

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 5, 1943

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, August 5, 1943, at 10:30 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: W. E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; William M. Wolf, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of July 29, 1943, were read, and upon motion of Councilman Alford were adopted as read, by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

Wm. Lawlor, Jr., President of Texas Public Service Company, came before the Council and asked that the ordinance requiring that gas meters be tested every five years be amended so as to extend the time to eight years on account of war-time conditions involving shortage of materials and man-power. After some discussion, it was the sense of the meeting that the request be granted and the time be extended for a reasonable period, with the provision that any specific complaint in the meantime would be attended to; and that the matter be referred to the Acting City Manager and the Legal Department to have the necessary amendment prepared.

G. F. Zimmermann came before the Council and asked that a portion of Nickerson Street adjacent to the E. H. Bohls Tourist Courts on South Congress Avenue be vacated. The City Engineer submitted a report to the effect that said portion of street is of no value at the present time. It was the sense of the meeting that the request be granted, and that the matter be referred to the Legal Department and the Engineering Department for proper resolution.

The Mayor called up for its first reading the following ordinance, which was introduced at the last regular meeting and laid over:

AN ORDINANCE FIXING AND LEVYING AN OCCUPATION TAX ON CERTAIN COIN-OPERATED MACHINES; DEFINING TERMS AND PHRASES USED HEREIN; PROVIDING CERTAIN EXCEPTIONS; PROVIDING FOR ISSUANCE OF A LICENSE BY THE TAX COLLECTOR AND ASSESSOR, AND REQUIRING THAT SUCH LICENSE BE ATTACHED TO THE MACHINE FOR WHICH IT IS ISSUED; GIVING THE TAX COLLECTOR AND ASSESSOR THE RIGHT TO EXAMINE THE BOOKS AND RECORDS; DECLARING AGAINST A CONSTRUCTION WHICH WOULD LEGALIZE MACHINES PROHIBITED BY THE STATE LAW OR THE CONSTITUTION; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and the opportunity then given to any objectors present to be heard on the matter; and the following objector appeared and was heard, as follows:

E. L. Bauknight, Attorney for Austin Phonograph Company, protested that section of the above ordinance requiring a fee of \$1.25 where the coin used is in excess of 1¢ and not exceeding 5¢, claiming that such tax would work a hardship on his client, who owns a majority of such machines, and is already paying personal property tax on same. It was the sense of the meeting that this request could not be granted in fairness to the other machines listed.

The ordinance was then laid over for its second reading.

The application of Ray T. Stevens for license to operate as a taxicab a 1941 Chevrolet Sedan, Moto No. AA993139, State License (1943) FS3530, (1942) FE7-793, recommended for approval by the Acting City Manager, et al, was submitted. Councilman Gillis moved that the license be granted to fill the existing vacancy in the quota. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of Nelson George Garrett, 1600 East 3rd Street, for a taxicab driver's permit, duly recommended for approval by the Acting City Manager et al, was submitted. Councilman Alford 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.

The application of Ray T. Stevens, 1907 Wichita Street, for a taxicab driver's permit, duly recommended for approval by the Acting City Manager et al, was submitted. Councilman Alford 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.

A proclamation by the Mayor, proclaiming August 6, 1943, as "Boys and Girls Physical Fitness Day," was unanimously approved.

The following resolution was introduced by Councilman Bartholomew:

(RESOLUTION)

RESOLUTION AMENDING SECTION 1 OF THE RESOLUTION FIXING KILLING CHARGES AT THE MUNICIPAL ABATTOIR AND PRESCRIBING OTHER REGULATIONS.

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

THAT Section 1 of that certain resolution fixing killing charges at the Municipal Abattoir and prescribing other regulations, passed by the City Council of the City of Austin on April 12, 1934, and recorded in Minute Book 14, at pages 419-420, of the Minute Records of the City Council be and the same is hereby amended so as to hereafter read as follows:

Section 1. That the following fees shall be charged for the service of slaughtering, dressing and refrigerating of animals at the Municipal Abattoir, towit:

(All weights on foot)

| | |
|------------------------------------|-----------|
| Calves under 150 lbs. ----- | \$0.75 |
| Calves 150 lbs. to 300 lbs. ----- | 1.00 |
| Calves 300 lbs. to 450 lbs. ----- | 1.25 |
| Beeves 450 lbs. to 750 lbs. ----- | 1.50 |
| Beeves 750 lbs. to 1000 lbs. ----- | 1.75 |
| Beeves over 1000 lbs. ----- | 2.00 |
| Hogs 100 lbs. and under ----- | 0.50 |
| Hogs 100 lbs. to 125 lbs. ----- | 0.75 |
| Hogs over 125 lbs. ----- | 1.00 |
| Sheep and goats ----- | 0.40 each |

PROVIDED, that all of the above charges shall include four days storage in refrigeration at the Abattoir without further charge; but after the expiration of four days, the storage charge will be \$0.05 per 100 lbs. per day, which charge shall not be subject to tax.

PROVIDED further, that the following discounts on the above charges except in the particulars hereinafter stated, will be given to all customers who cause to be slaughtered at the abattoir the number of any one of the above species during any one month as follows:

5% on from 25 to 50 head; 10% on from 50 to 75 head; 15% on from 75 to 100 head; and 20% on 100 head or over.

said discounts to be applied and credited on the customer's account, provided such account is paid within 15 days of the billing date and when such customer is not delinquent in the payment of his accounts with the Abattoir, either for processing taxes or killing fees.

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.

The following resolution was introduced by Councilman Gillis:

(RESOLUTION)

WHEREAS, the CITY OF AUSTIN, in acquiring the right of way for proposed Highway No. 29, will acquire the title to parts of lots or tracts not necessary for the right of way for said highway which can be traded or sold to the owners of adjacent lots to the advantage of the CITY OF AUSTIN;

therefore,

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 directed to sell for cash or trade for other property required for the right of way for said Highway No. 29 any or all of the parts of said lots or tracts and for such consideration and upon such terms as he may deem desirable, and to execute for and in behalf of the CITY OF AUSTIN all deeds and other necessary instruments necessary to convey the title of the CITY OF AUSTIN in said parts of lots or tracts.

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.

The following resolution was offered:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of A. J. Goldstein and wife for the years 1940, 1941, and 1942, on the North 90 feet of Lot 11, Block 9, Outlot 19, Division "O", Shelley Subdivision in the City of Austin, Travis County, Texas, said taxes being for the sum of \$82.56, and for non-payment of same at maturity, penalty in the sum of \$4.12 has been assessed, and interest in the sum of \$5.90 has accrued, making the total amount of taxes, penalty and interest \$92.58; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.12 and one-half of the interest in the sum of \$2.95; therefore,

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

THAT the aforesaid penalty in the sum of \$4.12 and one-half of the interest in the sum of \$2.95 are 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 \$4.12 and one-half of the interest in the sum of \$2.95 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest as aforesaid.

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

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:

Walter M. Keller
CITY CLERK