

Minutes of a Called Meeting of the City Council.  
Austin, Texas, March 10<sup>th</sup> 1896.

Hon. Lewis Hancock, Mayor, presiding.

Roll called.

Present Aldermen Beaky, Fischer, Glascock, Glass, Gorch, Lawless, Platt, Powell, Bredt, Boverdau, Schneider, Shelley, Skump, Taylor, Johnson, Townsend and Ziller 16.

Absent Aldermen Hannos, Horton, Simm, Stitscher, Crossmore, and Taylor 6.  
The following call of the Mayor was read.

Mayor's Office,  
Austin Texas March 10<sup>th</sup> 1896.

A special meeting of the City Council is hereby called to meet in the Council room this day at four o'clock P.M. to consider a proposition involving the settlement of certain litigation between the City and the Austin Water Light & Power Company.

The Federal Court has adjourned the cases over one day, so that this proposition may be considered by the Council, and it is of great importance that the matter be taken up at once. I therefore earnestly hope every member of the Council will make an effort to be present.

Respectfully,

Lewis Hancock, Mayor.

Austin Texas March 10<sup>th</sup> 1896

Mayor's  
Call for Special  
meeting of Council

City Marshal's certificate  
of having served call

3 P.M.

I hereby certify that the following Aldermen have been served with the above call, by having it read to each of them in person viz:

Aldermen Beaky, Fischer, Glascock, Glass, Gorch, Haynes, Lawless, Simm, Stitscher, Platt, Powell, Bredt, Boverdau, Crossmore, Schneider, Shelley, Skump, Taylor, Johnson, Townsend and Ziller, and that Alderman Horton has been served by a true copy having been left at his place of business, he being out of the City.

James C. Sney.

City Marshal.

The Mayor then laid before the Council the following message:

Mayor's Office.

Austin Texas, Mich. 10/96.

To the Hon. City Council:

Gentlemen:

I have called you together in special session to take into consideration an important communication from the City Officers, which I lay before you as follows:

Austin, March 10, 1896.

To the Honorable City Council,

Gentlemen:

I have the honor to acknowledge the receipt of your communication of the 10th inst. relative to the proposed settlement of the litigation between the City and the Austin Water Light & Power Company, and in reply to inform you that the same has been placed before the Council for their consideration.

Mayor's message

Communication from  
City Officers regarding  
settlement of litigation  
with Austin Water Light  
& Power Company

Austin Water Light & Power Co. vs City of Austin

The Austin Water, Light & Power Company, numbered respectively, # 2780, # 2781 - # 2786 - # 2776.

In the first of which a Mandamus is applied for to compel the payment of a judgment for \$75,885.84, rendered on March 8th, 1895, with Interest at 6% from date. The 2nd involves a claim for \$4800, with Interest, for Water furnished for fire protection. The 3rd involves a claim for \$15,443.45, for Water furnished for fire protection and miscellaneous purposes, under the contract between the City of Austin and the City Water Company. The 4th involves a claim for balance due, for electric lights furnished as per contract between the City of Austin and the Austin Water, Light & Power Company. These several claims aggregate about \$55,409.55.

There is, now due, from the Austin Water, Light & Power Company, to the City of Austin, the sum of \$15,030.17, being taxes for 1893, 1894 and 1895.

The Receiver of the Water Company has offered to settle all matters in controversy in these suits on the following basis: He will accept in full of the several demands, the sum of \$45,570.77, and will allow as a credit on this sum the taxes due, as before stated, which will leave a balance due of \$30,481.60, by the City of Austin to said Receiver.

He agrees that this balance may be paid in three equal installments out of taxes to be levied for the year 1896-1897-1898.

In my opinion this settlement should be made. I have conferred with the Mayor on the subject and he concurs in the opinion expressed by me.

Should this agreement be made, it will settle all claims asserted by the City Water Company and the Austin Water, Light & Power Company up to January 1st 1896.

Geo. F. Benders  
City Attorney.

These cases are on trial now, and have only been put off till tomorrow in order that a settlement might if possible be reached between the parties. Several conferences between the City Attorney, and myself on the one side and the Receiver of the Company, Mr. Joseph Stalle, the Agent of the Bondholders of the Company, and their Council, on the other, have resulted in the above compromise, which is recommended by the City Attorney, after much labor and thought in the matter.

I have looked into the matters carefully, and in detail, and earnestly recommend that the Council by resolution, authorize the City Attorney to effect the settlement which he sets forth.

I may say further that Mr. S. B. Fisher, who has also represented the City in these cases, fully concurs in this recommendation.

Respectfully,  
Lewis Stonebraker, Mayor.

Aldermen Hayes and Hitchcock, entered the Council Chamber and answered to their names.

Alderman Lawrence moved the adoption of the suggestions of compromise recommended by the City Attorney, and Mayor which motion is prevailed by the following vote:

Yes Aldermen Stonebraker, Cook, Lawrence, Hitchcock, O'Connell, O'Brien,

*[Faint handwritten notes in the left margin]*

Robinson, Shelley, Kump, Ebin, Townsend and Zilber 13.  
Stays Aldermen Beate, Fischer, Glascock, Haynes and Schneider 5.  
On motion the Council adjourned.

Jno. C. Johnson  
City Clerk.