Regular meeting of the City Council
Austin, Texas, Dec 15th 1910
Hon W Sheeley Mayor, presiding.
Roll Called
Present Aldermen Armstrong Crooker Emmett Haynes
Macken Miller Moore Petri Powell Rhumate Smith
Von Rosenberg & Wickhem 13
Absent Alderman Redd 1
On motion the minutes were approved as
recorded by the Clerk, without reading.

Petitions
F.E. Von Rosenberg
to open ditch

Petitions Memorials etc
By Alderman Crooker Petition of F.E. Von Rosenberg
asking to have a certain ditch opened. Read and on
motion referred to the Street Committee

Geisen & Von Rosenberg
to repair building
fire limits

By Alderman Crooker Petition of Aug Geisen & F.E. Von
Rosenberg asking permission to repair a certain building
within the fire limits - Read and on motion referred to
the Fire Commissioners

W J Oliphant to
abate Nuisance

By Alderman Haynes. Petition of W J Oliphant
asking that the Council take steps to abate a
Nuisance mentioned in said Petition
Read and on motion referred to the Park Committee

Chas Robinson
Pound fees

By Alderman Petri Petition of Chas Robinson asking
to have certain pound fees refunded - Read and on
motion referred to the Claims & Accounts Committee

Reports of City Officers

Reports City officers

The Mayor laid before the Council the report of the City
Treasurer for the Month of Nov 1910, which was on motion
referred to the Finance Committee, without reading

Reports of Standing Committees

Reports Standing Comm.

Streets to open Alley
20 Div "O"

Alderman Smith for the Street Committee to whom
was referred an Ordinance providing for the opening
of an Alley in outlot No 20. Div "O", presented a
report recommending the passage of the Ordinance
On motion the report was adopted

Streets to open street
45 Div "O"

Alderman Smith for the Street Committee to whom
was referred a petition from Citizens asking to have a
street opened through outlot No 45, Div "O", presented a
report recommending that the petition be granted
On motion the report was adopted.

Finance entrusts
in Suite

Alderman Haynes for the Finance Committee
presented the following report and resolution
(Resolution)
Be it resolved by the City Council of the City of Austin,
that Thomas Upchurch, the City Attorney of the City of
Austin, on the 8th of December, 1910, be and he is hereby
vested with authority to employ Hon Austin,
Penn, Attorney at Law, Galveston, Texas,

Ellen J. Wickes, James G. Calvert, Contractors, and Wm B. Papin.

Austin, Texas, Dec 8. 1905

Gardner Ruggles, Esq.
Austin, Texas.

Dear Sir:

The City of Austin desires to fully and finally settle the entire Controversy between it and your Clients, Ellen J. Wickes (now deceased and represented by the execution of her will, Chas H. Wickes); William B. Papin; James G Calvert; W H Boyle; and W H Walker, Holders, respectively, of $198.000.00; $50.000.00; $11.000.00; $15.000.00; $35.000.00; and $8.000.00 (Total, $317.000.00) of City of Austin five per Cent. Water and Light Bonds of the issue of August 1. 1890, and the City of Austin, through me, as its City Attorney, makes to your said Clients, through you, the following Proposition:

1st. That the City of Austin will pay to you, for your said Clients, at the American National Bank, in the City of Austin, Texas, within ten days after written acceptance of this offer, in Cash, the full amount, Principal, interest and accrued interest, to and including said date of Payment, according to their several terms, of the Judgements in favor of said parties and against the City, mentioned, described and rendered in the following named Causes (being suits for Mandamus) on the 22nd and 24th days of June, A.D. 1904, in the District Court of Travis County, Texas, Fifty-third Judicial District, to-wit:

1 - Cause #18052. entitled, W H Boyle vs The City of Austin, et al.
2 - Cause #18687. entitled, Julien P Valle vs The City of Austin, et al
3 - Cause #18682, entitled Ellen J Wickes vs The City of Austin, et al
4 - Cause #18683, entitled James G Calvert vs The City of Austin, et al
5 - Cause #20696, entitled W H Walker vs The City of Austin, et al
6 - Cause #20697. entitled, William B Papin vs The City of Austin, et al,

- Said Causes now all pending on appeal by the City of Austin in the Court of Civil Appeals for the third Supreme Judicial District of the State of Texas, on the docket of which Court they are docketed respectively as follows, to-wit:

1. Cause #3441, entitled The City of Austin et al Appellants, Vs W H Boyle, Appellee;
2. Cause #3487, entitled, The City of Austin et al, Appellants, Vs. Julien P Valle, Appellee.
3. Cause #3438, entitled, The City of Austin, et al Appellants, Vs Ellen J Wickes, Appellee.
4. Cause #... entitled, The City of Austin et al Appellants, Vs. James G. Calvert, Appellee,

5- Cause # 3442, entitled, The City of Austin et al, appellants, vs W.F. Walker, appellee; and
6- Cause # 3439, entitled, The City of Austin et al, appellants, vs William B. Popin, appellee,
2nd That the City of Austin will pay all Court Costs in any wise incurred or expended on any account in said Causes, whether in the District Court of Travis County, Texas; The Court of Civil Appeals; or the Supreme Court of the State of Texas, and hold and keep Your said Clients wholly harmless for or on account of same, to, and including, final judgement
3rd That the City of Austin will also pay to You, at the same time and place in paragraph first hereof mentioned, in Cash, on the surrender then and there by You, of the said Coupons, all the Coupons on said $37,000.00 of five per Cent, Water and Light bonds of the issue of August 1, 1890, due, respectively, on the first days of July and October, 1904, and January, April, July and October, 1905, together with six per Cent per annum interest on each of said Coupons from its Maturity to, and including, said date of payment, and will also pay to You, in Cash, at same place, when and as the same becomes due, interest on said bonds falling due January, April and July 1906.
4th That the City of Austin will pay to You, at the same place on or before July 1, 1906, in Cash, on the delivery by You then and there to it or its agents of said Bonds, the full sum of Ninety five Cents on the Dollar for all said $37,000.00 of five per Cent Water and Light bonds of said issue of August 1, 1890,
5th. That in the suits described in paragraph first hereof, now pending on appeal in the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas, No other or further proceedings of any kind shall be had or taken by either party, until said 1st day of July, 1906, on which day, if said City of Austin shall have then complied with all the provisions of this offer, and shall have paid all Costs of the Courts to, and including, final judgement therein, You shall cause said Suits to be finally dismissed and the said judgements entered aforesaid; that both parties shall endeavor, if possible, to have any determination of the matters in Controversy in said Causes in said Courts of Civil Appeals decided and rendered until said 1st day of July, 1906, on which cannot be done, then that no judgement or decree made in any of said Causes by said Courts in any wise, which conflicts with this agreement

provided to be done by any party thereto, but the terms of this agreement shall be carried out as if such judgement, order or decree had not been made

6th. That no fund or money, or any future increment thereof in any wise effected by the judgements and decrees in said Cause in said District Court of Travis County, Texas, Fifty third judicial District, in said paragraph first hereof recitioned shall be in any wise touched or infringed upon by the City of Austin, or any officer thereof, during the period herein provided for, except in payment on the judgements of your clients, otherwise said funds and all increments thereof shall remain intact

7th. That, in order to enable the City of Austin, as is absolutely necessary, to pay the interest due January 1. 1906, on its outstanding $1.283,500.00 of checks for such refunding bonds and also such bonds as shall before January 1. 1906, be refunded, you, for your said clients, shall agree without objection to allow the City to take from the taxes collected from the levy made for the year 1905, for interest and sinking fund on bonded indebtedness, the sum of $19.252.50, and in addition thereto, such further sum as may be necessary to pay the interest due January 1. 1906, or so much thereof as may be necessary to pay said interest

8th In the event the City shall not be able to sell her refunding bonds on or before the first day of July 1906, so as to enable her to pay you for your clients the Ninety five Cents as provided in the fourth paragraph of this proposition, or a sum equal to $301.150.00 for their $317.000.00 of Water Works and Electric Light bonds, then each party shall remain in the same attitude each to the other as they are now, without prejudice to their rights by reason of the making or accepting of this proposition, except that such failure on the part of the City shall in no wise affect the payments by said City as hereinbefore agreed in paragraphs 1. 2 and 3 hereof of the said judgements, interest and Costs and part due Coupons and interest thereon in favor of your clients

9th. That, if You shall accept this proposition and so signify, and obtain immediately a resolution of the (City) Council of the City of Austin embodying the provisions of same and formally authorizing me to make it on behalf of the City and on your acceptance of same the passage of the Ordinance in appropriation Ordinances

10th Ir Case you accept this proposition, I must have your answer on or before December 15, 1905,

I am Sir,

Yours,

W. D. Hart

City Attorney, City of Austin

And, Whereas, by letter of December 15, 1905, the said Ruggles, on behalf of the said named parties, has accepted said proposition, provided payment of judgements, Coupons, interest and Costs, as in said Harts letter mentioned, should be made upon delivery of said written acceptance instead of within ten days thereafter; and

Whereas, the said Hart has accepted such proviso

Now, therefore, the City Council of the City of Austin hereby fully ratifies and confirms the said proposition so made by the said Hart, City Attorney, as amended and accepted, and declares the same to be the act of the City just the same to all intents and purposes, as if the said Hart had been originally duly authorized to make and close the same But it is further provided that, in the event of the failure of the City of Austin to take up the $317.000.00 of 5% Water and Light bonds referred to in said proposition on or before July 1. 1906, then that no other or further Cause of action for damages on this account shall arise or exist on behalf of the said parties represented by the said Ruggles against the City of Austin on account of such failure, than already exists in the cases mentioned and described in said letter

And, that the Mayor of the City of Austin be, and he is hereby duly and fully authorized and directed to make and enter into, to and with the said Ruggles, acting on behalf of the said parties, a written Contract in accordance with the terms of said two letters and this resolution

The report and resolution was unanimously adopted

On motion Ald Alderman Madden was invited to a seat within the Council Chamber.

Police Marshals report

Alderman Powell for the Police Committee to whom was referred the reports of the City Marshal for the month of Nov 1905, presented a report, stating that they had been examined and found Correct. On motion the report was adopted

Paving in bill Denney

Alderman Linnard for the Paving Committee made a verbal report and explanation of a bill in favor of [illegible] for Cleaning certain water pipes at Waterworks [illegible]. Alderman Powell moved that the bill

be paid out of the Paving fund
Alderman Moore offered as a substitute that it be paid out of the Street fund. The substitute was adopted by the following vote
Yeas Aldermen Armstrong, Crooker, Haynes, Moore, Pelt, Powell, Mountcastle, Mayo, Alderman Macken, Miller, Brennan, Smith, Wilhelm 15
Ordinance - Plumbing ordinance
Alderman Haynes for the ordinance Committee stated that an Ordinance repealing the Plumbing ordinance asked for further time in which to make their report. On motion further time was granted.
Charity Lumber of Wood.
Alderman Moore for the Charity Committee made a Verbal report, stating that the Committee had ordered two Cars of wood to be distributed upon the order of the Mayor or Charity Committee to the poor of the City. No action taken

Unfinished Business

Alley Lot 20. Div O.
The Mayor laid before the Council an ordinance providing for the opening of an alley through out Lot 20 Div "O" The ordinance was read the second time and passed under suspension of the rule by the following Vote
Yeas Aldermen Armstrong, Crooker, Haynes, Macken, Miller, Moore, Pelt, Powell, Shumate, Smith 10
Nays Aldermen Brennan, VonRosenberg, Wilhelm 3
Hog Ordinance
The Mayor laid before the Council the hog ordinance which was read the third time, and on Motion was laid over until the next regular Meeting
Contract settlement Amt $317,000. with interest
Alderman Haynes for the Finance Committee presented to the Council the form of Contract with a resolution authorizing and directing the Mayor to enter into Contract with Gardner Ruggles, Attorney for parties owning the $317,000.00 Water and Light 6% Bonds which are now in suit for Interest due on same, for settlement as per resolution and statement presented by the Finance Committee at this meeting of the Council which resolution was adopted, unanimously by the Council
X
$12.000. To purchase bonds for new City Hall fund
By Alderman Haynes the ordinance appropriating the sum of $12,000.00 for the purpose of purchasing Funding Bonds of the City for the City Hall fund
The ordinance was read the first time and passed under the rules on the following Vote
Yeas Aldermen Armstrong, Crooker, Haynes, Macken, Miller, Moore, Pelt, Powell, Shumate, Smith, VonRosenberg, Wilhelm 12
Nays None

$1500.00 To pay judgment for W & L bonds
To purchase bonds for Sinking fund W & L bonds

By Alderman Haynes an ordinance appropriating the sum of $1000.00 for the purpose of purchasing 2 bonds of the issue of April 1, 1895 for the sinking fund Water & Light bonds
The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Millen Moore Petri Powell Shumate Smith Von Rosenberg Wilhelm 13
Nays None

$590.00 To purchase bond for Sinking fund old bonds.

By Alderman Haynes an ordinance appropriating the sum of $590.00 for the purpose of purchasing one bond of the issue of April 1st 1895, for the sinking fund of bonds issued prior to May 1st 1890,
The ordinance was read the first time and passed by the following Vote
Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Millen Moore Petri Powell Shumate Smith Von Rosenberg Wilhelm 13
Nays None

$19.31 To pay Interest due Jany 1st 1906

By Alderman Haynes an ordinance appropriating the sum of $19.31.00 for the purpose of paying Interest due Jany 1st 1906, on Refunding bonds and bonds to be refunded - The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Millen Moore Petri Powell Shumate Smith Von Rosenberg Wilhelm 13
Nays None

$6628.05 To pay Int. and M & L Company

By Alderman Haynes an ordinance appropriating the sum of $6.628.05 for the purpose of making payment of Interest Coupons and accrued interest thereon of $317.000.00 5% Water and Light bonds of the City, and to pay interest due Jany 1st 1906.
The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Millen Moore Petri Powell Shumate Smith Von Rosenberg Wilhelm 13
Nays None

$14,140.00 To pay judgement Interest on W & L bonds.

By Alderman Haynes an ordinance appropriating the sum of $14,140.00 for the purpose of making payment of back due interest Coupons and accrued interest thereon of $317,000.00 5% Water and Light bonds of the City of Lincoln
The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen [illegible] Nays None

Wacker Miller Moore Pelt Powell Shumate Smith
VonRosenberg McWhorter
Nays None

$75.854.20 to pay judgement for hike Compton w Bonds

By Alderman Haynes an ordinance appropriating the sum of $75.854.20 for the purpose of making partial payment of judgement obtained against the City for interest on $317.000.00 5% water and light bonds of the City of Austin and to pay fiscal due interest Coupons and accrued interest thereon, said bonds.
The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen Armstrong Crockett Cunedd Haynes
Wacker Miller Moore Pelt Powell Shumate Smith
VonRosenberg McWhorter
Nays None

Ald Powell excused

On Motion Alderman Powell was excused from further Attendance at this Session of the Council

$10.000. to pay judgement for Int on w.l Bonds.

By Alderman Haynes an ordinance appropriating the sum of $10.000.00 for the purpose of making partial payment on judgements against the City for interest on $317.000.00 5% water and light bonds of the City
The ordinance was read the first time and passed under Suspension of the Rules by the following Vote
Yeas Aldermen Armstrong Crockett Cunedd Haynes
Wacker Miller Moore Pelt Powell Shumate Smith
VonRosenberg McWhorter
Nays None.

Resolution authorizing over draft.

The Finance Committee offered the following resolution
Be it resolved by the City Council of the City of Austin
That whereas, it is necessary, in order to settle all existing bond litigation, that the bond indebtedness account of the City be overdrawn; and
Whereas, the American National Bank of the City of Austin, has agreed that such account may be overdrawn, the City to pay interest on said overdraft at the rate of eight per cent per annum;
Now therefore, the said overdraft is hereby authorized, and the City agrees and promises to pay interest on and as above stipulated.
The Resolution was adopted

$100. to pay Special Policeman

By Alderman Haynes an ordinance appropriating the sum of $100.00 for the purpose of paying the salaries of Special Policemen.
The ordinance was read the first time and passed under suspension of the rules by the following Vote
Yeas Aldermen Armstrong Crockett Cunedd Haynes
Wacker Miller Moore Pelt Powell Shumate Smith

Van Rosenberg & Wilhelm — x3

Nays None.

Open Street Lot 45 blo D.

By Alderman Moore an ordinance ordering a Street opened through out Lot 45 blk "O"

The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yeas Aldermen Armstrong Crooker Reed Haynes Wacker Miller Moore Pelt Shumate Smith Van Rosenberg & Wilhelm — 12

Nays None.

Mayor authorized To furnish transportation Man to Gainesville

On motion of Alderman Moore the Mayor was authorized to furnish transportation to an ex-soldier man to Gainesville

On motion of Alderman Haynes the City Clerk was authorized to employ an assistant for one month, to assist in writing up his books and making up his Annual report

$500. Ext Labor Streets.

By Alderman Smith an ordinance appropriating the sum of $500.00 for the purpose of paying for extra Street Labor & Teams.

The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yeas Alderman Armstrong Crooker Reed Haynes Wacker Miller Moore Pelt Shumate Smith Van Rosenberg & Wilhelm — 12

Nays None.

Alderman Moore offered the following resolution which was read and adopted

Committee to confer with Business Mens League on Auditorium

Be it resolved by the City Council of the City of Austin that the Mayor appoint a Committee of 3. to Co-operate with the Committee from the Business Mens League to place proposed Auditorium on South half of Block 59. City of Austin, and that the City Attorney be instructed to investigate the title of the City of Austin to this property. The Mayor appointed Aldermen Moore Shumate & Van Rosenberg as such Committee

Alderman Moore offered the following resolution which was read and adopted

Garbage Committee to investigate Cost of Garbage Crematory plant

Whereas the Garbage of the City has heretofore been dumped along the River front from Bath ave to Mount Bonnell bridge and whereas such practice is highly injurious to the Health of the City and especially those living in 7th Ward be it resolved that the Sanitary Committee be instructed to investigate the Cost of a Garbage Crematory and report same Council as soon as possible

Alderman Moore offered appropriation for...

Proposition O.S. Kelley to trade steam Roller.

The O.S. Kelley road roller Company regarding steam Roller. which was read and on motion referred to the Street Committee

approved ayes.

By Alderman Hayes an ordinance appropriating the sum of $1066.21 for the purpose of paying approved accounts

The ordinance was read the first time and passed under suspension of the Rules by the following Vote Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Wilder Moore Pfeiffer Shumate Smith VonRosenberg Wilhelm 12

Nays None

approved ayes Dept

By Alderman Haynes An ordinance appropriating the sum of $ 12.53 for the purpose of paying approved accounts, Street Dept

The ordinance was read the first time and passed under suspension of the Rules by the following Vote Yeas Aldermen Armstrong Crooker Cuneo Haynes Macken Wilder Moore Pfeiffer Shumate Smith VonRosenberg Wilhelm 12

Nays None

On motion the Council adjourned

Jno. O. Johnson
City Clerk