

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 4, 1957
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, 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.

Invocation was delivered by REV. WESLEY N. SCHULZE, Ward Memorial Methodist Church, 1206 Willow.

Councilman White moved that the Minutes of the meeting of March 28, 1957, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. M. H. CROCKETT appeared, reporting flood waters on 19th and San Jacinto during the past week, and stated the water had gone into two of the stores in the vicinity. The Mayor said he had made a survey of the town during the past rains with the Director of Public Works. MR. ROUNTREE had noted what needed to be done in this area.

MR. ELDON BEBEE, 6 Kern Ramble, reported on a water problem in the French Place, in that their area was receiving the drainage of French Place and Upland Hills Addition. There are no storm sewers in French Place, he said, and the water came down into their yards and under their houses and garages. The Director of Public Works stated this situation was being worked out, and he outlined the plan under way. The only problem now was the acquiring of one easement. Mr. Wallace, on whose property the easement was to be acquired, stated he had not been approached recently; but that six months ago, he was asked to pay for the pipe, and at that time he could not. Councilman Pearson suggested that Mr. Rountree get a complete report by next week; and by that time possibly the easement problem could be worked out. The Mayor said that the matter would be remedied as soon as possible.

MR. HERMAN JONES, represented some of the property owners in the 3100 block of Lamar, who wanted to be present should the zoning application of Mr. Hillen at 32nd and Lamar come up for reconsideration. The Mayor outlined the history of this application, the granting of the zoning, the formal passage of the ordinance, and the complaint of Mr. Ashley at a later date that the property was not being used as a florist establishment, but was being leased as a laundry pick-up center. MR. JONES stated it was the understanding of the neighbors that not only the back 50' would not be occupied, but that the 172' would not be occupied by any business other than the florist business. He believed that the neighborhood would prefer that the zoning of Mr. Hillen be made "C" to the same depth as that of Mr. London, without any restrictions. The Mayor suggested that possibly the rezoning of the 50' could be considered; and when Mr. Hillen contracted for the floral shop, perhaps some Council later on would grant the necessary zoning. The Mayor further suggested that Mr. Jones contact the attorneys for Mr. Hillen and see what could be worked out. Later on in the meeting, Mr. Jones stated that Mr. Stanley Hornsby agreed to file an application to zone the property "C" as far back as London's zoning went; and west of that would be zoned back to "A"; that the "C" Commercial for Mr. Hillen would be free of any restrictions or agreements, oral or written. Mr. Jones added that Mr. Hornsby asked him to state further that they needed immediately to get on with the contract in connection with the laundry-pick up lease; and that he had told Mr. Hornsby that on his assurance that the application would be filed, that as far as the neighbors were concerned that Mr. Hillen could go ahead with the laundry pick-up.

MR. TOOMEY appeared making inquiry as to the status of the zoning request of the Little Theatre. Mr. Toomey did not oppose the "C-1" zoning if the Little Theatre had their building and sold beer to their customers; otherwise he was opposed. The Council indicated that it would take no action until the Little Theatre did get started.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 28, 1957, for the purchase of two 20 cubic yard and six 16 cubic yard packer type refuse collection body units; and,

WHEREAS, the bid of Ballard Equipment Company in the sum of \$3,081.00 per unit for two 20 cubic yard body units, and in the sum of \$2,960.00 per unit for six 16 cubic yard body units, were the lowest and best bids therefor; and the acceptance of such bids and the purchase of the eight packer type refuse collection body units has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

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

That the unit bids of Ballard Equipment Company in the sum of \$3,081.00 and \$2,960.00, be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Ballard Equipment Company.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in PEDERNALES STREET, from Gonzales Street northerly 430 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said PEDERNALES STREET.

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

(2) A gas main in BULLARD DRIVE, from Northland Drive northerly to White Rock Drive, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said BULLARD DRIVE.

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

(3) A gas main in CLARICE COURT, from Bullard Drive westerly 286 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said CLARICE COURT.

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

(4) A gas main in DICKEY DRIVE, from Bullard Drive westerly 174 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said DICKEY DRIVE.

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

(5) A gas main in FAIRLANE DRIVE, from Bullard Drive westerly 164 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said FAIRLANE DRIVE.

