

vote: Ayes, Mayor Yett, Councilmen Haynes and Nolen, 3; naves, none, Councilmen Avery and Searight absent.

The application of Chas. Spreen to hang an electric sign at the J. C. Penny Store at 204 East 6th Street was read and referred to the Safety Committee by the following vote: Ayes, Mayor Yett, Councilmen Haynes and Nolen, 3; naves, none, Councilmen Avery and Searight absent.

Councilman Nolen moved that Commissioner Geo. P. Searight be instructed to repair and improve West 34th Street from Guadalupe Street west to the city limits. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes and Nolen, 3; naves, none, Councilmen Avery and Searight absent.

The monthly reports of Fred Sterzing, Assessor and Collector, C. L. Woodward, Chief of the Fire Department, A. S. Anderson, Public Weigher, Robert Rockwood, Fire Marshal, Jas. H. Maxwell, Sealer of Weights and Measures, and Miss Nellie M. Hall, Secretary of the United Charities, were read and ordered filed.

Mayor Yett moved that the City Attorney and City Clerk be authorized to procure all necessary poll tax lists, maps, etc. for the purpose of holding elections May 11th and 15th, 1926. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes and Nolen, 3; naves, none; Councilmen Avery and Searight absent.

The Council then recessed.

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, April 20, 1926.

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.

W. B. Head, Agent of the Texas Power and Light Company, appeared before the Council and renewed his verbal offer to rehabilitate the dam. After a lengthy discussion of the proposition, action upon same was deferred.

The Council then adjourned.

*Gay Hornsby*  
*City Clerk*

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, April 22, 1926.

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 approved.

The petition of W. Grimmer and others, asking that the City improve 34th Street for one block east from Guadalupe Street was read and referred to the Street Department by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; naves, none.

The application of English Sign Company to erect a sign at 521 Congress Avenue 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; nays, none.

The application of the English Sign Company to erect an electric sign at the Texas Theatre on Guadalupe Street 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; nays, none.

The application of Bryant Creamery Company to erect a small wooden sign over the sidewalk at 117 West 5th Street was read and Councilman Haynes moved that the application be refused for the reason that there is an ordinance against the placing of signs other than electric signs across the sidewalk. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

The report of the Safety Committee upon the application of George Wesley to install a gasoline storage tank in the rear of 913 Congress Avenue was read and Councilman Avery moved that same be granted as recommended by the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

The application of H. F. Severn to install a gasoline storage tank at 19th and Chicon 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; nays, none.

The monthly reports of C. N. Avery, Superintendent of Water and Light Department, W. D. Walker, Dairy Inspector, and W. R. Davis, Bookkeeper Sewer Department, were read and ordered filed.

Councilman Nolen introduced the following resolution:

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

That the sum of One Hundred Dollars (\$100.00) be transferred from the item, "Salary for one detective" in the Budget of the Police Department for year 1926, which amount is now accrued to the credit of the Police Department, to the fund for "Purchase of Automobile".

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

W. B. Head, Agent for the Texas Power and Light Company, appeared before the Council and submitted the following proposition:

"Dallas, Texas, April 21st, 1926.

TO THE MAYOR AND CITY COUNCIL OF  
THE CITY OF AUSTIN, AUSTIN, TEXAS.

Gentlemen:

With respect to the rehabilitation and completion of the Austin Dam, the repair and completion of the Hydro Electric Plant, and the supply of such electric power and energy as the City shall require for the operation of its water pumping plant, its street lighting system, and its electric distribution system, the Texas Power & Light Company submits for your consideration the following proposal:

Subject to the conditions hereinafter mentioned, and at its own cost and expense, the Company will acquire all rights, interests and privileges now owned and held by the Austin Dam, Inc. under an Ordinance passed in 1911, granting to William D. Johnson and assigns the rights and privileges therein mentioned, and will, within such time as may be agreed upon, rehabilitate and complete said Dam, repair and complete said Hydro Electric

Plant, and from its transmission system supply such electric power and energy as the City may require for the operation of its water pumping plant, its street lighting system, and its electric distribution system, for a term of twenty five years, at such rates as may be agreed upon, all upon the following conditions, to-wit:

1. Upon the filing of proper assignments executed by the Austin Dam, Inc. the City shall recognize the Texas Power & Light Company as the owner of all the rights, interests and privileges conferred upon William D. Johnson and assigns by the Ordinance aforesaid, subject to all the obligations and liabilities therein imposed, save and except as to such rights and liabilities as may be expressly released, modified or annulled by mutual agreement.

2. At its own cost and expense, the City shall secure from the duly constituted authorities of the State of Texas, such permits or consents as may be required by law for the construction, maintenance and operation of said Dam and Hydro Electric Plant across the Colorado River, and shall secure the right to inundate all lands that would be inundated by the waters impounded by said Dam, if constructed, maintained and operated as aforesaid; and shall indemnify the Company against all damages accruing above said Dam, and as the result of the reconstruction, maintenance and operation thereof; provided that the Company shall indemnify the City against all damages sustained by riparian owners below said Dam, as a result of the reconstruction, maintenance and operation thereof.

