CITY OF AUSTIN, TEXAS

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 9, 1958 10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Pearson, White, Mayor Miller Absent: Councilman Palmer

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by DR. JAMES I. McCORD, Dean of Presbyterian Seminary, 100 West 27th Street.

Councilman White moved that the Minutes of the meeting of October 2, 1958, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

MR. MARCOS LOFTIS, and a committee appointed from the Austin Trades Council, appeared before the Council claiming there were many complaints among city employees of harrassment and interference by subordinate supervisors towards employees' belonging to the Union; and complaining of delays in the grievance procedure as set up by ordinance. Further complaint was that some employees were still drawing less than a dollar an hour, although the Council had raised the beginning wage. Thes was explained that the Council's action went into effect as of Octobe r lst. Mr. Loftis stated the complaints were coming mostly from the Sanitation and Parks Divisions. MR. HANK BROWN, Attorney for AFL-CIO stated Austin's pay scale was about as low as it could possibly be to induce people to work; suggested that steps be taken in setting up a procedure in handling grievances; and said statements by affidavit were made of discrimination by department heads' insinuating that if employees insisted on being active in the Association they wered likely to get their fingers burned. MRS. FAY HOLUB. employee of the Telephone Company, and a Union member for 17 years, remarked that city employees should not be harvassed if they belonged to a union; and stated that the City was able to pay at least a \$1.00 an hour as a beginning

wage. No specific cases were named by the representatives from the Trades Council. Council members discussed the policy as set out, and the complaints as were listed. The Mayor listed the benefits to the employees as initiated by the Council, particularly the past three years, stating salaries had been increased about \$1,700,000 together with many fringe benefits. He reviewed the efforts and salary increases made to employees through the years, the Council's agreeing to add longevity pay to the fire and police, even though the Governor had vetoed the state legislation on this, and addition of other benefits to the employees. He read a pamphlet called "Only Yesterday" as had been put out by the Union. After further discussion, the Mayor asked if there were specific charges, that Mr. Loftis give them to the City Manager. He asked that Mr. Warren come in and talk with him before the meeting was over. MR. S. F. WOOD, Austin Typographical Union, stated he was concerned about small salaried people in the City being jeopardized in their efforts to join a union. MR. LOFTIS thanked the Council for its time and stated he would leave the matter up to them.

REV. S. L. DAVIS, Short Cedar Street, appeared regarding drainage problems on Boggy Creek. The Director of Public Works outlined his plans for helping the problem to some extent, but stated it was a major project to take care of it completely; but as soon as the weather would permit, work would be started to clear the creek out, deepen the channel, and put in a 36" pipe, all of which will help the situation. He stated about 75-100' of drainage easements would be needed. REV. DAVIS asked for a street light at the extreme end of Short Cedar.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of East Fifth Street as a private gasoline plant consisting of a 500 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, which property is leased by Cecil E. Toungate, and is Lot 3, Outlot 16, Division "O", of the City of Austin, Travis County, Texas, and hereby authorizes the said Cecil E. Toungate to operate a private gasoline plant consisting of a 500 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Cecil E. Toungate has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

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"Austin, Texas October 6, 1958

"Mr. W. T. Williams, Jr. City Manager Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Cecil E. Toungate, through his agent, W. F. Brown, for permission to operate a private gasoline plant consisting of a 500 gallon underground tank and electric pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East Fifth Street, which property is designated as Lot 3, Outlot 16, Division "O", in the City of Austin, Travis County, Texas, and locally known as 3411 East Fifth Street.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

> "Respectfully submitted, (Sgd) Dick T. Jordan Asst. Chief Bldg. Insp."

The motion, seconded by Councilman Pearson, carried by the following vote: Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West Sixth Street as a private gasoline plant

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consisting of a 6,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Cohn Building, Inc., and is the east 71' x 200' of Lots 1, 2, 3, and 17, Block 1, Duval Subdivision, of the City of Austin, Travis County, Texas, and hereby authorizes the said Cohn Building, Inc., to operate a private gasoline plant consisting of a 6,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained, if; after hearing, it is found by the City Council that the said Cohn Building, Inc., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas October 7, 1958

"Mr. W. T. Williams, Jr. City Manager Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Cohn Building, Inc., for permission to operate a private gasoline plant consisting of a 6,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east 71' x 200' of Lots 1, 2, 3, and 17, Block 1, Duval Subdivision, in the City of Austin, Travis County, Texas, and locally known as 1133 West Sixth Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building

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"Respectfully submitted, (Sgd) Dick T. Jordan Asst. Chief Bldg. Insp."

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The motion, seconded by Councilman Pearson, carried by the following vote Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas 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 Southern Union Gas 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 LAMAR BOULEVARD, from West 3rd Street to West 5th Street, the centerline of which gas main shall be 64 feet west of and parallel to the new centerline of said LAMAR BOULEVARD.

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

(2) A gas main in LAMAR BOULEVARD, from West 3rd Street to West 5th Street, the centerline of which gas main shall be 5 feet west of and parallel to the east property line of said LAMAR BOULEVARD.

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

(3) A gas main in LIGHTSEY ROAD, from Kinney Avenue westerly 23 feet, the centerline of which gas main shall be 7 feet south of and parallel to the north property line of said LIGHTSEY ROAD.

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

(4) A gas main in KINNEY AVENUE, from Lightsey Road northerly 171 feet, the centerrine of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said KINNEY AVENUE.

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

(5) A gas main in COMETA STREET, from a point 95 feet north of East 12th Street, northerly 37 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said COMETA STREET.

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

(6) A gas main in RICHARDINE AVENUE, from Ledesma Road southerly 285 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said RICHARDINE AVENUE.

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

THE SouthernaUnion Gas 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 Southern Union Gas 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 Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas 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 franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The City Manager submitted a request from DUPLEX ADVERTISING COMPANY to put up a sign on City property at Koenig Lane and Lamar Boulevard. It was his recommendation that since the City was considering selling the property that possibly it should not accept the offer at this time. The Council informally agreed with this recommendation. Councilman Pearson inquired about equipment being moved out from one sanitary construction job before it was completed. The Superintendent of the Water Department explained that the equipment was moved to the Tannehill Branch project, and that the contractor will move back into the other section.

Pursuant to published notice thereof public hearing on paving and improving Caswell Avenue and other streets, was held. The Director of Public Works stated that the paving would consist on an 8" stable base with a  $1\frac{1}{2}"$  hot mix surface, along with curbs and gutters. These skips will complete all the skips that are known about that remain from the old paving programs prior to the adoption of the new paving policy on January of this year. The City will pay 10% of the cost, and the property owners will pay the rest plus the curbs and gutters. Since these skips are on streets already paved, this paving will enhance the value of the property over and above the costs. The Assistant City Attorney stated this had been advertised on September 27, 28 and 29, 1958. No one appeared at the hearing. Councilman White moved that the hearing be continued until next Thursday, October 16th. The motion, seconded by Councilman Pearson, carried by the following vote:

> Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The Assistant City Attorney stated a request had been made for MR. JOHN MILLER through AL ERLICH LUMBER COMPANY for a permit on Ben White Boulevard. He recommended that before the permit be granted that a letter from the owner be filed that there would be no severance damage question brought up. Councilman Long moved that the City Manager be authorized to require a letter of agreement from the owners, Mr. John Miller or Al Erlich Lumber Company, as recommended and upon receipt of the letter, to issue the permit. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 31.70 ACRES OF LAND, SAME BEING A PART OF THE A. B. SPEAR SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer -CITY OF AUSTIN, TEXAS-

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Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.204 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE A. W. CANFIELD SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

> Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2.55 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 57, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TER-RITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICU-LARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDA-TORY 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, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" CITY OF AUSTIN, TEXAS

RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON THE SOUTH 65 FEET OF LOTS 1 AND 2, OUTLOT 54, HARWOOD'S SUBDIVISION; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

No action was taken on the following zoning applications as some of the members had not had the opportunity to look at the property on the ground:

G. C. CARLIN	600 Vargas Road 6507-6511 Estrada	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
ROGER A. GARCIA	2013 Willow Street	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission

The City Manager submitted a request from one who wanted to gather pecans on the Butler Tract on shares or buy them outright. He recommended letting the pecans fall and letting the children pick them up; but not permit threshing. The Council informally agreed that this was the way to handle the question. Councilman Long submitted a request for individual water meters and read the letter from Mr. Otto Sternenberg. She asked that something be done to get the individual meters. The City Manager explained the situation, stating MR. GUITON MORGAN had offered right-of-way for a street, and it was necessary to have the street before the mains could be run to the houses. The Mayor asked for a full report on the request, of the zoning of the property and the offer of the right-of-way for the street. The matter was referred to the City Manager and Councilman Long asked for a report by next week.

The Board of Equalization submitted the following report:

"October 7, 1958

"City Council City of Austin Municipal Building Austin, Texas

"Dear Council Members:

"The Board of Equalization has now completed its hearings on pending appeals and other equalization matters that were before the Board at the time of its report to the City Council September 22, 1958.

"There were 878 appeals heard by the Board, Valuations were adjusted in 326 cases and no changes made in 552 cases. In addition to the property values appealed, the B oard adjusted the values of 81 others for equalization purposes, making a total of 959 property assessments considered.

"The Board of Equalization, having completed its work, stands adjourned subject to the call of the City Council to render any assistance the Council may desire.

> "Respectfully submitted, (Sgd) G. L. Huckaby G. L. Huckaby (Sgd) Harry D. Pruett Harry D. Pruett (Sgd) L. Theo Bellmont L. Theo Bellmont, Chairman"

MR. GEORGE SANDLIN appeared requesting a permit for a 64 apartment house with off-street parking for 30 cars, on 15th Street between Lavaca and Colorado. He stated there was a lot on 14th, which was going to be turned into a parking lot which would hold 26 cars. Charges for parking would be made on this lot. Mr. Sandlin wanted a variation on set-back rules, and he was advised to go to the Board of Adjustment on this matter. Councilman White moved that the restrictions be lowered on off street parking from 64 to 30 cars at this location (on 15th between Lavaca and Colorado) and grant him a permit for building under those circumstances. The motion, seconded by Councilman Long, carried by the following vote:

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Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The Council discussed briefly the wage scale. The Mayor asked that this be gotten up by next week and the Council would go into the matter.

The Council discussed briefly Concessions at the Auditorium.

Councilman Long offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, on October 10, 1928, R. D. (Boss) Thorp was appointed Chief of Police in the City of Austin; and,

WHEREAS, in the ensuing thirty years all recognized developments in scientific criminology and in enlightened police administration in the nation have been equaled, exceeded, or anticipated by the Austin Police Department under Chief Thorp; and,

WHEREAS, as a direct consequence of this farsighted policy the City of Austin has been kept continuously free of organized crime and vice; Now, Therefore,

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

That the people of the City of Austin, speaking through their City Council, take the occasion of the 30th anniversary of service of R. D. (Boss) Thorp as Chief of Police of the City of Austin to express their thanks and appreciation for this long, active, intelligent, and successful public service.

The motion, seconded by Councilman White, carried by the following vote: Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

Councilman Long offered the following resolution and moved its adoption:

## (RESOLUTION)

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

That W. T. Williams, Jr., City Manager, is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Travis County Water Control and Improvement District No. 11 providing for the sale and delivery of water by the City of Austin to the District for the management of the affairs of said District, and for the performance of the City of various services for the District.

The motion, seconded by Councilman White, carried by the following vote: Ayes: Councilmen Long, Pearson, White, Mayor Miller Noes: None Absent: Councilman Palmer

The City Manager submitted the request to lease a portion of the tract of land on Koenig Lane, 150' back from Lamar Boulevard, on a temporary basis rather than on a 5-year lease basis. The property was zoned "A", and it would be necessary for a change of zoning to be made. In view of the zoning, and the necessity for the City to use part of the property for parking equipment, the City Manager did not recommend leasing this part. Councilman Pearson asked the City Manager to see what kind of offer he could get on the part of Lamar and Koenig Lane.

There being no further business, the Council adjourned at 3:50 P.M., subject to the call of the Mayor.

APPROVED:

ATTEST:

<u>Elsie /</u> City