

Regular meeting of the City Council

Austin, Texas, May 10th 1905

Hon W. D. Shelley Mayor presiding

Roll Called

Present Aldermen Armstrong, Crocker, Cunniff, Dwyer,
Maack, Miller, Moore, Port, Powell, ~~Redd~~ ~~Wilhelm~~ ~~Smith~~

Absent Aldermen Redd, Von Rosenberg, Wilhelm 11

On Motion the minutes were approved as recorded by the clerk, without reading

Petitions, Memorials etc

By the Mayor, Petition of J. M. Bell, asking to have certain board fees refunded. Read and on Motion referred to the Committee on Claims & Accounts.
By the Mayor - Petition of Citizens to have a water trough moved from the north to the south side of West Chestnut.
On Motion the Water Light Commission was requested to make the change as requested.

Aldermen Von Rosenberg and Wilhelm entered the Council Chamber.

Reports of City Officers

The Mayor laid before the Council the reports of the Assessor & Collector of Taxes for the months of March and April 1905, which were on Motion referred to the Finance Committee, without reading

Reports of Standing Committees

Alderman Von Rosenberg for the five Committees to whom was referred the bill of East Austin Hose Co #4, for amount paid out for repairs to their Hall, presented a report recommending that the bill be allowed and paid.
On Motion the report was adopted.

Alderman Powell for the Police Committee to whom was referred the report of the City Marshal for the month of April 1905, presented a report stating that same had been examined and found correct. The report of the Committee was adopted.

Alderman Powell for the Police Committee, to whom was referred the resolution regarding Uniforms for Policemen, presented a report submitting an ordinance on the subject and recommending the passage of the ordinance. The report was read and on Motion was laid over to come up with the ordinance under the head of unfinished business.

Alderman Powell for the Police Committee to whom was referred an ordinance providing for the appointment of special Policemen, presented a report proposing certain amendments, recommending

Petitions etc
Mr. Bell to refund
board fees.

Citizens to move water trough

Reports of As & Coll

Reports Standing Com
Five on bill East Austin
Hose Co.

Police Marshals report

Police uniforms
for this yearPolice on appointment
Special Policemen

the passage of the ordinance with the amendments. The report was read and on motion was laid over to come up with the ordinance under the head of unfinished business.

C + A resolution
Ct Powell to refund
found 100

Alderman Peirson for the Claims and accounts Committee to whom was referred the petition of Lt Powell to have certain found fees refunded, presented a report recommending that the amount of \$4.00 be refunded. On motion the report was adopted.

Sanitary and
report

Alderman Wilhelm for the Cemetery Committee to whom was referred the report of the City Sexton for the month of April 1905, presented a report stating that same had been examined and found correct.

Gib Day for appointment
P. M. ...

On motion the report was adopted. By Alderman Wilhelm, petition from Citizens asking that Gib Day be elected Period Keeper. Read and laid over.

Alderman Redd entered the Council Chamber. Alderman Armstrong for the special Committee appointed to investigate certain Violations of the Charter as to working hours, presented the following report:

Austin, Texas, May 15th 1905

To the Hon W D Shelley, Mayor, and City Council of the City of Austin, Texas

Report of special
Committee on
Violations labor
ordinances

Gentlemen:

We, your special Committee, appointed for the purpose of investigating certain alleged Violations of the City Charter and ordinances of the City of Austin, beg leave to report as follows:

That we have carefully investigated the Charter of the City of Austin and have consulted the City Attorney with reference to the legality of the same, and find as follows: That Section 137 on page 16 of the City Charter of the City of Austin, passed by the Legislature of the State of Texas, and approved by the Governor on the 13th day of April, 1901, provided as follows:

"Eight hours shall constitute a days labor on all work performed for the City by mechanics, artisans and laborers, whether performed directly for the City or indirectly by contract."

We further find that, upon investigation, a branch of the City Government, to wit, what is known as the Austin Water, Light & Power Committee of the City of Austin, have adopted resolutions or rules providing that their employees shall work on public works belonging to said Committee and to the City of Austin, and twelve hours respectively, the outside men working ten hours, and the inside men working twelve hours,

This rule, providing for the work hours, as above, was inaugurated either by the Commission or by the present Superintendent of the Austin Water, Light & Power plant, J. A. Bachman; the exact way in which it was put in execution, we are unable to say. But the fact remains that the Superintendent, over the protest of certain individuals, is now working the employees of the Austin Water, Light & Power plant ten and twelve hours respectively.

We have, as above said, consulted the City Attorney, and in his judgment the provisions of the Charter, Article 107, above referred to applies with equal force to the Water & Light Commission and their employees, as it does to the employees of the City directly. That being the case, we report that the Charter provision and the ordinance based on the Charter provision are being violated by the Austin Water, Light & Power Commission and by their Superintendent.

We also think that employees working as the employees of the Water, Light & Power Plant now work, ten and twelve hours respectively, cannot perform their duties on labor as efficiently for a period of twelve hours as they could working a shorter space of time. We realize that the Austin Water, Light & Power Commission under the Charter of the City of Austin have a right to "fix salaries and amounts of compensation each employee shall receive with power to reduce or change such compensation at its pleasure", but we do not think that this provision of the Charter would allow them to work employees over eight hours, as provided for by Article 107 of the Charter.

We, therefore, recommend to this Council that they adopt the resolution herewith submitted, which provides that the employees of the plant be worked eight hours only, and that the Superintendent and the Water and Light Commission be requested to carry out the provisions of the Charter.

Joe Macken

Ed Moore

Chas J. Armstrong

On motion the report of the Committee was adopted.

Unfinished business

The Mayor laid before the Council the following resolution,

Whereas, the Austin Water, Light & Power Commission and their Superintendent and those in charge of the plant of the Austin Water,

Resolution on
Violations of
Charter by the W & L
Comm. & how law

Light & Power Commission are now engaged in operating their plant in the City of Austin with certain shifts of men; and
Whereas, the said Austin Water, Light & Power Commission and their Superintendent work said shifts of men and employees for the period of ten and twelve hours, respectively, the inside workmen and employees working twelve hours, and the outside workmen and employees working ten hours, respectively; and
Whereas, the City Council of the City of Austin understands that there is no authority of law on the part of the Austin Water, Light & Power Commission and their Superintendent to work said employees either ten or twelve hours consecutively, but understand and believe that Article 137 of the Charter of the City of Austin, approved by the Governor April 13th 1901, which reads as follows:

"Eight hours shall constitute a day's labor on all work performed for the City by Mechanics, artisans and laborers, whether performed directly for the City or indirectly by Contract" is applicable as well to the Austin Water, Light & Power Commission of the City of Austin and its employees, as it is to the City of Austin and its employees.

Therefore be it resolved by the City Council of the City of Austin that they do in their official capacity respectfully request the Austin Water, Light & Power Commission of the City of Austin to inaugurate and adapt in the management and control of their said plant and the operation thereof that provision of the Charter of the City of Austin, which provides for the eight hour work day for employees, and that they work their employees in accordance with said provision above quoted.

Respectfully submitted

Joe Macken
Chas J Armstrong
Edw Moore.

Special Policemen
appointment of

On motion the resolution was adopted.
The Mayor laid before the Council an ordinance providing for the appointment of special Policemen, with the report of the Police Committee proposing certain amendments to the same. The ordinance was read the second time.
On motion the amendments offered by the Police Committee were adopted. A motion was then made to suspend the rule and place the ordinance on its third reading & final passage, which motion prevailed, the following vote
Yeas Aldermen Armstrong, Groves, Cunningham, Macken

Miller Moore Petri Powell Redd Shumate Smith
 Von Rosenberg & Wilhelm 14
 May none

Police uniforms

The ordinance was read the third time & passed.
 The Mayor laid before the Council the substitute ordinance
 proposed by the Police Committee, to whom was referred
 the resolution requesting the Marshal to conform to certain
 rules regarding uniforms for policemen etc.
 The ordinance was read the first time & on motion the
 rule was suspended and the ordinance placed on its
 second reading by the following vote
 Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken
 Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg
 & Wilhelm 14
 Nay none

The ordinance was read the second time
 Alderman Smith moved to amend the ordinance by
 striking out the word "Station" and inserting in lieu thereof
 the word "Jupiael". Alderman Cuneo moved as a
 substitute that instead of "Station or Jupiael" the words
 "Grey Helmets, same as footmen" The substitute was
 adopted by the following vote
 Yeas Aldermen Armstrong Crocker Cuneo Macken
 Moore Petri Redd Shumate Von Rosenberg & Wilhelm 10
 Nay Aldermen Haynes Miller Powell & Smith 4

On Motion the rule was suspended and the ordinance
 placed on its third reading & final passage by the following vote
 Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken
 Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg
 & Wilhelm 14
 Nay none

The ordinance was then read the third time
 and passed
 The Mayor laid before the Council an ordinance to
 amend the Park ordinance, so as to allow the Council
 to elect the Park Keeper. The ordinance was read the
 third time and passed
 The Mayor laid before the Council an ordinance appropriating
 the sum of \$10.00 for the purpose of purchasing a clock for
 the Council Chamber, which having heretofore been read
 three times was passed.

Park Ordinance
 amended.

Purchase of clock
 for Council Chamber

\$50 in work in City
 Park

New Business
 By Alderman Wilhelm An ordinance appropriating
 the sum of \$50.00 in the purpose of making repairs and
 improvements in the City Cemetery.
 The ordinance was read the first time and passed on suspension
 of the rules by the following vote
 Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken

Miller Moore Petri Powell Redd Shumate Smith
Van Rosenberg & Wilhelm 14
Nays None.

Austin Electric R.R.
to change to single
track on E 6th St

By Alderman Shumate an ordinance permitting the Austin Electric Railway Company to change from a double to a single track its line of street railway on east Sixth Street in the City of Austin.

The ordinance was read the first time and on motion the rule was suspended and the ordinance placed on its second reading by the following Yell.

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith
Van Rosenberg & Wilhelm 14
Nays None.

The ordinance was read the second time
Alderman Powell moved to refer the ordinance to the Ordinance Committee and City Attorney with instructions to report at this meeting of the Council, which motion was lost by the following Yell.

Yeas Alderman Powell & Redd 2

Nays Aldermen Armstrong Crocker Cuneo Haynes Macken
Miller Moore Petri Shumate Smith Van Rosenberg & Wilhelm 12

Alderman Crocker offered the following Amendment
"Provided that the said Austin Electric Railway Company shall not hereafter have the right to lay a double track along said Sixth Street between Congress Avenue and East Avenue without first obtaining the consent of the Council of the City of Austin."

The amendment was adopted by the following Yell and the ordinance placed under suspension of the rules.

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith Van Rosenberg
& Wilhelm 14
Nays None.

\$4500 for paving
Congress Avenue

By Alderman Shumate an ordinance appropriating the sum of \$4500.00 for the purpose of paving the intersections of Congress Avenue comprising 9th 10th & one half of 11th Sts, and lowering water pipes. The ordinance was read the first time & a motion made to suspend the rule and place it on its second reading, which motion prevailed by the following Yell.

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith
Van Rosenberg & Wilhelm 14
Nays None.

The ordinance was read the second time,
Alderman Macken moved to amend same by adding
"Provided however that this appropriation shall be expended under the supervision of the Paving Committee and City Engineer."

and that it further be expended legally with reference to the
eight hour ordinance of the City of Austin

The amendment was adopted and the ordinance passed under
suspension of the rule by the following vote

Yeas Aldermen Armstrong Crocker Cline Hagner Macken Milson
Moore Petri Powell Redd Shumate Smith Von Rosenberg Wilhelm 14

Nays none.

\$36. to clean City Avenue

By Alderman Smith An ordinance appropriating the
sum of \$36.00 for the purpose of employing extra help for
sanitary inspection for the purpose of keeping paved street clean
The ordinance was read the first time and passed under
suspension of rules by the following vote

Yeas Aldermen Armstrong Crocker Hagner Macken Milson
Petri Powell Redd Shumate Smith Von Rosenberg Wilhelm 11

Nays Aldermen Cline Moore Von Rosenberg 3

Alderman Moore offered the following resolution, which
was read and adopted

Wd Com requested to
furnish list of employees
with salaries

Be it resolved by the City Council of the City of Austin that
the Water and Light Commission are respectfully
requested to furnish the Council an itemized list of the
number of men employed at the plant by the former
Commission and their salaries from Sept to the Coal
heavens, and that the Water and Light Commission are
further requested to furnish the Council an itemized list
of the number of men employed by them at the plant
and their salaries from Sept to the Coalheavens

City Engineer to open
Fredricksburg road

Alderman Redd moved that the City Engineer be requested
to state to the Council the condition of affairs regarding
the opening up of the old Fredricksburg road.

After statement made by the Engineer Alderman Moore
moved that the City Engineer be directed to interview
Mr M Butler, and that he be directed to proceed to
lay out said road in accordance with the agreement
filed and the ordinance passed on the subject, which
motion prevailed

Alderman Moore offered the following resolution
which was read and adopted

Be it resolved by the City Council of the City of Austin,
that the Water and Light Commission are hereby
requested to remove about 100 feet of 2" main in 7th and
beginning at east side of driving park to a point near
Bonds Garden and replace same with a 4" main
as said 2" pipe is entirely rotten and is a menace to
the public road

By Alderman Moore An ordinance appropriating the sum
of \$100.00 for the purpose of repairing roadway which is damaged
by water on 7th and the ordinance was read the first
time and passed under suspension of the rules by the

Wd Com requested
to move pipe & put in
other in 7th and.

following Vote
Yeas Aldermen Armstrong Crooker Cunea Farnes Macken Miller
Moore Petri Powell Redd Shumate Smith Von Rosenberg Wilhelm 14
Nays none

Alderman Shumate offered the following resolution
Resolved that the Police Committee investigate and report
on the ordinance relating to the necessity of employing a
dog catcher. The resolution was read

Alderman Macken moved as a substitute for the resolution
that the Council now proceed to the election of a dog catcher
and Asst Dog Catcher. The substitute was adopted.

The Mayor appointed Aldermen Von Rosenberg & Wilhelm
as tellers, and declared nominations for dog catcher in order

Alderman Petri nominated Rufus Overstreet

Alderman Miller nominated J. E. Shooter

Alderman Moore nominated Ab. Boutwell

Alderman Wilhelm nominated Z. C. Jacobs

Alderman Crooker nominated W. LeGair

Alderman Redd nominated Lao Coans

The tellers announced the following as the result of the
first ballot. Overstreet 2 Shooter 7 Boutwell 1 Jacobs 1
LeGair 2 Coans 1

There being no election a new ballot was ordered, which
resulted as follows, To wit:

Overstreet 5 Shooter 8 Boutwell 1

J. E. Shooter having received a majority of all the votes
cast the Mayor declared him duly elected dog catcher for
ensuing term

Nominations for Asst Dog Catcher being declared in order

Alderman Crooker nominated Joe Coleman

Alderman Redd nominated Jim Green

The tellers announced as a result of the first ballot
Coleman 7 Green 7-

There being no election a new ballot was ordered, which
resulted as follows, viz:

Coleman 8 Green 6.

Joe Coleman having received a majority of all the votes
was declared elected Asst Dog Catcher for the term.

Alderman Macken moved that the Council now
proceed to the election of a Keeper of Parks, which
motion prevailed.

Nominations being in order

Alderman Crooker nominated W. Pittsford

Alderman Moore nominated C. C. Barden

Alderman Wilhelm nominated E. C. Day

Alderman Macken nominated J. H. Powell

Alderman Redd nominated Henry Thumrose

Alderman Shumate nominated Tom McCounell

Dog Catcher
election.

Asst Dog Catcher
Joe Coleman
elected

Park Keeper
J. H. Powell
elected

The teller announced the following as the result of the first ballot: Pittsford C. Borden 1. Lay 1. Powell & Thummes 2. There being no citation another ballot was ordered, which resulted as follows: Pittsford C. Borden 1. Powell & Thummes 2.

No citation.

Third ballot resulted as follows: Powell & Thummes 3. Pittsford C. Borden 1. Lay 1. As Powell having received a majority of all the votes cast, the Mayor declared him elected as keeper of Parks for the ensuing term.

Alderman Thummes offered the following resolution which was read and adopted:

Committee to inquire into
the street sweepers

That it be resolved by the City Council that the Street Committee and Paving Committee be authorized to invite bids for a street sweeper and to submit such proposals as may be received to the Council for further consideration.

Ordinance requesting
work on the streets

By Alderman Armstrong An ordinance regulating work done on the streets and alleys of the City of Austin either by the City or private contractors or individuals. The ordinance was read the first time.

Alderman Von Rosenberg moved to lay the ordinance on the table. Alderman Maack moved to refer it to the ordinance committee, which motion prevailed.

\$350. for plumbing at
the Hospital

By Alderman Armstrong An ordinance appropriating the sum of \$350.00 for the purpose of paying for plumbing at the City Hospital. The ordinance was read the first time. Alderman Maack moved that before this money is expended the Hospital Committee be directed to confer with the County Commissioners Court in regard to the renewal of the contract with them for support of the Hospital, and ascertain if they will appropriate a similar amount for improvement of Hospital, which motion prevailed. The ordinance was then passed under suspension of the rules by the following vote: Yeas Aldermen Armstrong Broderick Cunniff Haynes Maack Miller Moore Petri Powell Thummes Smith Von Rosenberg & Wilhelm 13.

Ordinance permitting
the City to name
streets etc

Nays Alderman Redd. By Alderman Smith An ordinance permitting A. C. Heath to name and number the streets of the City of Austin and to place certain advertisements on such names and numbers.

The ordinance was read the first time and on motion was referred to the Street Committee.

for the street work

In the Street Committee an ordinance appropriating the sum of \$400.00 for the purpose of paying for street work. The ordinance was read the first time and passed under suspension of the rules by the following vote:

Aldermen Armstrong Crocker Cune Haynes Usacke Miller
 Moore Petri Powell Redd Shumate Smith Thibault Rosenberg & Williams
 none.

Alderman Haynes offered the following resolution which was
 read and adopted.

City Treasurer to
 transfer funds

Be it resolved by the City Council of the City of Austin: That
 the City Treasurer be and he is hereby directed to transfer
 from the Permanent Paving fund to the General fund the sum
 of \$250.00, amount erroneously paid out of the General fund
 for salary of Consulting Engineer on plans and specifications for
 paving Congress Avenue.

Alderman Shumate offered the following resolution
 which was read and adopted.

Finance Committee to
 determine if any
 fund.

Whereas the paving Committee of the City Council are
 desirous of knowing the exact amount of unappropriated
 balance now existing in the Permanent Street Paving fund
 Now therefore be it resolved by the City Council of the City
 of Austin that the Finance Committee be and they are
 hereby instructed to investigate and report the unappropriated
 balance now in the City Treasury to the credit of the
 permanent street paving fund, and that said Committee
 be requested to report to a special meeting of the City
 Council to be hereafter called.

Alderman Shumate offered the following resolution
 which was read and adopted.

Whereas it is the desire of certain property owners and of
 the street Committee and occupants of buildings on East
 6th Street to have the streets paved with vitrified brick in
 front of their respective property.

Mayor & Paving
 Com authorized to
 contract for paving
 part of East

Now therefore be it resolved by the City Council of the City
 of Austin that the Mayor and Paving Committee of the
 City Council be and they are hereby authorized to enter into
 a contract with Messrs Brown & Dabney for the paving
 of East 6th Street from Congress Avenue east to Red River
 Street with vitrified brick, and under the same terms
 and conditions and for the same price per square yard
 both for paving and excavating as the paving of Congress
 Avenue.

Police Committee
 given time on
 police ordinance

Alderman Powell for the Police Committee whom was
 referred an ordinance repealing certain bond ordinance
 asked for further time in which to report on same, which
 request was granted.

Charter Amendment

Alderman Haynes for the special Committee appointed
 to obtain from the Legislature a change in the Charter
 stated that the Committee had discharged its duty and
 the change in the Charter obtained. The Mayor suggested
 that the Committee be continued for further service looking to the
 passing of the same, & it was so ordered.

Von Rosenberg & Shumate
added to same Committee

Bonds of J. J. Treasurer
H. A. Hae approved.

affairs at dept

On motion of Alderman Haynes, Alderman Von Rosenberg and Shumate were added to the Committee.

The Mayor laid before the Council the official bonds of H. A. Hae as City Treasurer which were approved by the Council.

By Alderman Haynes an ordinance appropriating the sum of \$240.00 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 Yell

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg and Wilhelm

14

Way none.

Approved accounts

By Alderman Haynes an ordinance appropriating the sum of \$954.92 for the purpose of paying approved accounts.

The ordinance was read the first time and a motion made to suspend the rule and place it on its second reading, which motion prevailed by the following Yell

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg and Wilhelm

14

Way none.

The ordinance was read the second time.

Alderman Haynes moved to amend same by adding "for East Austin Hose Co \$4 for repairing building \$60.13". The amendment was adopted and the ordinance passed under suspension of the rule by the following Yell

Yeas Aldermen Armstrong Crocker Cuneo Haynes Macken Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg and Wilhelm

14

Way none.

On motion the Council adjourned.

Frederickson
City Clerk