

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 11, 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; Robert J. Potts, Jr., Assistant City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. EDWARD D. ROBERTSON, Wilshire Presbyterian Church, 1507 Wilshire Boulevard.

Councilman White moved that the Minutes of the meeting of April 4, 1957, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Councilman White moved that the Minutes of the meeting of April 8, 1957, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Present but not voting: Councilman Long

MR. RAYMOND SLADE and a group appeared before the Council regarding improving the park land at Wooten School. Mr. Slade asked particularly for a watering system, ball diamond, and playground apparatus. They do not have any drinking fountains on the park either. Members of the Council wanted to do all they could. The Mayor stated a study of what can be done will be started immediately; and that something would be accomplished out there for the area. Mr. Slade said the Director of Recreation had promised a paid recreation leader four hours a day. He believed he had something definite to take back to his groups interested in the improvements.

Discussion of the bids on the airport contract was held. MR. TOMMY JAMES represented SCHWOPE BROTHERS, and asked that the Council permit him to have time to read the brief filed by MR. CONNER'S Attorney, MR. WROE OWENS, last week before the Council awarded the contract for the airport extensions. Mr. Schwope's bid was low, as Mr. Conner's bid was set aside as irregular since it was accompanied by a bid bond instead of a certified check or cashier's check as was required in the specifications. MR. WROE OWENS represented Mr. Conner, and pointed out that in their opinion, the bid bond was acceptable; but even if the bid were irregular, the Council could waive any irregularity; that since the bid bond was acceptable in the specifications, there was no irregularity; and the bid submitted by Conner was the low bid. There was a very detailed discussion held with MR. CONNER, MR. GEORGE KIES, MR. SCHWOPE, MR. BLAKESLEY (Dean Skinner Construction Company), MR. C. A. SCHUTZE, and MR. MCKOWN taking part. The Mayor announced the Council would meet MONDAY afternoon (April 15) to go into this matter at 3:00 P.M.

MR. JOHN REED represented some residents in the Highland Park West, Section 2 area, and pointed out a little area surrounded by the City, that was still in the County. He stated there was no USE control in this area, and it represented a hazard to the orderly development and to the investment of the home owners in the area. Discussion was held on the utility problems, and Mr. Davis was called in. Councilman Long then moved that the City Manager be instructed to draw up the necessary instrument to start annexing this property (from the Church, north, on the west side of Bull Creek Road to Highland Crest Drive). The motion, seconded by Councilman Palmer, carried by the following vote:

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

MR. TRUEMAN E.O'QUINN appeared in the interest of the following zoning applications:

C. T. USELTON	6000-04 Cameron Road	From "A" Residence
	1126-1132 Clayton Lane	To "GR" General Retail
LOUIS C. HAUSMAN, JR.	6018-6102 Cameron Road	From "A" Residence
		To "GR" General Retail

No action was taken by the Council on the zoning. The Council wanted to get with the people in the area, and decided to meet with them at 12:00 noon Monday, April 15, at the corner of Cameron Road and Clayton Lane. Those to be notified were MR. USELTON and MR. HAUSMAN, REV. EUEL A. SMITH, pastor of the Windsor Park Baptist Church, MR. LEM SCARBROUGH, TEW ELECTRIC COMPANY, MR. BERT GRIGGS, CHURCH OF CHRIST, (Mr. Wilford Norman, Business Manager); and MR. M. H. CROCKETT, SR.

MR. WROE OWENS asked that action on the following zoning application be deferred, and the Council deferred action until two weeks from today, April 25th:

MISS JAMIE F. PALM	7607-7709 Burnet Road	From "A" Residence
		To "C" Commercial

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 AND HEIGHT AND AREA DESIGNATIONS FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A TRACT OF LAND OUT OF THE DINSMORE SIMPSON SURVEY LOCALLY KNOWN AS 5805-5809 BERKMAN DRIVE AND 5806-5810 MANOR HILLS BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA 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 Palmer 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 Palmer 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 Palmer 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 "I", 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 "B" RESIDENCE DISTRICT ON THE EAST 30 FEET OF AN 8.05 ACRE TRACT OF LAND AND CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DESIGNATION AND "D" INDUSTRIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON 7.77 ACRES OF LAND, SAID PARCELS BEING A PORTION OF A 94.08 ACRE TRACT OF LAND, OUT OF THE JAMES P. WALLACE LEAGUE, BEING ALSO KNOWN AS BLOCK #13, OF THE H.A. AND J.G. FITZHUGH SUBDIVISION OF THE R. A. RUTHERFORD LAND; SAID PARCELS BEING LOCALLY KNOWN AS 6901-6935 INTERREGIONAL HIGHWAY AND 800-916 ATKINSON ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA 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 Palmer 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 Palmer 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 Palmer 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.

