

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 27, 1947

10:50 A.M.

Council Chamber, City Hall

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

Roll call:

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

J. A. Nelson, 2200 East Avenue, appeared before the Council and asked that the City give him a definite answer regarding the price the City is going to pay for his property for right-of-way on East Avenue. He was advised that the City was working on the matter as rapidly as possible and that within the next few days the City Council would have a meeting with the Appraisal Committee for East Avenue, the City Attorney, the City Engineer, and the City Manager, and that as soon as the survey is completed, the City will make him an offer.

Mr. Johnson, representing his son, Jodie B. Johnson and wife, 208 Caney Street, came before the Council and asked that the City give immediate relief from an insanitary condition created by a septic tank on their premises. He was advised that the Sewer Department was now working on plans to get sewerage in that area but that delivery of the cast iron pipe for the project could not be expected for about six weeks. The City Manager was instructed to give them all relief possible in the meantime.

The application of ERNEST SHEELEY, 2109 East 1st Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1942 Model, Engine No. 186788204, State License No. HN-5647, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the application be granted. The motion prevailed by the following vote:

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes: None

The application of CARL CLAYTON BUCK, Route 4, Box 111, for a license to operate as a taxicab a Dodge Sedan, 1940 Model, Motor No. D14-75662, State License No. FX-6502, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of LORIS EDWOOD GALLOWAY, 1906 San Gabriel Street, for a license to operate as a taxicab a Fleetmaster Chevrolet, 1947 Model, Engine No. EAA-1451, State License No. EB-2766, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of ISRAEL GARCIA CASAS, 2703 East 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of JOE LEE SMITH, 1908 Eva Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of ELMER ROBERT MALONE, 1901 Eva Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of MARION LEE GREEN, 1212 Baylor Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of THOMAS FRANCIS RYAN, 709 West 19th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed

by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of CHARLES WILLIAM HENNECK, 932 East 51st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of ELMER LEROY SMITH, Route 6, Box 122, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

An appeal by IRA KAVANAUGH, Colored, 2002 Peoples Street, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the facts in the case, Councilman Wolf moved that the said Ira Kavanaugh, Colored, be granted a 90-days probationary permit to drive a taxicab, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of W. E. Thompson, 4810 Lower Georgetown Road, for a change in zoning, from "A" Residence to "C" Commercial, of property located on the south side of Capitol Court and west of Dallas Highway was received. Councilman Thornberry moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of Chester Kitchens for a change in zoning, from "C" Commercial to "C-2" Commercial, of the property located on West 51st Street at its intersection with Burnet Road, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of Leopold Cohn for a change in zoning, from "B" Residence to "D" Industrial, of property located at 1304, 1306, and 1308 West 5th Street, containing 150x200 feet, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

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

"Austin, Texas
March 25, 1947

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 on March 20, 1947:

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 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mrs. Margaret Bell Leggett requesting a change in the Use designation of the following property:

The north one-half of Lots 1, 2, 3, and 4, Block 102, of the Original City of Austin, and known as 802 San Antonio Street and 803 Nueces Street,

from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on March 20, 1947, at which R. G. Avent, agent for the owner and applicant, appeared to plead for the change; and

WHEREAS, Joe A. Martin, owner of adjoining property on the south, appeared protesting the proposed change on the grounds that he has sixteen apartments on his property and that a commercial use on the applicant's property would be detrimental to him; and

WHEREAS, the application is for the change of a single piece of property 64'x276', extending from San Antonio Street to Nueces Street adjacent to an alley, and is a resubdivision of four lots which originally fronted south on West 8th Street, and has no frontage on West 8th Street; and

WHEREAS, the property in this neighborhood is developed for residential purposes, with the exception of a public garage across Nueces Street from the property affected which is a non-conforming business, the property being used for commercial purposes prior to the passage of the Zoning Ordinance; and

WHEREAS, the property proposed to be changed is located on a steep slope with a difference in grade of approximately 37 feet between Nueces and San Antonio Streets; and

WHEREAS, the Board deemed that to change the one piece of property would be spot zoning and would not be in harmony with the general type and character of the surrounding property and would not be in response to any public demand, and that this property is best suited to residential development for which it is now zoned; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property be and is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

The request of the applicant for a public hearing on the above matter was taken under advisement.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 7, 1930, the City of Austin acquired certain property at Sheriff's sale held pursuant to an order of sale issued by virtue of a judgment entered in Cause No. 47,297, in the District Court of Travis County, Texas, styled City of Austin vs. F. J. Clark; and

WHEREAS, the property description contained in such judgment and in the Sheriff's deed evidencing such sale might be construed to include, but does not in fact include, the land hereinafter described; and

WHEREAS, in Cause No. 48,559, in the District Court of Travis County, Texas, styled City of Austin vs. Florence Clark, the City of Austin recovered judgment foreclosing its tax lien on the property hereinafter described; and

WHEREAS, all taxes and costs involved in the last mentioned suit have been paid; now, therefore,

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

THAT Guiton Morgan, City Manager, be, and he is hereby authorized to release, relinquish and quitclaim unto Florence Clark any and all title and interest which the City of Austin may have acquired by reason of such suits in and to the following described property:

The North 102' x 100' on Greg. U, Outlot 61, Division "B", in the City of Austin, Travis County, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin holds an easement for construction and maintenance of a sanitary sewer line across Lot 8 of Shoal Creek Boulevard Lots, a subdivision of a portion of Outlots 28, 29, and 42, in Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of Shoal Creek Boulevard Lots being of record in Book 3, page 218, of the Plat Records of Travis County, Texas; and

WHEREAS, the City of Austin does not now need or desire an easement across said parcel of land; now, therefore,

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

THAT the City Manager be, and he is hereby, authorized and directed, in the name of the City of Austin, to release and quitclaim the sanitary sewer easement across the said Lot 8 of Shoal Creek Boulevard Lots.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE III, SECTION 12(a), RELATING TO "SIGNAL LIGHT" LOCATIONS, SECTION 12(b) RELATING TO "STOP SIGN" LOCATIONS AND ARTICLE IV, SECTION 21(b), RELATING TO "NO PARKING" ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes: None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller declared that the ordinance had been finally passed.

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

Name of Owner

Description of Boat

Burns, E. A. - Star Route B, Box 28-A Sportmaster, Outboard, 1947
Model, Martin, 6-passenger

Councilman Bartholomew moved that the license be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of STARLIGHT CAFE, by Walter M. Crawford, 405 East Ist Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of the CORNER PACKAGE STORE NO. 3, by Charles K. Hage, 1805 East 6th Street, for a package store permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MARCH 20, 1947, AND IS RECORDED IN VOLUME M, PAGES _____ OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 OF SAID ORDINANCE NAMING ELECTION JUDGES AND CLERKS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller declared that the ordinance had been finally passed.

Mayor Miller moved that, in accordance with the established practice of the past fourteen years, all city employees be given time off on Good Friday to attend religious services. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE FIXING THE DATE AFTER WHICH INTEREST SHALL BE CHARGED ON TAXES LEVIED AND ASSESSED FOR THE YEAR 1946; SUSPENDING ACTION ON FIXING A DATE AFTER WHICH PENALTY FOR DEFAULT SHALL BE CHARGED; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following

vote:

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Thereupon Mayor Miller declared that the ordinance had been finally passed.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin owns 18.62 acres of land bounded by Haskell Street, Comal Street, and Chalmers Street, commonly known as a part of the "Fish Hatchery Tract"; and

WHEREAS, by Lease Agreement No. W-41-038-eng-2003, authorized on March 16, 1944, said property was leased to the United States Government for the erection of buildings and use by the United States Engineer Corps during the war; and

WHEREAS, the Government contemplates abandoning this property and anticipates that the lease will be terminated, effective at the close of business 30 April, 1947; and

WHEREAS, the provisions of the lease above referred to obligate the Government, if required by the City, to restore the premises at the termination of the lease to as good condition as they were at the beginning of the lease, reasonable and ordinary wear and tear and damages by the elements excepted; and

WHEREAS, it is the policy of the War Department to use Government-owned buildings in restoration settlements by transferring them to the lessor in lieu of a cash payment; and

WHEREAS, buildings Nos. T-32, T-33, T-36 and T-37 have been requested and are needed by the Travis County Vocational School for Veterans and the City of Austin is agreeable to such use of these buildings; therefore,

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

THAT the City Manager be, and is hereby, authorized and directed as follows:

1. To notify the Corps of Engineers of the War Department, through the Office of the Division Engineer, Southwest Division, that the City of Austin desires and needs all of the buildings, fences, tanks, roads and other improvements located on the tract of land covered by the lease above referred to.

2. That the City of Austin waives any and all restoration of the property, and in consideration of such waiver and as a restoration settlement that the City of Austin hereby requests that all buildings, fences, roads, tanks, platforms and other improvements on the premises be transferred to

the City of Austin and that such transfer shall constitute a full settlement by the War Department of all restoration obligations due under the lease agreement.

3. That buildings T-32, T-33, T-36 and T-37 be made available to the Travis County Vocational School for Veterans for a period of five (5) years, and that such use of these buildings by said Travis County Vocational School for Veterans be renewable by mutual agreement by both parties hereto for such additional time as these buildings may be needed.

4. That letters enclosing copies of this resolution be addressed to the Corps of Engineers, to the Federal Works Agency, and to the Travis County Vocational School for Veterans; and

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

THAT the City Manager be, and is hereby, authorized and directed to execute a five (5) year lease of the four (4) buildings specifically enumerated, leasing these buildings for the nominal sum of One Dollar (\$1.00) per year to the Travis County Vocational School for Veterans for a period of five (5) years; said lease to carry the provision for renewal by mutual agreement by the parties hereto. And further directing that both the Corps of Engineers and the Federal Works Agency be requested to expedite the approval of the conditions of this resolution and the transfer of the improvements on said 18.62 acres of land to the City of Austin, and that the lease to the Travis County Vocational School for Veterans be made concurrent with the transfer of all of the improvements to the City of Austin, and said transfer of these improvements to be in lieu of any restoration obligations by the United States Government.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be, and he is hereby, authorized and directed to compromise and settle Cause No. 60,650 in the 53rd District Court of Travis County, Texas, in which Eugene Howard is Plaintiff and the City of Austin is Defendant. Consideration to be paid by the City shall be the sum of Nine Thousand Dollars (\$9,000.00) in return for which a release agreement, substantially in accordance with the attached form, shall be entered into.

(Release Form attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This CONTRACT by and between Eugene Howard, hereinafter called Plaintiff,

and the City of Austin, hereinafter called Defendant, WITNESSETH:

WHEREAS, the parties are Plaintiff and Defendant, respectively, in the cause of Eugene Howard vs City of Austin pending in the 53rd District Court of Travis County, Texas, being Cause No. 60,650, on the Docket of such court, which cause resulted in a judgment for Plaintiff in the amount of Fifteen Thousand Dollars (\$15,000.00) upon the trial thereof, and which judgment was reversed and remanded by the 3rd Court of Civil Appeals in its Cause No. 8993, and a Writ of Error was refused by the Supreme Court of Texas in its Cause No. 26333; and whereas, the parties desire to compromise and settle said cause as well as all other matters related to or arising out of the facts therein involved, such parties have agreed as follows:

1. For and in consideration of the sum of Nine Thousand Dollars (\$9,000.00) to him in hand paid by Defendant, Plaintiff hereby agrees that such suit be and it is hereby completely compromised and settled; and a judgment for dismissal on Plaintiff's motion will be rendered therein. Plaintiff's suit was based upon the allegations that the City had negligently constructed in one of the flood channels of the Colorado River where the water was accustomed to flow at flood times an obstruction which diverted the flood waters of the river from their natural channel and caused same to flow across Plaintiff's forty (40) acre nursery at a greater depth and at a greater velocity than otherwise would have occurred thus causing damage to his land and nursery stock when the Colorado River overflowed in 1938. Plaintiff further agrees that all causes of action included in said suit and all other causes of action than those included which might or could grow out of the transaction or state of facts giving rise to such suit, are hereby released, compromised and settled.

2. This agreement shall be a bar to the further prosecution of such suit or of any suit growing out of the facts mentioned above or out of the facts on which said suit was based, and shall be binding as such upon the heirs, assigns, administrators, executors and successors of each party hereto.

3. Upon a dismissal of said suit all costs accrued and unpaid in the District Court shall be paid by Plaintiff.

WITNESS OUR HANDS this ____ day of March, 1947.

Eugene Howard
Plaintiff

CITY OF AUSTIN Defendant

Approved as to form:

By _____
Guiton Morgan
City Manager

John D. Cofer, Attorney
for Plaintiff

Trueman E. O'Quinn, City
Attorney for Defendant "

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be, and he is hereby, authorized and directed in behalf of the City of Austin to enter into a lease contract with the United States of America for the lease to the United States of a certain tract of land out of the Butler tract owned by the City of Austin to be used by the Government for Naval Reserve training purposes, all in accordance with the terms and provisions of a certain lease contract, a copy of which is attached hereto and made a part of this Resolution for all purposes. (Copy of lease contract - File No. 234-C)

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

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf.

Noes: None

Upon motion, seconded and carried, the meeting was recessed at 1:30 P. M. to 3:00 P. M.

APPROVED:

Tom Miller
MAYOR

ATTEST:

Helene McKeen

CITY CLERK