

The Minutes of a Called Meeting of the City Council.
Austin, Tex., Oct. 10th. 1893.

Hon. John Mc Donald, - mayor, presiding.

Roll Call. Present - 10.

Aldermen -
Glass, Raymond,
Hancock, Schubert,
Sinn, Shelley,
North, Taylor,
Powell, Warmoth.

Absent - 12.

Aldermen -
Hysmann, Ketchum,
Anderson, Miller,
Lawson, Kitchie,
Fischer, Platt,
Hume, Townsend,
Jackson, Schneider.

Alderman North moved a Call of the Council, which was duly seconded and adopted.

Alderman North also moved that the Council take a recess of 5 minutes. Carried.

After expiration of recess the roll was again called and resulted as follows:

Present - 13.

Aldermen -
Fischer, Kitchie,
Glass, Powell,
Hancock, Raymond,
Ketchum, Schubert,
Sinn, Shelley,
North, Taylor,
Warmoth.

Absent - 9.

Aldermen -
Anderson, Hume,
Hysmann, Miller,
Lawson, Platt,
Jackson, Schneider,
Townsend.

It was moved that a further recess of five minutes be taken by the Council, and the motion was adopted.

After expiration of recess the roll was again called with the following result:

Present - 15.

Aldermen -
Fischer, North,
Glass, Powell,
Hancock, Raymond,
Ketchum, Schneider.

Linn, Schubert,
Miller, Shelley,
Nitschke, Taylor,
Wamoth.

Absent - 7.

Aldermen -

Anderson, Thune,
Assmann, Jackson,
Dawson, Platt,
Townsend.

The Call of the Council was a motion suspended.
The following Call of the Council and Certificate there-
on was read:

Office of Mayor,
Austin, Tex., Oct. 9, 1893. }
To the members of the Board of Aldermen of the City
of Austin:

Gentlemen - I hereby call a special
meeting of the City Council of the City of Austin
to assemble at the City hall at 5 o'clock p. m.
Tuesday, Oct. 10, 1893, for the purpose of receiving
the report of the Special Committee on water rates and
acting upon the recommendations therein contained.

John McDonald, Mayor.
H. p. m. Austin, Oct. 10, 1893.

I hereby certify that the following aldermen
have been served with the above call by having it read
to each of them in person, viz: Anderson, Assmann,
Dawson, Fischer, Glass, Hancock, Ketchum, Linn,
Miller, Nitschke, North, Powell, Raymond, Schneider,
Schubert, Shelley, Taylor, Townsend and Wamoth and
that a true copy has been served on Aldermen Thune,
Platt and Jackson by leaving it at their places of business
they being out of the City.

James E. Lucy, City Marshal.
Alderman Assmann entered the Council and
answered to his name.

Alderman North presented the following report:

Austin, Tex., Oct. 10, 1893.
To the Honorable, the City Council of the City
of Austin:

Your Special Committee to whom was
referred the Communication of Joseph Spence, Esq. Receiver
of the Austin Water, Light and Power Company, under
date of Sept. 18, 1893, wherein a claim is made against
the City for \$13,050, half cash and half payable Jan.
1, 1894, besides an exemption of City taxation for water
furnished for water troughs, cemetery, public buildings
and flushing, beg leave to report as follows:
We find that your water and light Committee on
July 1, 1893, made an exhaustive examination of this matter
and reported that \$6.95 per annum was a liberal
compensation for the water furnished to the City for

public uses. That report was adopted by your body on July 1, 1893, and approved by the Mayor on July 3, 1893. On the same day your body accordingly passed an Ordinance appropriating the sum of \$8075 for the purpose of paying the Austin Water, Light and Power Company for five hydrants for protection from fire and flushing gutters, etc; from July 1, 1892 to June 30, 1893. This ordinance was duly approved on July 3, 1893, and said \$8075 were duly paid to and received by the said Joseph Spence, receiver of the Austin Water, Light and Power Company.

We find that in pursuance of the recommendations of your water and light Committee in their said report of July 1, 1893, a suit has been instituted in the district Court of Travis County by the City against the Austin Water Light and Power Company and others to have judicially declared void a certain alleged Contract supposed to have been entered into between the City and the then City Water Company on April 13, 1882, and to recover from the present water company the control of the streets it has unlawfully usurped, and the value of such use and occupation.

We also find that two warrants proceedings have been instituted by the State of Texas in the district Court of Travis County to forfeit the franchise and Charter of the City Water Company, wind up its affairs and dispose of its assets.

We also find that the Austin Water, Light and Power Company has been placed in the hands of Mr Joseph Spence as receiver, under proceedings instituted in the federal Court at Austin at the instigation of Jos. Valle.

Your Committee believe the claims and demands of said receiver to be unreasonable and excessive.

We believe, however, that the City, in accordance with the adopted recommendations of your water and light Committee in their said report of July 1, 1893, should pay the receiver operating said plant the reasonable value of the water service furnished the City for public uses, and we believe that said sum of \$8075 per annum fixed by your body is not only just but liberal.

We find that the City has had the benefit of this service since July 1, 1893, and that during 14 days of the month of September, 1893, the said receiver, by reason of the machinery under his charge breaking down, failed to furnish any water for public purposes, thus putting the City to considerable expense in hauling water to fill its five cisterns etc.

We recommend that the receiver be paid \$1345.83 for water service during July and August and for 16 days during the month of September the further sum of \$366.23, making a total sum of \$1712.06 for water service from July 1, 1893, to Sept. 30, 1893, this being at the rate of \$8075 per annum, and recommend the passage of the accompanying ordinance appropriating said sum for said purpose. We further recommend that your body hereafter pay for said water service at the same rate monthly at the expiration of each month.

Respectfully Submitted,

William J. North,
W. D. Shelley,
J. Schuber.

The report was on motion unanimously adopted and the City Clerk instructed to print the same in full in the minutes of the City Council.

Alderman North introduced an Ordinance Entitled, "An Ordinance appropriating the sum of \$1712.06 for the purpose of paying the receiver of the Austin Water, Light and Power Company for water furnished the City of Austin for public purposes and public buildings and grounds for the months of July, 1893, August, 1893, and for 16 days during the month of September, 1893."

It was read after which motions were made to suspend the rules and place the Ordinance on its second and third readings, and that it do now pass, each of which were adopted by the following Vote:

Yeas - 16.

Aldermen -

Assmann,
Fischer,
Glass,
Hancock,
Ketchum,
Linn,
Miller,
Nitschke,

North,
Powell,
Raymond,
Schneider,
Schuber,
Shelley,
Taylor,
Warren.

The Council then adjourned.

Milton

Morris,
City Clerk.