

same being surplus property acquired by the City for Lamar Boulevard right-of-way.

The matter was taken under advisement.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller.  
Mayor

Attest:

Hallie M. Keller  
City Clerk

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, December 19, 1940.

The City Council of the City of Austin, Texas, convened in regular session at the regular meeting place in the Council Room at the Municipal Building on Thursday, December 19, 1940, at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, NONE.

The Minutes of the regular meeting of December 12, 1940, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A committee from the Young Men's Business League, composed of Carl Edward Bock and Jack Sparks, submitted to the Council a request that the City lend its support to the movement for a "Night of Light," on Christmas Eve night by having the lights all over the City burn all night as symbolic of our freedom in America in contrast to the "black-outs" of Europe.

The Council indorsed the movement by agreeing to have the City's lights burn all night, and expressed the wish that the citizens would cooperate in a similar manner.

The following resolution was introduced by Councilman Alford:

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 enter into an agreement for and in behalf of the City of Austin with the Highway Department of the State of Texas, which agreement will supplement a previous agreement reflected by Order No. 15,946 of the Highway Commission and by Resolution of the City Council of the City of Austin dated January 19, 1939, and by Resolution of the Commissioners' Court of Travis County dated January 18, 1940, to which records reference is here made for all purposes, said supplemental agreement to be substantially as follows:

"THE STATE OF TEXAS :

COUNTY OF TRAVIS :

WHEREAS, the City of Austin, the County of Travis, and the Texas Highway Department did enter into a general agreement for the development of a traffic-way through the City of Austin along or near certain routes (now identified as Lamar Boulevard) as evidenced by Highway Commission Minute Order No. 15,946, by resolution of the City Council of the City of Austin passed January 19, 1939, and by resolution of the Commissioners' Court of the County of Travis passed January 18, 1940; and

WHEREAS, said agreement was written in general terms based upon a preliminary plan of development and represented the best judgment of the three parties concerned; and

WHEREAS, engineering development of the proposed plan has supplied a more accurate summary of the needed and desirable work; established the need for certain modifications of the original agreement insofar as the City of Austin and the Texas Highway Department are concerned; and supplied facts to permit consummation of an agreement setting forth definite limitations of responsibility for each party; now, therefore,

BE IT ORDERED that the original agreement as hereinbefore identified be modified to provide that:

It will be the responsibility of the City of Austin to provide without cost to the Texas Highway Department:

(a) All right-of-way, cleared of obstructions, within the corporate limits of the City of Austin for the Lamar Boulevard project extending from its intersection with Barton Springs Road north to its intersection with U. S. Highway 81, hereinafter called the "Project."

(b) Construction of a minimum four-lane surfaced traffic-way from Fifth Street north to Forty-fifth Street; the section from Fifth Street north to and across Shoal Creek at a point near Twelfth Street to be advertised for bids or placed under construction not later than January, 1941, the work to be carried to completion in an orderly and progressive manner; and the remaining section from the north end of the previously discussed section north to Forty-fifth Street to be constructed in proper sequence with the need for this traffic facility and so that a definite showing of progress will be made each year until completed.

(c) All adjustments of utility lines as may be required for the entire project within the corporate limits of the City of Austin in proper sequence with the work to be performed.

(d) Maintenance of the entire project within the corporate limits of the City of Austin, said maintenance to be assumed by sections as each is completed and opened to traffic.

(e) Resolutions and Ordinances in accordance with standard forms of the Texas Highway Department to indemnify the State during and after construction against any and all liability or damage occasioned by or growing out of construction to be performed by the Texas Highway Department as hereinafter provided, and to regulate traffic, parking, and prevent encroachments on the right-of-way.

It will be the responsibility of the Texas Highway Department to provide without cost to the City of Austin:

(a) Construction of a minimum four-lane surfaced traffic-way on the project from Barton Springs Road north to Fifth Street, including a bridge over the Colorado River, the work to be advertised for bids in whole or in part not later than January, 1941, and to be carried to completion in an orderly and progressive manner.

(b) Construction of a minimum four-lane surfaced traffic-way on the project from Forty-fifth Street north to U. S. Highway 81, the work to be undertaken in proper sequence with the adjoining City work from Forty-fifth Street south.

Submitted by:

Chief Engineer  
Construction and Design

Approved:

Chairman  
Texas Highway Commission

Member  
Texas Highway Commission

Member  
Texas Highway Commission

State Highway Engineer

The above described order of the Texas Highway Commission is hereby accepted and approved for and in behalf of the City of Austin, pursuant to resolution of the City Council of said City of Austin passed at a regular weekly meeting held in the City of Austin on Thursday, December 19, 1940,

CITY OF AUSTIN

By Acting City Manager

Attest:

City Clerk

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

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE PORTION OF THE ROUTE OF STATE HIGHWAY NO. 20 IN THE CITY OF AUSTIN HEREINAFTER REFERRED TO AS THE "STREET PROJECT" AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE AND THE CITY SECRETARY TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE AND USE OF SAID STREET PROJECT; FOR THE PAYMENT, BY THE STATE OF TEXAS, OF THE CONSTRUCTION COSTS OF SAID STREET PROJECT; FOR THE ASSUMPTION, BY THE CITY, OF ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY AND BUSINESS AND TO TENANT OR OCCUPANT THEREOF; FOR THE PROTECTION OF THE STATE OF TEXAS AGAINST ALL SUCH DAMAGES AND EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

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

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

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

The Mayor declared the ordinance finally passed.

The following resolution was introduced by Councilman Wolf:

"DEPARTMENT OF COMMERCE

CIVIL AERONAUTICS ADMINISTRATION

RESOLUTION ACCEPTING AN OFFER OF AID  
IN THE DEVELOPMENT OF THE AUSTIN AIRPORT,  
MADE BY THE UNITED STATES OF AMERICA  
THROUGH THE ADMINISTRATOR OF CIVIL AERO-  
NAUTICS OF THE DEPARTMENT OF COMMERCE  
AND PROVIDING CERTAIN ASSURANCES AND  
COVENANTS IN CONSIDERATION THEREOF.

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce, through the Regional Manager of Civil Aeronautics, P. O. Box 1689, Fort Worth, Texas, advises that the development of the Austin Municipal Airport in the approximate amount of \$321,000.00 has been approved by the Board composed of the Secretaries of War, Navy and Commerce as necessary to national defense for inclusion in the construction program authorized by Public No. 512,<sup>76th</sup> Congress, approved October 9, 1940.

WHEREAS, the undertaking of this development is contingent on the fulfillment of certain conditions, to-wit:

1. That the City of Austin through its properly constituted officials provide evidence that it has title or will obtain title prior to construction being placed underway to the requisite land for the project.
2. That the City of Austin agree to accept full responsibility for the maintenance of the improved airport.
3. That the City of Austin agree to accept full responsibility for the operation of the improved airport as a public airport in the public interest.
4. That the City of Austin agree to protect the aerial approaches to the airport to the full extent of its legal ability.
5. That the City of Austin agree to cooperate with the Civil Aeronautics Administration in the orderly prosecution of the proposed work.
6. That the City of Austin agree to hold the United States harmless from all claims and damages which may arise from the construction operations but are not a definite part thereof.

WHEREAS, the proposed development would be to the advantage and benefit to the City of Austin; now, therefore,

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

Section 1. That the City of Austin hereby agrees, subject to the United States undertaking the development of the Austin Municipal Airport at an approximate cost of \$321,000.00, as follows:

REPRESENTATIONS AND WARRANTIES:

(a) That the City of Austin owns and possesses title in fee simple to the land comprising the landing area of the Austin Municipal Airport, together with all other lands to be improved under the project or will acquire title in fee simple to these lands without delay, which lands are more particularly described herewith by metes or bounds (which lands are shown herewith on Exhibit "A"). (See Exhibit "A")

(b) That the City of Austin has the power and authority under the laws of the State of Texas to perform all of its obligations hereunder.

Section 11. That the City of Austin agrees to permit the agents of the Government and all contractors or sub-contractors engaged directly or indirectly in carrying out the project, including their agents and employees, to enter upon, use and occupy the airport as may be deemed by the Government to be necessary or desirable in the conduct of the project.

Section 111. OWNERSHIP OF IMPROVEMENTS.

That all improvements made under the project shall be the sole and absolute property of the City of Austin, except where specifically agreed otherwise prior to the undertaking of the improvement or installation.

Section IV. MAINTENANCE OF AIRPORT FACILITIES

That the City of Austin agrees to accept full responsibility for the maintenance of the Austin Municipal Airport, to include all work undertaken under this project by the United States of America.

Section V. THE OPERATION OF THE AIRPORT

That the City of Austin agrees to accept full responsibility for the operation of the Austin Municipal Airport for the use and benefit of the public on reasonable terms and without unjust discrimination and to grant no exclusive right therein contrary to the provisions of Section 303 of the Civil Aeronautics Act of 1938.

Section VI. PREVENTION OF HAZARDS

That the City of Austin agrees, insofar as is reasonably possible and within its legal ability, to protect the aerial approaches to the airport from the erection of structures or from growth tending to render the use of the airport dangerous to aircraft and that it will not erect on the airport, or permit to be erected, any structure or building which will limit the usefulness of the airport or constitute a hazard to aircraft using the airport.

Section VII. COOPERATION.

That the City of Austin agrees to cooperate with the Civil Aeronautics Administration in the orderly prosecution of the project.

Section VIII. RELEASE FROM CLAIMS

That the City of Austin agrees to hold the United States harmless from any and all claims or damages which may arise from the construction activities of the United States but are not a definite part thereof.

Section IX. CERTIFICATION

That Hallie McKellar, City Clerk of the City of Austin, Travis County, Texas, is hereby authorized and directed to send to the Administrator through the Regional Manager of Civil Aeronautics, P. O. Box 1689, Fort Worth, Texas, two certified copies of this resolution, with two certified copies of an extract of the minutes of the meeting of this Council showing all proceedings in connection with the adoption of this resolution.

Councilman Wolf moved that the foregoing resolution be adopted. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The petition of Jessie Ferry, et al., asking that the property located between the alley west of Speedway and Avenue D, and bordering West 40th Street on both the north and south sides and extending north from W. 40th Street approximately 150 feet, and south from W. 40th Street approximately 150 feet, now zoned as "C" Commercial District, be changed to "A" Residence District, was received; and the matter was referred to the Board of Adjustment for consideration and report.

The petition of Mrs. M. H. Lindeman, owner of property at 3913 Avenue D, asking that said property remain zoned as "C" Commercial District in order that she may erect a building for the Everfresh Food Company thereon, was received; and the matter was referred to the Board of Adjustment for consideration and report.

The following resolution was introduced by Councilman Wolf:

WHEREAS, on the 3rd day of December, 1940, bids were received in the office of the City Manager of the City of Austin for widening and paving Colorado Street on both sides from West 9th Street to West 10th Street, and West 9th Street on both sides from Lavaca Street to Colorado Street, and West 10th Street on the south side only from Lavaca Street to Colorado Street, in the City of Austin, Texas; and

WHEREAS, the Rex D. Kitchens Construction Company was found and declared to be the low bidder on said project, and the contract for completing said project was heretofore awarded to said Company

by Resolution of the City Council of the City of Austin passed on the 5th day of December, 1940;  
and

WHEREAS, the Rex D. Kitchens Construction Company has failed to commence work on said project within ten (10) days after the date of the awarding of said contract, in accordance with the terms of said bid, and has notified the City of Austin in writing under date December 12, 1940, that it can not and will not carry out the terms of the contract awarded to it, and has thereby forfeited its right to proceed under said bid and contract; and

WHEREAS, J. F. Johnson of Austin, Texas, is the second low bidder on the above described project; now, therefore,

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

THAT the bid of the said J. F. Johnson of Austin, Texas, be and the same is hereby accepted, and the said contract is hereby awarded to him, and the Acting City Manager of the City of Austin is hereby authorized and instructed to enter into a contract with said J. F. Johnson for the above described street widening and paving project, in accordance with the bid submitted by the said J. F. Johnson to the City of Austin on the 3rd day of December, 1940.

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

The following ordinance was introduced by Councilman Wolf:

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 BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT HEREBY ENACTED DELETING FROM SECTION 2 OF SAID ORDINANCE, THE DEFINITION "NON-CONFORMING USE"; ADDING TO SECTION 6, "C" COMMERCIAL DISTRICT, A NEW ITEM, BEING "ITEM 34. TO PROVIDE FOR THE EXCEPTION OF GASOLINE FILLING STATIONS WHERE NO PERMIT HAS BEEN ISSUED BY THE CITY COUNCIL; AND DECLARING AN EMERGENCY.

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

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

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

The Mayor declared the ordinance finally passed.

The following resolution was introduced by Councilman Bartholomew:

WHEREAS, J. R. Blackmore & Son are the contractors for the erection of a building located at 800 West 12th Street and desire a portion of the sidewalk and street space abutting Lot H, Outlot 6, Division "E" in the Gregg Addition, a subdivision of 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 J. R. Blackmore & Son, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of West Avenue to a point 10 feet east of the west curb line; thence in a southerly direction and at right angles with the centerline of West Avenue to a point on the extended southern property line; thence at approximately an angle of 45° to a point 10 feet south of the north curb line of West 12th Street and on the extended east property line; thence in a westerly direction and parallel with the centerline of West 12th Street approximately 150 feet to a point; thence in a northerly direction and at right angles with the centerline of West 12th Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. R. Blackmore & Son, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially brace same to prevent sagging under load.

(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 April 17, 1941.

(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 project, 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 Five Thousand Dollars (\$5000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for 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.

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

Councilman Alford moved that the application of Banker D. Collins, 314 Congress Avenue, for license to drive a taxicab be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Curtis Henry Pilgrim, 2011 Sunset Avenue, for license to drive a taxicab be granted, in accordance with the recommendation of the Acting City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis moved that the property known as 110 East Ninth Street, legally described as the West 60x154' of Lots 9, 10, 11, and 12, Block 111, Original City, purchased by the Board of Trustees of the Austin Public Free Schools from Von Boeckmann-Jones Company on April 1, 1940, be exempted from taxation from and after said date; and that the Tax Assessor and Collector of Taxes of the City of Austin be instructed to change his rolls accordingly. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Equalization was received and ordered filed:

Austin, Texas  
December 18, 1940

The Honorable Mayor and City Council  
Austin, Texas.

Gentlemen:

We, the Board of Equalization for the year 1940 herewith submit our report of the work accomplished by us this year.

The Board convened August 12, 1940, and adjourned October 26, 1940. We checked all of the assessments on the records of the Tax Department. Due to most unusual circumstances during the year 1940, the Board cannot quote any exact figures about the number of assessments changed or number of people that appeared. However, the Board feels certain that a vast majority of the property owners are satisfied and that there will be only about twelve appeals to the City Council.

Respectfully submitted,

BOARD OF EQUALIZATION

By /s/ John B. Pearson

S. P. Tadlock

K. R. Meyer. "

The following resolution was introduced:

WHEREAS, Captain Sam Griffin has offered to purchase a 1927 T-Model Ford Coupe, which is now the property of the City of Austin, for the sum of One Dollar (\$1.00) in cash; and

WHEREAS, the City Council considers said price fair and equitable; therefore,

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

THAT the City Manager be, and he is hereby, authorized to sell said 1927 T-Model Ford Coupe to Captain Sam Griffin for the consideration above stated.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis,



Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Walter Mc Keller  
City Clerk

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, December 19, 1940.

The City Council met in special session in the Council Room at the Municipal Building at 7:30 P. M., Thursday, December 19, 1940, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Gillis, Mayor Miller, and Councilman Wolf; absent, Councilmen Alford and Bartholomew.

The Mayor stated that the meeting was called for the purpose of hearing appeals of taxpayers from the action of the Board of Equalization for the year 1940, in accordance with the provisions of the City Charter.

The following appeals were then considered:

The written protest of Mrs. Ralph Wolfe against the assessment of \$3450 on the improvements on Lot 1, Block 23, Rosedale F, asking that same be reduced, was received. No action was taken on the matter.

The written protest of Mrs. Leona Longshore against the assessment of \$3385 on the improvements on Lot 3, Block D, Outlet 3, Division "Z", Terrace Park Subdivision, asking that same be reduced, was received. No action was taken on the matter.

The written protest of John D. Kinney against the assessment of \$1200 on Lot 6, Outlet 1, Division "Z", Woodland Subdivision, and \$1915 on the improvements; and the assessment of \$690 on Lot 7, Block 1, Niles Graham Subdivision of the Geo. W. Spear League, and \$1345 on the improvements, was received. No action was taken on the matter.

The written protest of Peter and Laura Cain Estate, represented by Mrs. Cleora M. Kosse, against the assessment of \$900 on Lots 7 and 8, Block 15, Outlet 46, Division "B", and \$385 on the improvements, was considered. The matter was taken under advisement, pending an inspection of the property by the City Council.

The written protest of L. G. Phares, represented in person, also, against the assessment of \$8095