

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 27, 1943

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 27, 1943, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present, also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of May 20, 1943, were read, and upon motion of Councilman Bartholomew, were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Pursuant to notice given to abutting property owners, John McClain and other property owners appeared to protest the proposed permanent closing of a portion of McClain Street adjacent to Lot E, Outlet 13, Division "B", unless, in lieu thereof, another street were opened to provide access to their property. Lawrence Owens, colored, proponent of the proposed vacation, and property owner, also appeared and was heard.

Following the discussion, the Council deferred action on the foregoing matter, pending an agreement to be reached between the property owners affected.

The application of Calvin Houston Phelan, 904 Willow Street, for a renewal of his taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the renewal be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of F. L. Miller, 1900 Eva Street, for a renewal of his taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the renewal be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Ralph Leon Richardson, 1800 Penn Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis offered the following resolution:
(RESOLUTION)

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

THAT the sum of \$540.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of contributing \$60.00 per month, beginning April 1, 1943, and continuing through December, 1943, to the Chalmers Nursery School.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Alford offered the following resolution:
(RESOLUTION)

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

THAT the sum of \$200.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of increasing the contribution to the Negro Nursery School, or Rosewood Nursery School, as it is now called, to \$35.00 per month instead of \$15.00 per month as was set up in the budget, beginning with March 1, 1943, and continuing through December, 1943.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote:

"ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

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

THAT the City Manager, or in his absence the Acting City Manager, be and he is hereby authorized and fully empowered to affirm or to enter into and execute for and in the name of the City of Austin one certain written contract between said City of Austin and R. H. Martin and M. Ethel Stroman Martin, husband and wife, respecting a lease of a portion of a tract of land for the purpose of maintaining and operating garbage and trash dumping grounds thereon, and to renew said lease for the purposes therein described, and for the consideration therein provided for from year to year, as is provided for in said lease, a true copy of said lease being attached hereto and made a part hereof.

(LEASE ATTACHED)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

THIS CONTRACT made and entered into on the date hereinafter written by and between R. H. MARTIN and M. Ethel Stroman MARTIN, husband and wife, first parties, and CITY OF AUSTIN, a municipal corporation, acting by WALTER E. SEANOLN, its Acting City Manager, second party, witnesseth:

1. That first parties have leased and do hereby lease to second party, for the purposes of maintaining and operating garbage and trash dumping grounds thereon, the following described premises:

A portion of 94 acres of land, more or less, out of the Thomas J. Chambers Grant in Travis County, Texas, as conveyed and described in the deed from Katherine Fiset to M. Ethel Stroman Martin, recorded in Volume 445 at pages 484-486 of the Deed Records of Travis County, Texas, which deed and record are hereby referred to for all pertinent purposes, the portion of said 94 acres of land herein leased being described as follows:

That area embraced within the boundaries described as follows: Beginning at a point in the north boundary line of said 94 acre tract 300 feet from and east of the upper rim of a Draw locally known as Dead Mule Coulee; thence extending in an easterly and southerly direction parallel with said Draw to a point 300 feet beyond the head of said Draw; thence in a westerly direction to a point in the projection of a line running 300 feet from and parallel with the west rim of said Draw; thence extending in a northerly and westerly direction 300 feet from and parallel with the west rim of said Draw to a point in the west boundary of said 94 acre tract; thence with the boundary of said 94 acre tract to the place of beginning.

2. That this lease is for the term of one year, beginning on the 13th day of May, 1943, in consideration of the payment by second party to first parties of the sum of \$100.00 in advance, the receipt of which is hereby acknowledged; and the option is hereby given by first parties to second party to renew this lease upon its termination from year to year upon the payment of said consideration for each of such years.

3. It is agreed that second party shall be permitted, for the above consideration to dump and allow to be dumped upon said premises hereby leased any class of refuse or garbage not prohibited by State laws, and shall have the right of ingress and egress of the land so leased, and to build such roads as may become necessary into, through and across said premises for the purpose of conveyance thereto of refuse and garbage.

4. It is agreed that party of second part shall have the right to dispose of any and all refuse and garbage dumped or permitted to be dumped by it on the premises hereby leased in any way or manner that party of second part may deem practicable.

5. It is further agreed that in consideration of the payment to first parties by second party of the sum of \$90.00 each month during the term of this lease, that first parties shall employ an able-bodied laborer to be approved by second party to work on the garbage and dumping grounds herein leased during the term of this lease, said work to be done under the direction of second party.

6. It is further agreed and understood that in the event that second party is enjoined by a court of competent jurisdiction from using said premises as trash and dumping grounds, then this contract may be terminated.

WITNESS THE HANDS OF THE PARTIES HERETO, this the ____ day of _____, 1943.

CITY OF AUSTIN

By _____
Acting City Manager

ATTEST:

City Clerk

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis offered the following resolutions:

(RESOLUTION)

WHEREAS, the CITY OF AUSTIN desires to secure for public purposes the hereinafter described lot, tract, or parcel of land; and

WHEREAS, Paul O. Simms, the owner of said lot, tract, or parcel of land has agreed to take Eight Hundred Fifty & No/100 Dollars (\$850.00) for same, which sum the CITY OF AUSTIN deems to be the reasonable value of said property; therefore,

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

THAT Walter E. Seaholm, the Acting City Manager of the City of Austin, be, and he is hereby directed and authorized to purchase for the CITY OF AUSTIN from Paul O. Simms the following described property, to-wit:

The East 43 feet of Lot No. 30 of Morris & Smith's Resubdivision of the North half of Outlot No. 6 in Division "A" of the City of Austin, Travis County, Texas, according to the map or plat of said resubdivision of record in Volume 3, page 56 of the Travis County Plat Records.

Conditioned that the said Paul O. Simms shall deliver to the CITY OF AUSTIN a general warranty deed conveying said property to the CITY OF AUSTIN free from all liens and encumbrances, and shall deliver to the City an abstract of title to said property showing good and marketable title, approved by the Acting City Attorney of the City of Austin.

BE IT FURTHER RESOLVED, that subject to said terms and conditions, that the sum of Eight Hundred Fifty & No/100 Dollars (\$850.00) be, and the same is hereby appropriated out of the General Fund of the City of Austin to pay for the above described property, and that a warrant issue therefor.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

After hearing the report of the Police Department on the matter, it was the sense of the Council that the request of Buster Cherico for remission of a fine recently imposed against him in the Corporation Court for disturbing the peace be denied.

The following resolution was introduced by Councilman Gillis:

(RESOLUTION)

WHEREAS, Taxes for the years 1929 through 1942 on the improvements on the hereinafter described property are shown by the assessment rolls of the City of Austin, Travis County, Texas, to have been assessed against Annie Barnhart; and

WHEREAS, Some time during the year 1931, said improvements were removed from the hereinafter described property without notification to the Tax Assessor and Collector of the City of Austin, and the assessment against said improvements has been carried erroneously on the rolls of said Tax Assessor and Collector for the years 1932 through 1942; therefore,

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

THAT the taxes erroneously assessed for the years 1932 through 1942, on the improvements on Lot 5, Block 4, Davis and Dawson Subdivision in the City of Austin, Travis County, Texas, be and the same are hereby cancelled, and the Tax Assessor and Collector of the City of Austin is authorized and directed to strike same from the tax rolls. However, this action shall in no wise affect the assessment for taxes with respect to the above described real estate.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

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

THAT Walter E. Seaholm, the Acting City Manager, be and he is hereby authorized and directed to execute for and in behalf of the City of Austin, for a cash consideration of \$150.00, a special warranty deed to Phil Abram, conveying all the right, title and interest acquired by the City of Austin to Lot 9, Block 8, Outlet 3, Division "O", in the City of Austin, Travis County, Texas, by deed from G. S. Matthews, Sheriff of Travis County, dated April 17, 1909, and recorded in Book 563, pages 369-370, of the Deed Records of Travis County, Texas.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of Miss Virginia Nagle for the years 1941 and 1942, on Lots 5 and 6, Block 75, in the City of Austin, Travis County, Texas, said taxes being for the sum of \$386.95, and for non-payment of same at maturity, penalty in the sum of \$9.64 has been assessed, and interest in the sum of \$15.23 has accrued, making the total amount of taxes, penalty and interest \$411.82; and

WHEREAS, The City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$9.64; therefore,

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

THAT the aforesaid penalty in the sum of \$9.64 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$9.64 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and the interest, as aforesaid.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hallie M. Kellar
CITY CLERK