Councilman Pearson 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 a quitclaim deed on behalf of the City of Austin conveying all of its right, title and interest in and to the following described tract of land to H. G. West for and in consideration of Mr. West's conveyance to the City of 5,253 square feet of land for the widening of West Oltorf Street and South First Street, said property being conveyed by the City to Mr. West being more particularly described as follows to wit:

4468 square feet of land, same being out of and a part of that certain alley shown on a map or plat of M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition according to a map or plat of record in Book 1 at page 104 of the Plat Records of Travis County, Texas; said Live Oak Grove Addition being a Subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of the said Live Oak Grove Addition of record in Volume 2 at page 615 of the Deed Records of Travis County, Texas; which 4468 square feet of land out of said alley is to be released from the alley provided for on said map or plat of the said M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition and is more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of Lot 6, Block 3 of the said M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition, same being the Northeast corner of the herein described tract of land;

THENCE, following the Southerly prolongation of the East line of the said Lot 6, Block 3, in a Southerly direction ten (10.00) feet to a point, same being the Southeast corner of the herein described tract;

THENCE, following a line ten (10.00) feet South of and parallel to the South line of the said M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition, North $60^{\circ} 06'$ West 446.73 feet to a point, same being a point in the proposed East line of South 1st Street and the Southwest corner of the herein described tract of land;

THENCE, North $29^{\circ} 18'$ East 10.00 feet to a point in the South line of Lot 1, Block 6, of the said M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition same being the Northwest corner of this tract;

THENCE, with the South line of the said M. E. Wilson's Resubdivision of a portion of Lots 16 and 17 of Live Oak Grove Addition South $60^{\circ} 06'$ East 446.83 feet to the point of BEGINNING.

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)

WHEREAS, Central Freight Lines, Inc. heretofore dedicated a fifteen foot (15') strip to widen St. Johns Avenue on the south side thereof a distance of 1000 feet, more or less, east of Interregional Highway; and,

WHEREAS, through mistake the location of structures upon the tract owned by Central Freight Lines, Inc. was made without taking into account the offer of dedication of said 15 ft. strip; and,

WHEREAS, it now appears that Central Freight Lines, Inc. will be able to obtain a total of thirty (30) feet of right of way to widen said St. Johns Avenue on the north a distance of 1000 feet, more or less, eastward from Interregional Highway; and,

WHEREAS, it is the desire of Central Freight Lines, Inc. to obtain said 30 ft. strip if the City will vacate said 15 ft. strip on the south side of St. Johns Avenue; and,

WHEREAS, the City Council finds and determines that said 30 ft. strip will create a thoroughfare of sufficient width and alignment to satisfy the needs of the City and the traveling public; Now, Therefore,

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

That the City Council declare its intention to hereafter vacate the 15 ft. strip dedicated by Central Freight Lines, Inc. extending 1000 feet, more or less, eastward from Interregional Highway at such time as there is dedicated a 30 ft. strip on the north side of St. Johns Avenue extending eastward from Interregional Highway 1000 feet, more or less.

The motion, seconded by Councilman Pearson, 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)

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 BRUNSWICK DRIVE from a point 262 feet east of Dorchester Drive easterly 748 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 Brunswick Drive.

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

(2) A gas main in HANEY DRIVE, from a point 291 feet north of Brunswick Drive southerly 833 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 Haney Drive.

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

(3) A gas main in BRISTOL DRIVE, from Haney Drive easterly 854 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 BRISTOL DROVE.

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

(4) A gas main in NORTH LAMAR BOULEVARD, from a point 34 feet north of West 19th Street northerly 84 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 NORTH LAMAR BOULEVARD.

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

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 White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 9, 1957, for the construction of a storm sewer in Yates Avenue, from Justin Lane to St. Johns Avenue, in St. Johns Avenue from Yates Avenue to Hardy Drive Easement and in Hardy Drive Easement from St. Johns Avenue to Pasadena Avenue - Contract No. 57-D-13; and,

WHEREAS, the bid of J. L. Williams Construction Company, Inc., in the sum of \$29,995.77 was the lowest and best bid therefor, and the acceptance of such bid 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 bid of J. L. Williams Construction Company, Inc. in the sum of \$29,995.77 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 J. L. Williams Construction Company, Inc.

The motion, seconded by Councilman Long, 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 the property situated on the south side of West Oltorf Street as a private gasoline plant consisting of a 10,000 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 Southwestern Bell Telephone Co., and is the north 260.69 X 378.5 feet of the 18 acre Cordelia Trasher Tract, unplatted, of the City of Austin, Travis County, Texas, and hereby authorizes the said Southwestern Bell Telephone Co. to operate a private gasoline plant consisting of a 10,000 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 Southwestern Bell Telephone 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 11, 1957

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

"Dear Sir:

"I, the undersigned, have considered the application of the Southwestern Bell Telephone Co., through Maxwell Carr, for permission to operate a private gasoline plant consisting of a 10,000 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 south side of West Oltorf Street, which property is designated as the north 260.69 X 378.5 feet of the 18 acre Cordelia Trasher Tract, unplatted, in the City of Austin, Travis County, Texas, and locally known as 1305 West Oltorf 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 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 Long, 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 the property situated on the east side of Interregional Highway as a private gasoline plant

"(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 Long, carried by the following vote:

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

Noes: None

The Council received the petition from property owners within 200' of property extending from Morrow Street northward along Gault Street to Anderson Lane, thence westward to approximately 200' west of Tisdale Drive, thence southward to Morrow Street, and being bounded on the South by Morrow Street, and also designated as Jefferson Village, requesting change of zoning from "D" Industrial to "A" Residence. Councilman Long moved that the petition be referred to the Planning Commission. The motion, seconded by Councilman Palmer, carried by the following vote:

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


Noes: None

There being no further business the Council adjourned at 12:30 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk