

Upon motion seconded and carried, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

Approved: Tom Miller.  
Mayor

Attest:

Hallie McKeel  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 14, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building on Thursday, November 14, 1940, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

" November 12, 1940.

The Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on November 12, 1940, which is hereby respectfully submitted for your consideration:

**R E S O L U T I O N .**

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of C. F. Dye, M. H. Crockett, K. A. Dye, Susie Cater Linscomb, and C. C. Linscomb requesting a change in the Use designation of the following property:

Blocks 1 and 2, in Pecan Grove Addition, located at the intersection of Barton Springs Road and the proposed Lamar Boulevard

from "C" Commercial District and "A" Residential District and First Height and Area District to "C-2" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment considered this application at a hearing on October 30, 1940, at which meeting Mr. M. H. Crockett and Mr. C. C. Linscomb appeared and plead for this change; and

WHEREAS, after hearing the petitioners, the Board took the matter under advisement for further study and investigation, and requested the City Council to postpone a public

hearing thereon until a subsequent meeting; and

WHEREAS, on November 12, 1940, at its regular meeting, the Board of Adjustment considered this petition and held a hearing, at which hearing Mr. M. H. Crockett, Mr. C. C. Linscomb, and Mr. C. F. Dye appeared, the former two again pleading for the change in the Use classification of this property, but the third, Mr. C. F. Dye, objecting to the change on the grounds of having misunderstood the nature and effect of this change on the status of the property, declaring he was opposed to the sale of wine and liquor on his property and that of the other petitioners, as being detrimental to the interests of the surrounding property owners, and requested the withdrawal of his name from the petition on account of his objection to the uses permitted under a "C-2" Commercial District; and

WHEREAS, at the same hearing, Mr. J. C. Wende, owner of the property across Barton Springs Road immediately opposite this property, protested the change, stating that he had placed a restriction in his title against the sale of beer, wine, and liquor; and

WHEREAS, the Board received a written disapproval of this change from the City Plan Commission, which letter is attached hereto, and also a letter from the District Engineer of District Fourteen of the Texas Highway Department, being the District in which Austin is situated, conveying the disapproval of the State Highway Department to such a change of zoning of the property along Lamar Boulevard, which letter is attached hereto; and

WHEREAS, the north portion of Block 1, now owned by Mr. M. H. Crockett, was recently changed from an "A" Residence District to a "C" Commercial District by the City Council on a petition of Mr. M. H. Crockett prior to the definite alignment of Lamar Boulevard and the definite commitment for the construction of the bridge across Colorado River by the State Highway Department; and

WHEREAS, the zoning maps of the City of Austin show that all of Block 1 and Lots 1, 2, 3, 4, and 5 of Block 2 are now zoned as a "C" Commercial District, while the remainder of Block 2 is now zoned as an "A" Residence District and that the frontage on the north side of Barton Springs Road from a point about midway between Bouldin Avenue and Woodland to Barton Creek and the frontage on the south side of Barton Springs Road to Barton Creek is now zoned as a "C" Commercial District and the remainder of the frontage on both sides of Barton Springs Road up to Congress Avenue is now zoned as a "C-2" Commercial District, including all the property now zoned by Mr. M. H. Crockett to the south of Barton Springs Road between South First Street and Congress Avenue and to the property of the State School for the Deaf and all the frontage on the east side of Congress Avenue is now zoned as a "C-2" Commercial District; and

WHEREAS, the Board of Adjustment carefully considered this change and its effect on the general welfare of the City and surrounding property in the neighborhood, the future traffic conditions at the intersection of Lamar Boulevard and Barton Springs Road and its relation to the Master Plan of the City of Austin and also from a standpoint of sound zoning policy; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change is not recommended to the City Council on the grounds that the same is not in public interest and general welfare, the public safety, and is not in response to general public demand, convenience, or necessity.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne  
Chairman. "

(Letters attached)

"Austin, Texas  
November 9, 1940

Zoning Board of Adjustment  
Austin, Texas

Gentlemen:

At a meeting of the City Plan Commission held October 31, 1940, the Commission proposed a recommendation to the Zoning Board of Adjustment that zoning be not changed adjacent to the proposed Lamar Boulevard.

The following is an excerpt from the minutes of this meeting: "By unanimous approval of the members of the Commission, the secretary was directed to address a communication to the Zoning Board of Adjustment, expressing the recommendation of the City Plan Commission that the present zoning of the property abutting the proposed Lamar Boulevard between Barton Springs Road and the Colorado River be retained and that the zoning designation not be changed to permit the sale of beer, wine or liquor in these areas. "

It is the sincere hope of the Austin City Plan Commission that zoning of this area will not be changed and that hazards and traffic congestion will not be further aggravated by changing zoning on a thoroughfare which in the near future will carry large volumes of intersecting traffic at the intersection of Barton Springs Road and the new highway.

Yours very truly,

AUSTIN CITY PLAN COMMISSION, by /s/ B. J. Raport  
Secretary. "

"Austin, Texas  
November 12, 1940

Mr. H. F. Kuehne, Chairman  
City Planning Commission  
Littlefield Building  
Austin, Texas

Dear Sir:

I am advised there is some attempt being made to change the city zoning law in order that beer and liquor may be sold adjacent to the new right-of-way obtained by the State Highway Department for Lamar Boulevard.

I am sure that you know that the regulation of businesses along the new highways leading into Austin is one of the principal reasons why the State Highway Department has interested itself in county zoning, which we feel should be an extension of city zoning. I feel sure that I represent the feeling of the officials of the State Highway Department when I say that they feel that such businesses aforementioned would come under the category of objectionable practices.

Yours very truly,

/s/ D. E. H. Manigault  
District Engineer  
District Fourteen "

The public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "A" Residence District and "C" Commercial District to "C-2" Commercial District:

Blocks 1 and 2, Pecan Grove Addition, City of Austin,  
Texas,

which was continued from the last regular meeting was then reopened.

Mr. M. H. Crockett plead for the change on the ground that unless he can build an eating place for the sale of beer he cannot realize any revenue from the small strips of ground left by the cutting of the highway through his property.

Mr. C. C. Linscomb also appeared in behalf of the proposed change.

Messrs. John C. Wende, C. F. Dye, and others were present and opposed the change on the ground that the sale of beer and liquor would be objectionable.

No other property owners or interested persons desiring to be heard, it was the sense of the meeting that the change in zoning of the property in question to "C-2" Commercial District be not granted at this time.

A lengthy discussion was then entered into relative to the right-of-way for Lamar Boulevard through the property of Mr. M. H. Crockett and the disposition of the triangular tract formed by the cutting of the said boulevard through the property of Paul H. Friedrich, the said M. H. Crockett participating in the discussion.

It was then moved by Mayor Miller that the City Attorney be instructed to draw up an agreement whereby the City agrees to purchase the right-of-way for Lamar Boulevard through the property of M. H. Crockett for a consideration of \$1500; and that, if at any time after said Lamar Boulevard and the bridge across the Colorado River are completed the City decides that it has no further use for the triangular tract formed by the remaining portion of the Paul H. Friedrich property on the west side of the proposed Boulevard that will not be used for the right-of-way and desires to sell same, the said M. H. Crockett shall have the first chance to buy said triangular tract; and it was further moved that if the said M. H. Crockett does not agree to the sale of said right-of-way at the price stated, the City Attorney be instructed to institute condemnation proceedings for the acquisition of said right-of-way.

The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor called up for its third reading the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY KNOWN AS THE CHURN SUBDIVISION OUT OF THE J. C. TANNHILL LEAGUE, SUCH ANNEXED TERRITORY BEING 8.83 ACRES OF LAND IN GOVALLE, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO 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 Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor declared the ordinance finally passed.

Dr. H. C. Morrow came before the Council and protested the assessment placed on Lots 32 and 33, Fairview Park, on the ground that same is assessed for more than it can be sold for. The matter was taken under advisement for an inspection of the property.

The following ordinance was introduced by Councilman Alford:

AN ORDINANCE AMENDING THAT CERTAIN ZONING ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 29, 1937, AND RECORDED IN ORDINANCE BOOK "K", PAGE 239, ET SEQ., OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT OF ALL THAT PROPERTY ON WHICH IS SITUATED THE OLD ELKS BUILDING AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST SEVENTH AND COLORADO STREETS, SAID PROPERTY BEING LOCATED IN BLOCK 71, ORIGINAL CITY, OF THE CITY OF AUSTIN, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGES HEREBY ORDERED.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor declared the ordinance finally passed.

Councilman Wolf moved that the following applications for licenses to operate private boats on Lake Austin be granted, subject to the approval of same by the Lake Austin Navigation Board:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Clark, Geo. F., Jr. - 214 Archway	Century, Inboard, 1940 Model, 6-passenger
Miller, Emmett P. - 2307 East 22nd Street	Century, Utility, 1940 Model, "Cojun", 6-passenger
Ponce, F. K. - 1609 Lake Boulevard	Made by Cabinet Maker, Outboard, 4-passenger

The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford moved that the application of Lawrence Harry Grant, 2209 Tom Green Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced by Councilman Gillis:

WHEREAS, Sam Cook, acting by and through David C. Baer, Architect, owner of a parcel of land in Outlet 3E, Division "E", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which land abuts the north side of West 15th Street at a location west of Lavaca Street, and being locally known as 304 West 15th Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the north side of West 15th Street adjacent to the above described property and to build a commercial driveway in conjunction therewith, all as shown upon the plan hereto attached marked 2-C-898 and made a part hereof; and

WHEREAS, said plan and request has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT Sam Cook, acting by and through David C. Baer, Architect, owner of a parcel of land in Outlet 3E, Division "E", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which land abuts the north side of West 15th Street at a location west of Lavaca Street, and being locally known as 304 West 15th Street, is hereby granted permission to set the curb back from the established curb line on the north side of West 15th Street adjacent to the above described property and to build a commercial driveway in conjunction therewith.

Permission to construct the above described curb setback and commercial driveway is granted subject to the same's being constructed in accordance with the plans approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-898 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on West 15th Street shall be carried out in accordance with the accompanying plan marked 2-C-898 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-898.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

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

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service 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 Texas Public Service 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 20TH STREET from Concho Street easterly 60 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 20th Street.

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

- (2) A gas main in EAST 18TH STREET from Chicon Street easterly 54 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 18th Street.

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

- (3) A gas main in CHICON STREET from East 18th Street southerly 53 feet, the centerline of which gas main shall be 19 feet east of, and parallel to, the centerline of said Chicon Street.

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

- (4) A gas main in WEST MONROE STREET from a point 353 feet west of South Fifth Street westerly 109 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said West Monroe Street.

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

- (5) A gas main in RIVERVIEW STREET from Lynn Street westerly 95 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 Riverview Street.

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

- (6) A gas main in SOUTH THIRD STREET from a point 239 feet south of West Live Oak Street southerly 218 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet east of, and parallel to, the west property line of said South Third Street.

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

The Texas Public Service 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 Texas Public Service 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 City Engineering Department not less than three (3) days before such information is required. The Texas Public Service 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 franchise granted to said Company by the City of Austin.

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

The following resolution was introduced by Councilman Gillis:

WHEREAS, the Public Free Schools of the City of Austin, acting by and through A. H. McCallum, Superintendent, owner of Lot 4, Block 153, of the Original City of Austin, which property is situated on the west side of Rio Grande Street at a location south of West 13 $\frac{1}{2}$  Street, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the west sidewalk area of Rio Grande Street adjacent to the above described property; and

WHEREAS, a map has been prepared showing the location of said driveways, which map is hereto attached marked 2-C-399 and made a part hereof; and

WHEREAS, said map and request have been reviewed and considered by the City Council of the City of Austin; therefore,

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

THAT the Public Free Schools of the City of Austin, acting by and through A. N. McCallum, Superintendent, owner of Lot 4, Block 153, of the Original City of Austin, which property is situated on the west side of Rio Grande Street at a location south of West 13<sup>1</sup>/<sub>2</sub> Street, is hereby permitted to construct commercial driveways across the west sidewalk area of Rio Grande Street adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-899, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

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

The following resolution was introduced by Councilman Wolf:

WHEREAS, in making a general study of the names of the streets within the City of Austin in conjunction with the street marking program now being carried out, it has become apparent that the names of certain streets should be changed in order to avoid duplicate street names; and

WHEREAS, the City Engineer of the City of Austin has prepared a list of the streets whose names should be changed, and has recommended the names to be adopted in lieu of the names now being used; and

WHEREAS, after reviewing and considering the recommendations of said City Engineer, it is deemed advisable by the City Council to adopt said recommendations in order to avoid further confusion in delivery services and in public records in general; therefore

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

THAT the streets within the City of Austin as hereinafter listed be named and marked as follows:

- (1) The street shown upon the maps of the City of Austin as "Nathan Street", being the second street west of Blanco Street and extending from West Tenth Street to West 12th Street, be known and designated hereafter as LORRAIN STREET.
- (2) The street shown upon some of the maps or plats of the City of Austin as "Greenway", being the first street north of Harris Avenue or East 34th Street leading from Hampton Road westerly one block to Greenway, be known and designated hereafter as EAST 35TH STREET.
- (3) The street shown upon some of the maps or plats of the City of Austin as "Hampton Road", being the second street north of Harris Avenue or East 34th Street, extending from Greenway easterly approximately one block to the street officially named Hampton Road, be known and designated hereafter as EAST 37TH STREET.
- (4) The street shown upon the maps of the City of Austin as "Splitrock Avenue", being the first street west of Shoal Creek, extending from West 29th Street southerly approximately two and one-half blocks, be known and designated hereafter as WOOLDRIDGE DRIVE.
- (5) That the street shown upon some of the maps and plats of the City of Austin as "Poplar Street", being the second street north of Enfield Road and extending from Hopi Trail westerly to Lake Austin, be known and designated as BRIDLE PATH.
- (6) The street shown upon the maps of the City of Austin as "Laurel Avenue", being the first street east of Scenic Avenue and extending from Windsor Road southerly approximately four blocks, be known and designated as MATTHEWS DRIVE.
- (7) The street shown upon the maps of the City of Austin as "River Avenue", being the first street along the east bank of Lake Austin and extending from Kennelwood Road to Stevenson Avenue, be known and designated hereafter as SCENIC DRIVE.
- (8) The street shown upon the maps of the City of Austin as "Lake Boulevard", being the street along the east bank of Lake Austin and extending from Enfield Road to Cherry Lane, be known and designated hereafter as SCENIC DRIVE.
- (9) The street shown upon the maps of the City of Austin as "Scenic Avenue", being



the third street west of Robin Hood Trail extending from Enfield Road to Windsor Road, be known and designated hereafter as ROCKMOOR AVENUE.

- (10) The street shown upon the maps of the City of Austin as "Walsh Avenue", being the first street west of Robin Hood Trail, extending from Enfield Road to Clearview Drive, be known and designated hereafter as RALEIGH AVENUE.
- (11) The street shown upon the maps of the City of Austin as "First Street", being the first street east of Lake Austin Boulevard, extending from Park Street to Enfield Road, be known and designated hereafter as DELL STREET.

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

The following resolution was introduced by Councilman Alford:

WHEREAS, a regular meeting of the City Council of the City of Austin was held on the 14th day of November, 1940; and

WHEREAS, at said meeting, the City Council was informed by letter from Will O'Connell that he wished to transfer the general contract for Brackenridge Hospital and improvements on Nurses' Home Addition to Rex D. Kitchens Construction Company, for the reason that the said Will O'Connell had become obligated on other construction contracts which would require his full time and attention; and

WHEREAS, the City Council voted unanimously to permit the said Will O'Connell to assign the said contract on the Nurses' Home to Rex D. Kitchens Construction Company for the same consideration at which the O'Connell contract was to be performed; and further voted that the City should make a contract directly with Rex D. Kitchens Construction Company for said work, and that said Company was to furnish an acceptable performance bond; therefore,

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

THAT the Acting City Manager, James A. Garrison, be, and he is hereby, authorized and directed to execute an appropriate formal contract as of the 4th day of November, 1940, with Rex D. Kitchens Construction Company, for the general contract, Brackenridge Hospital and Improvements for Nurses' Home Addition, at the amount of \$34,632.00, subject to additions and deductions to be provided for, and subject further to such alterations as the Associated Hospital Architects shall see fit to make.

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

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:

Harris Mc Lellan  
City Clerk