

AFTERNOON SESSION:

August 22, 1940.

The City Council reconvened at 3:00 P. 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 following bids on the Pension and Retirement System were received and opened:

The Travelers Life Insurance Company, by C. B. Lange, Agent;

The Connecticut General Life Insurance Company, by Jack Padgett, Agent;

The Western Reserve Life Insurance Company, by Bob Lyles, Agent;

The Aetna Life Insurance Company, by Gus Urbantke, Agent.

After a discussion of the bids submitted, the same were referred to the City Manager and Max Werkenthin, Actuary, for further study and recommendation to the Council.

Upon motion, seconded and carried, the meeting was recessed at 4:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Walter McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 29, 1940.

The City Council convened in regular session, at the regular meeting place in the Council Room at the Municipal Building, on Thursday, August 29, 1940, at 10:30 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 August 22, 1940, morning and afternoon sessions, were read; and upon motion of Councilman Bartholomew, seconded by Councilman Alford, the same were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Capt. Ed Clark, Ben Greig, and Buck Avery submitted a request for a donation of \$250 to the new company formed in the 111th Quartermaster Regiment of the Texas National Guard, such regiment being composed entirely of local men, for the purchase of certain supplies and equipment not furnished by either the State or Federal Governments.

Councilman Bartholomew moved that the request be granted, and that the sum of \$250 be appropriated out of the General Fund for the above mentioned purpose. 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 report of the City Engineer on the request of the Austin Transit Company for changes in the schedules and routes of the Rosedale, Rio Grande, Lake Austin, East End, and Oil Mill Bus Lines, recommending that the request be granted, was received.

It was then moved that such changes in schedules and routes be approved, effective September 1, 1940. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Said changes in schedules and routes are as follows:

LAKE AUSTIN BUS LINE:

Congress Avenue and 6th Street to Lake Austin, operating in connection with Oil Mill Bus Line:

Beginning _____, the Lake Austin Bus Line will start operation in connection with the Oil Mill Bus Line and with a slightly changed schedule. But over the same out-bound and inbound routes now used by this line.

SCHEDULE

First Bus leaves 6th and Congress Avenue at 5:45 A. M.
 Leave end of line, Lake Austin, at 6:00 A. M.
 Last Bus leaves 6th and Congress Avenue at 11:36 P. M.
 Leave end of line, Lake Austin, at 11:51 P. M.

15 Minute Headway

Leave Congress Avenue and 6th Street on Hour, and every 15 minutes thereafter, from 5:45 A. M., to 11:36 P. M.
 Leave Lake Austin on Hour, and every 15 minutes thereafter, from 6:00 A. M. to 11:51 P. M.

OIL MILL BUS LINE:

Congress Avenue and 6th Street, to Rosewood and Northwestern Avenue, operating in connection with the Lake Austin Bus Line.

Beginning _____, the Oil Mill Bus Line will start operation in connection with the Lake Austin Line, on a slightly changed schedule, and over a shortened route, which follows the present Oil Mill Line to Chicon and 7th Streets. All buses on this line will then proceed north on Chicon Street to Rosewood Avenue, east on Rosewood Avenue to Northwestern Avenue, south on Northwestern to East 7th Street, west on East 7th Street to Chicon Street, instead of every other Bus on the Line reversing this loop as is now being done.

SCHEDULE

First Bus leaves Congress Avenue and 6th Street at 5:45 A. M.
 Leave end of line, Rosewood and Northwestern Avenue at 6:00 A. M.
 Last Bus leaves Congress Avenue and 6th Street at 11:36 P. M.
 Leaves Rosewood and Northwestern at 11:51 P. M.

15 Minute Headway

Leave Congress Avenue and 6th Street on Hour, and every 15 minutes thereafter, from 5:45 A. M. to 11:36 P. M.
 Leave Rosewood and Northwestern Avenue on Hour, and every 15 minutes thereafter, from 6:00 A. M. to 11:51 P. M.

7½ Minute Headway

By operating Tripper Buses leaving 6th and Congress Avenue, 7½, 22½, 37½, and 52½ minutes after each Hour, a 7½ minute Headway will be maintained on these lines during the time of day, and over that portion of the lines where such additional service is needed.

Changes in schedule and routes subject to change without notice.

ROSEDALE AND RIO GRANDE BUS LINE:

Congress Avenue and 6th Street to 49th Street and Burnet Road, operating in connection with the East End Bus Line:

Beginning _____, the Rosedale, Rio Grande Bus Line will operate over the present route to 6th and Congress Avenue, where it will connect with the East End Bus Line instead of the Oil Mill Bus Line.

SCHEDULE

First Bus leaves 6th and Congress Avenue at 5:40 A. M.
 Leave end of line, 49th and Burnet Road, at 6:00 A.M.
 Last Bus leaves 6th and Congress Avenue at 11:36 P.M.
 Leave end of Line, 49th and Burnet Road, at 11:56 P.M.

Regular 20 Minute Headway

Leave 6th and Congress Avenue on Hour, and every 20 minutes thereafter, from 5:40 A.M. to 11:36 P. M.
 Leave 49th and Burnet Road on Hour and every 20 minutes thereafter, from 6:00 A.M. to 11:56 P. M.

EAST END BUS LINE:

Congress Avenue and 6th Street to 12th and Hargrave Street, operating in connection with the Rosedale, Rio Grande Bus Line.

Beginning _____, the East End Bus Line will operate over the present route to 12th and Chicon Streets, thence south on Chicon to Rosewood Avenue, east on Rosewood Avenue to Hargrave Street, north on Hargrave Street to 12th Street, west on 12th Street to Cedar Avenue, north on Cedar Avenue to East 14th Street, west on 14th Street to Chestnut Avenue, south on Chestnut Avenue to East 12th Street, west on 12th Street to Chicon Street, and return to the center of the city over the outbound route.

SCHEDULE

First Bus leaves 6th and Congress Avenue at 5:40 A.M.
 Leave end of line, 12th and Hargrave Streets, at 6:00 A.M.
 Last Bus leaves 6th and Congress Avenue at 11:36 P. M.
 Leave end of line, 12th and Hargrave Streets, at 11:56 P. M.

Regular 20 Minute Headway

Leave 6th and Congress Avenue on Hour and every 20 minutes thereafter, from 5:40 A. M. to 11:36 P. M.
 Leave 12th and Hargrave Streets on Hour and every 20 minutes thereafter, from 6:00 A. M. to 11:56 P. M.

10 Minute Headway

By operating Tripper Buses leaving 6th and Congress Avenue, 10, 30, and 50 minutes after each Hour, a 10 minute headway will be maintained on these lines during the time of day and over that portion of the lines where such additional service is needed.

Changes in schedule and routes subject to change without notice.

AUSTIN TRANSIT COMPANY.

Messrs. C. A. Schutze and J. R. Blackmore came before the Council and presented a petition, bearing the signatures of approximately one hundred and ninety-seven contractors, sub-contractors, material men, and merchants, asking that bids on the Brackenridge Hospital and Nurses' Home construction be restricted to local contractors, and that the project be divided into as many units as possible so that a greater number of contractors may participate. Action on the matter was deferred to the next regular meeting in order to hear the complaints of certain sub-contractors and excavators who had asked to be heard on the matter.

The report of Max Werkenthin, Actuary, on an analysis of the bids on the Pension and Retirement System submitted by the Life Insurance Companies, which had been referred to the City Manager and him, was heard. The matter was again referred to the Actuary and the City Manager for a meeting with said Life Insurance Companies at 9:00 A. M., Friday, August 30, for a further study of said bids.

A petition from a large number of citizens residing east of East Avenue and north of Manor Road, asking for a recreation park and deep swimming pool for this section, was received. The matter was taken under advisement and referred to the City Manager for an estimate of the cost.

Councilman Alford moved that a taxicab license be granted to E. J. Kunkel, 315 West Sixth Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Gillis:

WHEREAS, the minutes of a meeting of the City Council held May 1, 1939, recorded in Minute Book 17, at page 526, show that O. P. Bonner was named by the City Council "Assistant Corporation Court Clerk," and

WHEREAS, it was the intention of the City Council to appoint the said O. P. Bonner

"Deputy Corporation Court Clerk," in accordance with the provisions of Article VII of the Charter of the City of Austin; and

WHEREAS, the minutes of such meeting should reflect the true intent and purpose of the City Council; therefore,

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

THAT the City Clerk be, and she is hereby, instructed to correct the minutes of the meeting of the City Council of May 1, 1939, as recorded in Minute Book 17, at page 526, to show that O. P. Bonner was appointed "Deputy Corporation Court Clerk", instead of "Assistant Corporation Court Clerk," ; and

BE IT FURTHER RESOLVED:

THAT the appointment of the said O. P. Bonner as Deputy Corporation Court Clerk shall date from the time of his original appointment, May 1, 1939.

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

Councilman Alford moved that a taxicab driver's permit be granted to Moore Dixon Harper, 601 West 14th Street, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew 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> |
|--|---|
| East, Arnold - 2324 South Congress Avenue | Home-made, Row, New, 3-passenger |
| Ebner, E.Jr., - 107 Neches Street | Motor, Inboard, New, 1940 Model, Plymouth, 6-passenger |
| Hill, Frank C. - 208 East Elizabeth Street | Kayak, Paddle, New, 1-passenger |
| Russell, Lynn, Jr. 4520 Avenue C Roy L. McCuiston 4519 Avenue C | Home-built, Inboard, New, "Eric-A-Brac" Continental, 4-passenger |
| Swearingen-Armstrong, Inc.- 1st and Colorado Streets | Century, Inboard, 1940 Model, "Henry the 8th" Ford V-8, 7-passenger |

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.

Councilman Alford moved that a taxicab license be granted to Mrs. A. W. Kinser, 701 Baylor Street, in accordance with the recommendation of the 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 Ed Lockwood, 2509 Hidalgo Street, for a taxicab license be granted, in accordance with the recommendation of the 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 Moore D. Harper, 601 West 14th Street, for a taxicab license be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The estimate of the City Engineer on the installation of five thousand metal street markers, at an approximate cost of \$20,000, was received. It was the sense of the meeting that this work be started at once, and the City Engineer was instructed to secure samples of the marker as quickly as possible.

The following report of the Board of Adjustment was received:

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Pursuant to the request of the City Council for a report from the Zoning Board of Adjustment concerning the proposal for amending the Zoning Ordinance so as to permit the sale of wine and beer in restaurants and cafes, the Board begs to state that after a month's deliberation over this question the proposal is not recommended to the City Council, which recommendation is based upon the following reasons and considerations:

The present Zoning Ordinance of the City of Austin has so far been very satisfactory. The creation of a "C-2" Commercial District in which beer, wine and liquor may be sold and dispensed under the provisions of the State Liquor Control Act and other regulations in the ordinance, has proved eminently democratic and efficient for the control of this traffic. The original purpose of creating this district has been successfully carried out with only one appeal to the Court, which case was decided in favor of the City. At the many hearings which the Board of Adjustment has held on applications for beer and liquor permits outside of the "C-2" Commercial District, there has always been an expression of public approval of the ordinance as now written and for its maintenance and strict enforcement. The granting of special exceptions and the extension of present non-conforming uses in other zones is universally condemned. Since the "C-2" District has been in existence for over three years all property owners and other residents of the City have had ample notice of the classification of their property and the location of this district. Any purchaser of property therefore cannot plead ignorance of the Use restriction applying to the property to be purchased and any purchaser of property outside of the "C-2" District is well on notice that the privilege of selling wine and beer does not apply to the land or improvements thereon. The practice of purchasing property with the premeditated intent of having its classification changed after acquisition to permit the development for uses not originally permitted thereon should be condemned. It therefore appears that the present regulations and control of liquor traffic in the City of Austin meets with the general approval of its citizens.

Furthermore, experience in the application of the present provisions of the ordinance has demonstrated the wisdom of the creation of the "C-2" District, inasmuch as it has facilitated the policing of this traffic and its regulation and control, while at the same time insuring the preservation of the peace, comfort, happiness, and the general welfare of the residential areas of the City. The Board therefore feels that it would be unfortunate to disturb this satisfactory situation for the sake of the appeal of one individual who may be aggrieved because his business does not lie within the proper district.

While it may seem desirable and harmless to permit the sale of beer and wine with meals, the implementing of such a privilege through the terms of the Zoning Ordinance is extremely difficult of accomplishment without the development and spread of the many evils connected with the sale of wine and beer, and the attendant difficulties of the enforcement of such a regulatory measure where constant vigilance is required to obtain uniform compliance.

While it may also seem a simple matter to the layman to amend the ordinance so as to permit this privilege, yet an analysis of the proposal raises many difficulties, both legal and administrative, and develops into quite a complex legislative venture.

In order to accomplish the objectives of this proposal there are four methods by which the ordinance might be amended, each of which is hereinafter discussed, but none of which, in the opinion of the Board, offers a satisfactory solution. These methods are:

1. Adding to the uses now permitted in the "C" Commercial District the one additional use of the sale of wine and beer in restaurants and cafes only.
2. To extend the present "C-2" Districts or create new "C-2" Districts in which this use is now permitted.
3. Create new additional "C-1" Commercial Districts in which all the uses in the present "C" Commercial District, plus the one additional use of the sale of wine and beer in restaurants and cafes only.
4. To create spot zones for individual applications for this use wherever they may occur in the City.

1. The proposal of amending the present "C" Commercial District so as to permit the sale of wine and beer in restaurants and cafes, under a definition of the term "Restaurant" would immediately defeat the original purpose of the "C-2" Commercial District, in that it would spread this traffic throughout the City wherever there is a commercial district, including the community shopping centers, lying wholly within residential areas. One of the major original purposes of creating the "C-2" Commercial District was to segregate this particular use of lands and buildings in those areas where the peace, comfort, morals, and safety of the people would be least disturbed and to prevent the intrusion of this traffic in the residential areas of the City where all the attendant evils would render such areas undesirable for peaceful habitation and would disturb the stability of property values. Such an amendment therefore would no doubt cause a universal protest from the residential property owners.

2. The proposal of creating additional "C-2" Districts or extending existing districts would be more limited in scope of territory and would have full legal sanction inasmuch as the City Council has the power to determine where such districts may be established; however, the danger of discrimination would immediately be present and the determination where such districts should be located would be extremely difficult on sound zoning principles, since it is a fundamental concept of zoning philosophy that property of like characteristics, locations, and developments should be treated alike in any comprehensive zoning scheme. Additional difficulties also arise in the fact that the creation of additional "C-2" Districts would open up such lands or buildings to other uses now permitted in the "C-2" Commercial District which may be even more obnoxious to the neighborhood than the mere sale of wine and beer, such as the following:

1. The sale, storage, dispensing or otherwise handling of malt, vinous, and spiritous liquors for on-site or off-site consumption.

2. Coal, coke, or wood yards.
3. Bottling Works
4. Retail plating works.
5. Contractors plant and storage yard.
6. Light manufacturing occupying not more than 50% of the total floor area of the building, using non-soot producing fuel, odorless material, and reasonably noiseless machinery.
7. Veterinary hospitals for the treatment of cats, dogs, or any other domestic animals.
8. Laundry, not using soot producing fuel.

3. The proposal of creating a new "C-1" District in which only the sale of beer and wine would be permitted in addition to all the uses now permitted in a "C" Commercial District would create difficulties in determining the locations and boundaries of such districts. The Council would be confronted with the task of non-discrimination in treating all commercial properties uniformly and comprehensively and to avoid the charge of discriminating between properties included in the one district and those omitted in the other. The present "C-2" Commercial District is a compact continuous district located principally in the heart of the business section of the City with secondary extensions along those streets definitely commercial and already devoted to such use and separated from the more restricted residential districts by other business areas. The creation of a new "C-1" District would necessarily have to include areas outside the present "C-2" District throughout the City, thus spreading this use in all directions into the residential areas where present commercial districts follow the routes of highways, thoroughfares, etc.

Any permit for the sale of wine and beer would have to be in accordance with the provisions of the State Liquor Control Act which provides for "Retail Dealer's On-premise License," or "Wine and Beer Retailer's Permit" in connection with restaurants and cafes. The law further fixes the hours in which the privilege under these permits may be exercised and further "that the sale of beverages for which a license is required does not, during such prohibited hours, normally in the course of any one week's time amount in dollars and cents to more than the sale value of food and other commodities for human consumption sold by such licensee during such hours" for which a supplementary license is issued, attached to the original license. To include this use in a "C-1" District would therefore require the owner or operator of a restaurant or cafe to secure such license and supplementary license in order to sell wine and beer during any hour of the day upon a basis of fifty per cent food and fifty per cent beverages. It is of course possible for the City Council to provide a different ration for the sale of food and beverages more restrictive than the above requirement of the Texas Liquor Control Act, thus making the sale of beverages purely incidental to the sale of food. This would have to be accomplished by a definition of a restaurant or cafe or any place where food is sold. The difficulty of defining a restaurant immediately arises, also the difficulty of proportioning the ration of the sale of food and beverages. The latter would require a rigid system of inspection and auditing of the accounts of the restaurant and thus entailing a considerable administrative organization. In the absence of any such inspection and audit, it is entirely probable that every hamburger stand, sandwich shop, drive-in food service station, barbecue stand, night club, road house, and all such establishments would immediately secure such licenses for the promiscuous dispensing of beer or wine as their principal business with food only incidental, thus to all intents and purposes reverting to a saloon, beer parlor or beer garden in violation of the intent and purpose of the law. Other undesirable conditions would also tend to develop such as disfiguring the premises with a multiplicity of beer signs of all shapes, sizes, and types of illumination, which are a shock to the esthetic sense of an enlightened citizenry. These evils would be minimized were it possible to confine the dispensing and consumption of wine and beer entirely within a building with proper restrictions on the method of announcing this fact to the public. It is evident therefore that the City Council will be confronted with the danger of opening up the liquor traffic throughout all the "C-1" Districts in its original undesirable form and attendant evils, which was the purpose of the present ordinance to eliminate.

An additional difficulty will further confront the Council in the protection of churches and schools from the encroachment of this traffic. The present 300 foot limitation in the State law is practically ineffective, because of the manner of measurement and the terminal points of measurement, to protect such establishments and an amendment to the ordinance should have to place a much more restrictive limitation and define clearly the manner of measurement. To become effective, such measurement in the district should be from property line to property line instead of from building to building and the distance definitely increased above the 300 foot present requirement. By such means it may be possible to surround these institutions with zones of sufficient extent to protect them from evils attendant upon this traffic. Such restrictions would necessarily eliminate a considerable amount of commercial property from a "C-1" zone, leaving many present restaurants and cafes still without the privilege of selling malt and vinous beverages.

The present temper of the citizens of Austin and their attitude revealed at public hearings on this subject indicates that any attempt to amend the ordinance so as to spread traffic in wine and beer over the City will arouse widespread opposition, when the full import of such a change is realized and understood by the public. It is further quite possible that such a movement would cause active agitation for local option throughout the City of Austin. The Board of Adjustment feels that the citizens of Austin are not in accord with this proposed amendment to the ordinance and that it is not in response to any general public demand, convenience, or necessity. The matter is a highly controversial one and it is deemed unwise to arouse public controversy over this question, which may inflame the passion, prejudice, and provoke discord in a peaceful city.

4. The proposal of spot zoning to grant this privilege to individuals as the occasion arises is of course abhorrent to sound principle of zoning and tends to the ultimate breakdown of a comprehensive zoning ordinance and cannot be justified from any standpoint. Such a proposal is more discriminatory than the ill-considered location of zoning districts themselves. It is an easy expedient to grant the demands of a single property owner for a change of zone or to appease the protests of applicants for special privileges by spot zoning.

In view of all these considerations, the Board of Adjustment feels that no predicate has been laid for the need of any change at this time in the Zoning Ordinance and that the City Council has full power to deny the application for the change of zone of property under a single ownership in the absence of any general public demand, convenience, necessity, or definite changes in environment, trends of development, and other factors affecting areas of greater extent than one or more lots under a single ownership. The Board further feels that any attempt to amend the ordinance by the creation of an additional "C-1" District is fraught with many dangers to the peace, happiness, and general welfare of the City, all the repercussions of which cannot be anticipated and that a control of this traffic so successfully and so universally sanctioned by the citizens of Austin should not be disturbed until there is a greater public demand or a more widespread change in conditions and circumstances upon which to predicate such an amendment to the Zoning Ordinance.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

