

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 1, 1961
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Palmer presiding.

Roll call:

Present: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Absent: Mayor Miller

Present also: Reuben Rountree, Jr., Acting City Manager; C. J. Taylor, Assistant City Attorney; Robert A. Miles, Chief of Police
City Manager, Mr. W. T. Williams, was out of the city.

Invocation was delivered by REV. CHARLES T. HARDT, Memorial Methodist Church.

MRS. JAMES MILLER came before the Council regarding a drainage problem at the rear of her home, 3102 Highland Terrace. She gave a resumé of the drainage work that had been done since 1948, stating as one section was improved with large pipe, drainage was increased at her house, although a pipe had been installed along her property. She displayed a plat showing the locations of the different sized pipes, and the location of the overflow across her property. She stated there were 42" and 24" pipes coming in at the head of the ditch, but only a 24" pipe to take the water off at the site of her house, and the problem was she was the one that really was flooded out. Councilman Perry said she was not talking about a normal flow of water running over her yard, but that it would compare in proportion to Barton Springs. Mrs. Miller reported on various meetings with the Director of Public Works and property owners, and reviewed suggestions made by the Director of Public Works, who had also given an estimate of the costs of the pipe. The people who would bear the heaviest costs (\$797.00 and \$766.59) had no flood problems at all; and she and her neighbors would have only a \$25.00 and \$37.00 cost. She reviewed a previous arrangement suggested by the Mayor. The Acting City Manager, Mr. Rountree, gave a recommendation of what could be done in rerouting the water, and suggested how this could be accomplished. Finally, after more discussion, Mayor Pro-tem Palmer stated this presentation was the first time that some of the members of the Council had heard of this, and that the Council would check this over with Mr. Rountree and take a look on the site and see if they could come up with something that would correct the situation.

MR. HOWARD CLAGGETT stated he had made application for permission to do some dirt work on the new town lake on the old Monk property, and had an aerial photograph of the area to show what he wanted to do. He read the letter written that outlined what he wanted to do, displayed a survey map made by Mr. Metcalf in 1952, showing the property out of the water at that time; and a map showing the topography in April, 1960. Mayor Pro-tem Palmer stated the Council would permit anything it could legally, but said it was necessary to finish all of this in the development state and know where the boundary lines were and the amount of clearance necessary to have in the channel. He stated this request should be referred first to the Director of Public Works and the City Attorney. The Asst. City Attorney stated the City Council had always required a joinder of the record titleholders of the property on the application. Mr. Claggett stated that could be arranged. Mayor Pro-tem Palmer stated an answer would be given as early as possible.

Pursuant to published notice thereof the following zoning applications were publicly heard:

THOMAS C. WOMMACK	5301-05 Cameron Road	From "GR" General Retail To "C-1" Commercial RECOMMENDED by the Planning Commission.
-------------------	----------------------	---

No opposition appeared. Councilman Bechtol moved that the change be granted to "C-1" Commercial. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. JOHN L. MURTHA	2301 Leon Street	From "A" Residence 1st
MRS. ALMA ANN LASSETER	1010-1012 W. 23rd St. and 2303-05 Leon Street recommended by the Plan Commission	H&A & "BB" Residence 2nd H&A To "B" Residence 2nd H&A RECOMMENDED by the Planning Commission.

No opposition appeared. Councilman Bechtol moved that the change be granted to "B" Residence 2nd H&A. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "B" Residence 2nd H&A and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. JULIA B. CLARK 1190-90½ San Bernard From "A" Residence
 1214-18 Cotton To "O" Office
 and RECOMMENDED by the
 additional property Planning Commission.
 as recommended by the
 Plan Commission at
 1192-94 San Bernard.

No opposition appeared. Three letters in opposition were noted. Councilman Bechtol moved that the change be granted to "O" Office. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

ARTHUR N. LEVEIN 5501 Airport Blvd. From "C" Commercial
 To "C-2" Commercial
 RECOMMENDED by the
 Planning Commission

Mr. Trueman O'Quinn represented the applicants stating this request was for only 750 square feet in the new Sparton Store in the middle of 60,000 square feet. Opposition was expressed by MR. R. F. CLARK, MR. LESLIE GAGE who represented 24 people in the 300' area and three others; J.L. MOCK. Councilman Bechtol moved that the change be granted to "C-2" Commercial. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

J. H. DUNCAN 1307-11 Chicon From "A" Residence
 1901-03 E. 14th St. To "LR" Local Retail
 NOT Recommended by the
 Planning Commission.

No opposition. Mr. Duncan appeared in his own behalf, stating he had been there 55 years, and the building was getting ragged. His cafe had been closed by the Health Department. The Planning Director explained he could not meet the Health Department standards unless he constructed a new building, and he could not do that without a change in zoning. The Commission had indicated it could be justified if it connected to a commercial area to the south. Mr. Duncan planned to build a new cafe. Councilman White moved that the change be granted to "LR" Local Retail. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM P. HOFFMAN	931 East 41st Street	From "A" Residence To "GR" General Retail NOT Recommended by the Planning Commission RECOMMENDED "O" Office
--------------------	----------------------	---

The Director of Planning explained the recommendation that the whole strip be "O", and that special permits for "LR" uses be considered. Councilman Bechtol suggested that Mr. Hoffman be asked to amend his application to "O". Finally, after more study and consideration, Councilman Bechtol moved that "O" zoning be granted subject to the revision of the application by Mr. Hoffman. The motion, seconded by Councilman White, Carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been granted to "O" Office subject to the revision of the application by Mr. Hoffman and instructed the City Attorney to draw the necessary ordinance to cover.

RICHARD G. AVENT	2401-2413 W. 12th St.	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission.
------------------	-----------------------	--

The Director of Planning announced Mr. Avent had filed an application for subdivision which would consist of eight lots around a cul-de-sac, and it was planned he was going to develop duplexes on these eight lots. Councilman Bechtol moved that the change be denied. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been denied.

MRS. VIRGINIA MUNSON & C. E. MUNSON, Owners RUTH NEW & INSL VARNELL Purchasers; by Horace Glass'	3801 Duval Street 500-04 E. 38th	From "A" Residence To "O" Office NOT Recommended by the Planning Commission.
--	-------------------------------------	---

No one appeared in favor of the application. After discussion, Councilman Perry moved that the change be denied. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been denied.

O. D. DENSON By Alvis Vandygriff	1205 Baylor St.	From "B" Residence To "C" Commercial NOT Recommended by the Planning Commission.
-------------------------------------	-----------------	---

MR. ALVIS VANDYGRIFF represented the applicant, asking for change to "C", so as to permit Simmons Motor Company to build an addition to their garage. MR. EDDIE SIMMONS displayed a traffic survey made in 1958 on Lamar and 12th, and said if 30,000 cars went by an area in one day, it would indicate if it were not commercial it should be. He outlined his plans of developing the property. MR. JOHN COFER represented MRS. GLADYS M. ALLEN and MRS. ADA ROWE in opposing the change on the idea that the automobile repair business would not be an asset to their residential nice property. Opposition was also expressed by MR. W. B. RANSON, MRS. GLADYS M. ALLEN, MRS. BONNER PENNYBACKER, 1125 Enfield Rd.; MRS. STERLING ADAIR, 1203 Castle Hill, MRS. BETTY EASTON, owner of rent property at 1214 Baylor. Mayor Pro-tem Palmer stated the Council would take a look at the area and decide next week.

RUBEN H. JOHNSON	Tract No. 1 2704 (2624) Rio Grande 2705 Salado St. Tract No. 2 2706-08 (2710) Rio Grande Tract No. 3 2707 (2701) Salado St.	From "B" Residence To "O" Office RECOMMENDED by the Planning Commission.
------------------	---	---

Mr. Dan Felts represented the applicants who wished to construct doctors' offices on the property. He referred to a letter from the Administrator of Seton (On file with the Planning Department) who had no opposition to the zoning. He displayed drawings of the proposed construction. Opposition was expressed by JUDGE JAMES H. HART, and MR. EARLTON SMITH, MRS. CREEKMORE FATH, MR. TOM LEMON. Mayor Pro-tem Palmer stated the Council would make a personal inspection of the area and give an answer next week.

The Council recessed until 2:00 P.M.

RECESSED MEETING

2:30 P.M.

The Council resumed its business at 2:30 P.M.

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD APRIL 1, 1961, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1961, DESIGNATING THE POLLING PLACES IN THE VARIOUS PRECINCTS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has requested the State Highway Department to construct at its sole expense an illuminating system of lights on Interstate Highway 35 in the City of Austin from 17th Street to the Colorado River Bridge; and,

WHEREAS, the City of Austin has agreed that if the State Highway Department will furnish and install at its sole expense all necessary equipment for the Illumination System that the City of Austin will pay for the electrical energy and all costs of maintenance necessary to the operation of the System in an efficient and sightly condition; and,

WHEREAS, by Minute Order No. 49108 the State Highway Department has agreed to construct said Illumination System from 17th Street to the Colorado River Bridge in consideration of the City of Austin agreeing to supply the electrical energy and all costs of maintence necessary to the operation of the System in an efficient and sightly condition and agrees to commence work upon the acceptance of Minute Order No. 49108 by the City of Austin; Now, Therefore,

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

That Minute Order No. 49108 adopted and approved by the Texas State Highway Department is hereby accepted and approved by the City of Austin, and the City Manager is hereby authorized to furnish a certified copy of this resolution to the Texas State Highway Department and to furnish such further documents in connection with the construction of an Illumination System from 17th Street to the Colorado River Bridge as may be requested by the Texas State Highway Department.

The motion, seconded be Councilman Bechtol, carried by the following vote:
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the north side of Banyon Street as a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Holiday-Aire Heating and Cooling, and is Lot 6 of North Industrial Subdivision of the City of Austin, Travis County, Texas, and hereby authorizes the said Holiday-Aire Heating & Cooling to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Holiday-Aire Heating & Cooling has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
February 28, 1961

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Holiday-Aire Heating & Cooling, by their agent, Bill LaRue, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the

sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of Banyon Street, which property is designated as Lot 6 of North Industrial Subdivision in the City of Austin, Travis County, Texas, and locally known as 920 Banyon Street.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the East side of Avenue F as a private gasoline plant consisting of an 8,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Southern Union Gas Co., and is an unplatted tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Southern Union Gas Co. to operate a private gasoline plant consisting of an 8,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached

recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Southern Union Gas Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
February 28, 1961

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Southern Union Gas Company, by their agent, D. J. Crowley, for permission to operate a private gasoline plant consisting of an 8,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Avenue F, which property is designated as an unplatted tract in the City of Austin, Travis County, Texas, and locally known as 5613 Avenue F.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the north side of East 5th Street as a private gasoline plant consisting of an 8,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Economy Furniture Company, and is the Milton T. Smith Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Economy Furniture Company to operate a private gasoline plant consisting of an 8,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Economy Furniture Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
February 28, 1961

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Economy Furniture Company, by their agent, Edward A. Kutac, for permission to operate a private gasoline plant consisting of an 8,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 5th Street, which property is designated as the Milton T. Smith Tract in the City of Austin, Travis County, Texas, and locally known as 5100 East 5th Street.

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

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps

shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

"Respectfully submitted,
"s/ Dick T. Jordan
Building Official"

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer

Noes: None

Absent: Mayor Miller

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West St. Johns Ave. as a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Cinbar Engineering Co., Inc., and is a part of the J. E. Hamby Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Cinbar Engineering Co., Inc. to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Cinbar Engineering Co., Inc. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 1, 1961

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Cinbar Engineering Co., Inc., by their agent Mrs. B. J. Barnhart, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of West St. Johns Ave., which property is designated as a part of the J. E. Hamby Tract in the City of Austin, Travis County, Texas, and locally known as 711 West St. Johns Ave.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

"Respectfully submitted,
"s/ Dick T. Jordan
Building Official"

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utility easement, ten (10.00) feet in width, was reserved and dedicated to the public in, upon and across the north portion of Lot 35, Woodland Hills, Section Three, a subdivision of a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said Woodland Hills, Section Three of record in Book 7 at page 15 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described portion of said above described premises has requested that such portion be released from said utility easement; and,

WHEREAS, the hereinafter described portion of above described easement is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That S. Reuben Rountree, Jr., Acting City Manager, be and he is hereby authorized to execute a release of the hereinafter described portion of the public utility easement as follows:

All of the south five (5.00) feet of the north ten (10.00) feet of Lot 35, Woodland Hills, Section Three, a subdivision of a portion of the Santiago Del Valle Grant, in the City of Austin, Travis County, Texas, according to a map or plat of said Woodland Hills Section Three of record in Book 7 at page 15 of the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Bechtol, carried by the following vote:
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

MAYOR PRO-TEM PALMER read the following letter from BASSETT MAGUIRE, Ph.D regarding a fogging program and asking that a group be appointed to study the situation.

