

That the Assessor and Collector be and he is hereby instructed to make the assessment of said improvements on his rolls for 1923 at \$1500.00 and to take credit for \$300.00, the amount of reduction.

WHEREAS, after a careful consideration of the protest of E. M. Scarbrough & Sons against the valuation of \$10,000.00 placed by the Board of Equalization on the machinery in their building, in addition to the valuation placed on the building, the City Council believes that the Unit experts considered the value of the machinery as part of the building when valuing same and should not now be assessed separately or in addition, but taken up later when the Unit System is revised,

Therefore,

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

That the Assessor and Collector be and he is hereby instructed to strike said assessment from his rolls for 1923, and to take credit for the amount.

The above resolutions were adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

The Council then adjourned.

Joseph Tombsby
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 14, 1924.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; absent, none.

The Minutes of the last meetings were read and adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

The application of the Gulf Refining Company, asking permission to erect a sign at the Lavaca Street service station was read and Councilman Searight moved that same be referred to the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

The opinion of the City Attorney in regard to the Treasurer of the Board of Trustees of the Austin Public Schools was read and ordered filed.

Councilman Haynes introduced the following resolution:

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

I. That Sub-section "c" of Section II of the certain resolution adopted by the City Council on February 26, 1918, instructing the Tax Assessor and Collector of the City of Austin to deposit and distribute with the City Treasurer of said City all municipal collections of taxes and other incomes, said Sub-section "C" reading as follows: "45 per centum of ad valorem taxes, or such other past or future rates of municipal taxes as have been or shall hereafter be levied in the interest of the Austin Public Free Schools shall be deposited or credited to the account of the Public Free Schools of this City and such other funds as shall properly belong

to the Public Free Schools, especially such funds as may arise from the sale of bonds issued in the interest of the Public Free Schools of this City, shall also be deposited to the credit of the public free schools of this city", - be and the same is hereby rescinded and repealed.

2. That the City Tax Assessor and Collector be and he is hereby instructed to deliver to the duly constituted and qualified Treasurer of the Board of Trustees of the Austin Public Free Schools all funds now in his hands derived from taxes levied for the support and maintenance of public free schools of the City, and that he be instructed to deliver all school funds derived from taxation in the future to such Treasurer, taking proper receipts therefor.

3. That the City Treasurer be and he is hereby instructed to deliver to the duly constituted and qualified Treasurer of the Board of Trustees of the Austin Public Schools all funds in his hands derived from taxes levied for the support and maintenance of the Public Free Schools of the city, and that said City Treasurer close on his books the account which has heretofore carried such school funds.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

After a discussion of the City's present coal contracts, Councilman Haynes moved that the City Attorney be allowed until next regular meeting, February 21st, 1924, to render an opinion as to whether the present contracts are valid.

Councilman Nolen moved as a substitute to Councilman Haynes' motion, that the City Attorney be given until ten o'clock A. M. of February 15th, 1924, to render said opinion.

The Mayor ordered roll call on Councilman Nolen's substitute motion. Motion lost by the following vote: Ayes, Councilmen Avery and Nolen, naves, Mayor Yett, Councilmen Haynes and Searight.

The Mayor then ordered roll call on Councilman Haynes' original motion. Motion carried by the following vote: Ayes, Mayor Yett, Councilmen Haynes and Searight, 3; naves, Councilmen Avery and Nolen, 2.

Councilman Haynes introduced the following resolution:

WHEREAS, Ben M. Barker rendered for taxes of 1923 goods, wares, etc., at a valuation of \$10,000.00, which under his protest was raised by the Board of Equalization to \$20,000.00; and

WHEREAS, the Board after careful consideration of this assessment as explained in their statement to the City Council herewith attached, recommend a reduction of \$5000.00 in the valuation fixed by them,

Therefore,

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

That the Assessor and Collector be and he is hereby instructed to change the valuation on his rolls to \$15,000.00 and take credit for \$5000.00 reduction recommended by the Board.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none:

Councilman Nolen introduced the following resolution:

WHEREAS, Mr. Chas. Groos on January 22nd, 1924, paid service car license of \$12.50; and

WHEREAS, the car was taken by his creditors and same not operated by him since February 9th, 1924,

Therefore, in view of the facts and on the recommendation of J. H. Rogers, City Marshal,

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

That we deem it just and equitable that 11/12 of the cost of the license, say \$11.45, be returned to Mr. Groos and the City Clerk is hereby instructed to issue warrant to him for the amount against the general revenue fund.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Nolen introduced the following resolution:

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

That the Commissioner of Police and Public Safety of the City of Austin inform the managements of the I&GN and Southern Pacific Lines at Austin that the City Council considers the present crossing conditions at 3rd and Brazos and 3rd and Colorado Streets in the City of Austin hazardous and a menace to public safety; and

BE IT FURTHER RESOLVED:

That these railroad companies be requested to place some satisfactory safety appliance, or to provide a watchman at each of these crossings to protect the traffic during all hours at these particular intersections.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The communication of Clyde Hailey, Agent, offering to sell to the city Lots 1 and 8, and 23 feet of Lots 2 and 7 in Block I for \$8000.00, with a ten day option, was read and Councilman Haynes moved that same be referred to Councilman Avery. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The communication of T. M. Collins offering to sell to the city property near Quality Mills for \$4000.00 was read and Councilman Haynes moved that same also be referred to Councilman Avery. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The application of Barry Holton to erect a drive-in filling station at the corner of East 2nd and Waller Streets was read and Councilman Avery moved that same be referred to the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

Councilman Avery moved that Theo. P. Ziller, Guy A. Collett and Brown Robbins be appointed as a committee to confer with the owners of property near Quality Mills (Lots 5 and 6, Block 185) with a view of arriving at a just value of said property and report back to the Council at the earliest moment. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

A financial report of J. A. Warren, Bookkeeper of the Street Department, for the year ending December 31, 1923, was read and ordered filed.

The monthly report of R. E. Nitschke, City Sexton, for the month of January was read and ordered filed.

The Council then adjourned.

J. A. Warren
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 21, 1924.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; absent, none.

The Minutes of the last meeting were read and Councilman Haynes moved that same be adopted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.

The following opinion of J. Bouldin Rector, City Attorney, was read and ordered recorded, by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none:

"Austin, Texas, February 20, 1924.

The City Council,
Austin, Texas.

Gentlemen:

I have been directed by your Honorable Body to give you my views on the validity of the certain contracts made last July with several coal companies, for furnishing lignite to the city.

It appears that these contracts were intended to be renewals of contracts made with these companies on October 1st, 1922, and that the drafts of these renewals were submitted by Mr. Avery to the other members of the City Council, and that it was agreeable to these other members that Mr. Avery should attend to the execution of same, and that thereafter the Mayor did execute same in his official capacity. It also appears that no formal action of the City Council as a body was taken on these matters, and that the minutes fail to show any record thereof.

By way of parenthesis, please let me state that drafts of these contracts, prepared by some one else, were submitted to me at my office by Mr. Avery. I examined these drafts, approved them as to form, and handed them back to Mr. Avery on the same occasion that he handed them to me. This was the only time that I saw these contracts until several months later, after the question of their legality was suggested. I had heard nothing further from these contracts until Mr. Nolen made the motion to instruct me to ascertain their legal status. Had I been present at any session of the City Council at which the contracts were to be considered, or had I been consulted with reference to the manner of their execution, I should have advised a formal and strict compliance with the terms of the charter and any