The following ordinance was introduced by Councilman Bartholomew:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF \$250,000.00, FOR THE PURPOSE OF CONSTRUCTING EXTENSIONS, ADDITIONS AND BETTERMENTS TO CITY HOSPITAL BUILDINGS AND ACCESSORY STRUCTURES, INCLUDING BETTERMENTS FOR THE ACCOMMODATION OF CHARITY PATIENTS, IN THE CITY OF AUSTIN, AND FOR THE PURCHASE OF EQUIPMENT THEREFOR; AND PROVIDING FOR THE PAYMENT OF SAID BONDS," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, ON THE 15TH DAY OF AUGUST, 1940, AND IS RECORDED IN BOOK "L", PAGES 26 TO 28, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT THEREOF BEING IN SECTION 7 OF SAID ORDINANCE, IN WHICH A TAX IS LEVIED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew 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 Bartholomew 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 Bartholomew 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 announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Bartholomew:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF \$200,000.00, FOR THE PURPOSE OF CONSTRUCTING EXTENSIONS, ADDITIONS, AND BETTERMENTS TO CITY HOSPITAL BUILDINGS AND ACCESSORY STRUCTURES, INCLUDING BETTERMENTS FOR THE ACCOMMODATION OF PAY PATIENTS, IN THE CITY OF AUSTIN, AND FOR THE PURCHASE OF EQUIPMENT THEREFOR; AND PROVIDING FOR THE PAYMENT OF SAID BONDS," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, ON THE 15TH DAY OF AUGUST, 1940, AND IS RECORDED IN BOOK "L", PAGES 29 TO 31, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT THEREOF BEING IN SECTION 7 OF SAID ORDINANCE, IN WHICH A TAX IS LEVIED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew 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 Bartholomew 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 Bartholomew 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 announced that the ordinance had been finally passed.

The following resolution was introduced by Councilman Alford:

WHEREAS, L. P. Freeman, lessee from the S.P.R.R. Company of a portion of Lot 4 of Outlot 9, Division "A" of the H&TC R.R. Addition, within the City of Austin, Travis County, Texas, which property abuts the south side of East Sixth Street at a location west of Federnales Street, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the south sidewalk area of East Sixth Street at the above location; and

WHEREAS, a plan has been prepared showing the location of said driveways, and which plan is hereto attached marked 2-C-555, and is hereby made a part of said request; and

WHEREAS, said plan 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 L. P. Freeman, lessee from the S.P.R.R. Company of a portion of Lot 4, of Outlot 9, Division "A", of the H&TC R.R. Addition within the City of Austin, Travis County, Texas, which property abuts the south side of East Sixth Street at a location west of Federnales Street, is hereby permitted to construct commercial driveways across the south sidewalk area of East Sixth Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints, as shown upon the plan marked 2-C-555, 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 Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, in the District Court of Travis County, Texas, in Cause No. 45781, City of Austin vs. Mary Blandino, judgment was rendered on the 24th day of June, 1929, in favor of the City of Austin for the taxes, penalty and interest involved in said suit, together with the foreclosure of the tax lien of the City of Austin on 110' x 150', the southwest corner of Block No. 2, Outlot 5, Division "O", in the City of Austin, Travis County, Texas; and

WHEREAS, under said judgment, an order of sale issued, and the hereinbefore described land was sold by the Sheriff of Travis County, Texas, to the City of Austin by deed dated the 8th day of November, 1929, recorded in Volume 445, pages 143-144 of the Deed Records of Travis County, Texas; and

WHEREAS, taxes have accrued on said property in the sum of \$361.97, and for non-payment of same at maturity, penalty in the sum of \$18.09 has been assessed, and interest in the sum of \$239.19; also interest has accrued on said judgment in the sum of \$27.20, filing fee, \$1.00, and court costs in the sum of \$23.04; making the total amount of taxes, penalty, interest, interest on judgment,

filing fee and courts costs, the sum of \$670.49; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$18.09 and one-half of said interest on said taxes in the sum of \$119.59; on the condition that the remaining amount due be paid on or before September 1, 1940; therefore,

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

THAT the aforesaid penalty in the sum of \$18.09 and one-half of the interest on said taxes in the sum of \$119.59, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty and one-half of the interest off his rolls, and to issue to the party entitled to receive the same a receipt in full upon the payment of said taxes, one-half of the interest, the interest on the aforesaid judgment, the court costs and filing fee, as aforesaid, upon the condition that these amounts are paid on or before September 1, 1940; and when said condition is met, the City Manager of the City of Austin is hereby authorized and directed to issue to the party entitled to receive same, a quitclaim deed to said property, releasing and quitclaiming all the right, title and interest which said City of Austin acquired to said property by virtue of the aforesaid suit, the judgment foreclosing the City's tax lien thereon, and said Sheriff's deed.

Upon motion, 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 12:20 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Odell McAllen
City Clerk