

Called Meeting of the City Council

Austin, Texas, March 28th 1905
 Hon W B Shelley President of the Council, presiding

Roll Called

Present Aldermen Crocker Haynes Kume Macken McEllen

Moore Nichols Redd Shelley Shumate Smith & Telfer

12

Absent Aldermen Maddox & Schneider

2

The following Call of the Council was read

Austin, Texas, March 28th 1905

To the Hon Mayor & City Council, of the City of Austin

Gentlemen:

We, the undersigned, do most respectfully petition you to call a special meeting of the City Council to be held at the City Hall in the City of Austin, at 8 o'clock P.M., on the 28th day of March 1905, for the purpose of considering what is known as an ordinance entitled, "An ordinance authorizing the Missouri, Kansas & Texas Railway Company of Texas to construct and maintain certain tracks, spurs and switches upon and across certain portions of San Jacinto, Trinity, Neches and Red River between third and fourth street in the City of Austin, Travis County, Texas," and also to hear the report or reports of the special committee appointed for the purpose of investigating and passing on said ordinance, and to pass on said ordinance and all and any amendments thereto. Also for the purpose of considering an ordinance amending an ordinance requiring the consent of the City Engineer and Street Committee before material can be removed, or files can be made in any and all streets

Respectfully Submitted

R. B. White

Mayor

J. B. Nichols

Geo. Kume

H. L. Haynes

J. Shumate

C. W. Moore

Austin, Texas, March 28th 1905

I hereby certify that the following named Aldermen have been served with a true copy of the above Call by having the same read to them in person, to wit:

J. B. Nichols Geo. Kume H. L. Haynes J. Shumate C. W. Moore
 W. B. Shelley L. R. Crocker J. Schneider J. Smith
 W. Redd W. McEllen H. Telfer

Alderman Maddox not being in town & Alderman

Joe Macken not being found, a true copy of the above Call was left at their places of residence

Respectfully
 A. Montgomery City Marshal

Call Council

Alderman Smith moved a Call of the Council
The Chair put the Motion shall a Call of the Council be ordered
with the following result
Yeas Aldermen Haynes Shumate & Smith 3
Nays Aldermen Crocker Kume Macken Miller Moore
Nickschle Redd Shelley & Whit 9
The special Committee to whom was referred an ordinance
granting the M&T R.R. permission to Construct and
maintain tracks, spurs & switches over certain streets of the City
presented two reports. Mayor White in the Chair
No 1. as follows.

Austin, Texas, March 28th 1905

To the Hon Mayor & City Council, of the City of Austin
Gentlemen:

Reports special
M&T. Committee

The following members of your special Committee
Appointed March 6, 1905, to whom was referred, "an
ordinance entitled an ordinance authorizing the
Missouri, Kansas & Texas Railway Company of Texas to Construct
and maintain certain tracks, spurs and switches upon and
across certain portions of San Jacinto, Trinity, Neches and
Red River streets between Third Street and Fourth Street in
the City of Austin, Travis County, Texas, beg leave to
report as follows:

- We recommend that the ordinance be passed with
the herein after Conditions:
- First That the Missouri, Kansas & Texas Railway Company
of Texas, be granted the franchise asked for in the above
said ordinance, provided that they will first gravel,
keep and maintain the entire half blocks occupied by them,
or which may under this ordinance be occupied by them,
and that during the continuance of this franchise, they
maintain said streets in good condition for travel, and
become responsible for any and all accidents
happening on said portions of said streets occupied
by them, caused from a failure to maintain said
streets in good condition, and to keep the same
graveled and in repair on the half blocks described in
the above ordinance
 - Second That the said railroad Company agree to
conform with any and all ordinances passed by the
City Council of the City of Austin, regulating the precaution
to be taken to prevent accidents at the above said street
crossings
 - Third That in addition to the above conditions, the said
railroad Company be required to pay into the City
treasury to the credit of the permanent street
improvement fund the sum of \$5,000 before they
be permitted to cross said street, as provided for

in said ordinance

H. L. Haynes
J. M. Skidmore
W. D. Kark

3 of special Committee

Report No 2.

