

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 12, 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, White, Mayor Miller  
Absent: Councilman Perry

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police.

Invocation was delivered by REV. E. M. JENNINGS, First Cumberland Presbyterian Church, 6800 Woodrow.

Councilman White moved that the Minutes of the meeting of November 5, 1959, be approved. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

Regarding the hearing scheduled at 2:30 this date on a proposed Heating, Air Conditioning and Refrigeration Ordinance, Councilman Palmer stated he had a request from the commercial refrigeration group asking that this hearing be postponed. After discussion, the Council set the date for further hearing for December 10, 1959, at 2:30 P.M.

Councilman White offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, there existed a certain alley traversing Block 172 of the Original City of Austin, Travis County, Texas, according to a map or plat of said Original City of record in the General Land Office of the State of Texas; and,

WHEREAS, by ordinance dated March 20, 1958, said alley traversing said

Block 172 of the Original City of Austin was vacated to public travel, the public utility easements therein being retained; and,

WHEREAS, the City Council of the City of Austin has determined that a portion of the public utility easements retained in such alley are no longer needed and that it is in the public interest for the same to be released; Now, Therefore,

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 release of said public utility easements located on the following described property, to wit:

Being a portion of that certain easement for public utilities which was retained in, upon and across the entirety of that certain alley which was vacated by the City Council of the City of Austin, Travis County, Texas, by ordinance dated March 20, 1958, said alley traversing Block 172 of the Original City of Austin, Travis County, Texas, according to a map or plat of said Original City of record in the General Land Office of the State of Texas; said portion of easement to be vacated extends from a line ten (10.00) feet north of and parallel to the north line of East 14th Street, same being the south line of said Block 172 to a line ten (10.00) feet south of and parallel to the south line of East 15th Street, same being the north line of said Block 172.

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

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 the intersection of East 19th Street and Speedway, which property fronts 93.0 feet on East 19th Street and 115.93 feet on Speedway, being known as a portion of Lot 39 and a portion of Lot 40 of Horst's Subdivision of Outlot 19, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company 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 Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"November 12, 1959

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

"Dear Sir:

"We, the undersigned, have considered the application of Magnolia Petroleum 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 northwest corner of the intersection of East 19th Street and Speedway, which property fronts 93.0 feet on East 19th Street and 115.93 feet on Speedway, being known as a portion of Lot 39 and a portion of Lot 40 of Horst's Subdivision of Outlot 19, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Magnolia Petroleum 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 Magnolia Petroleum 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 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 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 - 1684.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1684 and shall be of the premoulded 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 Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Perry

Mayor Miller introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE RAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS

SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, 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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

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 Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

The ordinance was read the third time and Councilman White 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: None  
 Absent: Councilman Perry

The Mayor announced that the ordinance had been finally passed.

Pursuant to published notice thereof the following zoning applications were publicly heard:

W. L. MAYFIELD	2815-2841 Hancock Drive	From "A" Residence
By E.H. Smartt,		To "LR" Local Retail
Attorney		NOT Recommended by the
		Planning Commission
		RECOMMENDED "O" Office

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, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

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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CITY OF AUSTIN	1021 East 49th Street 4826-36 Interregional Highway	From "A" Residence To "LR" Local Retail RECOMMENDED by the Planning Commission
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The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOE P. CALLEN By Arthur E. Pihlgren	1017 East 49th Street	From "A" Residence To "LR" Local Retail RECOMMENDED by the Planning Commission
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The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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V. M. CAROTHERS By Harry Vine III, Attorney	905 Springdale Road 4601 Bolm Road	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Planning Commission
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Opposition was expressed by Mr. I. T. Jones, stating there were 80 homes with many children around this location; that there are no places selling beer in this neighborhood. MR. VINE stated the application was for off-premise consumption; and that there was a letter on file that Mr. Carothers would make available 10' on Springdale Road when the City widened this Street. Opposition was expressed by Mr. George Wier, in that there was a large space in which people congregated and disposed of their beer cans in the neighborhood. He said this would be a further nuisance. MR. BAKER, who is lessee, stated the business would be an improvement to the neighborhood. MR. EARL CHAMBERLAIN, adjoining

owner, favored the change. The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK C. BARRON	4905-5033 Manor Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "GR" General Retail on condition
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No opposition appeared. Mr. Barron accepted the recommended "GR" General Retail zone in lieu of his requested "C" Commercial. Mr. Hoyle Osborne stated the Planning Commission recommended "GR" General Retail on condition; when the subdivision with the dedication of East 51st Street adjoining this property had been completed. The Mayor asked those who wished to grant the change to "GR" General Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK C. BARRON	2901-03 Pecan Springs Road 5101-5313 Manor Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "GR" General Retail
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No opposition appeared. Mr. Barron accepted the "GR" General Retail in lieu of his requested "C" Commercial. The Mayor asked those who wished to grant the change to "GR" General Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK C. BARRON  
By E.B. Fuller,  
Attorney

3104-3110 Manor Road

From "C" Commercial  
To "C-1" Commercial  
RECOMMENDED by the  
Planning Commission

Mr. Fuller represented Mr. Lenzo, who wanted to build a fine Restuarant at this location, relinquishing the use of the existing cafe. Mr. Fuller stated the present location would revert to "O" Office. MRS. WILSON did not object to the change of zone, but did not believe she could depend on the present license being removed, as they never were able to get the industrial uses moved out. Mr. Hoyle Osborne stated the Planning Commission said that as soon as the new building is occupied, that if Mr. Barron did not initiate a change of zoning, the Planning Commission would. Mr. Barron stated he could not control the industrial operations, but he would join the group in a petition that will cause them to move away if necessary. He stated he would get the other operator to clean his premises. The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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E. L. GOERNER  
By Emmett Shelton,  
Attorney

1701-03 East 1st Street  
95-99 Chalmers Avenue

From "C" Commercial  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

One person opposed, but did not state his name. The Mayor asked those who wished to grant the change to "C-2" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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and the City Attorney was instructed to draw the necessary ordinance to cover.

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WARREN S. FREUND	3201-09 Old Bull Creek	From "A" Residence
By Ben W. Greig, Jr.,	Road	To "B" Residence
Attorney		RECOMMENDED by the
		Planning Commission
		on Condition

Mr. Greig and Mr. Freund appeared in behalf of the application. Mr. Hoyle Osborne stated the Plan Commission had requested that additional right of way be given, and had asked Mr. Freund to see if Mr. Roland Freund would give 10' on 34th and Old Bull Creek Road. Mr. Warren Freund had agreed, but did not get an agreement from Mr. Roland Freund. The street widening with Mr. Roland Freund to be worked out. 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, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

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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PLANNING COMMISSION	1197-1199 $\frac{1}{2}$ Coletto Street	From "A" Residence
AREA STUDY	2201-2413 East 12th St.	To "B" Residence
	1196-1198 $\frac{1}{2}$ , 1187 $\frac{1}{2}$ -1199 $\frac{1}{2}$	RECOMMENDED by the
	Chestnut Avenue	Planning Commission
	1176 $\frac{1}{2}$ -1198 $\frac{1}{2}$ Singleton	

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, White, Mayor Miller  
 Noes: None  
 Absent: Councilman Perry

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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PLANNING COMMISSION	1800-02 West 35th Street	From "A" Residence
AREA STUDY	3500-02 Lawton Avenue	To "B" Residence
		RECOMMENDED by the
		Planning Commission

Mr. Hoyle Osborne reviewed the zoning of the area, stating when the property west of this was zoned, it was suggested that the owners of this

property apply also for "B" Residence; and when they applied for "LR" Local Retail, the Plan Commission initiated the zoning for "B" Residence, believing that "LR" Local Retail was inappropriate. The owners stated they wanted to sell their property for a grocery store or filling station. The Council deferred action until it could look at the whole area and this particular property.

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A. G. GANNAWAY

1707 Congress Avenue

From "B" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

No one appeared. Mr. Osborne pointed out the property was in the 3rd Height and Area, and the height and area should be changed to second. The Council took no action until it could check with Mr. McAdams and the Governor, as this property was in the Capitol Expansion area.

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The Council decided to meet on Wednesday, November 25th, instead of on Thursday, November 26th, which is Thanksgiving.

No action was taken on vacating an alley off of Lake Austin Boulevard pending from last week. It was suggested that the whole alley be vacated instead of just a portion of it.

The Council set Tuesday, December 15, and Wednesday, December 16th, 10:00 A.M. as the date for hearing TAX APPEALS.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

MR. DAVE BARROW discussed the Planning Commission decision on denying the withdrawal of Skyview No. 4 Subdivision Plat by Mr. McCandless, and stated the Commission did not think this area should be developed commercially, although it did understand the situation that the land was zoned commercially, and that the subdivision plat had never been finally approved, and that the streets had never been improved to develop the area residentially but the Commission felt the use of the tract as commercial was not sound. Councilman Palmer stated Koenig Lane was not a good residential street, and that changes of zoning were being sought all the time along this street from the Dallas Highway to Burnet Road. Many zoning changes had been made, and the traffic count made the area less desirable for residential use. MR. WILLIAM KAY MILLER, representing Mr. McCandless, reviewed the whole matter. MR. FRANK DENIUS represented Southern Union Gas Company who was purchasing part of this tract. It was pointed out that a 25' street dedication on 56th would be required.

Mr. Denius stated that the Gas Company would give 25' on the south side of 56th Street from Avenue F to its east boundary line. After discussion, Councilman Palmer moved that since Koenig Lane had been opened into the main arteries, and the character of the land has changed, that MR. McCANDLESS be permitted to withdraw his subdivision plat (Skyview No. 4) subject to the dedication of 25 feet of right of way therefrom along 56th Street. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Council had before it the recommendation from the Director of Recreation regarding furnishing power to the Dolores Church Athletic Field, stating that this recreation activity would come under the policy established whereby power would be furnished by the City. Councilman Palmer moved that since this matter had been investigated and the Director of Recreation maintained that this was a supplement to his recreation program, that the City furnish the power; but when the Director says it no longer complies, that the service be discontinued. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, White, Mayor Miller  
Noes: None  
Absent: Councilman Perry

The Director of Public Works stated there were some subdivisions that needed to be annexed before January 1st; but as yet no request for annexation had been made. It was suggested that these developers be contacted and asked to bring in their requests for annexation by next week.

The Director of Public Works stated that the Highway Department would have the underpass at Lamar completed by November 23rd or 24th, and that the Ribbon cutting ceremony could be scheduled anytime after then. The Council set 9:00 A.M., Wednesday, November 25th, as the date for the opening of the underpass. The Mayor asked that the United States Senator, the Congressman, the Governor, members of the Highway Department, representatives from the Railroad Company, former members of the City Council, and others be notified and invited.

Councilman Palmer made inquiry about the underpass at Westover and asked that this be checked into.

The Director of Public Works displayed a map showing the easements on Shoal Creek and the amount that would be taken in the improvement of Shoal Creek; also the structures that would be removed. A meeting with the property owners in the neighborhood was set for 2:00 P.M. Thursday, November 19th, at Mrs. Schulle's residence.

There being no further business, the Council adjourned at 4:30 P.M.,  
subject to the call of the Mayor.

APPROVED Tom Miller.  
Mayor

ATTEST:

Elsie Hoosley  
City Clerk