

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 30, 1959
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; Robert Beckham, Assistant Director of Public Works; Robert A. Miles, Chief of Police.

Invocation was delivered by FATHER FAHEY, St. Ignatius Church, 206 West Johanna Street.

Councilman Palmer moved that the Minutes of the Regular Meeting of July 23, 1959, and of the Special Meetings of July 14th, 21st and 22nd, 1959, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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) A 12.88 ACRE TRACT OF LAND FRONTING APPROXIMATELY 1,880 FEET ON THE EAST RIGHT OF WAY LINE OF INTERREGIONAL

HIGHWAY, BEGINNING AT A POINT APPROXIMATELY 1,380 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST LIVE OAK STREET, LOCALLY KNOWN AS 2601-3019 INTER-REGIONAL HIGHWAY, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT. (2) LOTS 29-32, BLOCK 25, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT AND "LR" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT. (3) (A) AN INTERIOR TRACT OF LAND HAVING DIMENSIONS OF APPROXIMATELY 75 FEET X 110 FEET, SAME BEING THE REAR 110 FOOT AVERAGE OF THE WEST OR SOUTH-WEST 75 FEET OF LOT 14, BLOCK 1, FREDERICKSBURG ROAD ACRES, LOCALLY KNOWN AS REAR OF 1323 OLTORF STREET, AND (B) A TRACT OF LAND FRONTING APPROXIMATELY 105 FEET ALONG THE SOUTHWEST RIGHT OF WAY LINE OF OLTORF STREET WITH APPROXIMATELY 20 FEET ADJOINING THE WEST RIGHT OF WAY LINE OF THE I. & G. N. RAILROAD, SAME BEING THE REAR 105 FEET OF THE EAST OR NORTHEAST 17.5 FEET AVERAGE OF THE WEST OR SOUTHWEST 92.5 FEET OF LOT 14, BLOCK 1, FREDERICKSBURG ROAD ACRES, LOCALLY KNOWN AS 1323 OLTORF STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT. (4) ONE LOT FRONTING 56 FEET ON THE EAST RIGHT OF WAY LINE OF WEBBERVILLE ROAD, BEGINNING AT A POINT APPROXIMATELY 967.93 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF GOVALLE AVENUE, LOCALLY KNOWN AS 3503-3507 WEBBERVILLE ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT. (5) LOTS 13-16, BLOCK 21, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT. ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH CHANGES; 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol, 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.

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 ESTABLISHING THE BOUNDARIES FOR VARIOUS ORIGINAL USE DISTRICTS AND HEIGHT AND AREA DISTRICTS, IN AREAS ANNEXED TO THE CITY OF AUSTIN ON MAY 23, 1957, AND TIMES SUBSEQUENT THERETO; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICTS; 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol, 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 City Manager submitted the following:

"July 28, 1959

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

"Dear Mr. Williams:

"Bids were received until 2:00 P.M., Tuesday, July 28, 1959, at the office of

the Director of Water and Sewer Department for the construction of the Newning Avenue Area Water Main. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Fairey-Simons Company, Inc.	\$10,625.54	45
Walter W. Schmidt	11,298.86	55
Austin Engineering Company	11,343.90	25
J. R. Barnes Engineering Company	12,771.40	45
Bland Construction Company	12,786.60	50
Karl B. Wagner, Inc.	13,108.60	45
Glade Construction Company	13,650.34	30

"It is recommended that the contract be awarded to the Fairey-Simons Company on their low bid of \$10,625.54 with 45 working days.

"Yours truly,
 (Sgd) Victor R. Schmidt, Jr.
 Superintendent, Water Distribution
 (Sgd) Albert R. Davis
 Director Water and Sewer Department
 Approved: W. T. Williams, Jr.
 City Manager"

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 28, 1959, for the construction of the Newning Avenue Area Water Main; and,

WHEREAS, the bid of Fairey-Simons Company, Inc. in the sum of \$10,625.54 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department 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 Fairey-Simons Company, Inc., in the sum of \$10,625.54 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 contract on behalf of the City of Austin with Fairey-Simons Company, Inc.

The motion, seconded by Councilman Palmer, carried by the following vote:
 Ayes: Councilmen Bechtol, Palmer, Perry, 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 northwest corner of Airport Boulevard and Guadalupe Street, which property fronts 186.48 feet on Airport Boulevard and 140 feet on Guadalupe Street, being known as Parts of Lots 5 and 6, Block 4, of Silverton Heights, in the City of Austin, Travis County, Texas, and hereby authorizes the said Chesley Baity Development 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 Chesley Baity Development Corporation has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"July 30, 1959

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

Dear Sir:

"We, the undersigned, have considered the application of Chesley Baity Development 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 northwest corner of Airport Boulevard and Guadalupe Street, which property fronts 186.48 feet on Airport Boulevard and 140 feet on Guadalupe Street, being known as Parts of Lots 5 and 6, Block 4 of Silverton Heights, in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Chesley Baity Development Corporation and is under lease to Statewide Investment 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 Chesley Baity Development 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 - H - 1662.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1662 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) R. E. Beckham
Asst. Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Nays: None

Mayor Miller brought up the following zoning applications deferred from last week:

NORTHWAY CREST	7613-7717 Guadalupe	From "A" Residence
DEVELOPMENT CO., INC.	513-17 Northway Drive	To "B" Residence
By Webb Ruff		RECOMMENDED by the Planning Commission

The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed 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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WYATT O. STONE	2003-05 West 35th Street	From "A" Residence
		To "Local Retail
		NOT Recommended by the Planning Commission

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

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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MRS. J. L. CRAWFORD, JR.	1013 East 38 $\frac{1}{2}$ Street	From "A" Residence
		To "O" Office
		RECOMMENDED by the Planning Commission

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 Bechtol, Perry, White, Mayor Miller
Noes: Councilman Palmer

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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MR. KURT MEYER appeared before the Council regarding the paving of Fairmount from Travis Heights Boulevard to Buck Steiner's property. Councilman White stated some paving contracts were to be let soon, and this would be included in those contracts.

PAUL KELLER

5500 block Balcones
Trail (25' back)From "C" Commercial
To "DL" Light Industrial
RECOMMENDED by the
Planning Commission

MR. TRUEMAN O'QUINN, representing PAUL A. KELLER'S zoning application for change of zoning from "C" Commercial to "DL" Light Industrial in the 5500 block of Balcones Trail; and MR. FRANK DENIUS, representing the opposition in the case, requested that the ordinance be passed as worked out between the two, and following the suggestion of the Planning Engineer that the first 25' off Balcones Drive be zoned "DL" Light Industrial and the remaining property be left "C" Commercial, which zoning would allow a special permit to be filed continuing the use of the property. Mayor Miller introduced the following ordinance:

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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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, 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 Bechtol,

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.

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 AN INTERIOR TRACT OF LAND HAVING DIMENSIONS OF 36 FEET BY 65 FEET CONTAINING 2340 SQUARE FEET OF LAND, LOCALLY KNOWN AS THE REAR OF 5732 GROVER AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD SUCH CHANGE; 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 Bechtol, carried by the following vote:

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

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 Bechtol, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

MR. WILFORD NORMAN and a group from the area covered in the zoning application of NORTHWAY CREST DEVELOPMENT CO., 7613-7717 Guadalupe, appeared in opposition to the change of zoning. It was explained to the group that the change of zoning had been granted.

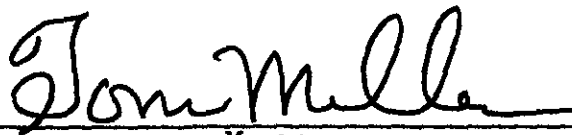
The City Manager submitted four letters asking that the weed-cutter not be used on the lake; that these particular property owners preferred to clear their own property and that when the weed cutter was used elsewhere on the lake, the weeds drifted down on their property.

The City Attorney discussed a contract of sale for the property at the corner of Koenig Lane and North Lamar. It was suggested that the lessee of the property be considered, as at one time he had talked about buying the property; and if he is not interested in an immediate sale (no option) to proceed with the other proposition.

With reference to the properties on Koenig Lane and Lamar, Councilman Bechtol suggested that the rental on the lease should be increased when possible.

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