Austin, Texas Mar 28th, 1905

To the Hon Mayor & City Council of the City of Austin

Gentlemen:

Appointed the following members of your special Committee appointed March 6th, 1905, to whom was referred "an ordinance entitled an ordinance authorizing the Missouri, Kansas & Texas Railway Company of Texas to construct and maintain certain tracks, spurs and switches upon and across certain portions of San Jacinto, Trinity, Neches and Red Rivers streets between third street and fourth street in the City of Austin, Travis County, Texas, they leave to report the following:

We the undersigned members of the special Committee, recommend that the ordinance be passed with the following Amendments

First That the Missouri, Kansas & Texas Railway Company of Texas be granted the franchise asked for in the above said ordinance, provided that they will gravel, keep and maintain that part of said streets occupied by them and between the south side of fourth street and the North side of the Alley between third and fourth streets during the continuance of this franchise and that they maintain said streets in good condition for travel, and become responsible for any and all accidents happening on said portions of said streets occupied by them, caused from a failure to maintain said streets in good condition, provided further that the said Missouri, Kansas & Texas Railway Company place and keep in repair sufficient drain pipes across the intersection of said streets with fourth street on the south side of fourth street from Brazos street east to the Creek, and providing further that no round house be located on said blocks 31, 32, 33 & 34 of the City of Austin, and providing further that the said ordinance does not relieve the Missouri, Kansas & Texas Railway Company from doing any paving which they as abutting property owners would be required to do under the present or future City ordinances

J. B. McKee

E. J. Moore

Geo. E. Linn

Wideman moved the adoption of report No 2.

Wideman moved as a substitute to adopt report No 1

After considerable discussion by different Aldermen, Citizens, who were invited to address the Council and the Mayor, a vote was taken on the substitute by Alderman Smith and the substitute lost by the following vote

Yeas Aldermen Haynes Shelley Shumate Smith 4
Nays Aldermen Crooker Hume Macken Milson Moore
Nitschke Redd Ulib 8

A Motion was then made to adapt report 2nd which Motion prevailed by the following vote

Yeas Aldermen Crooker Hume Macken Milson Moore
Nitschke Redd Ulib 8
Nays Aldermen Haynes Shelley Shumate Smith 4

The Mayor laid before the Council an ordinance authorizing the Missouri, Kansas & Texas Railway Company of Texas to construct and maintain certain tracks, spurs and switches upon and across certain portions of San Jacinto, Trinity, Neches & Red River Streets between third street and fourth street in the City of Austin, Travis County, Texas

The ordinance was read the second time

Alderman Nitschke offered a substitute for the ordinance and moved that the substitute be adopted, which Motion (after the reading of the substitute) was adopted Motion to suspend the rule was then made & lost by the following vote -

Yeas Aldermen Crooker Hume Macken Milson Moore Nitschke Redd Shelley Ulib 9
Nays Aldermen Haynes Shumate Ulib 3

Alderman Shumate moved to reconsider the vote by which the Council refused to suspend the rule and place the ordinance on its third reading which Motion prevailed -

A Motion was made to suspend the rule and place the ordinance on its third reading & final passage, which Motion prevailed by the following vote

Yeas Aldermen Crooker Hume Macken Milson Moore
Nitschke Redd Shelley Shumate Ulib 10
Nays Aldermen Haynes Smith 2

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

Yeas Aldermen Crooker Hume Macken Milson Moore Nitschke Redd Shelley Shumate Ulib 10

Nays Aldermen Haynes Shelley Shumate Smith 4

By Alderman Shumate an ordinance amending Art 64 of the Revised Civil & Criminal Code of the City of Austin

The ordinance was read the first time and on Motion was referred to the Street Committee
On Motion the Council adjourned
Jno. D. Fox Mayor - clerk

Ordinance passed

When the ordinance was read the first time