

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 24, 1944

10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present: Councilmen Bartholomew, Gillis, Mayor Miller - 3

Absent : Councilmen Alford and Wolf - 2

Present also: Walter E. Seaholm, Acting City Manager; J.M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The reading of the minutes was dispensed with.

The Mayor announced that the public hearing on the application of the AUSTIN TRANSIT COMPANY for discontinuance of its bus line to the Magnesium Plant of the International Minerals & Chemical Corporation on the Waters Park Road and Burnet Highway, called for this day, would now be opened, and any citizen desiring to protest same would now be heard.

No one appearing to protest the matter, Councilman Gillis then introduced the following ordinance:

AN ORDINANCE DISCONTINUING ALL SERVICE NOW BEING FURNISHED BY AUSTIN TRANSIT COMPANY ON THE ROUTE FROM SUNDAY'S STORE TO THE MAGNESIUM PLANT OF INTERNATIONAL MINERALS & CHEMICAL CORPORATION ON THE WATERS PARK ROAD AND BURNET HIGHWAY, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and laid over.

The application of STATE CAFE, 504 Trinity Street, by Mrs. Clara Nunnelee, owner, for a wine and beer retailer's license, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

The application of VIRGIL ELDRIDGE JOHNSON, 901 Neches Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilmen Alford and Wolf

The application of BILLY RIED DANIEL, 1008 West 24th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilmen Alford and Wolf

The application of LOUIS SCONCI, 712 West 6th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilmen Alford and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the Acting City Manager, Walter E. Seaholm, is hereby authorized and directed, in behalf of the City of Austin, to execute a release to T. H. Seekatz of any and all liens heretofore existing or now existing by reason of the hereinafter mentioned judgment, in consideration of the payment of all taxes and court costs involved in Tax Suit No. 44,817, City of Austin vs. T. H. Seekatz, in the District Court of Travis County, Texas, in which judgment was rendered in favor of the City of Austin on the 1st day of June, 1928, and is recorded in Book 19, page 291, of the District Court Minutes of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilmen Alford and Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, Acting City Manager of the City of Austin, be, and he is hereby, authorized and directed to enter into a contract in behalf of the City of Austin with the United Service Organizations, Inc.,

for the leasing by the City of Austin to the United Service Organizations, Inc., of the following premises: A two-story masonry building located in Rosewood Park, being the same property now occupied by the caretaker of Rosewood Park, said premises to be used for entertainment of Negro Servicemen, their guests and civilians in accordance with the terms and provisions of said lease, a copy of which is attached hereto.

THAT the City Clerk be, and she is hereby, authorized and directed to place a copy of the lease agreement, which is attached hereto, in the permanent files of her office without the necessity of recording the contents of the said lease agreement in the minutes of the City Council.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 23rd day of June, 1944, Walter E. Seaholm, Acting City Manager, acting for and in behalf of the City of Austin, executed a contract with the J. B. Clardy Construction Company of Fort Worth, Tarrant County, Texas, for the construction of the Addition to the Nurses Home, owned by the City of Austin, and located at 705 East 15th Street, Austin, Travis County, Texas; and

WHEREAS, it was deemed necessary that the Contractor perform additional work not covered by the original contract entered into on the 23rd day of June, 1944,

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

THAT Walter E. Seaholm, Acting City Manager of the City of Austin, acting for and in behalf of the City of Austin, is hereby authorized and directed to execute a Contract and Agreement with the J. B. Clardy Construction Company, a copy of which is attached hereto; and

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

THAT the City Clerk be, and she is hereby, authorized and directed to place a copy of the Contract and Agreement in the permanent files of her office without the necessity of recording the contents of the said Contract and Agreement in the minutes of the City Council.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and the J. B. Clardy Construction Company entered into a Contract and Agreement dated the 23rd day of June, 1944, wherein the J. B. Clardy Construction Company agreed to make certain alterations and third floor addition to the Nurses Home at Brackenridge Hospital, Austin, Travis County, Texas; and

WHEREAS, said contract called for liquidated damages should the Contractor fail to comply with said provisions thereof.

