

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 19, 1956

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. JOHN F. WOOLVERTON, Holy Trinity Episcopal Church, 1811 South Congress Avenue.

Councilman White moved that the Minutes of January 12th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Noes: None

MR. HARRY MCGEE, President of the Ridgetop Civic Club, appeared before the Council stating the need for bus service in Windsor Park, East 51st Street, Delwood 4, Gaston Park, Meadowbrook, and Claircrest. He outlined the suggestion of MR. MALONE, Austin Transit, Inc., that the group get 100 weekly passes at \$2.00. Mr. McGee felt that the people would lose 25¢ on that plan, and asked the Council to zone that area; that the people would be willing to pay for a zone rate if they could get express service. MR. MALONE outlined his suggestion also, stating that MRS. E. P. WILCOX had suggested \$1.00 passes for school children, and a guarantee of 200 of those weekly passes. This would be for express service, but most of the school children were going to University Junior High. The Mayor suggested that the two groups get together and work out something and bring back their plan to the Council. Later on in the meeting, the groups returned asking that the Council grant the Bus Company permission to sell school children passes at \$1.00 for a period of 90 days. After looking in the matter further the Mayor felt that this would be increasing the rate. Mayor Miller moved that for 30 days the service be put in as agreed, at the regular rates with no guarantee; and if it is not operative where they get in the \$200.00 a week, that they come back and show the Council

the sworn evidence of the receipts of that line, and the Council would consider taking it off. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Pearson made the following statement regarding his vote:

"I do not want to vote against it, but it is a very poor way to put it. I would like to see the community have service; they want service, and I think they will support it; but I think the citizens out there would like to have handled it the way they worked out the agreement, and I do not think the way we are going to vote on it is the way to handle it. That is my personal opinion."

Councilman White made the following statement regarding his vote:

"The people out there want bus service. Mr. Malone wants to go out there. They assure us there will be enough of them riding that bus to meet the cost, and we hope more than the cost in the first thirty days; and if it does happen, everybody is happy; and if it does not happen, Mr. Malone has the opportunity to pull the bus off."

Mayor Miller made the following statement regarding his vote:

"I want to state this so there will be no argument about it. You need \$200.00 a week out there to run those busses; how you get that \$200.00 I have no dissatisfaction whatever. If you sell 200 tickets a week to children at a dollar, that is \$200.00. I had no objection; I presumed that you would sell tokens--twenty for a dollar. I never assumed anything else but that you just wanted the \$200.00. The more they would ride the better it would be, and the more they became accustomed to not taking the children to school. That would have been a promotional rate that would have gotten more business and would have applied to human happiness out there in Delwood No.4. But to fix it on the basis, except on tokens to get it out there, technically I was opposed. If you cannot afford the minimum rates we cannot afford to keep it on. I vote 'aye'."

Councilman Pearson complimented the Bus Company on improving its service. Mr. Malone stated he would file a weekly report with the City Manager, and the Mayor suggested that he also file a copy of this report with the Ridgeway Civic Club.

MR. JOHN CANNIZZO appeared before the Council, representing the Cannizzo family in a condemnation proceedings against their property. He stated the family had empowered him to ask \$19,000; the City had set a price of \$15,000; the Board of Appraisers, \$13,000; and in the suit the judge had awarded \$21,000 plus \$4,000 damages. After discussion, the matter was referred to the City Attorney to work with Mr. Cannizzo's Attorney to see if it could be settled.

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 "LR" LOCAL RETAIL DISTRICT ON LOTS 1, 2, 21 AND 22, BLOCK B, AND LOTS 1 AND 2, BLOCK A, SOUTHPARK SECTION 1, 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.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 29.32 OF CHAPTER 29 OF THE AUSTIN CITY CODE OF 1954 PRESCRIBING FEES TO BE PAID FOR IMPOUNDING, STORING AND SELLING PROPERTY; SECTION 25.5 OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO LICENSE FEES FOR PUBLIC AMUSEMENTS; 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 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.

The Mayor stated there was a little technical explanation he would like to have made about the taxes; that it had been in the newspapers that City taxes were due on January 31st, which was true. The way it was passed in the Charter, there would be no interest or penalty until the last day of February. He asked that a legal interpretation be made and the matter clarified. The City Attorney stated that after January 31st, a penalty of 1/2 of 1% accrued for each month the taxes remained unpaid. If they were paid on or before the 29th of February, there would be no penalty or interest. The penalty accrues 1/2 of 1% per month until a penalty of 5% has accrued, and 1/2 of 1%, or 6% per annum for interest, until they are paid. If they are paid on March 1st, there will be 1% due, for the period between January 31st and February 29th. The City Manager stated there was a group that would not fall under that arrangement--the city employees and people that had obligations due them from the City, as they could not be paid until their taxes were paid.

Councilman Pearson 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 the intersection of Corona Drive and Sameron Road which property fronts 107.3 feet on Cameron Road and 107.3 feet on Corona Drive, being known as portions of lots 1, 2 and 4, of Block G of Delwood 4 in the City of Austin, Travis County, Texas, and hereby authorize the said Continental Oil Company to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and side-walks 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 Continental Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"January 19, 1956

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

"Dear Sir:

"We, the undersigned, have considered the application of the Continental Oil Company 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 the intersection of Corona Drive and Cameron Road which property fronts 107.3 feet on Cameron Road and 107.3 feet on Corona Drive, being known as portions of lots 1, 2 and 4 of Block G of Delwood 4 in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Delwood Development Company and is under lease to Continental Oil Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District 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 Continental Oil Company 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 for 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 - H - 1426.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1426 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 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)

WHEREAS, Rex D. Kitchens is the Contractor for the alteration of a building located at 609 Congress Avenue and desires a portion of the sidewalk and street space abutting the south 23 feet of Lot 3, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to Rex D. Kitchens, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north west corner of the above described property; thence in a westerly direction and at right angles to the center line of Congress Avenue to a point 4 feet east of the east curb line; thence in a southerly direction and parallel with the center line of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the center line of Congress Avenue to the south west corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Rex D. Kitchens, hereinafter termed "Contractor, upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. (The Contractor will also be permitted to use one parking meter space immediately in front of the entrance of the barricade for the delivery or removal of materials during construction work.)

(2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(3) That "NO PARKING" signs shall be placed on the street side of the barricades.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red light during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstruction shall be removed not later than March 31, 1956.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(11) That the Contractor shall furnish the City of Austin a Five Thousand Dollar surety bond (\$5000.) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

The Council had before it the application for a private gasoline plant for William D. Gaston at 2901 San Gabriel Street. The City Manager was asked to (1) find out if this would result in any increase in the insurance rates in the area and (2) find out if he intends to use it for his personal vehicles, cars and trucks, and for testing his motors or whether he is going to sell any gasoline. Action was deferred until next week until this information was obtained.

Councilman Long moved that MRS. E. T. (Dorothy) MORRIS be appointed on the Solicitation Board for a period ending November 5, 1957. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Long moved that the appeal of JOE BLAND from the Planning Commission's denial of a permit to maintain a radio relay tower be set for 10:45 A.M., Thursday, January 26th; and that notices be sent out to the property owners notified in the original hearing. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Pearson moved that the Council instruct Mayor Miller to issue a proclamation endorsing the First Annual March of Dimes Fourball Golf Tournament to be held January 29th, proceeds from which will be turned over to the March of Dimes. (Austin Golf Association) The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Councilman Long submitted a petition from a group of people in the Montopolis area asking that they be annexed to the city in case they could get water. The petition was sponsored by Dessie L. Hill, Rt. 1, Box 1005. This petition was referred to the City Manager to investigate to see if these people could be furnished with water.

Councilman Pearson made inquiry about the sanitary sewer line going to the school in the Montopolis Area. The City Manager reported that there was one property owner that would not give an easement, and it was possible to take an alternate route; but the difficulty was that the property across which they had intended to put the sewer in, could not be served, and at a later date they would have to put in another line, but this was being worked out now.

Councilman White moved that POST 8787, VETERANS OF FOREIGN WARS be granted permission to erect a banner across Congress Avenue for the meeting of the state VFW to be held January 28th and 29th. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Noes: None

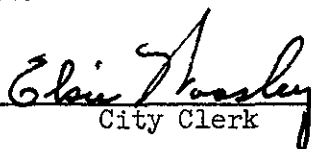
The City Manager reported that Mr. Davis had contacted Mr. Novotny about the water tank and that he stated the \$1,500 was as high as they wanted to pay. The Mayor stated the Council would look into this offer and advise the City Manager today.

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