

Minutes of a Regular Meeting of the City Council.

Austin, Texas, Nov 19th 1894.

Hon John M^c Donald, Mayor, presiding

Roll call. 1

Present- Aldermen Anderson, Assmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Shelley, Taylor, Townsend, Wurmth-21.

Absent- Alderman Schneider.

Minutes of the meetings of the city council held November 5th and 9th, 1894, were adopted as printed.

Alderman Schneider entered the council and answered to his name.

National Telephone Co

Alderman Linn moved that the rules be suspended and an ordinance entitled "An ordinance granting to the National Telephone company of Austin, Texas, the right to place and maintain its poles and lines in the streets, alleys and public ways of the city of Austin, state of Texas and to operate a telephone exchange on the terms and conditions herein stated", now on the calendar, be taken up and considered at once. The motion prevailed by the following vote:

Yeas- Aldermen Anderson, Assmann, Dawson, Fischer, Hancock, Hume, Jackson, Linn, Platt, Powell, Raymond, Roberdeau, Shelley, Taylor, Townsend, Wurmth- 16.

Nays- Aldermen Glass, Lawless, Nitschke, North, Redd, Schneider; 6.

The ordinance was read a second time at the last meeting of the city council, after which a motion was made to suspend the rules and place it on its third reading, which was lost.

The chair therefore ruled that the ordinance had put to its third reading and that an affirmative vote of two-thirds of the entire board of aldermen was now necessary to amend it.

Alderman Linn took the position that the ordinance was still on its second reading and open to amendment by a majority vote and appealed from the ruling of the chair.

The question, "shall the ruling of the chair be sustained?" was then put and decided in the affirmative by the following vote:

Yeas- Aldermen Assmann, Dawson, Fischer, Glass, Hancock, Jackson, Lawless, Nitschke, North, Platt, Powell, Redd, Roberdeau, Taylor; 14.

Nays- Aldermen Anderson, Hume, Linn, Raymond, Schneider, Shelley, Townsend, Wurmth; 8

Alderman Linn then moved that the vote by which the ordinance was passed to its third reading, be reconsidered.

Alderman North moved as a substitute that further consideration of the ordinance be postponed until the next meeting of the city council, which was lost by

the following vote:

Yeas- Aldermen Asmann, Glass, Lawless, Nitschke, North, Platt; 6.
Nays- Aldermen Anderson, Dawson, Fischer, Hancock, Hume,
Jackson, Linn, Powell, Raymond, Redd, Roberdeau, Schneider,
Shelley, Taylor, Townsend, Warmoth; 16.

Alderman Raymond moved that the ordinance be considered section by section and the motion prevailed. Sections one and two were then read and adopted without amendment.

Section three was then read, after which Alderman Linn moved to amend the same as follows: after the word "with" in line two, section 3, insert "other telephone or electric light systems or with". The amendment was adopted by the following vote:

Yeas- Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; 21

Nay. Alderman North.

Section 4 was then read, after which Alderman Linn offered the following amendment thereto: In line three strike out the word "away" and insert "of way". The amendment was adopted by the following vote:

Yeas- Aldermen Anderson, Asmann, Dawson, Fisher, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; total, 22.

Alderman Redd moved that Alderman Dawson be excused from further attendance on the session of the council and the motion prevailed.

Section five of the ordinance was read, after which Alderman Linn offered the following substitute for the same:

"Section 5 In consideration of the franchise hereby granted to the said National Telephone Company, its successors or assigns, the said Telephone Company shall within thirty days after the approval of this ordinance file with the city clerk of the city of Austin an unconditional acceptance in writing over the signature of the president of said company, attested by the secretary of said company, and further attested by the seal of said company."

Alderman Linn also offered the following as section 5 1/2.
"In further consideration of the franchise hereby granted the said National Telephone Company hereby obligates itself to furnish to the city of Austin telephones as follows:

1st One telephone at the City hall - which said telephone is to be maintained and operated without charge to the city.
2nd Ten telephones, or such less number as may be required by the city, to be located as the city council may direct; to be used for city purposes - which said 10 telephones

are to be maintained and operated at a cost to the city of not exceeding one dollar and twenty-five cents per month per phone.

Each of the amendments were adopted by the following vote:
Yeas- Aldermen Anderson, Assmann, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warnoth; total, 21.

Section six was read and adopted without amendment.

Section seven was then read, after which Alderman Linn offered the following as a substitute for the same:

Sec. 7. That this ordinance shall take effect and be in force from and after its passage for a term of fifteen years; provided that the said National Telephone Company shall within the period of six months from the date of the passage of this ordinance construct, equip and have in successful operation the telephone system hereby authorized. And in the event of the failure of said National Telephone Company to construct, equip and successfully operate the telephone system herein authorized, then all the rights and privileges hereby granted shall terminate and the franchise hereby granted is to become null and void."

The amendment was adopted by the following vote:
Yeas- Aldermen Anderson, Assmann, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Shelley, Taylor, Townsend, Warnoth; 20

Nay Alderman Schneider.

Section eight was then read, after which Alderman Linn moved to add the following amendment thereto:

Provided, that all wires on principal business streets shall be in cables, except at points of distribution where it is impracticable to cable such wires, and provided further, that all poles used in the construction of the telephone system herein provided for shall be of such height as may be approved by the city engineer, the wiring and attachment to said poles to be of the latest approved style, subject to the approval of the city engineer.

The amendment was adopted by the following vote:

Yeas- Aldermen Anderson, Assmann, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warnoth- 21.

Alderman Schneider moved to amend section 5 1/2 by striking out the words "one dollar and twenty five cents." Alderman North moved to amend the motion, by adding thereto "and inserting in lieu thereof the word free." The amendment was accepted. The motion was then lost by

the following vote:

Yeas- Aldermen Assmann, Fischer, Glass, Hancock, Nitschke North, Platt, Powell, Raymond, Schneider- 10

Nays- Aldermen Anderson, Hume, Jackson, Lawless, Linn, Redd, Roberdeau, Shelley, Taylor, Townsend, Warrmoth; 11.

Section nine, the last, was then read and adopted.

Alderman North moved to postpone reading the ordinance a third time until the next regular meeting of the city council, and the motion was lost by the following vote:

Yeas- Aldermen Glass, Lawless, Nitschke, North, Platt, Schneider- 6.

Nays- Aldermen Anderson, Assmann, Fischer, Hancock, Hume, Jackson, Linn, Powell, Raymond, Redd, Roberdeau, Shelley, Taylor, Townsends, Warrmoth- 15.

The ordinance was then read a third time and on motion, passed.

The regular order of business was then resumed.

Petitions, Etc.

A petition from D. C. Dunn requesting the city council to remit pound fees paid by him, was read, and on motion of Alderman Raymond was granted.

The following was read:

Austin, Tex. Nov 15.

To the Honorable Mayor and City Council.

Gentlemen- You are respectfully invited to attend a ball and supper: to be given by Austin Hook and Ladder Fire Co No 1 at Firemen's hall, Nov 29th in honor of our newly wedded members.

Respectfully

W. Ziller, Secretary.

The invitation was accepted.

Report of Committees.

By Alderman North:

Austin, Tex. Nov 19, 1894.

To the Honorable, the City Council:

Your ordinance committee, to whom was referred the accompanying ordinance granting the use of the streets for the purpose of maintaining a telephone exchange by the Anthony Electric Company, beg leave to report as follows: There is now pending before the council a similar application by the National Telephone Company. We believe that this franchise should be granted, if at all, to the company offering the best terms for the city, and also satisfying the council of its ability and willingness to complete a telephone within a given and reasonable time.

We recommend that the accompanying ordinance be considered in connection with the other application of the National Telephone Company. Respectfully submitted.

William A. North.
Chairman Ordinance Committee.

The report was adopted.

D. C. Dunn

Austin H & L. F. Co No 1.
Invitation to ball
& supper

Report Ordinance
Com. on Anthony
Electric Co.

#575 Bridge over Little Shoal creek.

Unfinished Business.

An ordinance appropriating the sum of \$575.00 for the purpose of constructing an arch bridge over Little Shoal creek at the intersection of Nueces and West Eleventh streets, was taken up on its third reading, read, and on motion passed by the following vote:

Yeas - Aldermen Anderson, Asmann, Fischer, Glass, Hancock, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; total 14.

Nays - Aldermen Hume and North.

Consideration of the ordinance to regulate water and light rates, etc. was on motion of Alderman Nitschke postponed until the next regular meeting of the city council.

Anthony Electric Co.

An ordinance entitled "An ordinance granting to the Anthony Electric Company the right to erect in the streets and alleys of the city of Austin all necessary poles, wires and appliances for the conduct of a telephone exchange and to maintain the same for a period of twenty years" was taken up on its second reading and read, after which Alderman Glass moved that the ordinance above referred to entitled "An ordinance granting to the National Telephone Company of Austin, Texas, the right to place and maintain its poles and lines in the streets, alleys and public ways of the city of Austin, State of Texas, and to operate a telephone exchange on the terms and conditions herein stated" be substituted for the pending ordinance, provided the name "Anthony Electric Company" shall be retained in lieu of "The National Telephone Company" and provided further that the names of the persons composing the National Telephone Company, be excluded. The motion was adopted.

A motion was then made to suspend the rules and place the ordinance on its third reading which was adopted by the following vote:

Yeas - Aldermen Anderson, Asmann, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; 21

The ordinance was accordingly read and on motion passed.

Alderman Lawless was then excused from further attendance on the session of the council.

New Business.

#12500 Ft Wayne Electric Co

Alderman Anderson. An ordinance appropriating the sum of \$12,500 for the purpose of paying Fort Wayne Electric Company estimate No 5 of material furnished and in position on their contract with the city, dated, March 22, 1894.

It was passed under the suspension of the

rules by the following vote:

Yeas- Aldermen Anderson, Asmann, Fischer, Glass, Hancock, Hume, Jackson, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth, 20

\$2000 officers &
Employees.

By Alderman Linn an ordinance appropriating the sum of \$2000 for the purpose of paying salaries of officers and employees of the city of Austin.

It was passed under suspension of the rules by the following vote:

Yeas- Aldermen Anderson, Asmann, Fischer, Glass, Hancock, Hume, Jackson, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth, Total, 20.

Dr Matt Smith
leave absence.

Alderman Warmoth moved that leave of absence for fifteen days be granted Dr Matt M. Smith, resident physician and the motion carried.

The council then adjourned

Milton Morris;

City Clerk.