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

THAT no right or cause of action for liquidated damages under said above mentioned contract has arisen, and that any right or cause of action which the City has or may have for liquidated damages under the terms and provisions of said contract is hereby waived.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 9th day of November, 1939, Travis County Water Control and Improvement District No. 1 and the City of Austin, corporations duly incorporated and existing under the laws of the State of Texas, made and entered into a contract in writing, under the terms of which the City of Austin was granted an option to purchase the water system of said Water Control and Improvement District five years after the date of the bonds of said District, which were issued and dated December 1, 1939, the consideration for which option was the undertaking of the City of Austin to furnish water to the said District as in said contract provided, and the consideration for the purchase of said water system is recited to be the payment by the City of Austin of the bonds of said District outstanding at the date of the exercise by it of its option to purchase said water system, which option date is recited as being on any interest paying date recited in such bonds; and

WHEREAS, it is now the mutual desire of said Water Control and Improvement District and of the City of Austin to consummate the sale by the said District to the City of Austin in consideration of the payment by the City of Austin of eighty-two (82) bonds of said District, in the denomination of \$1,000.00 each, which will be payable at The American National Bank in Austin, Texas, on December 1, 1944; now, therefore,

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

THAT Walter E. Seaholm, Acting City Manager of the City of Austin, be, and he is hereby, authorized and directed to pay the eighty-two (82) bonds of Travis County Water Control and Improvement District No. 1, for the face value of \$1,000.00 each, together with interest thereon, upon

receipt of a conveyance to the City of Austin by said District of its water system properties, rights, easements, emoluments and privileges, water lines, meters, equipment, bills payable, bills receivable, credits and apparatus of every kind and character whatsoever, with authority in the said Walter E. Seaholm, Acting City Manager, to do and perform each and every act and thing necessary and requisite for the complete consummation of the acquisition of the water rights and properties of said Water Control and Improvement District by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, W. K. Jennings, Jr., has presented to the City Council of the City of Austin a request for permission to construct, maintain and operate a 4" sanitary sewer house connection across Guadalupe Street Alley at a location approximately 245 feet north of the north line of West 31st Street within the City of Austin, Travis County, Texas; and

WHEREAS, it is impractical to extend the existing public sanitary sewer line in said Grandview Street Alley to serve this property; and

WHEREAS, the only practical method of serving this property, which is located on the west side of said Alley, is to extend the existing house connection from the owners property on the east side to said Grandview Street Alley; and

WHEREAS, the City Engineer has recommended that said installation be approved and the City Council of the City of Austin has reviewed and considered said recommendation; therefore,

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

THAT W. K. Jennings, Jr., be, and he is hereby, permitted to install a 4" sanitary sewer house connection across Grandview Street Alley at a location approximately 245 feet north of the north line of West 31st Street within the City of Austin, Travis County, Texas.

The construction, maintenance and operation of the aforesaid sanitary sewer line shall be carried out at the expense of the applicant and under the direction and supervision of the City Engineer of the City of Austin or his duly authorized representative, and in the acceptance of this permit the said W. K. Jennings, Jr., assumes all damages which may occur to public or private property by virtue of this sanitary sewer house connection's being placed across Grandview Street Alley at the location above described.

It is further understood that any damages whatsoever caused to existing utilities during the course of construction, maintenance or operation of said sanitary sewer house connection shall be paid for by the

applicant above named.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

CHARLES E. COLLINS, 210 East 9th Street, appealed to the Council to grant his application for a taxicab driver's permit, which had been recommended for denial. After consideration of the matter by the Council, it was moved by Councilman Gillis that applicant be granted a thirty days probationary permit to drive a taxicab, reporting to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council, on petition, and by vote, of the Fire Department, following the will of the Fire Department, agrees to allow the firemen as a body to withdraw from participation in the City's Pension and Retirement Fund; now, therefore,

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

THAT the Acting City Manager be, and he is hereby, authorized and directed to refund to the firemen such amounts as they have paid into the Pension and Retirement Fund since it was started, as well as to those firemen who later participated, together with interest thereon, as provided by the Pension Ordinance, such refunds to be effective as of December 1, 1944; and

BE IT FURTHER RESOLVED;

THAT the City Council agrees to pay into the State Firemen's Relief and Retirement Fund the same amount as the firemen pay into it, but in no event to exceed four per centum (4%) of their salaries.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Alford and Wolf

There being no further business, upon motion seconded and carried the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

APPROVED:

*Tom Miller*  
MAYOR

ATTEST:

*Shallie McAllen* City Clerk