3. That said Dam shall be reconstructed and completed to an elevation of not less than 60, nor more than 65 feet, and in accordance with such Plans and Specifications, or changes or modifications thereof, as the Company may adopt; provided that it shall be so constructed as to constitute a reasonably safe and permanent structure; and that the Hydro Electric Plant shall be repaired and completed, and such equipment installed, as in the judgment of the Company would enable it to secure the maximum power and efficiency therefrom.

4. That the City shall release the Company from the obligation imposed upon Johnson and assigns to furnish water power for the operation of the Hydro Electric Plant, and in lieu thereof the Company shall furnish such electric power as the City may require, at rates to be agreed upon; that the Company shall release the City from the obligation to pay the several sums of money stipulated in the Johnson contract, and in lieu thereof, the City shall obligate itself to purchase from the Company all the electric power and energy required for the operation of its water pumping plant, street lighting system, and electric distribution system, and pay the rates agreed upon for a period of twenty five years.

5. That the Company shall obligate itself to maintain the City's steam plant, as respects capacity and efficiency, in a condition equivalent to its present condition; and in consideration therefor, the City shall agree that the Company may operate said Steam Plant and transmission line as and when it may desire to do so; provided that the City shall receive such compensation therefor as may be agreed upon, to be deducted from any amounts due by the City for electric power furnished.

6. That said Hydro Electric Plant and Steam Plant shall be connected with the Company's interconnected transmission system, and the Company shall have the right to make such use of the electric power generated by the Hydro Plant and the Steam Plant, in connection with its transmission system, as it deems proper, so long as it provides from said transmission system electric power and energy in accordance with the agreement.

7. That the rights of the Company with respect to the Dam and Hydro Electric Plant shall continue for a period of twenty-five years after completion; and unless the City shall reimburse the Company in a sum equivalent to fifty per cent (50%) of the amount expended in acquiring the rights of the Austin Dam, Inc. and in the reconstruction of said Dam and Hydro Station, such rights shall continue for an additional period of twenty-five years; at the expiration of which, all rights, interests and privileges shall terminate and vest in the City without reimbursement.

8. That the rights and obligations with respect to furnishing electric power and energy shall continue for a period of twenty-five years after commencement of service; and that the rates specified for such service shall be subject to readjustment from time to time, upon such terms and conditions as may be fixed by mutual agreement.

9. That the Company shall have the right to make such additions, betterments and improvements to said Dam, Hydro Plant and said Steam Plant and transmission line as it may deem necessary and proper; and shall have the right to remove such additions, improvements, etc. from said Steam Plant and transmission line, on the termination of the power contract, unless the City shall pay the then fair value thereof; provided, that the removal shall not impair or destroy the present capacity and efficiency of said plant.

10. That the Company shall not be obligated to rebuild said Dam or Hydro Electric Plant, or repair any substantial damage thereto if the same shall be destroyed, or damaged as a result of causes beyond its control; and that after the completion of said Dam and Hydro Electric Station, the rights and liabilities of the Company, with respect thereto, and its rights and liabilities with respect to the supply of electric energy, shall become divisible, so that the rights with respect to said Dam and Hydro Station shall be assignable to any corporation authorized to do business in this State, and that such assignee would not become responsible to supply electric power and energy to the City; and that likewise, the rights with respect to the supply and acceptance of electric power and energy might be retained by the Company, or assigned to any corporation authorized to do business in this State, purchasing

all, or substantially all, of the Company's electric properties and business; and that the Company, or such assignee, would not be responsible for the performance of the obligations with respect to the maintenance and operation of said Dam or Hydro Station.

11. That an Ordinance, in such form as the Company and its attorneys shall approve, shall be passed, setting forth, in appropriate language, the various terms and conditions above mentioned, and such additional terms and conditions as the parties may deem proper or necessary for their mutual protection.

Respectfully submitted,

TEXAS POWER & LIGHT COMPANY,

By (Sgd) W. B. Head,

Chairman, Board of Directors."

The above proposition was referred to the Committee.

The Council then adjourned.

*Geo. Hornsby*  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 29, 1926.

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 as read. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

Councilman Haynes moved that the balance of the fine, amounting to \$27.80, assessed against Ted Deison be remitted as recommended by the City Marshal. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

Councilman Searight moved that the fine of \$17.80, assessed against C. A. Bellero for speeding be remitted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

A. J. Eilers appeared before the Council and asked that the city appoint a policeman for Deep Eddy from May 1st to September 15th, and pay the salary of same. The Council took the matter under advisement.

The communication of Francis Fischer complaining of drainage to six acres on West side of Cameron Road in the City was read and Councilman Avery moved that same be referred to the Street Commissioner. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

J. G. Young, No. 12 Cumming Street, appeared before the Council and complained of encroachment upon his property by gravel haulers. Councilman Searight moved that the City Engineer be instructed to make a survey of the west line of East Avenue and Cumming Street and report back to the Council. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

The application of George's Service Station for permission to install a gasoline pump and underground tank at East 6th and Waller Streets, together with