

The ordinance was read the second time and Councilman Haynes moved a further suspension of the rule and the ordinance be placed on its third reading and final passage. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The ordinance was read the third time and Councilman Haynes moved that same be finally passed. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The Council then recessed until 3:30 P. M.

AFTERNOON SESSION:

Richard Yett, Attorney for John Darter, appeared before the Council and asked that a report be made upon the claim of said Darter for damages by reason of overflowed lands.

Councilman Haynes moved that the Mayor be authorized to enter into a contract with Cofer & Cofer, Attorneys, for codifying the ordinances of the City of Austin, and that the City Attorney be instructed to draw up contract for same. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes and Searight, 3; naves, Councilmen Avery and Nolen.

The Council then adjourned.

*James Hornsby
City Clerk*

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 30, 1925.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; absent, Councilman Avery.

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 Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

Councilman Nolen moved that the fine assessed against A. W. Vogt, in the amount of \$12.50, be remitted, and the City Clerk be authorized to issue warrant to cover same. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The proposition of W. H. Brandt to lease property for use of dog pound was read and Councilman Haynes moved that same be referred to Councilman Nolen. Motion prevailed by the following vote: Ayes Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The resignation of Judge D. J. Pickle, Recorder, was read and Councilman Haynes moved that the resignation be accepted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The Mayor laid before the Council the following communication of

Cofer & Cofer:

"Austin, Texas, April 27th, 1925.

Hon. W. D. Yett, and
The City Commissioners,
Austin, Texas.

Gentlemen:

Late Saturday afternoon C. B. Cook filed a political suit, and secured a temporary injunction enjoining you from carrying out the contract which you have made with us to codify the ordinances of the City of Austin, Texas. We do not intend to permit Mr. Cook or his attorneys to make us the center of any such political controversy, and are therefore responding to this attempt to do so by writing this letter and asking you to relieve us from the obligation of such contract.

This \$6,000.00, while a considerable sum of money, does not mean as much to us as Mr. Cook thinks it does. We were not and are not anxious for the employment. But when it came to us we saw no reason why we should not accept the same, just as other attorneys were desirous of doing. Mr. Cook's suit is not founded on fact, and in our judgment upon the law the injunction would on motion be dissolved. Yet we do not want to engage in an unseemly fight for a fee. Therefore we would not consent in said suit to appear as counsel, nor could we ask or permit you to employ anyone to defend for you a suit in which we have a personal interest. Therefore we consider it best for us to forego any benefit under the contract.

Mr. Cook's statement that the awarding of this contract to us was intended directly or remotely as compensation for legal services which we have rendered you or which may be rendered you in connection with the City Manager controversy is false, and could not be sustained by any proof whatsoever, although he saw proper to swear to it in order to secure his injunction. As a matter of fact you informed us that the codification of the city ordinances had been under discussion with the City Attorney for some two years. It was first mentioned to us several months ago, long prior to our employment in the one and only mandamus case in which you employed us, and before either you or ourselves could have possibly known that said suit would be filed. Irrespective of this, our renunciation and waiver of the contract and of any money or benefit thereunder absolutely strips said allegation of even the semblance of truth and leaves it a reckless statement, which should have never been made by Mr. Cook, much less under oath.

The city ordinances are badly in need of codification as every one familiar with the situation knows. We do not think that \$6,000.00 was excessive, at any rate the City Council after investigation as to what other cities had paid fixed the amount. We were asked if we would do it for this, and agreed to do so. After we had been informed informally that the Council would award the contract to us and after the purpose of the council became known to the public, then only were lower bids secured. The work is of such a nature as would and should never be let upon bids, and we never at any time had any intention of bidding on it against anybody. We were simply willing to take it for \$6,000.00, if satisfactory, and if not, it was quite immaterial to us then, as it is now.

In this connection we desire to thank you for the courtesy implied in awarding this work to us, but under the circumstances desire to be relieved from the same. \$6,000.00, nor any amount of money, would be insufficient to permit our motives to be impugned or the impersonal character of our professional employment by you impeached by anyone.

We have the honor to remain, Gentlemen,

Very respectfully yours,

(Sgd) Robt. E. Cofer

John D. Cofer."

The Mayor moved that in view of the request of Robt. E. Cofer and John D. Cofer contained in the above communication, said parties be relieved of the obligation of their contract to codify the city ordinances as evidenced by the resolution adopted at the last regular meeting of the City Council on April 23rd, 1925, Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The communication of A. E. Black to erect a filling station at 2117 East Avenue was read and Councilman Searight moved that same be referred to the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The report of the Safety Committee upon the application of Carl Stengel to erect a drive-in gasoline station at 2205 East 23rd Street was read and Councilman Searight moved that said report be adopted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

Councilman Nolen moved that the City Marshal be authorized to sell at auction sundry unclaimed articles now in the possession of the Police Department of the City after advertising same. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The following ordinance, which had been read on two previous meetings, was laid before the Council and Councilman Nolen moved that same be placed on its third reading and final passage. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

AN ORDINANCE REQUIRING THE INSTALLATION AND MAINTENANCE OF FIRE EXTINGUISHERS, STAND-PIPES, AND FIRE FIGHTING APPARATUS IN HOTELS, ROOMING HOUSES, APARTMENT HOUSES, AND HOSPITALS, IN THE CITY OF AUSTIN, FIXING THE TIME WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

The ordinance was read the third time and adopted by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The Mayor laid before the Council the following ordinance.

AN Ordinance ordering an election to obtain the consent of the qualified voters of the City of Austin, Texas, to the issuance of bonds by the City Council for the purposes of:

- (1) The construction and improvement of Public Free School Buildings and the purchase of equipment therefor;
- (2) The construction, improvement and equipment of Hospital Buildings;
- (3) The construction of Sanitary Sewers;
- (4) The construction of Streets and Bridges; and
- (5) The purchase and improvement of property for Cemetery purposes.

The above ordinance was read the first time and Councilman Searight moved that the rule be suspended and the ordinance placed on its second reading. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The ordinance was read the second time and Councilman Searight moved that the rule be further suspended and the ordinance placed on its third reading and final passage. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The ordinance was read the third time and Councilman Searight moved that same be finally adopted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The Council then adjourned.

John Hornsby
City Clerk