

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 6, 1960  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. ARCHIE STEVENSON, Hyde Park Christian Church.

Councilman White moved that the Minutes of the Meeting of September 29, 1960, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

MR. B. F. McCOY and MRS. E. P. CONKLE appeared before the Council regarding the go-cart tract in the 1700 block of Barton Springs Road, stating five go-carts would be operating at a time, and this operation was a seven-day week activity, lasting until 12:00 or 12:30 each night. Mr. McCoy stated he had discussed this operation and the extreme noise with the owner, Mr. Bill Sheldon, who favored closing the tract at 10:00, but did not want to put mufflers on the cars. The Chief of Police said these go-cart activities were not conducive to safety, and that he had tried to discourage these from operating in the city, and he reported that there had been two serious injuries on this particular tract. The City Attorney discussed the present ordinance, and the course of action any citizen might take. Suggestions were that the tracts close down at 10:30; that the cars be muffled at all times; that bumpers be required to be placed on the cars, and on the fence. Councilman Bechtol inquired about the zoning requirements. Councilman Bechtol moved that the Council instruct the City Manager and the City Attorney, working with the Police Chief and Planning Commission, to bring in an ordinance regulating the hours, the safety, and the noise of the so-called "go-cart" operations and give some study as to the idea of making this a special permit application before they are allowed to operate. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE  
NO. 600721-C SO AS TO RESET THE TIME FOR THE  
PUBLIC HEARING THEREIN PRESCRIBED CONCERNING  
PAVING OF CERTAIN PORTIONS OF SCENIC DRIVE;  
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 Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller  
Noes: None  
Not in Council Room when vote was taken: Councilman Bechtol

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 Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller  
Noes: None  
Not in Council Room when vote was taken: Councilman Bechtol

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

Ayes: Councilmen Palmer, Perry, White, Mayor Miller  
Noes: None  
Not in Council Room when vote was taken: Councilman Bechtol

The Mayor announced that the ordinance had been finally passed.

MR. ROBERT POTTS submitted a \$1,000 Cashiers Check to the Council to perform \$1,000 amount of work in cleaning Shoal Creek. The Mayor stated the Council was glad to accept this check, and turned it over to the City Manager and asked that he and the Director of Public Works decide how this will be applied.

Mr. Trueman O'Quinn, representing MR. MARVIN BERGSTROM and MR. WALTER STAEHELY in the development of the southwest corner of 13th and Guadalupe, stated the plans for an eight-story apartment hotel were underway. The Hotel will accommodate 96 persons. The plans call for 40 off-street parking. Mr. O'Quinn went over the plans for entrances and plans for parking under the hotel. He asked the Council to approve the building permit with 40 off-street parking spaces so that the architect could proceed with the plans. Later in the meeting the Director of Public Works suggested a plan whereby 58 parking spaces could be provided. The Mayor stated that the architects must provide standard spaces, and noted this was in the fire district, and had to be of certain construction.

Mr. O'Quinn stated by putting a ramp in 48 or more spaces could be provided. The Mayor stated the Council had indicated it would go along if 50% or more parking spaces could be arranged. Councilman Palmer stated when the plot plan was submitted, the matter would be voted on.

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

S. F. WATERMAN	Rear of 1207 Lamar Boulevard	From "C" Commercial To "C-2" Commercial RECOMMENDED by the Planning Commission
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Mr. Trueman O'Quinn represented the applicant. No opposition appeared. One letter protesting was received from Dr. G. M. Cleveland. The Mayor asked those who wished to grant the change to "C-2" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller  
Noes: None  
Not in Council Room when vote was taken: Councilman Bechtol

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

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LURUTH SMITH RIVERS By Wayland Rivers	4301-05 Avenue H 400-02 East 43rd Street	From "C" Commercial To "B" Residence RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman Perry moved that the change be granted to "B" Residence. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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THEODORE W. BERENSON By John Sellman	5429-5435 & 5519-25 Interregional Highway (As amended)	From "C" Commercial 6th Height & Area To "C" Commercial 2nd Height & Area RECOMMENDED as amend- ed by the Planning Commission
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No opposition appeared. Mr. Sellman stated he was prepared to file a covenant regarding the areas. The Mayor asked those who wished to grant the

change to "C" Commercial 2nd Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller

Noes: None

Not in Council Room when vote was taken: Councilman Bechtol

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

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CHESLEY-BAITY DEVELOP- 502-08 West St. Elmo  
MENT COMPANY Road  
By Robert J. Potts 4327 South 1st Street

From "C" Commercial  
To "C-1" Commercial  
NOT Recommended by the  
Planning Commission  
RECOMMENDED for the area  
35 feet north of St.  
Elmo Road and extending  
10 feet west and north of  
the grocery store and to  
the east property line

Mr. Robert Potts represented the applicant. No opposition appeared. Councilman Palmer moved that the change be granted as recommended by the Planning Commission. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller

Noes: None

Not in Council Room when vote was taken: Councilman Bechtol.

