

Mayor McFadden laid before the Council the following amended milk ordinance:

AN ORDINANCE REGULATING THE SALE OF MILK AND MILK PRODUCTS WITHIN THE CITY OF AUSTIN, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

The ordinance was read the first time and Councilman Barker moved that the rule be suspended and the ordinance placed on its second reading. Motion was seconded by Councilman Pannell and same carried by the following vote: Ayes, Mayor McFadden, Councilmen Barker, Mueller, Pannell, and Reed, 5; nays, none.

The ordinance was read the second time and the Council then heard a committee from the Dairymen's Association. After a lengthy discussion of the above ordinance, Councilman Barker moved that the rule be further suspended and the ordinance placed on its third reading and final passage. Motion was seconded by Councilman Reed and same carried by the following vote: Ayes, Mayor McFadden, Councilmen Barker, Mueller, Pannell, and Reed, 5; nays, none.

The ordinance was read the third time and Councilman Barker moved that same be finally passed. Motion was seconded by Councilman Reed and same carried by the following vote: Ayes, Mayor McFadden, Councilmen Barker, Mueller, Pannell, and Reed, 5; nays, none.

Councilman Reed moved that the Council adjourn. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Barker, Mueller, Pannell, and Reed, 5; nays, none.

The Council then adjourned.

O. H. McFadden
Mayor

Attest:

Halie McKellar
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 4, 1926.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; absent, Councilman Barker.

The Minutes of the last meeting were read and adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell and Reed, 4; nays, none, Councilman Barker absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, the Austin Public Library Association, an association of persons formed for the purpose of establishing and maintaining a public library in the City of Austin, has proposed to the City Council to erect a building upon the North half of Block 101 in the City of Austin, and to maintain therein a public library; therefore,

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

That permission be and same is granted to said Association to erect said building upon said premises, at the particular location to be determined by the City Manager, and to maintain and conduct in said building a library, upon the condition that said library shall be open to the public

PRICES OF 410 LOTS IN EVERGREEN CEMETERY BLOCK "A" -Cont'd from page 635

APPRAISAL - EXHIBIT "B"

LOT NO.	PRICE	LOT NO.	PRICE	LOT NO.	PRICE.
209	\$25.00	282	\$40.00	355	\$ 40.00
210	25.00	283	40.00	356	40.00
211	25.00	284	40.00	357	40.00
212	25.00	285	40.00	358	40.00
213	30.00	286	40.00	359	40.00
214	30.00	287	40.00	360	40.00
215	30.00	288	40.00	361	40.00
216	30.00	289	40.00	362	40.00
217	30.00	290	40.00	363	40.00
218	30.00	291	40.00	364	40.00
219	30.00	292	40.00	365	40.00
220	30.00	293	40.00	366	40.00
221	30.00	294	40.00	367	40.00
222	30.00	295	40.00	368	40.00
223	30.00	296	40.00	369	40.00
224	30.00	297	40.00	370	40.00
225	30.00	298	40.00	371	40.00
227	30.00	299	40.00	372	40.00
228	30.00	300	40.00	373	40.00
229	30.00	301	40.00	374	40.00
230	30.00	302	40.00	375	40.00
231	30.00	303	40.00	376	40.00
232	30.00	304	30.00	377	40.00
233	30.00	305	30.00	378	30.00
234	30.00	306	20.00	379	30.00
236	30.00	307	20.00	381	30.00
237	30.00	309	20.00	382	30.00
238	30.00	310	30.00	383	30.00
239	30.00	311	30.00	384	30.00
240	30.00	312	40.00	385	50.00
241	30.00	313	40.00	386	40.00
242	30.00	314	35.00	387	40.00
243	30.00	315	30.00	388	30.00
244	30.00	316	20.00	390	30.00
245	30.00	318	20.00	391	40.00
246	30.00	319	30.00	392	40.00
247	30.00	320	30.00	393	40.00
248	30.00	321	30.00	394	40.00
249	30.00	322	40.00	395	40.00
250	20.00	323	40.00	396	40.00
251	20.00	324	40.00	397	40.00
252	20.00	325	40.00	398	40.00
253	20.00	326	40.00	399	40.00
254	20.00	327	40.00	400	40.00
255	20.00	328	40.00	401	40.00
256	20.00	329	40.00	402	40.00
257	20.00	330	40.00	403	40.00
258	20.00	331	40.00	404	40.00
259	20.00	332	40.00	405	40.00
260	20.00	333	40.00	406	40.00
261	20.00	334	40.00	407	40.00
262	20.00	335	40.00	408	40.00
263	20.00	336	40.00	409	40.00
264	20.00	337	40.00	410	40.00
265	20.00	338	40.00	411	40.00
266	20.00	339	40.00	412	40.00
267	20.00	340	40.00	413	40.00
268	20.00	341	40.00	414	40.00
269	20.00	342	40.00	415	40.00
270	20.00	343	40.00	416	40.00
271	20.00	344	40.00	417	40.00
272	20.00	345	40.00	418	40.00
273	20.00	346	40.00	419	40.00
274	20.00	347	40.00	420	40.00
275	20.00	348	50.00		
276	25.00	349	50.00		
277	50.00	350	40.00		
278	40.00	351	40.00		
279	40.00	352	40.00		
280	40.00	353	40.00		
281	40.00	354	40.00		
				Total -	\$10920.00

at all reasonable hours, and the privileges to which shall be free.

BE IT FURTHER RESOLVED:

That this permission is granted with the understanding that the conduct of the affairs of such library is subject to such supervision and control as the City may undertake, and that the privileges herein granted may at any time be revoked.

Councilman Reed moved that the above resolution be adopted. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

Mayor McFadden laid before the Council the following ordinance for its second reading:

AN ORDINANCE REGULATING TRAFFIC ON THE STREETS OF THE CITY OF AUSTIN, CUMULATIVE OF CERTAIN ORDINANCES HERETOFORE ORDAINED, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND PRESCRIBING PENALTIES.

The above ordinance was read the second time and Councilman Reed moved a suspension of the rule and the ordinance placed on its third reading and final passage. Motion was seconded by Councilman Mueller and same carried by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

The ordinance was read the third time and Councilman Reed moved that same be finally passed. Motion was seconded by Councilman Pannell and carried by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

The Mayor laid before the Council the following resolution:

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

That for good and sufficient reasons unto the City Council shown, the costs, amounting to the sum of ten and 80/100 dollars, in each of the following numbered cases convicted for violation of the traffic laws of the City of Austin, Texas, are hereby remitted.

No. 22296	- Marvin Chapman	No. 22625	- A. B. King
No. 22324	- W. E. James	No. 22627	- Nick Jordan
No. 22525	- T. B. Walling	No. 22628	- Estelle Hudson
No. 22526	- E. W. Spencer	No. 22629	- Mrs. G. R. Bennett
No. 22529	- H. M. Houston	No. 22630	- Mrs. E. T. Schneider
No. 22530	- Mrs. C. M. Maud	No. 22631	- G. B. Howell
No. 22534	- W. R. Kukendahl	No. 22632	- W. C. Hunt
No. 22535	- Marion Griffith	No. 22633	- Francis Seelig
No. 22536	- Enola Baldwin	No. 22634	- G. E. Russ
No. 22537	- A. H. Habib	No. 22635	- Richard Corner, Jr.
No. 22542	- J. F. Gullette	No. 22637	- Herbert Ash
No. 22543	- Carl M. Rosenquist	No. 22640	- Carl H. Sward
No. 22544	- C. H. Bernstein	No. 22641	- Edward Watterson
No. 22545	- Elizabeth Moore	No. 22642	- M. L. Gardner
No. 22546	- R. Inge	No. 22646	- W. J. Hirsh
No. 22547	- G. L. Brelsford	No. 22647	- Temple J. Duderstadt
No. 22548	- L. Poindexter	No. 22648	- James B. Perry
No. 22549	- H. W. Bull	No. 22649	- Albert B. Buck
No. 22550	- W. J. Stork	No. 22650	- Mrs. M. H. Cravens
No. 22551	- R. O. Smith	No. 22651	- Allen Litton
No. 22552	- J. D. Ansley	No. 22652	- P. B. Studdert
No. 22560	- Reuben Hardeman	No. 22653	- A. V. Knight
No. 22561	- Wyatt Scott Hughes	No. 22654	- Noyes D. Smith, Jr.
No. 22562	- Carmigo Yanerro	No. 22655	- Howard Work
No. 22565	- J. D. Carter	No. 22656	- Dick Smith
No. 22566	- E. E. Wheless	No. 22657	- J. M. Laybourn
No. 22567	- Adelaide Wattinger	No. 22658	- E. E. Bustin
No. 22569	- M. R. Newton	No. 22659	- Mrs. R. E. Carrington
No. 22570	- Dan E. Root	No. 22660	- John Monk
No. 22571	- Billy Wyse	No. 22661	- W. V. Brenizer
No. 22572	- Mrs. Geo. Felter	No. 22665	- W. E. Long
No. 22573	- Mrs. Banks McLaurin	No. 22666	- Jack Webster
No. 22574	- Royse Pember	No. 22667	- Mrs. A. V. Riley
No. 22580	- D. D. Bastian	No. 22668	- Perry J. Lewis
No. 22581	- John L. Lewis	No. 22669	- Sam B. Frank
No. 22582	- Clark Campbell	No. 22670	- Fred Hanley
No. 22583	- Geo. A. Greis	No. 22674	- T. B. Parsons
No. 22584	- Sam R. Fisher	No. 22675	- Sam Bashara

No. 22585-	Ed Murray	No. 22686	- Mrs. Roy Barbisch
No. 22586-	Harry Smith	No. 22687	- Sam Body
No. 22587-	R. E. McClellan	No. 22692	- Mike Arredondo
No. 22598-	W. T. Whiteside	No. 22693	- John Stofer
No. 22599-	Bob Keel	No. 22694	- Frank L. Tucker
No. 22600-	Lon Curtis	No. 22695	- Louis Herrerra
No. 22602-	Lewis Terrell	No. 22696	- Bob Weir
No. 22603-	J. C. Muckleroy	No. 22697	- Lightsey Sestrom
No. 22605-	A. G. Elliott	No. 22698	- Joe Herrerra
No. 22606-	H. C. Lucksinger	No. 22699	- John Hardeson
No. 22607-	Douglass McGregor	No. 22700	- O. C. Fisher
No. 22608-	D. R. Benton	No. 22701	- S. L. Houston
No. 22609-	Alice Ollie	No. 22703	- J. L. Franklin
No. 22610-	T. S. Hill		
No. 22612-	W. J. Bledsoe, Jr.		
No. 22613-	T. C. McCall		
No. 22612-	H. W. Hoefgen		
No. 22622-	S. T. Stone		
No. 22622-	H. Kelton		
No. 22623-	W. T. Owens		
No. 22624-	Genieve Mayes		

Councilman Reed moved that the above resolution be adopted.

Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Barker absent.

The Council instructed Judge Ed R. Kone, City Recorder, and J. Bouldin Rector, City Attorney, to make such investigations to determine what is necessary to be done in order to give the Corporation Court of the City of Austin concurrent jurisdiction with the County Court in the matter of appeals direct from the city court to the Court of Criminal Appeals of the State of Texas.

City Manager Johnson advised the Council that a plan had been worked out whereby the City could make water, light and sewer extensions to parties outside of the city limits without expense to the City and the City to acquire ownership of such lines.

Councilman Reed moved that the time for enforcing the ordinance requiring the removal of gasoline pumps and storage tanks from the streets and sidewalks of the City be extended to December 6th, 1926. Councilman Pannell seconded the motion, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Barker absent.

The Mayor laid before the Council the following resolution:

WHEREAS, it has been made known to the City Council that a portion of 50 feet by 128.4 feet out of Lots Nos. 1, 2 and 3, Block 148, City of Austin, Texas, is not used for parsonage purposes by the First M. E. Church South, but has been set aside for the erection of improvements in connection with the church and the Sunday School work of said church, and that upon the west part of said property there is now located a building which is used exclusively for religious purposes; and

WHEREAS, said property has heretofore been assessed as used entirely for parsonage purposes at the valuation of Ten Thousand Dollars (\$10,000.00) for the years 1922, 1923, 1924, and 1925; and

WHEREAS, it is the purpose and intent that said assessments for said years should each be reduced to Five Thousand Dollars (\$5,000.00);

Therefore,

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

That said assessment on said property for said years be each reduced to Five Thousand Dollars (\$5000.00) and that the City Tax

Assessor and Collector be instructed to make such correction on his books, and that upon the payment of taxes for said years, upon such corrected assessment, tax receipts shall issue therefor.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, and Reed, 3; naves, Councilman Mueller; absent, Councilman Barker.

City Manager Johnson laid before the Council the application of the Magnolia Petroleum Company to move the gasoline pump and tank installed at 108 West 41st Street back on the private property of the owner, in compliance with the city ordinance requiring the removal of gasoline tanks and pumps from the streets and sidewalks; also the recommendation of the Safety Committee upon same. Councilman Reed moved that same be granted, subject to the recommendations of the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller Pannell, and Reed, 4; naves, none, Councilman Barker absent.

City Manager Johnson laid before the Council the application of V. R. Ramsey to erect a drive-in gasoline filling station on his property at 1600 Rosewood Avenue, together with the recommendations of the Safety Committee upon same. Councilman Reed moved that the application be granted, subject to the recommendations of the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

City Manager Johnson laid before the Council the application of the Magnolia Petroleum Company to install a gasoline pump and tank for the Austin Brick & Tile Company at 2023 East 5th Street, together with the recommendations of the Safety Committee. Councilman Reed moved that the above application be granted, subject to the recommendations of the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

City Manager Johnson laid before the Council communication from Capt. A. H. Stramler, Chairman Armistice Day Parade, inviting the City Council to participate in the Armistice Day Parade.

City Council authorized City Manager Johnson to have warrant of the City, in the amount of \$100.00, issued to the Altenheim as City's contribution to this organization for the year 1926, by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; naves, none, Councilman Barker absent.

City Manager Johnson laid before the Council the matter of installing gas at the South Austin Fire Hall, and advised that the cost of same would be \$107.00. The Council instructed the City Manager to ascertain what the cost of heating said fire hall with electricity would be.

City Manager Johnson advised the Council that estimates had been made by the Assistant City Engineer for the paving of Duval Street from the south side of 26½ Street to the north side of 43rd Street, the cost of said paving to be paid for by the property owners and the city to build storm sewers and prepare the streets.

Mayor McFadden laid before the Council the following report of the Texas Power & Light Committee:

"Austin, Texas, November 1, 1926.

'To the Honorable City Council of the City of Austin:

Sirs:

Since its appointment this committee has considered with such care as the time at its disposal would permit the difference between one important provision of the original contract proposed by Texas Power & Light Company to be made between it and the City of Austin, and the same matter as it is stated in the new proposal made by that Company to the City on October 20, 1926.

Section 19 of the original proposal of the Company to the City was in substance that at the expiration of twenty-five years after the Company should have completed the dam the City should have the right, upon payment in cash to the Company of one-half of all sums paid out by the Company in acquiring the properties of Austin Dam, Inc. (the assignee of William D. Johnson) and in the rehabilitation, reconstruction, repair, and completion of the dam and the hydro electric generating station, and all additions, betterments and improvements thereto, to terminate the interest of the Company in these properties and its control over them. This proposal was also that if the City did not make such payment at the expiration of said period of twenty-five years, the Company should continue its ownership of the dam and hydro electric station, and the exercise of the privileges and rights granted to it relating to the operation and control of them, for an additional period of twenty-five years, but that at the expiration of this second period of twenty-five years, that is, at the expiration of fifty years from the date of the completion of the dam, the dam and the hydro electric station, and all interest which the Company had in the dam and the station, should revert to and become the absolute property of the City of Austin, free from any right or privilege to them in the Company, and without the payment by the City to the Company of any sum of money. Re-stated briefly, this original proposal was that at the end of twenty-five years after the completion of the dam the City could terminate the Company's interest in and right to use or operate the dam and power station by paying to the company one-half the sum the Company had actually paid out in constructing and completing these properties and in acquiring the Johnson rights; that if the City did not choose to make this payment at that time, it should, nevertheless, at the expiration of fifty years from the date of the completion of the dam become the absolute owner of these properties without the payment by it of any sum to the Company, and that the Company's rights should automatically expire and terminate at that date.

The foregoing proposal of the Company has been withdrawn by it and is now changed by the Company in the following respects:

1. In order for the City to re-acquire title to the dam and the hydro electric generating station, and to terminate the Company's right to use and operate these properties, the City must pay to the Company, at the expiration of twenty-five years from the date of the completion of the dam, in cash, the full sum paid out by the Company in acquiring the Johnson rights, and in repairing, constructing, completing, etc., the dam and hydro electric generating station.

2. If the City shall not make payment of this sum at the expiration of said period of twenty-five years, the absolute title in and to the dam, dam site and hydro electric station, and all riparian rights now owned by the City shall pass to and vest in the Company. The City's ownership, and the privileges and rights incident to its ownership in these properties will thereupon terminate. All right to these properties now owned by the City will be divested out of the City and will then vest in the Company, or its assigns.

3. Upon the acceptance by the City of the Company's present proposal, the Company offers to pay the City a sum of money. The amount has not been stated by the Company. This money must be returned by the City to the Company at the expiration of twenty-five years from the date of the completion of the dam if the City shall then elect to pay the Company the amount the Company has expended in acquiring the Johnson rights and in reconstructing and completing the dam and power station. This sum of money is delivered to the City as a loan without interest if the City shall elect to acquire the Company's titles and rights in the dam and power station at the end of twenty-five years, and upon such election by the City, must be repaid by the City to the Company as a sum additional to the full sum paid out by the Company for the dam rights, and on the dam and power station.

4. However, if the City shall not elect at the end of twenty-five years from the date of the completion of the dam to acquire the Company's rights in the dam and power station, the sum paid by the Company to the City shall not be repayable to the Company, but shall then become the property of the City.

In the foregoing statement we have referred only to those portions of the original proposal and the new proposal made by the Company which relate immediately to the re-acquirement by the City of its dam and hydro electric generating station, the cost of such re-acquirement, and the termination of the Company's rights in and to said properties. The represen-

tative of the Company has stated to this committee that the Company cannot and will not make a contract with the City involving the rebuilding of the dam by the Company, the terms or effect of which contract will be that the City shall re-acquire ownership and control of the dam properties at any time except upon payment to the Company of the full amount expended by it for the items enumerated above and the repayment to the Company of its loan to the City. Because of the terms and effect of the Company's proposal of October 20, 1926, and because of this statement of the Company's representative we have not felt that the provisions of the proposal relating to other matters demand our consideration until the attitude of the present City Council and of the citizens of Austin concerning this phase of the present proposal shall become known.

You will observe that under the present proposal from the Company the City can re-acquire its ownership of and control over the dam and hydro electric generating station at one time only, that is, at the expiration of twenty-five years after the date of the completion of the dam; and then only by then paying to the Company in cash the full sum theretofore paid by the Company in acquiring the Johnson rights, and in repairing and constructing the dam and hydro electric station, and also then repaying the sum loaned by the Company to the City. What the total of these sums will be we do not know, but it probably will be in excess of one million dollars. Should the City not then make this payment its right to again become the owner of the dam properties will then terminate. The dam and hydro electric generating station and dam site properties will then belong to the Company absolutely.

However advantageous to the City the other provisions of the Company's proposal may be considered, the members of this committee feel serious doubt as to the willingness of our citizens to enter into any contract, the possible result of which can be the loss of ownership of and control over the dam, dam properties, water power, and hydro electric generating station.

We feel that your Honorable body and all the citizens should first give this matter earnest consideration. If it be concluded by yourselves and the rest of our citizens that under certain conditions the City of Austin will be willing to enter into a contract that may result in loss of ownership of the dam properties, we then shall be glad to give this and the other provisions of the proposal made by the Company our best study; but we feel that this matter should be determined first.

Respectfully,

(Sgd) J. B. Pope

V. H. Pannell

A. C. Baldwin

J. H. Hart.

Councilman Reed moved that the above report be received and filed and the City continue its negotiations with said Texas Power & Light Company. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Barker absent.

Councilman Reed moved that the Council adjourn. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Barker absent.

The Council then adjourned.

P. H. McFadden
Mayor

Attest: *Lillie McKellar*
City Clerk