"February 27, 1961

"The City Council
The Mayor
Austin
Texas

"Gentlemen:

"During the warmer part of 1960 the city carried on a fogging program which was aimed at the reduction of the number of noxious insects, especially flies of various sorts, within Austin. At that time there was considerable controversy over the efficiency of the program and over the possibility of injurious side effects of the insecticides on humans, dogs, cats, birds, fish, etc.

"I am writing this letter to suggest, as a professional ecologist (assistant professor in Zoology at the University of Texas), that we actually do not know much concerning the complex of effects which result from such fogging operations. It is my hope that now, during the winter when those on both sides of the debate are less immediately and emotionally involved, the city will appoint some unbiased group to study the situation. This group would probably need a

small amount of money and certainly would need the active cooperation of some of the city personnel to enable it to work effectively. I would be glad to act as an unpaid consultant to such a group.

"If such a study group were set up and given support, we could avoid the kind of recriminations which we heard last year, but even more important, we could learn how to deal with the noxious insect problems of our city more effectively. Every city has unique problems in insect control. This is because, among other things, different cities are unlike with respect to the distribution of sources of noxious insects (especially breeding areas) in and around the city, the kinds of insects which are important pests, the ease and effectiveness of fogging various parts of the city, the possibility of control of some of the insects by setting up conditions which encourage the increase in numbers of animals which prey on particular insects, the degree of resistance to various insecticides which has developed in local populations of the important insect species, and so on.

"Again let me urge you to set up a group somewhat as I have suggested so that we can solve this problem more effectively and without rancor.

"Sincerely,
s/ Bassett Maguire, Ph.D."

The letter was referred to the Health Officer, and to come in with a recommendation.

The Acting City Manager made a report on a meeting with MR. LAWSON BOOTH, County Commissioner, MR. IAN MORGAN, County Engineer, COUNCILMAN WHITE and himself. He stated he had this morning received a letter from Mr. Booth, that he was authorized by the Commissioners Court to pay \$10,974 for certain construction (Pleasant Valley Road, the roadway from the south end of the Low Water Dam to Riverside Drive) and that the County would pay the above amount immediately after the City had completed the road. The Acting City Manager, MR. REUBEN ROUNTREE, stated this amount was based on the County's cost per mile on Riverside Drive, \$18,290. He stated the plan was for an 8" base, with a double, 44 feet wide and no curb and gutter. He said in order to get started before May 1st, it was necessary to advertise for bids, and to accept the County's participation in this amount. Councilman White moved that the Acting City Manager be instructed to advertise for bids and to accept this money from the County. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Assistant City Manager submitted the request of the CIVITAN TEEN CANTEN to have a parade on April 1st at 2:00 P.M. After discussion of the usual times for parades, Councilman White moved that permission be granted subject to clearance with the Chief of Police. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
Noes: None
Absent: Mayor Miller

The Assistant City Manager stated the Council had asked the City Manager to check with MR. BILL HOWARD regarding the Boating Trades Association request to use the lake on April 8 and 9 or 15th and 16th this year and each successive year. He reported that Mr. Howard said these boat activities would not interfere with his activities at all and might not for sometime, but he would like for the Council to tell those who may make request that this may not be true for next year, and that Mr. Howard had said he did not care how many requests were granted this year. Councilman Perry moved that the Boating Trades Association of Texas, and the Highland Lakes Boat Club be allowed to have their boating activities on the scheduled dates with rates as specified by Councilman Bechtol. (Same rate as charged by the Coliseum) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Assistant City Manager inquired about the dates as the Boating Trades Association had asked for two dates--April 8th and 9th, or April 15th and 16th. Mayor Pro-tem Palmer stated either one would be permissible.

The Assistant City Manager stated he had two phone calls regarding boating concessions on the town-lake, but he had told them this was a little premature. Mayor Pro-tem Palmer stated he was not yet ready to consider concessions. Councilman Bechtol said he thought it was time to start making some plans. No action was taken at this time.

There being no further business, Councilman Perry moved the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer
 Noes: None
 Absent: Mayor Miller

The Council adjourned at 5:30 P.M. subject to the call of the Mayor.

APPROVED

Lester E. Palmer
 Mayor Pro-tem

ATTEST:

Elvin Hooley
 City Clerk