

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 16, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

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

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Council greeted the Seventh Grade Social Studies Class from Kealing High School.

MR. ED CLARK appeared and asked the Council to take action on the matter of the Telephone Company's request for rate increase, or to turn the request down, sending them out to do the best they could or to take whatever steps they were permitted to take under the law. MR. C. T. JOHNSON spoke in opposition to the Council's granting any increase at all. MR. LOUIS HIRSCH, Bluebonnet Bakery, stated no citizen in Austin wanted a rate increase, and that the Council and the citizens had been insulted by Mr. Clinton Owsley. MRS. EVANGELINE WILLIAMS spoke in opposition to any rate increase. COUNCILMAN MACCORKLE, in view of the fact the Council was required to set rates on the Austin property for the Company, and that a fair return would be between five and six percent; and in view of the fact a great deal of time and study had been made, and the facts presented were based on facts as of December 31, 1951, and the Telephone Company had since made additional investments in Austin, moved that the City Manager instruct the City Attorney to draw an ordinance incorporating into that ordinance the rates which appear on this sheet (set out in full) the four most important being

Business Service, one party line	\$10.50
Residence Service, one party	4.25
Residence Service, two party	3.55
Residence Service, four party	2.90

(Rates as referred to in motion)

	<u>Present Rates</u>	<u>New Rates</u>
<u>Business Service</u>		
One Party Flat Rate	\$ 8.25	\$10.50
Extension Flat	1.50	1.75
Semi-Public	.25 Day	.30 Day
Extension-Non coin	1.00	1.25
One Party-Measured	5.50	6.50
Extension-Measured	1.00	1.25
<u>P.B.X.</u>		
Commercial	12.38	
Trunks	1.50	16.00
Stations		1.75
Switching Equipment		
Hotel		
Trunks	8.25	10.75
Stations	.60	1.25
Switchboard Positions		
<u>Residence Service</u>		
One-Party	3.25	4.25
Two-Party	2.70	3.55
Four-Party	2.25	2.90
Extensions	1.00	1.25
<u>Rural</u>		
Business	5.50	7.50
Extensions	1.50	1.75
Residence	2.25	3.50
Extensions	1.00	1.25
<u>Service</u>		
Business	3.00	3.00
Residence	1.50	1.50

The motion was seconded by Councilman Johnson. Roll call showed the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor Drake
 Nees: Councilmen Long, White

Discussion was held. Councilman MacCorkle explained that the rates as proposed were lower than those suggested by Mr. Owsley in his second recommendation and slightly higher than those in his first recommendation. He felt the slight increase would take into account the increase in investment which has been put into the Austin property; and he also felt that the rates compared favorably and were lower than rates in comparable cities in Texas, and in comparable cities in surrounding states. Councilman Long felt the Telephone Company did not warrant an increase, as the Company admits they are making a profit. She felt the Manual of Separation as used was not in order, as the F.C.C. has now accepted a new formula of separation, whereas the local would receive more of the revenue from Long Distance and not have to have higher rates in the cities. She felt had Mr. Owsley used the Charleston Manual, he could have come up with a better rate suggestion or recommended that the rate be rolled back. She felt a thorough study of the books was not made, as Mr. Owsley admitted, and as he was limited as to time and staff. She felt if the matter were taken into Court, the City could win. Councilman MacCorkle, for the record, stated Mr. Owsley was unanimously employed by the Council and was given instructions as to what to look for and the Council agreed what he was to be paid. The Mayor stated he thought the rate as just voted on was just and could be justified in any Court.

Councilman Long made inquiry about eight-party lines in the City limits, giving a specific name and location. Mr. I. W. Davis explained this location was taken in the City limits last December, and the Company, out of 800 rural customers had dropped that down to 250, and was trying to get to the others as rapidly as possible.

MR. ED. CLARK stated the rate as proposed was not satisfactory and would not supply the revenue deficiency. He stated he preferred that the Council turn the Company down with no rate increase, as somewhere between the District Court and Supreme Court of the United States, it could be found out who was right.

Councilman Long asked the Council not to increase the 4-party lines.

MR. M. J. WILLIAMS was disappointed in the rates to be included in the ordinance, as the rates would not produce a 6% return now. He stated Austin would get the service that these rates would provide. MR. CLARK said the record would show that Mr. Owsley used the Manual of separation with the Charleston amendment in it that has now been adopted by the F.C.C., and an inquiry of that would bear that out. Councilman Long wanted that inquiry made.

MR. BRUCE ROGERS, Austin "A" Association, requested permission to erect a little ball park on some ground owned by the City. The City Manager stated this request had been referred to the Parks and Recreation Board, and had had its approval (October 15, 1952), and he would recommend that the permission be granted. Councilman MacCorkle moved that the request be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Travis Howard Subdivision" approved by the City Plan Commission of the City of Austin on October 9, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 16TH STREET, from a point 16 feet west of Airport Blvd. to Tillery Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EAST 16TH STREET.

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

(2) A gas main in TILLERY STREET, from East 16th Street to East 17th Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said TILLERY STREET.

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

(3) A gas main in EAST 17TH STREET, from Tillery Street to Lovingood Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EAST 17TH STREET.

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

(4) A gas main in LOVINGOOD DRIVE, from East 17th Street to East 18th Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LOVINGOOD DRIVE.

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

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
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 Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with A. D. Stenger in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council, and the City Manager is further authorized and directed to execute on behalf of the City of Austin the written consent provided for in Paragraph II of such contract, when, in the opinion of such City Manager such written consent is required to be given under the terms of such contract. (On file under WATER MAIN EXTENSIONS - Contract File No. 638-C)

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
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 Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with A. D. Stenger in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File under WATER MAIN EXTENSIONS - Contract File No. 638-C)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to execute on behalf of the City of Austin a certain contract of employment by which the City of Austin employees Julian Montgomery as Engineer in connection with a bridge on 8th Street across Waller Creek, and a bridge on Shoal Creek Boulevard across Hancock Branch.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessments for the property hereinafter described in the name of Mrs. L. C. Banks are incorrect for the following reasons:

"Information subsequently verified by our appraisers indicates that the original assessed value was excessive and should be adjusted.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Furniture, In furnished Apartments at 206 East 17th Street	1500	500
1951	Furniture and Fixtures in Apts. at 711-713-715 & 717 West 7th St.	1570	790

Councilman Long then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth and has found the same to be erroneous for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments, Now Therefore,

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

That the following tax assessments for the years shown be, and the same are, hereby adjusted and corrected to fix the assessed values therein as indicated:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Furniture, In Furnished Apartments at 206 East 17th Street	1500	500
1951	Furniture and Fixtures in Apts. at 711-13-715 & 717 West 7th St.	1570	790

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with B. N. Holman in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under WATER MAIN EXTENSIONS - Contract File No. 630-C)

The motion, seconded by Councilman Johnson, carried by the following vote;
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Gray & Becker, Inc., in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under WATER MAIN EXTENSIONS - Contract File No. 629-C)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
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 final plat of the subdivision known as "Sky View, Section 3", approved by the City Plan Commission of the City of Austin on September 14, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake brought up the following ordinance for its third 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 16.63 ACRES OF LAND, BEING A PORTION OF A 103.06 ACRE TRACT OUT OF THE GEORGE W. SPEAR LEAGUE AND THE GEORGE W. DAVIS SURVEY NO. 15, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced the ordinance had been finally passed.

Discussion of the application of Mrs. Patten for a rest home at 1205 Nueces was held. Various property owners appeared in opposition. Councilman MacCorkle urged that further study be made on applications of this type and applications for nursery schools, and that something be worked out where these homes and nurseries could be protected and not have to be placed in industrial or commercial zones. Councilman Long was anxious that the standards be fixed, where these places could be located conveniently and in pleasant surroundings. No action was taken pending further study on the whole question.

Public hearing on an amendment to the Zoning Text pertaining to Section 13 (g) was postponed indefinitely until further amendments to the Subdivision Ordinance could be considered.

Councilman Long inquired about Mr. Crocket's problem of set-back on Lamar, and about the Zoning Board's letter. The Mayor stated there was no appeal before the Council. Councilman Long asked that this be checked as it was her understanding the Zoning Board had asked the Council to consider this.

The Council noted a recommendation from the Parks & Recreation Board regarding the Golf Course at Hancock Park, and set this for discussion at the meeting on October 20th, at 8:00 P.M.

The City Manager stated in widening West 6th Street, it would be necessary to remove the tower light. It was his recommendation, and the recommendation of the Director of Public Works, and Superintendent of the Electric Division, that the light be moved from 6th and Lamar to either Zilker Park or the Lake Austin Park. Councilman Johnson suggested a location by the new high school. Councilman MacCorkle moved that the tower light be moved to the Lake Austin Park.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long inquired about the procedure of these utility refund contracts. The City Manager explained if the City did not put the mains in, the City did approve the bids and inspect the lines to see that they were according to specifications.

Councilman White stated he had a call regarding cleaning the Shoal Creek Boulevard Area. It was stated the area had been cleared, but nothing was done about the creek bottom.

The Council received notice that the following applications for change of zoning had been referred to the Zoning Commission:

JOHN RIVAS, JR.	2501 Diaz Street	From "D" Industrial To "C-1" Commercial
H. P. ALLEN	Rear 2400 Block South Congress	From "A" Residence To "C-1" Commercial

Councilman MacCorkle inquired if on the small bridges was it possible for the staff to do the work that is necessary in drawing the plans and in the architectural part. The City Manager explained that the staff planned most of the smaller bridges; but due to the time element, it was recommended that the bridges on 8th across Waller, and on Shoal Creek across Hancock Branch be contracted.

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk