

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 23, 1953
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

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

Inovcation was delivered by REV. SCOTT BAILEY, All Saints Episcopal Church.

Councilman White moved that the Minutes of the previous meeting be approved together with the supplement as sent out. Councilman Long moved that the motion be amended to include in the Minutes the recommendation of MR. HERMAN JONES. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

DR. TOM CALDWELL, JR., Election Judge of E-1 Ward, Precinct 35, appeared to explain the ward division in his precinct. He was in accord with dividing this large box, but to divide it as proposed would make an uneven division of the people. The line running down Travis Heights Boulevard will allow 1600 people to be in the box to be formed west of the Boulevard and something less than 600 people voting in the east. He stated Mr. Patterson last week had recommended that possibly an east-west division would be better. DR. CALDWELL suggested dividing the ward using Woodland, which is to be a through thoroughfare joining with the

Interregional and going on east. He explained on the map. Councilman Pearson stated he agreed with Dr. Caldwell and would like to make the change if there would not be an influx of changes throughout the whole town. Councilman Thompson thought this one revision could be made and the ordinance passed, but he did not want to open it up again for two or three weeks. Councilman Pearson moved that the ordinance be amended to incorporate DR. CALDWELL'S plan to make the division east and west at Annie an Woodlawn Streets instead of having the dividing line north and south on Travis Heights Boulevard, and to renumber the two precincts 321 for the north part and 322 for the south part. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson stated he believed that this would more equally divide this precinct.

The Mayor then introduced the following ordinance as amended:

AN ORDINANCE ESTABLISHING VOTING PRECINCTS OF
THE CITY OF AUSTIN AND FIXING THE BOUNDARIES THERE-
OF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thompson 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 Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

The ordinance was read the second time and Councilman Thompson 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 Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

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

Ayes: Councilmen Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mr. Ed Clark, representing the Southwestern Bell Telephone Company filed the following request for rate increase in telephone rates:

"July 23, 1953

"Honorable Mayor and Members of the City Council
City of Austin
Austin, Texas

"Dear Members of the City Council:

"On November 6, 1952, the City Council of the City of Austin passed an ordinance granting to the Southwestern Bell Telephone Company an insufficient increase in telephone rates.

"At that time, it was pointed out that these rates would produce earnings which would fall far short of the minimum requirements to keep the company's operations on a sound basis. Attached are operating statements which show that the present rates are producing a return of only three and eight-tenths per cent on the value of the Company's local exchange property in Austin, which return falls far short of minimum requirements, and is far below the fair rate of return to which the Company is entitled.

"When the City Council passed this ordinance, it was pointed out that we could not go on indefinitely with the expansion program to meet public demands with rates that were not adjusted to present day costs of providing telephone service.

"We completed all of the projects upon which construction had already started by November 6, but we can continue other planned projects only after realizing a fair return upon the fair value of the property already devoted to public service in the Austin exchange.

"In good faith, and confident that the Company would be allowed adequate earnings on the property required for good telephone service, huge sums of money were spent to keep abreast of the growth of Austin. Gross additions by years are as follows:

1949	--	\$1,435,117
1950	--	3,095,323
1951	--	2,110,445
1952	--	2,047,588

"A total of more than $8\frac{1}{2}$ million dollars was spent to expand the telephone system in Austin in only four years.

"At the end of November 1952 there were 320 people on the waiting list for telephone service in Austin. We are receiving applications for service at the rate of some 900 per month. We have been able to take care of some of these with telephone equipment made available by people moving out of the City. But the demand continues, and the waiting list continues to grow. Today, there are almost 600 people on the waiting list for telephone service.

"Additional expenditures for expansion of Austin's telephone system are essential as Austin continues to grow. A new central office site has been selected in South Austin for a new building with equipment to provide a switching center for this fast growing section of the city. Extensions of pole lines, wire, and cable facilities are needed in new additions throughout the City.

"The Telephone Company is fully cognizant of its responsibility to furnish telephone service in Austin. We are perfectly willing to meet that responsibility consistent with our financial ability to do so. Earnings produced under the present telephone rates, however, are so low as to make it impossible for us to provide the telephone plant necessary to continue to meet the demand for expansion, and still keep faith with the people who risk their savings in our business.

"The Legislature of the State of Texas has delegated to your Honorable Body the authority and the responsibility to regulate local exchange telephone rates in Austin. As a consequence, our only recourse toward improved earnings is to submit to you the facts as to our earnings situation in Austin. These facts are set forth in the attached operating statements.

"Also attached is a proposed schedule of rates which would provide reasonable earnings, and which would make it possible for us to go ahead with the construction program needed to meet the demand for telephone service in Austin.

"Adequate telephone service is so vital to the citizens of Austin to risk its impairment because of inadequate telephone rates. Because adequate telephone service is in the best interest of the City of Austin, I am sure that you will appreciate the importance of your authorizing the attached schedule of rates promptly.

"Very truly yours,
(Sgd) I. W. Davis
District Manager"

STATEMENT OF EXCHANGE REVENUES, EXPENSES AND
NET OPERATING INCOME AUSTIN, TEXAS EXCHANGE

TWELVE MONTHS ENDED MARCH 31, 1953

ACCOUNTING DEPARTMENT, SOUTHWESTERN
BELL TELEPHONE COMPANY, DALLAS, TEXAS

STATE OF TEXAS)

COUNTY OF DALLAS)

Before me, the undersigned authority, on this day personally appeared Elmer Gast, who being by me duly sworn on oath says he is the Auditor of the Southwestern Bell Telephone Company for the State of Texas in which capacity he is responsible for the maintenance of the books and records of the Company in the State of Texas in conformance with the Uniform System of Accounts as prescribed by the Federal Communications Commission.

Affiant further states that the attached statement of exchange revenues, expenses and net operating income, according to his best knowledge and belief, is a true and correct statement of the exchange revenues, expenses and net operating income for local exchange service at the Austin Exchange for the twelve months ended March 31, 1953.

Affiant further states that the separation procedures used, unless otherwise noted, have been in conformance with the standard separation

procedures for telephone companies as set forth in the Separations Manual of the National Association of Railroad and Utilities Commissioners - Federal Communications Commission, Special Cooperative Committee on Telephone Regulatory Problems, October 1947, as amended to date.

(Sgd) Elmer Gast

Subscribed and sworn to before me this 27th day of May 1953.

(Sgd) Maude Evans
Notary Public in and for
Dallas County, Texas

SOUTHWESTERN BELL TELEPHONE COMPANY - AUSTIN, TEXAS EXCHANGE
STATEMENT OF EXCHANGE REVENUES, EXPENSES AND NET
OPERATING INCOME - TWELVE MONTHS ENDED
MARCH 31, 1953

F.C.C. Account Number	Title of Account	Amount	Total
LOCAL SERVICE REVENUES:			
500	Subscribers' Station Revenues	\$ 2,863,674.95	\$
501	Public Telephone Revenues	112,351.62	
503	Service Stations	417.28	
504	Local Private Line Services	36,516.54	
	Total Local Service Revenues		<u>3,012,960.39</u>
MISCELLANEOUS REVENUES:			
521	Telegraph Commissions	4,318.54	
523	Directory Advertising and Sales	343,173.41	
524	Rent Revenues	1,669.76	
526	Other Operating Revenues	1,884.34	
	Total Miscellaneous Revenues		<u>351,046.05</u>
	TOTAL EXCHANGE REVENUES		3,364,006.44
530	Uncollectible Operating Revenues -Dr.		6,643.22
	NET EXCHANGE REVENUES		<u>3,357,363.22</u>
MAINTENANCE EXPENSES:			
602.1	Repairs of Pole Lines	26,199.82	
602.2	Repairs of Aerial Cable	85,152.48	
602.3	Repairs of Underground Cable	20,488.93	
602.4	Repairs of Buried Cable	1,263.58	
602.5	Repairs of Submarine Cable	-	
602.6	Repairs of Aerial Wire	18,972.42	
602.7	Repairs of Underground Conduit	5,419.29	
602.8	Shop Repairs and Salvage Adjustments	1,174.90	
602.9	Gen. Supv., Engineering & Tool Exp.	10,602.57	
603	Test Desk Work	89,423.97	
604	Repairs of Central Office Equip.	220,345.92	
605	Repairs of Station Equipment	271,029.92	
606	Repairs of Buildings and Grounds	5,964.91	
607	Station Removals and Changes	157,569.96	

610	Maintaining Transmission Power	6,910.58	
612	Other Maintenance Expenses	359.43	
	Total Maintenance Expenses		920,878.68

Note: The appended notes are an integral part of this statement.

SOUTHWESTERN BELL TELEPHONE COMPANY AUSTIN, TEXAS EXCHANGE
STATEMENT OF EXCHANGE REVENUES, EXPENSES AND NET OPERATING INCOME
TWELVE MONTHS ENDED MARCH 31, 1953

F.C.C. Account Number	Title of Account	Amount	Total
	<u>DEPRECIATION:</u>		
608	Depreciation (See Note 'B')		\$378,845.00
	<u>TRAFFIC EXPENSES:</u>		
621	General Traffic Supervision	9,186.96	
622	Service Inspection & Customer Inst.	10,948.69	
624	Operators' Wages	142,487.01	
626	Rest and Lunch Rooms	1,178.35	
627	Operators' Employment & Training	6,152.72	
629	Central Office Stationery & Printing	1,070.29	
630	Central Office House Service	1,179.58	
631	Miscellaneous Central Office Exp.	1,644.19	
632	Public Telephone Expenses	-	
633	Other Traffic Expenses	-	
	Total Traffic Expenses		173,847.79
	<u>COMMERCIAL EXPENSES:</u>		
640	General Commercial Administration	57,531.64	
642	Advertising	10,304.93	
643	Sales Expense	20,469.33	
645	Local Commercial Operations	184,146.85	
648	Public Telephone Commissions	28,070.15	
649	Directory Expenses	157,900.81	
650	Other Commercial Expenses	4.87	
	Total Commercial Expenses		458,428.58
	<u>GENERAL OFFICE SALARIES AND EXPENSES:</u>		
661	Executive Department	16,028.67	
662	Accounting Department	103,481.72	
663	Treasury Department	2,885.86	
664	Law Department	8,006.20	
665	Other Gen. Office Sal. & Expenses	29,241.83	
	Total General Office Salaries and Expenses		159,644.28

SOUTHWESTERN BELL TELEPHONE COMPANY AUSTIN, TEXAS EXCHANGE
STATEMENT OF EXCHANGE REVENUES, EXPENSES AND NET OPERATING INCOME
TWELVE MONTHS ENDED MARCH 31, 1953

F. C.C. Account Number	Title of Account	Amount	Total
	<u>OTHER OPERATING EXPENSES:</u>		
668	Insurance	204.26	
669	Accidents and Damages	180.35	

671	Operating Rents	22,396.73	
672	Relief and Pensions	100,537.29	
673	Telephone Franchise Requirements	-	
674	General Services and Licenses	30,063.17	
675	Other Expenses	3,215.99	
676	Telephone Franchise Requirements-Cr.	-	
677	Expenses Charged Construction-Cr.	9,864.97	
	Total Other Operating Expenses		146,732.82
	<u>OTHER CHARGES:</u>		
323	Miscellaneous Income Charges		7,153.25
	<u>TAXES EXCEPT INCOME TAXES:</u>		
305	Operating Taxes		
	Real Estate	11,201.02	
	Personal Property	154,549.20	
	Social Security	19,662.33	
	Gross Receipts	127,382.42	
	All Other	8,376.86	
	Total Taxes Except Income Taxes		321,171.83
	TOTAL EXCHANGE EXPENSES EXCEPT INCOME TAXES		2,566,702.23
	EXCHANGE NET OPERATING INCOME BEFORE INCOME TAXES		790,660.99
	FEDERAL INCOME TAXES (See Note "C")		363,280.62
	EXCHANGE NET OPERATING INCOME		427,380.37

NOTES TO STATEMENT OF EXCHANGE REVENUES, EXPENSES AND
NET OPERATING INCOME AUSTIN, TEXAS EXCHANGE
TWELVE MONTHS ENDED MARCH 31, 1953

(A)

The Company's accounts are maintained in strict accordance with the Uniform System of Accounts for Telephone Companies as prescribed by the Federal Communications Commission.

The foregoing figures have been compiled from the books and records of the Company. Apportionments of common or general revenues earned, expenses incurred and telephone plant used, for which methods have not been prescribed by the Federal Communications Commission, unless otherwise noted, have been made in conformance with the standard separation procedures for telephone companies as set forth in the Separations Manual of the National Association of Railroad and Utilities Commissioners - Federal Communications Commission, Special cooperative Committee on Telephone Regulatory Problems, October 1947, as amended to date.

(B)

The amount shown for depreciation expense has been computed by application of the rates prescribed by the Federal Communications Commission to the original cost of the telephone plant in service at the end of the period.

(C)

Federal income taxes levied against the Company are based on the earnings of the Company as a whole and not on the earnings of individual exchanges or other

operating units. The amount included for Federal income taxes in this item represents an allocation of such taxes to this exchange determined by applying a rate of 52% to the Net Operating Income shown on this report after adjustment to a taxable income basis.

SOUTHWESTERN BELL TELEPHONE COMPANY

AUSTIN, TEXAS

SUMMARY OF LOCAL EXCHANGE OPERATIONS
12 MONTHS ENDED MARCH 31, 1953

RECORDED RESULTS				
Revenues	minus	Expenses	equals	Net Income
\$3,357,363	-	\$ 2,929,983	=	\$ 427,380
Net Income	divided by	Value of Property	equals	Rate of Return
\$ 427,380	÷	\$13,865,000	=	3.08%
RESULTS AT CURRENT COST LEVELS				
Recorded Income	plus	Effect of Changes*	equals	Current Net Income
\$ 427,380	+/-	\$ 99,063	=	\$ 526,443
Current Net Income	divided by	Value of Property	equals	Current Rate of Return
\$ 526,443	÷	\$13,865,000	=	3.80%

*See following page.

EFFECT OF REQUIRED RATES				
Current Net Income	plus	Additional Net Income	equals	Required Net Income
\$ 526,443	+/-	\$ 489,523	=	\$1,015,966
Required Net Income	divided by	Value of Property	equals	Required Rate of Return
\$1,015,966	÷	\$13,865,000	=	7.33%

SOUTHWESTERN BELL TELEPHONE COMPANY

AUSTIN, TEXAS

SUMMARY OF ADJUSTMENTS TO RECORDED NET INCOME FOR YEAR
ENDING MARCH 31, 1953
TO DETERMINE CURRENT LEVEL OF INCOME

Increase in Revenues

Rate Increase of November 17, 1952 \$ 213,021

Increase in Expenses

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|----------|
| (1) Increase in Salary and Wage Expense to reflect full annual effect of salary adjustments and wage contract effective July 6, 1952 | \$10,244 |
| (2) Increase in Maintenance Expenses to reflect full annual effect of normal level of operations | 4,121 |
| (3) Increase in Depreciation charges to reflect 1952 cost levels of plant | 88,234 |
| (4) Increase in Gross Receipts Taxes etc., as result of Increased Revenues | 9,989 |

(5) Increase in Relief and Pensions expense to
reflect change in pension accrual rate 1,370

Total Effect of Increased Expense \$ 113,958

Net Effect of Changes \$ 99,063

PROPOSED RATE SCHEDULE
AUSTIN, TEXAS

<u>CLASS OF SERVICE</u>	<u>Proposed Monthly Rates</u>
One Party Business Service, Flat Rate	\$15.00
Business Extension Station, Flat Rate	1.75
One Party Business Service, Measured Rate	7.50 (a)
Business Extension Station, Measured Rate	1.25
One Party Residence Service, Flat Rate	6.00
Two Party Residence Service, Flat Rate	5.00
Four Party Residence Service, Flat Rate	4.25
Residence Extension Station, Flat Rate	1.25
Commercial PBX Trunks, Flat Rate	(b)
Commercial PBX Stations, Flat Rate	(c)
Hotel PBX Trunks, Measured Rate	(d)
Hotel PBX Stations, Measured Rate	(e)
Semi-Public Coin Station Service, Daily Guarantee	.30 (f)
Semi-Public Extension Station, Regular Equipment	1.25
Coin Box Equipment	1.75

Notes:

- a. Including 100 outgoing local messages, additional local messages, 5¢ each.
- b. The rate for flat rate PBX trunks is one and one-half times the rate for one party business flat rate service.
- c. The rate for commercial PBX stations is the same as the rate for business flat rate extensions.
- d. Guarantee that local message revenue to company shall not be less than one party business flat rate for each trunk.
- e. The rate for hotel PBX stations is the same as the rate for business measured rate extensions.
- f. Rate per message over guarantee 4¢, under guarantee 5¢.

The Council received the request, and the Mayor stated the Council would take it under advisement and set it up for some time at a later date.

The Fire Extinguisher Ordinance was brought up for consideration. Councilman Long suggested adding that it should be the duty of the Fire Marshall to instruct the men whose license was being revoked of his right of appeal. In discussion it was brought out that all licensed people would have a copy of the ordinance, and that this idea was not included in other ordinances.

Councilman Long moved the following ordinance be introduced and laid over until the following week:

AN ORDINANCE PRESCRIBING REGULATIONS FOR INSTALLATION
AND MAINTENANCE OF FIRE PROTECTIVE DEVICES IN VARIOUS

TYPES OF OCCUPANCIES AND USES; REQUIRING REPORTS TO THE FIRE MARSHAL OF BUILDINGS UNDERGOING REPAIRS AND ALTERATIONS; PRESCRIBING PENALTIES; PROVIDING THE LICENSING AND BONDING OF PERSONS ENGAGED IN THE BUSINESS OF SELLING OR SERVICING FIRE EXTINGUISHERS; PROVIDING FOR ENFORCEMENT OF ORDINANCE BY INJUNCTION; REPEALING PART OF A CERTAIN ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 27, 1951, the City Council appointed Charles Trenckmann, R. C. Anderson, Jimmie Connolly, Eugene Sanders, Victor Ravel, Charles A. Burton, Walter Carrington, Charles Sandahl and Eugene Sappington, to serve as a committee of citizens to study a proposed ordinance which prescribed regulations for the installation and maintenance of fire extinguishers in the various types of occupancies and uses, and to present recommendations for the amendment thereof to the Council; and,

WHEREAS, such citizens, as a committee and as individuals, in regular meetings and personal study and labor, diligently and patiently devoted their time and efforts, without remuneration, to studying the proposed ordinance, the publications of the National Board of Fire Underwriters and other authorities on fire protection and suggestions and recommendations for the improvement of such ordinance; and,

WHEREAS, after nearly two years of thorough and studied work the committee has presented, in ordinance form, its recommendations for regulating the installation and maintenance of fire protective devices in the various types of occupancies and uses; Now, Therefore,

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

That the City Council expresses its appreciation to Charles Trenckmann, R. C. Anderson, Jimmie Connolly, Eugene Sanders, Victor Ravel, Charles A. Burton, Walter Carrington, Charles Sandahl and Eugene Sappington, for their valuable contribution to the people of the City of Austin in preparing their recommendations for an ordinance regulating the installation and maintenance of fire protective devices in the various types of occupancies and uses.

The City Clerk is directed to record this Resolution in the Minutes of the Council, and to send a copy to each member of the committee as a token of the Council's appreciation.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; DECLARING AN EMERGENCY 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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

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 release of the paving lien on Lot 28, Block 30, Travis Heights Addition, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by D. R. McLeod and wife, Margaret A. McLeod, the apparent owners.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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 W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on Lots 9 and 10, Hyde Park No. 2, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by R. L. Sullivan and wife, Ida Sullivan, the apparnet Owners.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

(1) An underground telephone conduit in HARMON AVENUE, from a point 24 feet north of Concordia Avenue southerly 65 feet, the centerline of which underground telephone conduit shall be 1 foot east of and parallel to the west property line of said HARMON AVENUE.

