Until the completion of all of the improvements described in Paragraph I hereof or until arrangements for such completion have been made in accordance with Paragraph XIII hereof, the refunds provided for in Paragraph IX of this contract shall not exceed the actual cost of the partial development herein undertaken, determined and recorded as provided in Paragraph VII and VIII hereof, less said sum of \$1715.00. Said sum of \$1715.00 shall be retained by the City until such completion or arrangements for completion have been made as herein provided. The sale of any of the lots enumerated in Paragraph XIII hereof before the completion or arrangements for completion of the remaining improvements described in Paragraph I hereof shall forfeit all rights of the Owner to refunds under this contract, in which case no further payments hereunder shall be made by the City.

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 John Cannizzo has executed this instrument in duplicate, this the 17th day of August, 1950.

CITY OF AUSTIN

ATTEST:

By

City Manager

City Clerk

APPROVED:

John Cannizzo

Superintendent of Water Dept.

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

Which motion, duly 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, J. C. Lankford is the Contractor for the painting of a building located at 101-111 East 6th Street and desires a portion of the sidewalk and street space abutting Lot 6, Block 56, of the Original City of Austin, Travis County, Texas, during the painting of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. C. Lankford, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 6th Street to a point 6 feet north of the north property line; thence in a westerly direction and parallel with the centerline of East 6th Street 160 feet to a point; thence in a southerly direction and at right angles to the centerline of east 6th Street to the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 6 feet west of the west property line; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 46 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to said J. C. Lankford, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary line along the north, south, east and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than September 1, 1950.

(3). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims, or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and

other safeguards during the occupancy of the space.

Which motion, duly 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, O'Connell & Morton are the Contractors for the remodeling of a building located at 403-05 West 6th Street and desires a portion of the sidewalk and street space abutting Lot 6, Block 52, of the Original City of Austin, Travis County, Texas, during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said O'Connell and Morton, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 6th Street to a point 6 feet south of the south curb line; thence in a westerly direction and parallel with the centerline of West 6th Street approximately 46 feet to a point; thence in a southerly direction and at right angles to the centerline of West 6th Street to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said O'Connell and Morton, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary line along the east, north and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than September 15, 1950.

(3). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of

Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle

Noes: None

Present but not voting: Mayor Glass

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on May 19, 1950, bids were received by the City of Austin for the construction of storm sewers in Brookview Road Easement from Schieffer Avenue to Wilshire Boulevard, and in West 30th Street Easement from Guadalupe Street Alley to Fruth Street Alley; and

WHEREAS, the bid tendered by George B. Hatley Construction Company was the lowest bid received, and on May 25, 1950, the City Council accepted such bid and awarded the contract for such construction work to that company; and

WHEREAS, the said George B. Hatley has failed and refused to enter into contract with the City in accordance with such bid, and has failed and refused to perform the work thereunder; and

WHEREAS, the next low bid for such work was tendered by Richard Schmidt, of Austin, Texas, whose total bid for such work was in the amount of Twenty-Two Thousand Nine Hundred Sixty-Eight (\$22,968.00) Dollars; and

WHEREAS, the said Richard Schmidt has now revised his bid, and has proposed to construct such sewers for the sum of Twenty Thousand One Hundred Sixty-Three (\$20,163.00) Dollars; Now, Therefore,

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

That such revised bid or proposal of Richard Schmidt be accepted, and that the contract for such work be awarded to the said Richard Schmidt; and Walter Seaholm, City Manager, be and he is hereby authorized to enter into contract with the said Richard Schmidt for the performance by the said Richard Schmidt of such construction work.

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

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

Noes: None

Mayor Glass read the following read the following resolution:

(RESOLUTION)

WHEREAS, pursuant to action taken by the City Council of the City of

Austin, administrative work, under supervision of the City Manager, was initiated several months ago to survey the needs of the City of Austin for:

- (1) Job evaluation and classification affecting all City departments and all employees, with resulting adjustment of wage and salary inequities, as well as an over-all increase in wages and salaries;
- (2) Re-appraisal and study of the City of Austin Retirement Plan for City employees, with a view to increasing benefits to members of the System; and
- (3) Survey and study of a program by which all employees of the City of Austin will be insured, without cost to the employees, such benefits to include life insurance as well as hospitalization and medical care, under a group policy plan; and

WHEREAS, this work has been accomplished to the extent that the City Manager has been enabled to report findings and make definite recommendations to the City Council on all three points of study and survey; now, therefore,

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 adopt and execute necessary procedures to accomplish the following objectives to be effective not later than January 1, 1951:

- (1) Make provision in the proposed annual budget for 1951:
 - (a) To adjust all wage and salary inequities found to exist as a result of job evaluation and reclassification affecting all City employees; and
 - (b) To provide wage and salary increases on an over-all plan which will affect all Departments and all employees, within the means of the estimated probable revenues for 1951, to meet as nearly as possible market conditions.
- (2) Recommend in writing amendments to the Pension and Retirement Ordinance necessary to provide the following additional benefits for employee-members of the System:
 - (a) Voluntary retirement at any age under conditions found to be actuarially sound;
 - (b) Full credit for prior service for all employees reaching retirement;
 - (c) Retirement upon disability;
 - (d) Maximum retirement benefit to be based upon a salary not exceed \$300.00 per month (instead of \$200.00 per month)

- (3) Recommend in writing a group insurance plan, covering all City employees, which will provide the following basic benefits, without cost to City employees:

- (a) Life insurance, not less than \$1,000;
- (b) Hospitalization, not less than 20 full days;
- (c) Medical attention, including surgical expense, not less than \$225;
- (d) For accidental death or dismemberment, insurance not less than \$6,000;
- (e) Insurance to cover activities extending through full 24-hour day, whether on duty or off duty;
- (f) Hospitalization and medical care benefits to entire family, at option of employee, available at group plan rates, premiums payable by employee.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL:

That sources of revenue sufficient to accomplish the entire program set out above in this Resolution will be supplied through means reasonably available to the City Council.

The Council held a discussion on the amount of money it would take to adjust the salaries and make the increase. It was stated it would take about \$400,000. The City Manager stated much depended on the bond issue, and whether or not the City would go to 100% value. The Council decided not to take action on the above resolution at this meeting, but to study it over for one more week. Councilman Drake stated it was a public declaration of policy to be put on record, and one week would not make any difference. Councilman Johnson stated he believed this policy to be a step forward. Councilman MacCorkle felt that this was giving more attention to personnel, and he was glad to see the plan worked out. The Mayor was anxious to get the resolution adopted, as he felt it was a good plan. Councilman Long was in favor of the plan, but wanted to go into it more thoroughly.

MAYOR GLASS stated the Schools had appointed a committee to study their financial needs, and he felt that such a committee should be appointed to study means of financing the needs of the City of Austin. He suggested that the two committees should then get together and make recommendations particularly on whether or not taxing should be based on a 100% valuation, 85% or 75%.

Councilman MacCorkle moved that the public hearing regarding the amendment to the Zoning Ordinance to permit the sale of beer in cases or unbroken cartons containing not less than six bottles or cans for off-premise consumption in any "C-1" Commercial District, previously set for August 31, 1950, be re-set for SEPTEMBER 7, 1950, at 11:00 A.M. The motion, seconded by Councilman Long, 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, 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, bids have been received for the construction of said improvements and the bid of Brown & Root, Inc. was determined to be the lowest and best bid, and has been accepted by the City Council of the City of Austin; Now, Therefore,

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

That the Director of Public Works of the City of Austin be and he is hereby directed to prepare and file with the City Council estimates and rolls as required by law for each street unit to be so improved, showing thereon the total estimated costs of the improvements in each such street unit, the part of such estimated costs to be paid by the City of Austin, and the part thereof to be paid by the property owners, the front foot rates applicable to each such street, and such other pertinent information as may be required by law; and in addition thereto, showing on such rolls the description of each parcel of property abutting thereon, the names of the apparent owners thereof, the number of front feet of each such parcel of property fronting on each such street unit, the front foot rates applicable thereto, the amount proposed to be assessed against the same and such other pertinent information as may be required by law.

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

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

MR. HENRY MORENO complained about out-of-town trucks coming into Austin selling to cafes and ruining his own trade, as he had to pay taxes on fixtures, inventories, etc., and these outsiders paid only a peddlers' tax; and that their trucks were not even screened in. Councilman Johnson asked that something be worked out for the protection of our merchants if possible. Councilman Long inquired if there would be discrimination against district salesmen. After discussing this, the Mayor asked that Dallas and Fort Worth be written in an effort to obtaining information concerning their ordinances regulating such out-of-town peddlers.

The Council received a memorandum from the City Manager stating that MR. CHAS. F. HERRING and MR. JACK SPARKS desired to have the following applications for changes of zoning, advertised for public hearing on August 24, 1950, POSTPONED:

JOHN J. STUMPF (By Mr. Herring)	2815 Fruth	From C-1 to C-2 Commercial
R. G. MUELLER (By Mr. Herring)	1904-1906 South Congress Avenue	From C-1 to C-2 Commercial
PURE FOODS COMPANY (By Mr. Sparks)	1603-1605 Manor Road	From A and C to C-2 Commercial

Councilman Johnson moved that the above request be granted and public hearing on the three applications be postponed. The motion, seconded by Councilman Drake, carried by the following vote:

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

The Council received a report from the City Manager that the application of REX SHIELDS for change of zone of his property at 1500-1502 East 4th Street from "B" Residential to "D" Industrial had been referred to the Zoning Board of Adjustment for consideration and recommendation.

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

APPROVED:

Taylor Glass
Mayor

ATTEST:

Elaine Wooley
City Clerk