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

(6) A gas main in CARLEEN DRIVE, from Bullard Drive to Fairlane Drive, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said CARLEEN DRIVE.

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

(7) A gas main in FAIRLANE DRIVE, from a point 135 feet south of Fairlane Drive northerly 295 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said FAIRLANE DRIVE.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

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 the City Council of the City of Austin hereby approves the property situated at the southwest intersection of West 5th Street and Powell Street as a private gasoline plant consisting of a 500 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 Voudouris Plumbing Company, and is on a 55 x 105 feet unplatted lot, Division Z, of the City of Austin, Travis County, Texas, and hereby authorizes the said Voudouris Plumbing Company to operate a private gasoline plant consisting of a 500 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 Voudouris Plumbing Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
April 4, 1957

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

"Dear Sir:

"I, the undersigned, have considered the application of the Voudouris Plumbing Company, through Nick Voudouris, Jr., for permission to operate a private gasoline plant consisting of a 500 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 at the southwest intersection of West 5th Street and Powell Street, which property is on a 55 x 105 feet unplatted lot, Division Z, in the City of Austin, Travis County, Texas, and locally known as 1506 West 5th Street.

"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 a 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,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
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 the City Council of the City of Austin hereby approves the property situated on the south side of West 6th Street as a private gasoline plant consisting of a 6,000 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 the Polar Ice Cream Co., and is part of Lots 5, 6, & 7, Block 52, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Polar Ice Cream Co. to operate a private gasoline plant consisting of a 6000 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 Polar Ice Cream Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
April 4, 1957

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

"Dear Sir:

"I, the undersigned, have considered the application of the Polar Ice Cream Co., by Tony Glass, Manager, for permission to operate a private gasoline plant consisting of a 6000 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 6th Street, which property is designated as part of Lots 5, 6, & 7, Block 52, in the Original City of Austin, Travis County, Texas, and locally known as 401-407 West 6th Street.

"This property is located in a "C-2" 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,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
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 W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute on behalf of the City of Austin, Texas, that certain Grant Agreement with the United States of America, Department of Commerce, Civil Aeronautics Administration, designed Contract No. C2ca-4588-A, Robert Mueller Municipal Airport, Project No. 9-41-078-5702, in accordance with the terms and provisions of said Agreement, as exhibited to the City Council by the City Manager and attached hereto; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of the Grant Agreement in the permanent files of the City Clerk's Office.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller 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 FOLLOWING:
(1) LOTS 4 AND 5, OF A RESUBDIVISION OF LOT 1, LEWIS HANCOCK TRIANGLE OR SUBDIVISION OF A PART OF THE GEORGE W. SPEAR LEAGUE FROM "A" RESIDENTIAL DISTRICT TO "C" COMMERCIAL DISTRICT; (2) LOTS 11 AND 12, BLOCK 5, THE HIGHLANDS FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (3) LOT 7 BLOCK 15, SWISHER SUBDIVISION FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND, (4) A PORTION OF A TRACT OF LAND LOCALLY KNOWN AS 1203 SOUTH CONGRESS AVENUE, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING IN 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 Pearson 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 Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller 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 "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 8214-8232 NORTH LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson 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 Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

MR. TRUEMAN E.O'QUINN inquired about the zoning of MR. C. T. USELTON'S, 6000-04 Cameron Road, and MR. HAUSMAN, JR., 6018-6102 Cameron Road. The Mayor stated the Council wanted to make a personal inspection of the area, and all of the Council had not had this opportunity. Mr. O'Quinn discussed the building set-back plans, which would leave 20' for widening the street on whatever basis the city worked out with the other property owners out there; that if they donated the right-of-way, then his clients probably would; otherwise, he did not think they would want to donate the right-of-way.

MR. WROE OWENS filed a letter regarding the Runway and Taxiway Extensions of the Municipal Airport (dated April 3, 1957 and on file under AIRPORTS) for information, regarding the letting of the contract. He stated he represented MR. W. S. CONNER, whose bid was said to be a little irregular and was disallowed.

There being no further business the Council adjourned at 12:00 noon subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:


City Clerk