

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 31, 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. EDWARD V. LONG, St. Martin's Lutheran Church, 14th and Congress Avenue.

Councilman White moved that the Minutes of the meeting of October 24, 1957, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. TRUEMAN O'QUINN appeared asking that the Council set the zoning applications of J. E. ROBERTS and MRS. L. C. BANKS, 17th and Brazos, now pending, for hearing in two weeks. The Mayor stated he would call MR. JAY PATTERSON regarding state disposition of plans for this area, and the Council would take up the zoning at the earliest expedient time.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NASH PHILLIPS AND CLYDE COPUS, JR.; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, 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 Pearson, 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.

Discussion of lowering the lake sometime between November 15 and January was held. Councilman Pearson suggested December 15th. No definite action was taken at this time, as it was suggested that a date be announced in November to give the people time to plan for doing the work on the property; and in the meantime a check be made with the Weather Bureau as to weather conditions in December.

After discussion, Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954, BY AMENDING SECTION 34.13 TO PROHIBIT FILLING AND TO REGULATE THE MOVING OF EARTH IN AND ALONG THE SHORES OF LAKE AUSTIN, AND DECLARING AN EMERGENCY.

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

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

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

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

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, 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 "L", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 4 AND 5, BLOCK 2, MOHLE ADDITION, 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 Long 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 Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

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

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, 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.

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 erection of a boat dock on the property owned by J. K. Lyles, the same being a tract of ground fronting 100 feet on the west side of Lake Austin, as listed in the Travis County Deed Records, and hereby authorizes the said J. K. Lyles to construct, maintain and operate this boat dock subject to same being constructed 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 erection of this boat dock after full compliance with all the provisions of this resolution. 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, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. K. Lyles has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
October 28, 1957

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of J. K. Lyles, owner of a piece of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being a tract of ground fronting one hundred feet (100') on the west side of Lake Austin, as listed in the Travis County Deed Records; for permission to construct and maintain a boat dock projecting out into the lake approximately 40 feet beyond the normal high water level. The construction details meeting all requirements, I, therefore, recommend that if J. K. Lyles is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except maring supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

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

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 as a filling station site the property located at the southeast corner of East 19th Street and Walnut Avenue, which property fronts 120.0 feet on East 19th Street and 95.0 feet on Walnut Avenue, and being known as all of Lots 1 and 2 of Block 6 of the Second Henry Ulit Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Tremarco Corporation to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted 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 Tremarco Corporation has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"October 31, 1957

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

"Dear Sir:

"We, the undersigned, have considered the application of Tremarco Corporation for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction

therewith upon the property located at the southeast corner of East 19th Street and Walnut Avenue, which property fronts 120.0 feet on East 19th Street and 95.0 feet on Walnut Avenue, and being known as all of Lots 1 and 2 of Block 6 of the Second Henry Ulit Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Tremarco Corporation and is to be leased to the Gulf Oil Corporation. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as Local Retail upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Tremarco Corporation be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - C - 2328.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - C - 2328 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works

(Sgd) J. C. Eckert
Building Inspector"

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, bids were received by the City of Austin on October 22, 1957, for automotive replacement batteries for a period of one year beginning November 1, 1957, and ending October 31, 1958; and,

WHEREAS, the bid of Austin Battery and Electric Company in the sum of \$7,192.11 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent 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 bid of Austin Battery and Electric Company in the sum of \$7,192.11 be and the same is 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 Austin Battery and Electric Company.

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

Councilman Long moved that November 21st be set as DeMolay Day in the City. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager submitted two paving projects for consideration of the Council. The Director of Public Works gave details of the status of the two projects:

(1) Paving of Shoal Creek Boulevard from 46th north to Hancock Branch. Only 46.91% have signed up, but two purchasers of lots have indicated they want to pave, and one property owner who has two shallow lots does not want to pave. This latter was discussed, and it was suggested that Mr. Nitschke be contacted; and when a few more sign up, the others would be assessed.

(2) The other paving project was West 49th between Finley Drive and Bull Creek Road, where seven out of twelve property owners have signed up; and the one holding up the project was the developer. It was decided to work on this one more week, and then go into the assessment program.

Councilman White inquired about the improving of Hancock Drive. The Director of Public Works stated this was set up for 1959-1960, but it was planned to do some temporary improvements which could be done about the first of December. This would be done with city forces.

Discussion of the slow progress on the installation of the water line for Water District No. 10, crossing the river below the low water bridge was held. The Director of Public Works read a letter from Marvin Turners Engineers to the contractor relating to the delay and condition of the roadway, and he believed the matter would be straightened out right away.

The Mayor inquired about a proposed sanitary sewer line out to the George Shepherd property on Northland Drive. The Water Superintendent stated an estimate had been given to Mr. Shepherd some two months ago on running a line from Mr. Barrow's Office up to the filling station. Mr. Davis was asked to get this information for the Council.

Councilman Pearson asked about an assessing program being worked out where the paving could be done on the assessment plan without any skips being left. The City Attorney stated his office was making a thorough study of this, and that by next week he might have something to submit. The City Manager reviewed the assessment program from angles other than legal. The Mayor asked that he bring in a recommendation on his suggestions on the paving and on an interest rate.

Councilman Long presented the request of the Judo Club for the use of the Guadalupe Fire Hall for a meeting place. The Recreation Department and Police Department are working on a training program. The Council was agreeable to their using the hall provided there were building inspections and the building was found to be safe, and that provisions could be made for the firemen to continue storing the Christmas toys there.

Mayor Miller reported a bad condition of the street by the Women's Club on West 8th Street.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission and set for public hearing before the Council for December 5, 1957:

SYLVESTER & JESSIE BRADFORD	1405 Walnut Avenue	From "A" Residence To "B" Residence
A. Y. HUTTO	1511 Ullrich Avenue	From "A" Residence To "BB" Residence
FRANK WORTHAM, et ux	2604 Paramount Street	From "A" Residence To "B" Residence
CARLTON JOHNSON	1801 West 35th Street	From "A" Residence To "GR" General Retail
STUART WATT	N.E.Cor.Airport Boulevard & East 50th Street	From "C" Commercial To "C-1" Commercial
LAMAR BUILDERS SUPPLY, INC.	S.W. Corner of 53rd Street & Avenue G	From "A" Residence To "LR" Local Retail

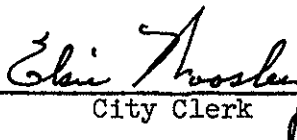
There being no further business, the Council adjourned at 11:45 A.M.
subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:


City Clerk