

Called Meeting of the City Council

Austin Tex Oct 8th 1884

Leon J. W. Robertson Mayor Presiding

Roll call present Aldermen Schneider, Cutler
Gillow, Hancock, Miller Campbell Schuber Underhill
Maas, Warren, Crocker, Odell, Platt, Ervin Bruck & Brennen 16
Absent Aldermen Driskill Carrington Robertson & Bill

The following Call of the Council was read

Call of
the Council

Mayors office

Austin Texas Oct 8th 1884

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

Gentlemen

I hereby call a special meeting
of the City Council to meet this evening
at 7.30 o'clock for the purpose of receiving and acting
on the report of the special committee on matters
relating to the City water Company and to consider
such other matters as may then be presented for your
action

Very Truly &c.

Your Obedt Servt

J. W. Robertson Mayor

Leave of absence Leave of absence for 30 days was granted to
to John S. D. Johns. Recorded

special
Police

The Mayor nominated as special policemen
J. V. Williams J. D. Connor Louis Mc. Lher & A.
Lindicum on motion the nominations were
confirmed

majority
report, Special
on water
supply

Majority report of the special committee to
whom was referred the claim of the City Water Co
To his honor the Mayor and the City Council
Gentlemen— The special committee to whom
was referred the claim of \$5000. of the City Water Co
against the City, and to ascertain whether the
contract has been fulfilled by leave to state that

that they have had the matter under consideration and find that the City Water Company has not complied with its contract and recommend that said contract be annulled.

In view of the fact that no official notice was served upon the City Water Company that they were not complying with their contract nor an investigation ordered by the City Council in the matter, we recommend that their failure prior to July 1st 1884 be waived and the claim of \$5000 be paid.

L. M. Crooker, J. M. Odell,
R. C. Odell, & Warren.

Finance minority
report under
claim.

Alderman Clath submitted the following minority report of the special committee on the claim of the City Water Company.

To the Hon. Mayor and the Board of Aldermen of the City of Austin

The undersigned members of the committee appointed to investigate alleged violations by the City Water Company of the terms of the contract between said company and the City of Austin, that exact justice may be done to all and that the good faith and the credit of the City maintained, respectfully report that they are unable to agree with the majority of the Committee in the report made by them and beg leave to submit the following as a minority report.

To our minds the investigation by the Committee has not been conducted in the impartial and exhaustive manner that the importance of the question involved, craves to us to demand. The water company was not represented either by its officers or council during the sessions of the committee and hence the hearing was conducted entirely ex-parte, and not as satisfactory as would have been had both sides been heard.

We further respectfully submit that in our opinion the evidence taken by the committee is not of that

October 8th 1887

clear and convincing nature that would justify the City in annulling a contract of such magnitude and importance and to do so would necessarily involve the City in litigations the result of which at least under present lights seems any thing but favorable to those whose interest we represent

We would respectfully submit that in our opinion the execution officer of the City whose duty it is to see that all contracts with the city are duly observed should have assumed the responsibility of advising the council of any breach or violation of this contract that a thorough investigation by them might have developed the facts. Had such investigation been made by the Mayor or under his supervision and an advisory report made thereon by him the Council would have been in a position to take intelligent action in the premises as it is merely a committee composed of less than one third of the City Council has conducted the investigation and in the manner before stated and the result is that the matter is not presented to the council in a manner to justify final action

In making these suggestions we do not wish to be understood as being unwilling or reluctant to perform any duty or to assume any responsibility resting upon us as representatives of the Citizens of Austin but merely to indicate what in our judgment would be the proper course to pursue in a matter of such vital and general interest

We would therefore recommend that the amount of the water company for \$5000. approved by the Finance committee be paid

Respectfully
A. Clark

minority
Pillow on
water cont.

Udorman Pillow submitted the following as a minority report of the special committee on the Claim of the City Water company

To Hon. J. W. Robertson, Mayor

The special committee to whom was referred the

question of paying the City Water company the account \$5050. claimed to be due July 1st 1884 and to enquire whether or not the said City water company had complied with its contract. Org. leave to report that they have had the matter under consideration and find that in their opinion the city water Company has not fulfilled its contract and therefore we recommend that the account of \$5050. be not paid

Ben A. Pillow Chairman

R. B. Underhill

Alderman Hill came in and answered to his name.

Alderman Brush moved to lay all the reports on the table motion lost.

The motion to substitute and adopt the report offered by Ald. Pillow for the majority report was lost by the following vote yeas Sutton Pillow Hancock Campbell Schuber Underhill and Hill 7 Nays Aldermen Schneider Wells Maas Warren Crooker Odell Platt Ervin Brush and Brennen 10

The motion to substitute and adopt the report offered by Ald. Platt for the majority report was lost by the following vote yeas Maas Platt Brush and Brennen 4 Nays Schneider Sutton Pillow Hancock Wells Campbell Schuber Underhill Warren Crooker Odell Hill & Ervin 13.

The motion to adopt the majority report of the Committee was lost by the following vote yeas Wells Warren Crooker Odell & Nays. Schneider Sutton Pillow Hancock Campbell Schuber Underhill Maas Hill Platt Ervin Brush and Brennen 13

Alderman Brush introduced an ordinance appropriating the amount due the water Company on motion was laid on the table

Alderman Crooker moved to discharge the Com. on water affairs

October 8th 1884

matter to whom was referred the claim of the City Water company motion carried by the following vote yeas Schneider Auton Pillow Hancock Wells Campbell Schubert Underhill Warren Crooker Hill & Ervin 17. Nays. Maas Odell Platt Brush & Brannen 5

2nd article

resolution

to amend

water contract

Alderman Underhill introduced the following Resolution

Resolved by the City Council of the City of Austin 1st. That the city water Company has failed to comply with its contract with the City of Austin and has thereby forfeited all rights and privileges under said contract

2nd. That the contract heretofore existing between the City of Austin and the City Water company be and the same is hereby declared forfeited and void and and no longer of any force and effect.

3rd. That a committee to consist of three aldermen and the mayor of the City be appointed by the mayor to adjust and settle all equitable claims which said water company may have against the City to this date which committee shall report their actions and recommendations to the next meeting of this city council

4th That this resolution take effect and be in force from and after its Passage

to pass

hereafter

until

Alderman Brush offered the following resolution which was laid on the table

Resolved that a committee of 3 be appointed to act with the City attorney to investigate the matter thoroughly as to the violations of its contract with the City

strike out

sec. 1 & 2

resolution

Alderman Hill moved to strike out section One & Two of the resolution offered by Underhill motion carried by the following votes Yeas Schneider Auton Pillow Hancock Schubert Underhill Warren Maas Crooker Odell Hill Platt Brush Brannen & Ervin 13 Nays Pillow Hancock Schubert & Underhill 4.

to table Alderman Pillow moved to lay the Resolution on the table motion lost.

The motion to adopt the resolution as amended was carried by the following vote (Yeas 10, Nays 4)
 Hancock, Wells, Campbell, Wade, Warren, Crooker, Odell, Lill, West, Ervin, Brush & Brewster, (G.)
 Nays: Schneider, Pillow, Schubert, Underhill &

The Mayor appointed as the committee, to adjust and settle the claim of the water Company.
 Alderman Hancock, Hill and Crooker.

Alderman Wells presented a petition asking that an obstruction in the alley running through Block 109, be removed. Referred to the Committee.
 On motion the Council adjourned.

Thomas L. Turnell
 City Clerk

Read and approved October 7th 1884