

Minutes of a Regular Meeting of the City Council.
Austin Texas, Oct. 19th 1896.

Hon. Lewis Hancock, Mayor, Residing.

Roll called.

Present Aldermen Fisher, Booth, Humes, Lawless, Linn, Platt, Powell, Redd, Rotureau, Rosenberg, Schneider, Shelley, Stewart, Taylor, Tobin and Townsend 16

Absent Aldermen Beaty, Glasgow, Glass, Horton, Kitchner, and Zilker 6.

Alderman Redd moved that the minutes be approved as printed without reading. Carried

Petitions

Pet. of Messrs Woodbridge Lawrence & Carleton to widen sidewalks in Block No 1774 of the City.

By Alderman Shelley, Petition of Messrs: Woodbridge, Lawrence and Carleton, for permission to widen sidewalks in front of Block No 1774 of the City, Read and referred to the Street Committee.

Proposition of M. H. & T. Land Co. regarding Water Pipe in Hyde Park

By Alderman Platt, Proposition of the Missouri, Kansas and Texas Land and Town Company in regard to water pipe in Hyde Park. Read and on motion was referred to the Water and Light Committee.

Aldermen Beaty, Glass, Kitchner and Zilker entered the Council Chamber and answered to their names.

Mayor's veto message on Ord. to pay per diem of Board of Equalization

The Mayor read the following veto message:

Mayor's Office.
Austin, Texas, October 6, 1896.

To the Hon. City Council:

Gentlemen, I herewith return to you an ordinance passed by you October 5, 1896, entitled, An ordinance appropriating the sum of \$770. for the purpose of paying per diem of Board of Equalization of Taxes, with my disapproval of same and my reasons therefor. The entire subject of the Board of Equalization is governed by an ordinance passed and approved July 16, 1894. This ordinance, after providing for the creation of a Board of Equalization and defining their powers and duties, including the number of days they shall sit to hear complaints, uses the following language in section 5:

"That they shall enter upon the discharge of their duties as soon as organized and remain in session from day to day (Sundays and legal holidays excepted) for not exceeding twenty days, each member shall receive as compensation for his services the sum of five dollars for each day that they may be actually and necessarily engaged in the performance of their duties, provided that no member shall be paid for any day on which he may fail to attend, and provided that the Chairman and Secretary shall, in rendering their accounts for the per diem of the Board, certify to the actual number of days each member has attended, and each days attendance shall consist of not less than eight hours actual session. This is the only petition, and the above is the only language, having to do with the compensation of the members of the Board, and"

THE CITY COUNCIL.

Called Meeting of the City Council of
the City of Austin.

Austin, Texas, Oct. 7, 1896.

Hon. H. A. Linn, mayor pro tem., pre-
siding.

Roll called.

Present — Aldermen Beaty, Goeth,
Haynes, Linn, Platt, Redd, Roberdeau,
Stumpf, Taylor, Tobin and Town-
send—11.

Absent—Aldermen Fischer, Glascock,
Glass, Horton, Lawless, Nitschke, Pow-
ell, Rosengren, Schneider, Shelley and
Zilker—11.

No quorum.

On motion of Alderman Goeth the
council took a recess of ten minutes.

At the end of the recess the council
was called to order.

Roll called.

Present — Aldermen Beaty, Goeth,
Haynes, Linn, Nitschke, Platt, Redd,
Roberdeau, Stumpf, Taylor, Tobin and
Townsend—12.

Absent—Aldermen Fischer, Glascock,
Glass, Horton, Lawless, Powell, Rosen-
gren, Schneider, Shelley and Zilker—10.

The following call was then read.

Austin, Texas, October 6, 1896.

Hon. Lewis Hancock, Mayor of Austin:

Dear Sir—You are respectfully re-
quested to call a special meeting of the
council at 5 o'clock p. m., Wednesday,
October 8, 1896, to act on the claim of
E. S. Hughes for damages caused by the
breach of the dam. Respectfully,

H. HAYNES,
R. C. ROBERDEAU,
W. D. SHELLEY,
A. W. TOWNSEND,
A. C. GOETH.

Approved,
HENRY A. LINN, Acting Mayor.

Austin, Texas, October 7, 1896.

I hereby certify that the following
named aldermen have been served with
the above call by having it read to each
of them in person, viz: Beaty, Glass,
Goeth, Haynes, Horton, Lawless, Linn,
Nitschke, Platt, Powell, Redd, Rober-
deau, Rosengren, Schneider, Shelley,
Stumpf, Taylor, Tobin and Townsend,
and that Aldermen Fischer and Zilker
have been served by a true copy having
been left at each of their respective
places of business; also that Alderman
Glascock has been served by a true copy
having been left at his last known place
of residence in the city.

JAMES E. LUCY,

City Marshal.

The chair then laid before the council
an ordinance appropriating the sum of
\$1450 to pay the claim of E. S. Hughes.
The ordinance was read a second time.

On motion of Alderman Nitschke the
council adjourned.

JNO. O. JOHNSON,
City Clerk.

INSERTED
DAILY

to me it seems clear beyond question that by it the ordinance limited the time for which compensation could be paid or received to twenty days; that it is the clear meaning of the ordinance that this item of expenditure should not in any event exceed the sum of \$300. Furthermore, this seems to me to be a wise and just limitation. In a city of the size of Austin, where property values change so slowly as they do here, and where all property is assessed and reassessed every year, it is inconceivable to me that the Board should require more than the twenty days provided by law for the proper performance of their legitimate duties. Moreover, the majority of the present Board were members of the last Board and may be supposed to be familiar with values as then established. How far the members of the Board may have established a moral claim against the City for compensation for services beyond the twenty days by the passage on the day of - by the City Council of a resolution extending the time during which they might sit, I am not prepared to say, though I am clearly of the opinion that the passage of that resolution, which sought to change the effect of an ordinance, was imperoperative and gave them no legal claim. However, when I found that the Board continued to sit beyond the additional ten days mentioned in the resolution, I addressed them the following letter:

September 28th 1896.

To the Board of Equalization of the City of Austin:
 Gentlemen, Some mention having arisen as to the length of time you are authorized to sit and receive compensation as a Board of Equalization, I think it my duty to inform you that the matter was by me submitted to the City Attorney, and that in his opinion you are authorized to sit and to receive compensation for twenty days only, under the ordinance now governing the subject. This opinion was given after careful investigation, and seems to me to be well founded.

Respectfully yours,
 (Signed) Lewis Hancock, Mayor.

For these reasons I am clearly of the opinion that the amount sought to be appropriated is excessive and not justified by the ordinance governing the subject or by the services rendered.

Respectfully,
 Lewis Hancock, Mayor.

Alderman Linn moved to reconsider the vote by which the ordinance mentioned in the veto message was passed, which motion prevailed.

Mayor's veto sustained

Alderman Linn then moved that the ordinance do now pass notwithstanding the Mayor's objections.

Alderman Haynes moved that Mr. C. S. Kren, President of the Board, be allowed to address the Council, which motion prevailed. After which the motion of Alderman Linn was sustained by the following vote:

Yeas, Aldermen Fisher, Clark, Haynes, Linn, Platt, Powell,

Redd, Robb, Rosengren, Sulley, Taylor, Townsend and Ziffen 13.
Stays Aldermen Beatty, Cook, Lawless, Mitschne, Schneider, Stumpf
and Sobin 7

Mayor's message nominating
H.C. Patterson as Supt. of Water
Works

The Mayor then read the following message to the Council:
Mayor's Office

Austin, Texas, Oct. 19, 1896.

To the Hon. City Council:

Gentlemen, Acting under the authority conferred upon me by the ordinance to employ a Superintendent of the City's Water, Light and Power Plant, subject to confirmation by you, I have employed Mr. H. C. Patterson of Chicago, and herewith nominate him to you for confirmation.

In this connection I deem it my duty to give you such information as I have in regard to Mr. Patterson's fitness for the place, and I therefore lay before you the correspondence I have had with him and with others in regard to him, and which has already been submitted personally to as many of you as possible. I subsequently went to Chicago and had several personal interviews with Mr. Patterson and with other gentlemen who knew of his work. As a result of my investigations I believe him to be a gentleman of integrity, industry and business capacity, and a thoroughly experienced and successful mechanical and electrical engineer. Having been entrusted, upon his own responsibility, with the operation of several large plants, and having operated them successfully, he is especially well equipped to fill the position here. You will observe that Mr. Patterson suggested that his compensation should be at the rate of \$3000. per year for six months.

After several interviews with him it was agreed that his compensation should be at the rate of \$3000. per year for six months, leaving the question of compensation beyond that time for future determination, when the Council shall have had time to judge of the value of his services.

If employed by the City, Mr. Patterson will be able to be in Austin and enter upon the discharge of his duties on or about the first of next month.

I therefore, in pursuance of the ordinance governing the subject, nominate Mr. H. C. Patterson as Superintendent of the Water, Light and Power Plant of the City of Austin, and recommend that his compensation be at the rate of \$3000. per year during his employment.

I further recommend that the bond of such Superintendent be fixed at the sum of \$5000., to be made by some one of the guarantee companies authorized to do business of such character in this State.

Respectfully,

Louis Hancock, Mayor.

City Council members and other officials' responses and notes at the bottom of the page.

Confirmation of Mr. H. C. Patterson as Supt. of the C. R. Co.

and the suggestions made by the Mayor in his message be confirmed and approved, which motion prevailed by the following vote: Mess Aldermen Beatty, Fischer, Goeth, Haines, Horton, Lawless, Platt, Powell, Redd, Robertson, Rosengren, Shelley, Stumpf, Taylor, Tobin, Townsend and Zilner 17.

Finance Com report on City Treasurers report of Purchase of Bonds for sinking fund

Stays Aldermen Glass, Limy, Kitcher and Schneider 4. Aldermen Schneider and Tobin were excused from further attendance at this session of the Council. The Finance Committee presented the following report, which was read and adopted:

Austin, Texas, Oct. 19th 1896.

To the Hon. Lewis Hancock, Mayor, and the Board of Aldermen of the City of Austin:

Gentlemen, Your Committee on Finance present here with report of S. J. Myrick, City Treasurer, showing purchase of eight 5 per cent Water Works and Electric Light Bonds of the City of Austin of \$1000 each, for account of the Sinking Fund of the Water Light Bonds, said Bonds being numbered as follows; viz: 379, 394, 639, 640, 641, 642, 643 + 644. Mr. John A. Fraser, one of the bidders, whose bid was accepted for two Bonds at 98 cents flat, refused to comply with his bid.

A. W. Townsend,
W. D. Shelley,
A. L. Goeth,
Committee on Finance.

Com. of 3 appointed to destroy Bonds

Alderman Goeth moved that the Mayor appoint a committee of three outside of the Finance Committee, to destroy the Bonds and to report their action to the Council, which motion prevailed and the Mayor appointed Aldermen Redd, Kitcher and Taylor as the committee.

The special committee to destroy the Bonds presented the following report, which was read and adopted and the committee discharged:

Hon. Lewis Hancock, Mayor, City:

Your special committee, to whom was assigned the duty of destroying the following Bonds, viz: Nos. 394, 639, 640, 379, 641, 642, 643 and 644 of the 5 per cent Water and Light Bonds of the City of Austin, beg leave to report that we have burned the same. Attached to said Bonds were coupons due October 1, 1896 and all subsequent coupons.

W. L. Redd,
Thos. J. Taylor,
S. B. Kitcher.

Com report on destruction of Bonds

Whereas, Whereas the Finance Committee presented the following report:

Austin, Texas, Oct. 19, 1896.

To the Hon. Lewis Hancock, Mayor, and the Board of Aldermen of the City of Austin:

Fire Com's report on pet of S.A. Fire Co. asking for an increase of monthly allowance for Fuel & Repairs

Gentlemen, Your Committee on Fire Department, to whom was referred the petition from South Austin Fire Company et al, asking for an appropriation to pay for Fuel & Repairs for the next 12 months, beg leave to report that they have had the same under consideration and recommend the passage of the accompanying ordinance.

R. L. Robideaux,
J. W. Powell,
J. M. Deaty,
Committee on Fire Department.

The report was laid over, to come up with the ordinance under the head of new business.

Police Com's report on Marshal's reports for Sept.

Alderman Powell, for the Police Committee, to whom was received the reports of the City Marshal for the month of September, presented their report, stating that the reports had been examined and found correct. The report was adopted.

Ord. Com's majority & minority reports on pet of S.A. Fire Co.

Alderman Linn, for a majority of the ordinance committee to whom was referred the petition of South Austin Fire Company, for admission into the Fire Department, presented a report recommending that the petition be granted.

Alderman Taylor from the same committee, presented a minority report recommending that the petition be not granted.

Alderman Taylor moved that the minority report be substituted for the majority report, which motion was lost by the following vote: Yeas Aldermen Deaty, Haynes, Kitcher, Powell, Robideaux, Taylor and Zicker 7.

Nays Aldermen Fischer, Glass, Goeth, Horton, Lawless, Linn, Platt, Read, Rosengren, Shelley, Stumpf and Townsend 17.

Ord. Com's majority report adopted.

Alderman Linn moved to adopt the report of the majority of the committee, which motion prevailed by the following vote:

Yeas Aldermen Fischer, Glass, Goeth, Horton, Lawless, Linn, Kitcher, Platt, Powell, Read, Rosengren, Shelley, Stumpf, and Townsend 14.

Nays Aldermen Deaty, Haynes, Robideaux, Taylor and Zicker 5.

Alderman Linn was excused from further attendance at this session of the Council.

Unfinished Business.

Ord. Approp'g \$1450 to pay E. S. Hughes for damages

The Mayor laid before the Council an ordinance appropriating the sum of \$1450. to pay the claim of Em. S. Hughes for damages caused by the building of the dam.

The ordinance was read a third time and passed by the following vote:

Yeas Aldermen Deaty, Fischer, Glass, Haynes, Horton, Lawless, Kitcher, Platt, Powell, Read, Rosengren, Shelley, Stumpf, Townsend and Zicker, 15.

Nays Aldermen Goeth, Robideaux and Taylor 3.

Ord. Com's report on pet of S.A. Fire Co. asking for an increase of monthly allowance for Fuel & Repairs

Gentlemen, Your Committee on Fire Department, to whom was referred the petition from South Austin Fire Company et al, asking for an appropriation to pay for Fuel & Repairs for the next 12 months, beg leave to report that they have had the same under consideration and recommend the passage of the accompanying ordinance.

Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Hooker, Lawless, Kitchner, Platt, Powell, Redd, Robideaux, Rosenyren, Shelley, Stumpf, Taylor, Townsend and Zilker. 18.

Nays None.

Ord. Approving \$725. to pay for
Feed & Repairs for S.A. Fire Co's,
for Nov. 1896.

The Mayor then laid before the Council an ordinance introduced by the Fire Committee, appropriating the sum of \$725. to pay for Feed and Repairs for South Austin Fire Company for the month of November 1896.

The ordinance was passed under suspension of the rules by the following vote:

Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Hooker, Lawless, Kitchner, Platt, Powell, Redd, Robideaux, Rosenyren, Shelley, Stumpf, Townsend and Zilker. 17.

Nays Alderman Taylor

On motion of Alderman Lawless the Council adjourned.

Geo. O. Johnson
City Clerk.