

Regular meeting of the City Council
Austin Texas Sept 3rd 1900.

Present Alderman Stumpff -

There being no quorum present it was ordered that
the Council should adjourned until 8 o'clock PM Friday
Sept 7th 1900.

J. O. Johnson

City Clerk

Adjourned Regular Meeting of the City Council
Austin Texas Sept 7th 1900

Hon Geo. D. McCall Mayor presiding
Roll called

Present Aldermen Dunham Fischer Kiser Mortimer
Nolen and Stumpf 6

Absent None.

On Motion of Alderman Mortimer the minutes
were approved as recorded by the clerk without reading
Petitions Memorials etc

Pet. Jim Byrne By Alderman Mortimer. Petition of Jim Byrne asking
reduce taxes reduction of Assessment for taxes for the year 1899.
Read and on Motion referred to the Committee on
Claims and accounts.

Pet. Von Kaemenig By Alderman Dunham Petition of J. Von Kaemenig
reduce taxes asking reduction of Assessment for taxes for the year 1899
Referred to the Claims and accounts Committee

Pet. Southern Oil By the Mayor Petition of the Southern Cotton Oil Co. asking
Co. to put in scale permission to put in a wagon scale at corner of east-
4th & Medina streets. Read and referred to the Street
Committee and City Engineers

Pet. Mrs. Duval By Alderman Fischer Petition of Mrs. Laura D. Duval
reduce taxes asking reduction of Assessment for taxes for the years
1897 & 1898. Read and on Motion referred to the Committee
on Claims and accounts

Pet. Clay Jones By the Mayor Petition of Clay Jones asking to have certain
remitted P.D. fees Pound fees remitted. On Motion the petition was granted
to the amount of one dollar

Comm. of James A. S. James Esq. Attorney for J. Rosenberg in regard to
attys Rosenberg damages claim of Rosenberg for damages caused by high water
in April 1900. On Motion the Communication was ordered
filed. the Council at a former meeting having refused
to grant the petition

Pet. M. Shipe By Alderman Fischer. Petition of M. M. Shipe asking an
for app. street appropriation for street work, on North Congress Avenue
and Lampasas streets. On Motion the petition was
referred to the Street Committee and City Engineers

Reports of City Officers

Reports City The Mayor laid before the Council the reports of City Officers
of finance for the month of August 1900. except the report of the
Treasurer, which were on Motion referred to their
appropriate Committees without reading
The Clerk was directed to call upon the Treasurer for
his report and have the same before the Council
at the next regular Meeting
The following is a synopsis of the reports that were
presented

Referred to the Machinery Committee

Reports of Standing Committees

Report Com on
E 7th Bridge

Alderman Fischer for the Street Committee presented a report stating that they had advertised for, and had received and opened bids for the building of a stone arched bridge across Waller Creek on E 7th Street and that the lowest bidder was Ulsen C. Puhmann & Co, but that their bid was about \$1300. in excess of the appropriation made for the purpose of building said bridge, they asked for further instruction from the Council before awarding the Contract.

On Motion the report was laid on the table subject to Call, and the Street and Finance Committee were directed to investigate and report upon the financial condition of the City and report to the Council the amount of money available for this purpose.

Reports of Special Committees

The Mayor laid before the Council the following report from the Auditing Committee

Austin Texas Aug 29th 1900

To the Hon. Jno. R. McCall Mayor and Board of Aldermen
of the City of Austin

Gentlemen

Report
Auditing Com

In accordance with a resolution passed by your Honorable body on Aug 20th 1900. We herewith submit a list of the Tax payors and the amounts of the Water works & Electric Light Tax; A count of Interest Sinking fund not collected and which was remitted by an ordinance passed Aug 6th 1900 which amounts in the aggregate to \$61,171.37. which we recommend be placed to the credit of the Assessor & Collector on his account of Water works & Electric Light Tax account of interest Sinking fund for the year 1899, and that the Assessor & Collector be charged with \$62.70. on same account said amount not having been charged him heretofore.

Respectfully Submitted

E. H. Huxley
C. A. Wheatley
Auditing Committee

On Motion the report was adopted.

Unfinished Business

Election for
Aldermen
Ward 2nd

The Mayor laid before the Council an ordinance ordering an election for Alderman from the second ward to fill the vacancy caused by the resignation of Alderman Morris. The ordinance was read the second time and on Motion the rule was suspended and the ordinance placed on its third reading by the following Yeas Aldermen Dunham Fischer Mortimer Holm & Huxley 5-
Nays Alderman Glass 1

Alderman Fischer moved to reconsider the vote by which the ordinance was passed to its third reading which motion prevailed

Alderman Fischer moved to amend the ordinance by making the date of the election to be held Monday October 14th 1900 which motion prevailed

Alderman Nolan moved to amend by filling the blank for Judges in the first Ward with the names of J. M. Templeson & Warren and A. J. Wray, which motion prevailed

Alderman Fischer moved to fill the blank for judges in the second ward by inserting the names of P. M. Powell, W. H. Richardson & J. L. Gannaway which motion prevailed

Alderman Fischer moved to amend by filling in the blank the following names as Judges of election in the third ward J. E. Harrell Jr, J. O. Schuman and J. W. Odell which motion prevailed

Alderman Stumpf moved to amend by inserting Davis and Stone as the place for holding the election in the fourth ward and A. Weibacker Jr, F. L. Sloan & C. Hurley as Judges, which motion prevailed -

Alderman Dunham moved to amend by making Weibacker's place as the place for holding the election in the fifth ward and appointing W. M. Brown, J. M. Franklin and Ed Steiner as Judges of election in said ward, which motion prevailed

Alderman Mortimer moved to amend by inserting the names of the following as Judges of election in the sixth ward: Paul M. Webb, J. W. Living and J. B. Newton which motion prevailed

Alderman Glass moved to amend by inserting E. D. Baker's place as the place for holding the election ^{in the second} and appointing A. J. Green, Samy Pullingsley and M. E. Murphy as Judges of election in said ward, which motion prevailed

The Ordinance as amended was then passed under a suspension of the rule by the following vote

Yeas Aldermen Dunham Fischer Glass Mortimer Nolan & Stumpf

Nays None

The Mayor then laid before the Council an ordinance appropriating the sum of \$337.50 to pay the salary of the Engineer on Steam Roller from Aug 20th 1900 to Jan 1st 1901. The ordinance was read the second time

Alderman Glass moved to amend by striking out the word "20" in the ordinance and the Captain and inserting the word "15" which motion prevailed and the ordinance as amended was passed under a suspension of the rule by the following vote

Yeas Aldermen Dunham Fischer Glass Mortimer Nolan & Stumpf

Nays None

Appr. \$337.⁵⁰
To pay Salary
Engineer on Steam
Roller

The Mayor laid before the Council the following
Veto Message.

Mayors Office Austin Texas August 29th 1900
To the Honorable City Council
Gentlemen;

Mayor's veto
resolution to
elect Street
Commissioner

I herewith return without
my approval the Communication or resolution passed
by your Honorable body on August 20th 1900, recommending
the employment of a street Commissioner for the
following reasons.

I think the creation of this position would bring up a
question of conflicting authority with the City Engineer and
Ex officio Street Commissioner, and from the further fact
that there is a question in my mind as to the authority of
the Council in the matter. I also herewith transmit and
call to your attention the opinion of the City Attorney in the
premises

Respectfully,

Jno. D. McCall
Mayor

The following is the opinion of the City Attorney alluded to
in the above Message.

Austin Texas Aug 25, 1900

Hon Jno. D. McCall, Mayor of the City
Austin, Texas

Dear Sir

City Attorney's
report on
authority of
Council to elect
St. Commissioner

In reply to your inquiry of this date, asking
whether or not it is competent for the Council, by
ordinance or otherwise, to create the office of Street
Commissioner and fill same by the election of some
person, other than the present City Engineer, and
Ex officio Street Commissioner, I answer; that in
my opinion, the Council has not that power; but
that it has the power to create the position of Assistant
to the present City Engineer and Ex officio Street
Commissioner, and to fill said position when
created by election. The person so elected will
necessarily be a City Agent, as distinguished from a City-
Officer, under the provisions of the City Charter, and the
Council will have the power to abolish his position, or to
discharge him and fill his position, by the election of
a new man, at its pleasure.

The views above expressed result from provisions contained
in the City Charter, which may be briefly summarized
as follows. To

Section 71 of the City Charter creates a complete system
of City Officers and among the officers thus created, is
that of City Engineer and Ex officio Street Commissioner.
Section 88 of the City Charter defines the duties of the

above-named office and provides among other things, that the incumbent "shall, with the advice of the Mayor, have general supervision of all work on the streets and bridges of the City."

Section 75 of the Charter, provides for the removal of the City officers by a two-thirds vote of the Council; and Section 74 provides the manner in which vacancies created by such removals shall be filled.

The authority of the Legislature to provide for the creation of City offices and to define the duties attaching thereto is paramount and as it has acted in this matter, the Council is without the power to take any valid action conflicting with same.

Section 69 of the Charter, empowers the Council to "employ and fix the compensation of such agents, as it may deem for the best interest of the City" and provides also that, the Council may abolish any place created by it, and discharge any person employed by it, at any time that it may deem that the best interest of the City require such action.

The Council may, if it sees fit, exercise the power expressly granted in Section 69, by providing for the creation of the position (Asst Street Commissioner) and may fill such position by election.

Yours Very Truly
V. L. Brooks
City Attorney

Mayor's Veto On Motion the Vote by which the resolution was passed was sustained reconsidered, and the question put, shall the resolution pass notwithstanding the Mayor's objections which motion was lost by the following Vote

Yeas None

Nays Aldermen Dunham Fischer Glass Mortimer Nolen and Shuff
6.

New Business

Salaries Spec By Alderman Shuff. An Ordinance appropriating the sum of \$148.23 to pay the salaries of special Policemen for the month of August 1900. The Ordinance was passed under suspension of the rules by the following Vote

Yeas Aldermen Dunham Fischer Glass Mortimer Nolen and Shuff
Nays None

By Alderman Fischer An Ordinance appropriating the sum of \$207.43 to pay approved accounts Street Dept. The ordinance was passed under suspension of the rules by the following Vote

Yeas Aldermen Dunham Fischer Glass Mortimer Nolen and Shuff
Nays None

By Alderman Dunham An ordinance granting the

Ordinance Granting Lone Star Ice Company their assign and successors the right to build and the privilege to maintain and operate for a period of fifty years, a single line of railroad track connecting with the track of the International Great Northern Railroad Company on West 3rd Street between Colorado and Lavaca streets along West 3rd Street to Colorado Street and on and along Colorado Street to and across West First Street to River Walk in the City of Austin. The ordinance was read the first time and a motion made to suspend the rule and place the ordinance on its second reading which motion prevailed by the following Vote:
Yeas Aldermen Dunham Fischer Glass Mortimer Nolan and Stumpf
Nays None

Unamended.

The ordinance was then read a second time. Alderman Fischer moved to amend the ordinance by striking out in the caption and body of the ordinance the word "fifty" and inserting in lieu thereof the word "twenty five" which motion prevailed and the ordinance as amended was then passed under a suspension of the rule by the following Vote:
Yeas Aldermen Dunham Fischer Glass Mortimer Nolan and Stumpf
Nays None.

Alderman Fischer offered the following resolution which was read and adopted:
Be it resolved by the City Council of the City of Austin: That the Mayor be and is hereby authorized and instructed to advertise for a Street Superintendent By Alderman Mortimer An ordinance appropriating the sum of \$35.00 for the purpose of paying for Smoke Protectors for the use of the City Fire Dept. The ordinance was passed under suspension of the rules by the following Vote:
Yeas Aldermen Dunham Fischer Glass Mortimer Nolan and Stumpf
Nays None

By Alderman Stumpf An ordinance appropriating the sum of \$2,750.00 to pay interest due October 1st 1904 on \$72,500.00 Funding bonds of the City. The ordinance was passed under suspension of the rules by the following Vote:
Yeas Aldermen Dunham Fischer Glass Mortimer Nolan and Stumpf
Nays None.

By Alderman Stumpf An ordinance appropriating the sum of \$1,290.00 to pay approval accounts. The ordinance was passed under suspension of the

rules by the following vote
 Yeas Aldermen Durham Procter, Blair & Mortimer,
 Molen & Stumpff
 Nays None

Carroll
 at

On motion it was ordered that hereafter the Council
 meet at 8:30 o'clock P.M. instead of 8 o'clock

On motion the Council adjourned

Jno. D. Johnson
 City Clerk.