(2) An underground telephone conduit in CONCORDIA AVENUE, from Harmon Avenue westerly approximately 26 feet, the centerline of which underground telephone conduit shall be 9 feet north of and parallel to the south property line of said CONCORDIA AVENUE.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

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 Cherico Street, from a point 57 feet north of Lyons Road southerly 64 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said Cherico Street.

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

(2) A gas main in Lyons Road, from Cherico Street westerly 189 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of and parallel to the north property line of said Lyons Road.

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

(3) A gas main in East 1st Street, from Springdale Road easterly 332 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said East 1st Street.

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

(4) A gas main in Rosewood Avenue, from Walnut Avenue easterly 78 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south property line of said Rosewood Avenue.

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 Gas 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long 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 the property situated on the east side of Shady Lane as a private gasoline plant, which property is owned by Pool Transfer Company and is designated as 208.6'x208.6' unplatted, R. G. Walker 1-Ac. tract, in the City of Austin, Travis County, Texas, and hereby authorizes the said Pool Transfer Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject 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 Pool Transfer Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
July 23, 1953

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Pool Transfer Company for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor

equipment and from which no gasoline is to be sold, upon property located on the east side of Shady Lane, which property is designated as 208.6'x208.6' Unplatted, R. G. Walker 1-Ac. tract, in the City of Austin, Travis County, Texas, and locally known as 1109 Shady Lane.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

- "(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- "(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- "(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled on stored.
- "(4). That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, S. D. Harris is the Contractor for the erection of a building located at 1133 East 11th Street and desires a portion of the sidewalk space abutting Lot 6, Block 7, Outlot 3, Division B, in the City of Austin, Travis County, Texas, during the erection 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 S. D. Harris, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 11th Street to a point 4 feet south of the south curb line; thence in a

westerly direction and parallel with the centerline of East 11th Street approximately 30 feet to a point; thence in a southerly direction and at right angles to the centerline of East 11th Street to the north line of the above described property;

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Lydia Street to a point 4 feet west of the west curb line; thence in a southerly direction and parallel with the centerline of Lydia Street approximately 80 feet to a point; thence in a westerly direction and at right angles to the centerline of Lydia Street to the east line of the above described property.

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

(1). That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(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 pedestrian traffic.

(3). 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.

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

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

(7). 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.

(8). 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.

(9). 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 October 20, 1953.

(10). 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.

(11). 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.

(12). 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 Contractor's expense.

(13). That the contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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, Pearson, Thompson, White, Mayor McAden

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 "Resubdivision of a Portion of Lot 5, Block 10, Westfield "A", approved by the City Planning Commission of the City of Austin on March 12, 1953, 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 Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The City Manager submitted the following:

"July 23, 1953

Memo to: Mr. W. E. Seaholm, City Manager

From: D. C. Kinney, Superintendent Electric Division

"I have studied the two bids on Boiler and Machinery Insurance for the Power Plant and other insurable items of the City of Austin, and find the premium on this service practically the same but they should be since these rates are set by the Insurance Commission.

"Tabulation as per folio:

Hartford Boiler Insurance	\$23,926.21
American Motorists Insurance Company	24,315.73

"The American Motorists offer a 15%, or \$3,647.35, current dividend to be paid at the end of three years similar to a mutual policy.

"Austin Association of Insurance Agents propose an alternate of Retrospective Rating plan which will operate based on the actual loss of the insured. Since we have a new Power Plant in good repair and is being given close inspection by the Hartford inspectors, who know all the past history of each piece equipment, it might be good business to accept the Retrospective Plan.

"The past experience the City has had with Hartford Steam Boiler Insurance for over thirty years has been very good - prompt payments of claims - courteous qualified engineering inspection.

"Hartford is an old line insurance company with a large volume of premiums while American Motorists is small in comparison who had to discontinue writing boiler and machinery insurance for six years between 1940 - 1946.

"Our \$2,000,000 limit on one accident on the Power Plant - should we have one - would be hard for some Insurance Companies to meet.

"In view of the above I recommend that the City continue with the Hartford Steam Boiler Insurance and Insurance service based on the past performance.

"(Sgd) D. C. Kinney, Superintendent
Electric Division"

The City Manager presented the matter of insurance for the boilers and machinery, and explained the provisions and the bids as received. The rates would be the same, even though there was a difference in the bids due to a difference in interpretation. The City has had its policy with the HARTFORD BOILER INSURANCE COMPANY for over 30 years, and he recommended this Company. He explained the Retrospective Rating plan as offered by the HARTFORD COMPANY. Councilman Long inquired as to procedure in sending out bids or advertising for this insurance. The City Manager explained, and stated this was placed with the Austin Association of Insurance Agents, and the premium would be divided between the 58 agents in the Association. Councilman White stated he had had 30 years experience with the HARTFORD BOILER COMPANY, and he would say that it is the most reputable concern the city could get. Councilman Pearson stated that no matter which company got the insurance, all the local agents still participated equally in the premium. Councilman Long inquired as to the coverage

and the City Manager outlined what the policy covered--explosions, any rupture of any part of the machinery, etc. It did not cover the pumps. Councilman Long asked about the membership of the Association and if others than members of the Association could not participate. It was stated this was the policy set by a former Council. Councilman Thompson explained that any bona fide agent could belong by applying for membership. Councilman Long thought it was unfair to force a person to join the association before he could participate in the business. Councilman Thompson suggested if she wanted to reopen the case, and make a study of it, it could be discussed, and she stated if the Council felt the study was warranted, she would be glad to make such. Mr. Bill Kuhn appeared before the Council and explained that some agents did not care to join the Association, as the amount of premium from city business was not sufficient to join. He was not a member. He stated the Association was formed to improve the ethics. Councilman Pearson asked him if he felt this way of handling the insurance was the best way, and Mr. Kuhn stated it was, and he believed the majority of his group felt that way also. He is an agent of a Mutual Company, and stated he hoped someday to see the City consider participating stock companies and see if a joint program could be worked out. After discussion, Councilman White moved that the Hartford Company with the Retrospective Plan be adopted. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Council received notice from the City Manager that the following application for change of zoning had been referred to the Planning Commission:

L. L. McCANDLESS

120 The Circle

From "A" to "C-1"

MAYOR McADEN announced that beginning August 17th, the City would hold Open House for the new Electric and Water Plant, using the West 1st Street entrance; that various Civic Clubs would hold their luncheon meetings down there during this week; and the general public was invited to attend the open house from 7:00 to 9:00 P.M. If necessary the open house will be extended for a second week. Councilman Thompson urged that no organization or civic club be missed in this invitation; that the people on the east side that have civic organizations should be included. The Mayor announced the hours--from 12:00 to 2:00; from 7:00 to 9:00 P.M. and on Sunday from 3:00 to 5:00 P.M. Councilman White stated this open-house was something he had advocated ever since the plant was started.

Councilman Pearson suggested discussing the appointments to the various Boards. It was decided to consider this the following week.

Councilman Long inquired about the City TV programs. MR. LYMAN JONES, KTBC-TV replied he devoted a portion of his news cast time, once a month, to some city department.


Councilman Thompson inquired about the Subdivision Ordinance progress. The City Manager stated the realtors had discussed the ordinance, and the Planning Commission has it now. The Council set this for public hearing at 8:00 P.M. August 3rd, 1953. The Council felt that much publicity should be given for this. Councilman Thompson suggested placing a notice other than a legal notice in the paper. MR. PAUL BOLTON suggested that the radio was equipped to give legal notice also. Councilman Long thought this matter was a fundamental change and would make a good story and radio space, and that the people interested would hear about it.

There being no further business, the Council adjourned at 12:10 P.M. subject to the call of the Mayor.

APPROVED:


Mayor

ATTEST:


City Clerk