

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 20, 1955

10:00 A. M.

Council Chamber, City Hall

The Meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, White, Mayor McAden

Absent: Councilman Thompson

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by DR. D. H. BONNER, Congress Avenue Baptist Church.

Pledge of Allegiance to the Flag.

Approval of Minutes of January 13th was postponed until the following week.

MR. WILLIAM LAWLOR, Southern Union Gas Company, filed the following:

"January 20, 1955

"Honorable Mayor and City Council,
City of Austin,
Austin, Texas.

"Gentlemen:

"Since the rates for natural gas service in Austin were last considered and determined by the Council (based on recorded experience for the year 1950), Southern Union Gas Company has necessarily made very significant additional investments in its enlarged gas facilities serving the City. These new facilities are required in order to maintain the high level of service rendered to the consumers and to provide an equal quality of service for the many new customers in the rapidly growing Austin Community.

"During this same period, Southern Union Gas Company has encountered and had to pay substantially increased costs of operation in the rendition of its service to the public.

"The revenues which Southern Union Gas Company receives under the old rates now are insufficient to provide the Company with the adequate rate of return to which it is entitled as a regulated enterprise. During a recent 12-month period, for which full information and calculations are now available, the annual deficiency in the Company's operating revenues from its service in Austin was about \$386,000 or 16%, excluding the municipal power plant sales which are not contractually subject to rate adjustment.

"Attached hereto is a proposed general service rate schedule designed to correct such revenue deficiency. It will be noted that this single General Service Rate, Schedule No. 1, would be applicable to all Austin consumers except the municipal power plant and the few contract customers. The new rate, with additional contract customers revenue reasonably foreseeable, will overcome the revenue deficiency now existing.

"It is respectfully requested that such new general service rates be promptly authorized by the Council. We will be glad to make available to the Council all of the pertinent records and information respecting these matters, and request that members of the City staff or other appropriate experts for the Council be now designated so that such information may be most promptly supplied.

"We will appreciate hearing from you at an early date.

"Sincerely yours,
SOUTHERN UNION GAS COMPANY
(Sgd) Wm. Lawlor, Jr.
Wm. Lawlor, Jr.
Vice President"

"SOUTHERN UNION GAS COMPANY
Austin, Texas
SCHEDULE NO. 1
PROPOSED GENERAL SERVICE RATE
(To replace present Schedule No.1 and Schedule No.2)

"APPLICABILITY

"Applicable to residential, commercial and industrial customers for all purposes, and to all other customers not otherwise specifically provided for.

"TERRITORY

"All territory served by Company in Austin District.

"RATE

"The following net rates apply to gas through one meter:

First	1 MCF	per monthly billing period @ \$1.30 per MCF
Next	4 "	" " " " " " @ .70 " "
Next	20 "	" " " " " " @ .66 " "
Next	25 "	" " " " " " @ .50 " "
Next	250 "	" " " " " " @ .41 " "
Next	2,000 "	" " " " " " @ .30 " "
Excess	" "	" " " " " " @ .25 " "

"Minimum Charge

"\$1.30 per meter per monthly billing period.

"Escalation

"The above rates are subject to increase or decrease in each MCF by the amount of any increase (s) or decrease (s), successively, subsequent to December 31, 1954, in the price per MCF paid by the Company for gas purchased by it for such customer.

"Prompt Payment Provision

"A charge of one-ninth (1/9) will be added to the bill computed at the above net rates (including Minimum Charge when applicable) if not paid within 10 days from date of delivery of bill.

"CONDITIONS

"1. Subject to Company's rules and regulations.

"2. Deliveries of gas to commercial or industrial consumers may be interrupted or curtailed in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for the residential and other customers served hereunder."

It was suggested that the matter be referred to Mr. Honaker, the rate expert employed for the City. Action was deferred until the following week at which time there would be a full Council.

MR. TRAVIS LaRUE outlined a previous request made by some large consumers of gas requesting the City Council to take jurisdiction of the commercial gas rates in the city, so that they would be protected and when experts were hired that they would give consideration to the commercial gas rates as they would other consumers. He believed that if information is available that the Gas Company sets their own rates on industrial users and increased these rates 40% and now are asking for 16% more, that prospective industries would not want to come into Austin. He asked the Council to take jurisdiction over the Commercial gas rates in the City of Austin. He explained the inability of obtaining competing fuels and the necessity of having the Council take jurisdiction over the rates. Councilman Pearson stated the Council through the franchise did have this jurisdiction. The City Attorney explained that the Council had this jurisdiction; although in the past it had not exercised it. Councilman Long did not believe that in the past the Council had any reason to question those rates, as the big users seemed satisfied and did not appear at the public hearings. MR. GENE MCCARTHY made inquiry of his classification--whether industrial or household. He was referred to the Gas Company for this answer. The Mayor stated he believed that Mr. LaRue's problem would be handled in the general hearing.

MR. JOHN COATS, Attorney for Mr. Hugh Leiper, appeared in the interest of the annexation of RIDGEVIEW WEST SUBDIVISION, listing the steps of development and asking that the Council go ahead and annex this subdivision, as it would be willing to pay for the city services. Councilman Long asked if there was danger from the septic tanks contaminating Barton Springs. Mr. Coats replied that the Health Department had checked everything and that they were following all the recommendations they had made as to the installation of the Septic tanks. Councilman White understood that the terrain was not adapted to septic tanks, but Mr. Coats stated all but two lots were; and on those, they would have specific recommendations. The City Manager explained that the Health Department Sanitary Engineers passed on all of these septic tank problems and went over them with the operators of the subdivision; and if septic tanks could not be used, the subdivision was rejected. Councilman Long wanted it made very clear to buyers of lots in subdivisions using septic tanks that city sewers were not there, as many had purchased and later found out their lots were not connected with the sewer system. MR. JULIAN CLOPTON, representing MR. FRED SCHREIBER, MR. F. T. RIHA, and MR. T. J. CAMPION, and asked that the property of these people not be brought into the city limits, as they had nothing to gain as they had no new services being offered to them at this time; that they had to put up \$1800 to get water, and this was through a contract with MR. ARMSTRONG; their being cut off from their water supply by Mr. Leiper. MR. CLOPTON stated his clients would not mind being annexed had they not spent this \$1800. The City Manager explained they would get 80% of that refunded. Councilman Long inquired if they would be willing to be brought into the city in two years, and Mr. Campion, Mr. Riha, and Mr. Schreiber stated they would. Councilman White asked if they meant they would if they got their money back or like it stood now. Mr. Schreiber stated he would like to get his money back. The Mayor asked the group to get together and work out something satisfactory regarding this expenditure. Mr. Clopton stated another reason they objected to the annexation of this property was the septic tank proposition, and he read from records filed regarding the A. D. STENGER ADDITION where Mr. Coats had objected to this annexation on the grounds the property was not proper for septic tanks; and he read from the Minutes of the Planning Commission where Mr. Coats was objecting on the inadequacy of sewage disposal. He referred to the recommendation of the Health Officer December 8, 1949. Councilman Pearson asked if the gentlemen were willing to wait for the two years and leave the \$1800 proposition like it is, or did they think there was going to be a sanitary sewer problem. If the subdivision complied in every respect, he believed something could be worked out with the \$1800. The Sanitary Health Engineer gave a report, stating his department had approved this subdivision as far as the sanitary sewer problems were concerned; and as always, they had looked to possible contamination of Barton Springs; but at this time, he did not think there would be any danger. After very much discussion, MR. COATS stated he was authorized by Mr. Leiper to offer to refund all of the \$1800; either take over their contract or get a new contract drawn, so that they would get the refund, and it was immaterial to them if Mr. Schreiber, Mr. Riha, and Mr. Campion were annexed. Mr. Riha did not have a part in the contract, but they would put the water main in front of his property without cost to him. Councilman Pearson then moved that the property be annexed according to the recommendation of the Health Department after it had carefully inspected the territory and was assured there would be no trouble there. He later suggested that it be passed through the first reading and get the recommendation. Mr. Clopton asked for a recapitulation--that MR. LEIPER would pay the \$1800 and take over any refunds that are coming back on the Armstrong contract; and that Mr. Leiper would bring water to the lot owned by Mr. Riha free of any

cost or expense to Mr. Riha (other than his water tap.)

Mayor McAden then brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 11.50 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY P. HILL LEAGUE, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

The Mayor commended these gentlemen on their fine action.

MR. J. A. BARNES and MRS. CHARLES F. SMITH appeared in regard to a petition filed by them and signed by 98 citizens, protesting the extension of the Municipal Airport across Manor Road and Nolen Street, and claiming it would damage their property. The matter of extension was discussed and explained in detail, and that the Federal Government had a part in this big project. The Mayor asked the City Manager to refer the matter to Mr. W. L. Moore, Board of Equalization, to get in touch with these people.

Councilman White moved that the following ordinance be introduced and published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 12.9 ACRES OF LAND MORE OR LESS, SAME BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND OUT OF THE A. B. SPEAR SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT

TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
OF THE CITY OF AUSTIN, IN PARTICULARS STATED
IN THE ORDINANCE.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles between the hours of 7:30 o'clock A. M. and 4:30 o'clock P.M. on school days at the following locations is less than thirty miles per hour; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles between said hours on school days is twenty (20) miles per hour at the following locations:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Windsor Road	Vista Lane	Domarion Lane
McCall Road	Griswold Lane	Windsor Road

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Councilman Long asked that a "YIELD" sign be placed at 3311 Clearview and Schulle Avenue, as there was a curve and a hill, and the traffic was dangerous at this intersection.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a Pipe Line and Canal Crossing License on behalf of the

City of Austin with Guy A Thompson, Trustee, International-Great Northern Railroad Company, Debtor, for the purpose of installing, maintaining and using a twenty inch (20") water line crossing at Engineer's Chaining Station 9206 / 87 I.C.C. at or near Austin, Travis County, Texas, in accordance with the terms and provisions of said License Agreement, dated January 6, 1955, as exhibited to the City Council by the City Manager; and

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said Pipe Line and Canal Crossing License in the permanent files of the City Clerk's Office.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Discussion of the contract with HAROLD F. WISE, ASSOCIATES, was held. Councilman Long asked that the contract be revised to strike out the "IBM" in Section VII; and in Section XI, add the words "and copies of all such notices" and reports shall be made available to the members of the City Council." Action was deferred until the following week when there would be a full Council.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Troy Ragland is the Contractor for the alteration of a building located at 620 Congress Avenue and 101 West 7th Street, and desires a portion of the sidewalk and street space abutting Lot 6, Block 70, 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 said Troy Ragland, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point approximately 22 feet south of the north property line; thence in an easterly direction and at right angles to the centerline of Congress Avenue 4 feet to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 18 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the east property line of the above described property.

Beginning at a point approximately 56 feet west of the east property line; thence in a northerly direction and at right

angles to the centerline of West 7th Street 4 feet to a point; thence in a westerly direction and parallel with the centerline of West 7th Street approximately 40 feet to a point; thence in a southerly direction and at right angles to the centerline of West 7th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Troy Ragland, 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 in each barricade for the delivery or removal of materials during construction work.)

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrians traffic.

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

(4) 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.

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

(6) 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 obstructions shall be removed not later than April 1, 1955.

(7) 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.

(8) 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.

(9) 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.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.) 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Councilman White made a report on the Sanitary Fill at St. Edwards, as he had made an inspection of this. There was no scent whatever and no flies, but there was a place up on the Hill where there was some refuse that was causing some trouble. Councilman Long stated one of the ladies that appeared last week had called and said the men were doing a good job at the Compost Fill, but she felt that the contract had expired, and they wanted the fill removed. Councilman Pearson stated they felt that the area would develop shortly, and these people wanted the fill removed. The City Manager suggested that the Council make an inspection of the sanitary fills including the one in Zilker Park and the one on the Manor Road; and the Council scheduled this inspection.

Councilman Long suggested that the Council have a conference with the legislators and get together on the legislative program. She suggested that the City look into the bill introduced on public housing - Title I, and see if Austin could not be included in this, and support this program. Another item she suggested discussing was getting this enabling legislation through, and she thought the Council should talk with the representatives personally. The Sale of the state land should be discussed; a paving appropriation so that the State could pave in front of some of its property; participation in the new gasoline tax so that the city could get its share of paving; and the legislation on eliminating personal property taxes on cars and increasing the license fees, the cities' sharing in the license fees. Councilman Pearson mentioned the Fireworks Legislation that would be coming up. Councilman Long stated she would like for the City Attorney to start work on a fireworks ordinance to submit to the people in April, and also one about dogs. The City Manager was asked to contact the Legislators and make a luncheon appointment with them Thursday, January 27th at 12:00, and to send out a resume on these legislative matters.

There being no further business the Council adjourned at 12:45 P.M.
subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk