

# Regular Meeting of the City Council Austin, Tex., May 18<sup>th</sup> 1903

Hon W. D. Shelley President of the Council presiding  
Roll Called

Present Aldermen Brooker Hayner Hume Mucken  
Waddar Schneider Shelley & Shumate 8

Absent Aldermen Miller Moore Nitoko Radd  
Smith & Whit 6.

Minutes regular meeting  
approved

Minutes of last meeting  
laid over.

Petitions

Nannie Marvels  
for damages.

On motion the minutes of the last regular  
meeting were approved as recorded.  
Alderman Waddar moved that action on the  
minutes of the called meeting of May 7<sup>th</sup> 1903 be  
postponed until a full Council is present. Carried

Petitions, Memorials etc

The chair laid before the Council a petition from  
Nannie Marvels for damages, which was read and  
on motion referred to the Committee on Claims and  
accounts

Lone Star Brewing Co  
for remission of taxes

By Alderman Waddar - petition from the Lone Star  
Brewing Association, asking to have certain taxes  
remitted. Read and on motion referred to the  
Claims & accounts Committee

Protection Street # 3  
for salary extra driver

By Alderman Schneider, bill of Protection Street  
Co. for salary of extra driver - Read and on motion  
laid over to come up under the head of new business

Max Schneider Street  
& Bridge

Alderman Waddar moved that Mr. Max Schneider  
be permitted to address the Council on the subject  
of streets & bridge in the Christian & Pellman  
addition which motion prevailed

After remarks by Mr. Schneider the matter was  
referred to the Street Committee, with power to  
act.

Water Light & Power  
Commission, regarding  
widening of side walks

The chair laid before the Council a communication  
from the Water, Light & Power Commission with  
reference to widening the side walks in the City.  
Read and on motion of Alderman Shumate  
referred to the Street Committee with instructions  
to report at the next regular meeting of the Council

Alderman Miller Moore Nitoko Radd  
& Whit entered the Council Chamber.

Minutes of Call  
" of Council  
laid over

Alderman Waddar moved to take up the matter  
of the approval of the Minutes of the Special Meeting  
of the Council held May 7<sup>th</sup> 1903, which motion  
prevailed

Alderman Brooker moved that the minutes of the  
Special Meeting held May 7<sup>th</sup> 1903, be approved  
as recorded by the clerk

Alderman Waddar moved that the minutes of

of the special meeting held May 7<sup>th</sup> 1903, be stricken from the record.

The motion of Alderman Crooker to approve the minutes as recorded, was adopted by the following vote:  
yeas Aldermen Crooker Haynes Burns Macken  
Grisolke Shelley Smith & West 8

Nays Aldermen Maddox Miller Redd Schneider  
& Shumate 5

Alderman  
Maddox's reasons  
for voting against  
approval of minutes

Alderman Maddox asked to have his reasons for his motion to strike from the record the minutes of the called meeting and for his vote against the approval of said minutes spread upon the minutes of the Council which request was granted.

His reasons for his motion & vote were as follows:

The following are my reasons for moving and voting to strike from the minutes, the proceedings of the so-called special meeting of the City Council of the City of Austin, Texas, called to meet at the City Hall at 5 o'clock, P.M. Thursday, May 7, 1903:

First - Section 21, page 8, of the City Charter reads as follows: "There shall be a regular meeting of the City Council at least once a month, and such special meetings as the Mayor and any three Aldermen may deem necessary."

Second - Section 22, page 8, of the City Charter reads as follows: "That calls for special meetings shall state the nature of the business to be transacted at the meeting, and shall be read to each Alderman to be found in the City; or if any Alderman is out of the City a copy thereof left at the place of business of such Alderman as may not be seen in person, by the policeman of the City of Austin serving the notice, who shall report in writing to the Council at the hour set for the meeting, whom he has served, and how he has served such notice, and the reason for not serving each Alderman in person."

If it shall appear that two-thirds of the Aldermen have been served personally the Council may proceed to transact the business mentioned in the call, as if all the Aldermen had been personally notified of the meeting. The said notice and the return of the officer shall be recorded in the minutes of the meeting of the Council and shall be evidence of the nature of the call, and the service of the notice thereof."

Third - Section 18, page 8, of the City Charter reads as follows: "That in case of the death, resignation or inability to act or absence of the Mayor from the City, the President of the Council shall perform all the duties of the Mayor within. The call for the special meeting called to meet at

5 o'clock P.M. May 7, 1903, is as follows:

"Austin, Texas, May 7, 1903

To the Members of the City Council of the City of Austin:

A Special Meeting of the City Council of the City of Austin is hereby called to convene in the Council Chamber at the City Hall in said City at 5 o'clock P.M. on Thursday May 7, 1903, for the purpose of receiving the report of the Mayor and Street Committee on the subject of the Contract for the construction of a storm water sewer on Congress Avenue, and for the further purpose of taking such action as to the Council may seem proper on said report, and said sewer construction.

W.D. Shelley Third Ward  
 E.W. Moore Seventh Ward  
 J.M. Shumate Sixth Ward  
 H.L. Haynes Sixth Ward

"Austin, Texas, May 7, 1903

I hereby certify that the following named Aldermen have been served with a true copy of this call by having same read to them in person: W.D. Shelley, J.P. Schneider, A. Maddox, L.M. Crocker, Joe Backin, Geo. Kume, William, West J.B. Nibbette, E.W. Moore, S.S. Smith, J.M. Shumate, H.L. Haynes, a true copy being left at the residence of C.D. Miller and W.E. Redd, they being away from home and not being able to locate them.

H. Montgomery  
 City Marshal

Fifth. Who was Mayor and acting as such on May 7<sup>th</sup> 1903? No one will say that R.E. White was not Mayor and so acting on that date, because on May 6<sup>th</sup> he was acting on a Committee as such, as clearly shown by the following report:

"Austin, Texas May 6, 1903,

To the Council of the City of Austin:

In accordance with the resolution of your body adopted on the 5<sup>th</sup> instant, we beg to report that we have today handed Mr. Fields a letter, a copy of which is hereto attached, and that in reply he has handed us a letter, a copy of which is also hereto attached. That upon the receipt of said reply from Mr. Fields we tendered him back his check and bond in accordance with the terms of said resolution, and that said tender was accepted, as to the check with note and the bond.

W.D. Shelley

E.W. Moore

J.M. Shumate

H.L. Haynes

Nor will any one say that W.D. Shelley signed the call as acting Mayor, because the call shows that he signed it "W.D. Shelley Third Ward". Even had he attempted to sign the call as acting Mayor he would not have been authorized to do so because Mayor elect R.E. White had been performing the duties of said office on May 6<sup>th</sup> and was not absent from the City; but, on the contrary, told me that he intended to be at the special meeting of May 7<sup>th</sup>, and was there - presiding and acting as Mayor of the City of Austin.

Mr. Shelley told me, on Seventh street, on the evening of May 8<sup>th</sup>, that he signed the call as Alderman, because he thought that White was performing the duties of Mayor.

Because of the above cited irregularities, I move to strike from the records all the proceedings of the so-called special meeting of the City Council, and that the above and foregoing be spread on and published in the minutes of the proceedings of the City Council of the City of Austin.

J.M. Maddox

Alderman Second Ward

#### Reports of City Officers

On Report Water Light  
Commission

The Chair laid before the Council the report of the Water, Light & Power Commission for the quarter ending March 31st 1900, which was on motion referred to the Water Light Committee without reading.

Reports standing Com's

#### Reports of standing Committees

W.D. on petition of  
Citizens South Austin  
for pipe & fire plugs.

Alderman Miller for the Water Light Committee to whom was referred the petition of Citizens of South Austin for additional pipe and five hydrants, presented a report recommending that the petition be granted. On motion the report was adopted.

Street on proposition  
W.D. Roy to sell land  
for street purposes.  
Further time granted

Alderman Nitschke for the Street Committee to whom was referred a proposition from W.D. Roy to sell to the City certain land for street purposes presented a verbal report, stating that they had been unable to see Mr. Roy, and asked for further time in which to report. On motion the request for further time was granted.

Finance, on Bonds  
Refunding

Alderman Maddox for the Finance Committee presented a report stating that they had exchanged refunding bonds for 5-6% water light bonds 7% to 6% paying to Jan'y 1st 1900. On motion the report was received and referred to the special Committee heretofore appointed to verify the reports of the Finance Committee, and if found correct to destroy said bonds and fraud Coupons.

Finance and assess  
reports

Alderman Maddox for the Finance Committee to whom was referred the reports of the Assessor and Collector of Taxes for the months of March & April 1903 presented a report stating that they had examined same and found them correct. On motion the report was adopted.

Park on improvement  
Peace Park

Alderman Shumate for the Park Committee presented a report as to certain improvements made in Peace Park, etc. which was read and on motion laid over to come up under the head of unfinished business.

Park on improvement of  
Park. Wave & Rio Grande  
& bet 12th & 13th

Alderman Shumate for the Park Committee presented a report as to improvements made on Park between West Avenue and Rio Grande & between 12th & 13th streets. also notifying the Council that Judge Pulmore one of the School Board had notified the Committee that this Park was school property and under the control of the School Board, and protesting against the City making any improvements or exercising any control over same.

Motion of improvement  
of Wave & Rio Grande  
Park. Refd to Park Com

Alderman Hagner moved that the matter be referred back to the Park Committee, with instructions to confer with the School Board and see if matters could not be satisfactorily arranged, which motion prevailed.

Ordinance on government  
Peace Park.

Alderman Hume for the Ordinance Committee to whom was referred an Ordinance for the government and improvement of Peace Park, presented a report recommending the passage of said Ordinance. On motion the report was adopted.

Ordinance on street cars  
further time

Alderman Hume for the Ordinance Committee to whom was referred an Ordinance regulating street cars etc - presented a verbal report stating that they were not ready to report and asking for further time which was granted.

Inspection on Reports of  
Physician & Matron

Alderman Reed for the Hospital Committee to whom was referred the reports of the City Physician and Matron for the month of April 1900, presented a report stating that they had examined same and found them correct. On motion the report was adopted.

City Engineer Building  
Buck Creek

The Chain laid before the Council a report of the City Engineer as to the condition of the bridge across Buck Creek, on Congress Avenue in South Austin, which was read and on motion referred to the Street Committee.

City Engineer Building  
Buck Creek

The Chain laid before the Council a report from the City Engineer as to the condition of the Bell Tower at City Hall, which was read and on motion referred to the Fire Committee with power to act.



special Com on  
payments coupons &  
Bonds refunded

Alderman Shumate for the special Committee appointed to verify the reports of the Finance Committee as to Coupons paid by the Treasurer, and Bonds refunded, presented a report stating that they had carefully examined said reports and found them correct, and had destroyed the Coupons paid, and bonds refunded by burning same in the presence of the Council - The reports of the Committee were adopted. The following is the report of the special Committee on Bonds refunded.

Austin, Texas, May 8<sup>th</sup> 1903

Hon W D Shelley atty Mayor, and Board of Aldermen of the City of Austin:

Gentlemen:

Your special Committee to whom was referred the reports of the Finance Committee as to the exchange of Funding bond No 16 of issue of July 1887 and Coupons paid, also 5-6% water light bonds Nos 1 to 5, of issue of 1895, and the Coupons paid, beg leave to report that we have carefully examined same and found them correct, and have destroyed said bonds and Coupons in the presence of the Council by burning same

J. M. Shumate

Geo. L. Kime

W. D. Miller

Committee

Unfinished business

Ordinances for the  
government Pease  
Park

The chair laid before the Council an ordinance to prescribe a method for the government and improvement of Pease Park, to appropriate the sum of six hundred dollars for said purpose, and to prescribe penalties for the violation of the rules hereby made, or authorized to be made for the government of said Park. The ordinance was read the second time.

Alderman Schneider moved to amend the ordinance by striking out in the Caption and in section 1 of same the words "Six hundred dollars" and inserting in lieu thereof the words "Three hundred and twenty dollars" also to strike out all of section 4, except that part relating to the salary of the person to be employed to Police and improve said Park. The amendment was adopted, and the ordinance as amended was passed under suspension of the rule by the following Yell Yeas Aldermen Brooker, Higgins, Kime, Miller, Shumate, and Yeas 13 Nays None

New business

Price for extra driver  
for day extra driver

The Chair laid before the Council a bill from Protection Fire Co #3 for salary of extra driver for 3 months.  
On motion of Alderman Schneider the bill was referred to the Fire Committee

\$300. to grade & gravel  
Lavaca street

By Alderman Crocker An ordinance appropriating the sum of \$300. for the purpose of grading and graveling Lavaca street from 6th to 9th streets. The ordinance was read the first time and on motion of Alderman Schneider was referred to the Street Committee

Fire Com to investigate  
report on matter of  
accident insurance for drivers  
Hillerman Fire Dept

Alderman Schneider moved that the Fire Committee be instructed to investigate and report to the Council as to the advisability of the City taking out accident insurance policies on the drivers Hillerman of the Fire department, which motion was adopted

\$50. Extra Sanitary labor  
cutting weeds.