The Mayor announced that the change had been granted to "C-1" Commercial to cover the area 35' north of St. Elmo Road and extending 10' west and north of the grocery store and to the east property line, (for the building only) and the City Attorney was instructed to draw the necessary ordinance to cover.

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SOUTHWEST SHARES, INC. 603 West 9th Street  
By Calvin C. Huffman,

From "B" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "O" Office to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Perry, White, Mayor Miller

Noes: None

Not in Council Room when vote was taken: Councilman Bechtol

The Mayor announced that the change had been granted to "O" Office and

the City Attorney was instructed to draw the necessary ordinance to cover.

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R. G. MUELLER, JR.  
FRANCES M. DANFORTH

3514-18 Jefferson Street

From "C" Commercial  
To "C-1" Commercial  
NOT Recommended by the  
Planning Commission  
RECOMMENDED to grant  
all of the property  
except the rear 50  
feet

Mr. Mueller represented himself, stating he was satisfied with the recommendation of the Planning Commission. Councilman Palmer moved that the change be granted to "C-1" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial to cover all of the property except the rear 50 feet, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HENRY G. SANDERS

Rear of 4124-28 East  
12th Street

From "A" Residence  
To "IR" Local Retail  
RECOMMENDED by the  
Planning Commission

No opposition appeared. Councilman Bechtol moved that the change to "IR" Local Retail be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Present but not voting: Councilman Perry

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

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NET RUSSELL BATEMAN

1811 Poquito Street  
2001-07 East 19th Street

From "B" Residence  
To "IR" Local Retail  
RECOMMENDED by the  
Planning Commission

Mrs. Bateman represented the applicant. Opposition was expressed by several neighbors asking that business be kept out of the neighborhood. The Council postponed action.

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GUADALUPE G. VASQUEZ

901 West Mary Street  
1900-04 South 4th StreetFrom "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission

Mr. Vasquez represented himself. MR. STEPHEN BURLAND asked that this be postponed a week so that a group could get here to be heard in opposition. He opposed the change on the grounds that everyone was trying to put in a beauty-shop, little grocery store or cafe or some type of small business in the neighborhood. The Council postponed action.

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R. C. WALDEN &  
MINNIE O. WALDEN4015 Alice Avenue  
1101-05 West 41st Street  
4014 Marathon BoulevardFrom "A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission  
and to include addition-  
al property  
4009-13 Alice Avenue  
4008-12 Marathon Blvd.

MR. T. E. BURNS, (T. E. Willey & Co.) represented the applicants. Mrs. Walden was present. Opposition was expressed by Mr. Coke Hollingsworth and Mr. H. E. Jacobson, asking that the area be left residential; stating that the street was narrow; that commercial zoning will ultimately cause this area to be a slum area. MR. WALTER YATES, purchaser of the property stated he wanted to separate his floor covering, and put the terraza part at this location; and that there would be no manufacturing or storage of gravel or forms. The Council wanted to make a personal inspection of the area; and postponed action.

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The Mayor stated that the Council had received a letter from the AUSTIN CITIZEN SAFETY COUNCIL endorsing the Kiwanis Club's program for a pedestrian safety campaign to be conducted between October 15th and November 15th. Councilman Palmer moved that the Kiwanis Club be granted permission as requested last week, by MR. TOM JOHNSON. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

Councilman Palmer moved that the Cowboy Organization of the University be granted permission to have the bon-fire on the bank of the Colorado River north of the Coliseum, with details to be worked out with the Fire Chief and Chief of Police. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

Councilman Bechtol moved that the West Lake Optimists Club be granted permission to use the lots on Lamar to sell Christmas trees this year, with the provision there will be no lights after 9:00 P.M. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller

Noes: None

Action on the appeal of GENE NAUMAN regarding short form resubdivision of property on corner of Comal and Hackberry Streets was postponed.

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 west side of Burnet Road as a private gasoline plant consisting of a 1,000 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 Austin's Super Service, and is Lot 17, Block 9, Rosedown Addition, of the City of Austin, Travis County, Texas, and hereby authorizes the said Austin's Super Service, by their agent, Charles Rubiolo, to operate a private gasoline plant consisting of a 1,000 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 Austin's Super Service has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
October 6, 1960

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

"Dear Sir:

"I, the undersigned, have considered the application of Austin's Super Service, by their agent, Charles Rubiolo, 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 west side of Burnet Road, which property is designated as Lot 17, Block 9, Rosedown Addition in the City of Austin, Travis County, Texas, and locally known as 4922 Burnet Road.

"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 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, Palmer, Perry, White, Mayor Miller  
Noes: None

The City Manager submitted a proposed contract with CAPITOL PAPER STOCK COMPANY to do salvage at the sanitary fills, stating Councilman White had contacted the General Manager and arranged a monthly payment of \$100.00 by the Company. Councilman White moved that the contract be authorized. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

The City Manager reported that the operator of the restaurant at the present terminal building is losing money and wants to quit. The Director of Aviation recommended that the Operator remain for the next three months to keep the place open, and recommended that since he had checked the records and found the operations to be at a loss, that no rent be charged for the next three months. Councilman White moved that the recommendation of the Aviation Director be accepted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None



The City Manager reported that the U. S. Conference of Mayors was concerned about a ruling of The Treasury Department regarding tax exempted municipal securities, and some regulation which would result in taxes being collected from Life Insurance Companies on their income from their municipal bonds. He stated there was a recommended amendment which would make it clear that taxes not be imposed on these securities. The City Manager read the amendment. He stated the provision would eliminate any confusion that existed; and unless something were done, the fact the companies might have to pay a tax on that income would result in higher interest rates on municipal bonds. He stated that possibly cities could communicate with the Congressmen or write direct to the Treasury Department. Councilman Palmer suggested that the City Manager and City Attorney look into this and make a recommendation, as the city would be vitally interested if the bond interest rates are affected.

Councilman Bechtol moved that the Shrine Circus be given permission to have the fireworks as submitted by the Assistant City Manager. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

The Council granted MANUEL CASTILLO, for the CATHOLIC WAR VETERANS, permission to hold a New Year's Dance at the Coliseum, Sunday, January 1, 1961. Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White  
Noes: None  
Not in Council Room when vote was taken: Mayor Miller

The Assistant City Manager made a report on the requests of DR. EVERETT GIVENS on August 25th for traffic signals, stating that the signal lights at Rosewood & Chicon had already been approved, and are scheduled to be installed. The Traffic Engineer had sent in a report that traffic at the following locations did not meet the minimums set up for traffic signals, and that he did not recommend signals, as these streets were already protected by two-way or four-way stop signs:

23rd and Chicon Street  
19th and Chestnut  
Rosewood, 11th and Navasota  
12th and San Bernard  
12th and Comal

He stated that reports on Dr. Givens' requests for opening of certain streets and for signal lights at the train crossing on East 19th Street would be brought in later.

The Assistant City Manager made a report on the change of contractors for the paving of Stevenson Avenue, and the status of the paving in front of MR. HORACE ROBERDEAU'S. After discussion, Councilman Bechtol moved that the Assistant City Manager be instructed to write Mr. Horace Roberdeau stating in view of the fact that he had refused to pay for the relocation of the C. G.

Conner curb and gutters, the Council feels that the paving of Stevenson should proceed as originally planned. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING, TO PUBLIC TRAVEL, THAT CERTAIN PORTION OF AN ALLEY, LOCALLY KNOWN AS AVENUE H ALLEY, LYING EAST OF AND ADJACENT TO THE EAST LINE OF BLOCK 18 OF HYDE PARK, RETAINING AN ELECTRICAL EASEMENT ACROSS THE ENTIRE PORTION OF SAID ALLEY, AND RETAINING A SANITARY SEWER EASEMENT ACROSS THE NORTH SEVENTEEN AND ONE-HALF FEET OF SAID PORTION OF SAID ALLEY; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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 Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

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 Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

Councilman Perry absent.

MR. ROBERT POTTS made inquiry of the zoning application of SOUTHERN OAKS REALTY COMPANY, at the rear of 2509-2511 South Congress, for change of zoning from "A" to "C", which application had been referred back to the Planning Commission to work out a location of a street. The Director of Planning made a report on the application. The Mayor stated the applicant was going into the lumber business instead of merely storing the lumber while he was building. Mr. Potts asked that the Council postpone action on this application until all members of the Council were present.

A sample of the insertion to be sent out with the tax statements was submitted, setting out the tax rates of both the city and the school. The Council discussed the insert and approved it as submitted.

The City Manager submitted the request of Mr. Oxford for parking spaces at the Parking Lot on an annual basis for their reporters. The City Manager inquired if an annual rate on a temporary basis should be established, and payable monthly in advance. The Mayor suggested a 10% reduction on an annual basis. The City Manager was asked to see if this would be satisfactory on a temporary basis, payable in advance monthly, and keeping in mind the use of the lot is increasing and will be during November and December.

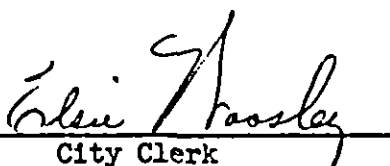
The City Attorney discussed gifts of land to the city from MR. NELSON PUETT--one next to the sand-beach reserve, and the other, a one and three-fourths acre between East Powell Lane and Wonsley Drive. For the first piece of land, Mr. Puett wanted a letter stating it was worth a certain amount. The Mayor stated he would write the letter. For the other, Mr. Puett was under the impression it could not be subdivided profitably, and the City Attorney stated that he did not believe Mr. Puett had all of the facts regarding possibilities of subdividing the land. The City Attorney was asked to write Mr. Puett a letter regarding this tract of land as discussed.

There being no further business, the Council adjourned at 5:25 P.M., subject to the call of the Mayor.

APPROVED \_\_\_\_\_

Mayor

ATTEST:

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