By Alderman Smith An ordinance appropriating the sum of \$50. for the purpose of paying for extra labor for Sanitary Dept. cutting weeds  
The Ordinance was passed under suspension of the rules by the following Yell

Ordinance to prescribe  
what shall constitute days  
labor for compensation

Yeas Aldermen Crocker Haynes Kume Macken Miller Nitochle Redd Schneider Shelley Shumate Smith & Ullit 12  
Nays Alderman Maddox

By Alderman Smith An ordinance to prescribe what shall constitute a days work on all public works of the City and to prescribe minimum wages which shall be paid for such work.

The Ordinance was read the first time and on motion was referred to the Ordinance and Street Committee by the following Yell

Yeas Aldermen Macken Maddox Miller Nitochle Redd Schneider & Shelley  
Nays Aldermen Crocker Haynes Kume Shumate Smith & Ullit 7

By Alderman Shumate An ordinance appropriating the sum of \$50 for the purpose of improving Peace Park. The ordinance was passed under suspension of the rules by the following Yell  
Yeas Aldermen Crocker Haynes Kume Macken Maddox Miller Nitochle Redd Schneider Shelley Shumate Smith & Ullit 13  
Nays None.

\$50. to improve Peace  
Park.

By Alderman Nitochle An ordinance appropriating the sum of \$50. for the purpose of widening the street was at 19th street The ordinance was passed under suspension of the rules by the following Yell  
Yeas Aldermen Crocker Haynes Kume Macken Maddox Miller Nitochle Redd Schneider Shelley Shumate Smith & Ullit 13

\$50. to widen street was

May none

Resolution as to express  
wagons standing on  
certain streets

Alderman Shumate offered the following resolution  
Resolved that the ordinance prohibiting the standing  
of moving vans and express wagons on Congress Avenue  
and 6th Street be rigidly enforced

On motion of Alderman Shumate the resolution  
was referred to the Ordinance Committee, with  
instructions to report at the next meeting of the Council

Resolution that Street  
Finance Committee  
be furnished with  
Telephones.

Alderman Macken offered the following resolution  
Be it resolved by the City Council of the City of Austin,  
that the Chairman of the Street Committee and the  
Chairman of the Finance Committee be and are hereby  
respectively authorized to subscribe for one telephone each,  
at the expense of the City

Alderman Macken moved the adoption of the  
resolution, which motion was lost by the following vote  
yeas Aldermen Macken Redd Smith & McKittrick 4  
nays Aldermen Crooker Haynes Hume Maddox  
Miller Nitschke Schneider Shelley & Shumate 9  
By Alderman Maddox An ordinance appropriating  
the sum of \$800.00 for the purpose of paying approved accounts  
The Ordinance was passed under suspension of  
the rules by the following vote  
yeas Aldermen Crooker Haynes Hume Macken Maddox  
Miller Nitschke Redd Shelley Shumate Smith  
& McKittrick 12

approved

May none

approved after the  
Sept

By Alderman Maddox An ordinance appropriating  
the sum of \$688.12 for the purpose of paying approved  
accounts Street Dept. The ordinance was passed under  
suspension of the rules by the following vote  
yeas Aldermen Crooker Haynes Hume Macken Maddox  
Miller Nitschke Redd Shelley Shumate Smith & McKittrick 12  
nays none.

Alderman Redd moved that the Council now  
proceed to the election of a Dog Catcher & Assistant  
Dog Catcher, which motion prevailed

Alderman Haynes nominated Las Evans for the position  
of Dog Catcher. On motion nominations were closed and the  
Clerk directed to cast the entire vote of the Council for Las  
Evans. The Chair declared Las Evans duly elected Dog Catcher  
for the ensuing term. Alderman Shelley nominated  
Hal Mason for Asst Dog Catcher. On motion nominations  
were closed, and the Clerk instructed to cast the vote of  
the Council for Hal Mason. The Chair declared Hal Mason  
elected as Asst Dog Catcher for the ensuing term

On motion the Council adjourned

Joseph H. H. Clark

Dog catcher and  
all elected  
Las Evans & Hal  
Mason