

. Regular meeting of the City Council: Austin, Texas, February 25th 1915 :

The Council was called to order by the Mayor: Roll called:

Present Mayor Wooldrdige, Councilmen Anthont, Bartholomew, Haynes & Powell 5

Absent none :

The minutes of the last regular and subsequent recessed meetings were read and adopted :

Reports of City Officers :

The Mayor laid before the Council the reports of the Supt of Streets ,the Supt of the Water & Light Dept& the Sanitary Inspector, which were read and ordered filed :

.Councilman Powell offered the follo wing resolution :

Whereas, Johnson & Carr,who completed contracts for laying of sewera and work in connection therewith,as herein after respectively set out ,gave bond of the American Surety Co for the maintenance of same for the period of one year from date of completion:

Maintenance Bond  
Johnson & Carr  
Released

Canadian Street Main, April 18th 1913.

First Street Main ,May 15th 1913

6 C contract 7, June 20th 1913

1 H contract 7, July 5th 1913

1 1 Contract 7, July 25th 1913

Contract NO 14, October 24th 1913

Contract No 11, November 19th 1913

Contract No 13, Jany 27th 1914.

Whereas, said period of one year has expired,and bond no longer required under the contract ,all work in connection with said contracts having been satisfactorily performed,

Therefore ,be it resolved by the City Council of the City of Austin,Texas:

that said Johnson & Carr be and they are hereby released from the bond.

The resolution was adopted by the following vote :

Yeas Mayor Wooldrdige, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none.

Approved, A P Wllotridge, Mayor.

Councilman Bartholomew offered the following resolution :

Resolved by the City Council of the City of Austin,Texas :

That the sum of twenty thousakd (\$ 20.0000.00) dollars or so much thereof as may be necessary, be appropriated out og the Earnings fund of the Water., Light and Power Department of the City of Austin, Texas, for the purogase of material and general expenses of the Water, Light and Power Department.

The resolution was read the 1st time and laid over for one week .

Councilman Powell offered the following resolution :

norWhereas, on the West side of Lampassas street from 27th streeta North ,the dolid rock projects out into the street a distance of about 8 feet ,and

Whereas ,the Presbyterian Theological Seminary wishes to build sidewalk and steps at the corner, and cannot place the same back on the proper line without a heavy expense of blasting out rock ; and

Whereas, this would not be of any material advantage to the street until the same is widened north of this street for the distance of a block more or less, Therefore ,

Be it resolved by the City Council of the City of Austin,Texas :

That temporary permission be and the same is hereby given to the Presby- terian Theological Seminary to extend their steps out to a point near bank on the southwest corner of Lampassas & 27th street ,with the proviso that the said steps shall be taken up and placed back on the correct line ,at the expens of said Seminary ,at such time in the future as the rock shall be taken out back to the correct curb line of the street,and the street thus widened in the block north from 27th street .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none,

Approved, A P Wooldrdige, Mayor.

The Mayor laid before the Council An ordinance requiring the Houston & Texas Central Railroad Company to pave 3rd or Cypress street from its East intersec- tion with. XXX Congress Avenue to its intersec- tion with the East line of Neches street and to construct certain sodewalk s and curb lines ,in consideration for which said Houston and Texas Central Railroad Company is granted the right to re-arrange its existing tracks on said 3rd or Vypress street between Congress Avenue and Neches street,and to construct additional tracks on Cypress pr 3rd street ,all in the City of Austa Texas. This Ordinance was read the 1st time on February 18th 1915,and was laid over for one week.

The ordinance was read the second time and passed under suspension of the rule,by the following vote :

Yeas Mayor Wooldrdige, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none.

The following communication from the City Attorney was read and ordered recorder in the minutes of the Council .

Austin, Texas, February 18th 1915.

The City Council, Austin,Texas .

Gentlemen :

I am returning to you the proposed ordinance ,to be entitled, @" An ordinance requiring the Houston and Texas Central Railroad Company to pave 3rd or Cypress street from its intersection with Congress Avenue .

*Sidewalk & Steps Lampas St 27th North*

*Ordinance Paving 3rd or Cypress Street from its intersection with Congress Avenue to its intersection with the East line of Neches street and to construct certain sidewalk and curb lines in consideration for which said Houston and Texas Central Railroad Company is granted the right to re-arrange its existing tracks on said 3rd or Vypress street between Congress Avenue and Neches street, and to construct additional tracks on Cypress pr 3rd street, all in the City of Austin, Texas.*

*City Attorney  
Reasons for not  
Approving  
Ordinance*

to its intersection with the East line of Neches street and to construct certain sidewalks and curb lines, in consideration for which said Houston and Texas Central Railroad Company is granted the right to re-arrange its existing tracks on said 3rd or Cypress street between Congress Avenue and Neches street and to construct additional tracks on Cypress or 3rd street, all in the City of Austin, Texas, "without my approval, for which I beg to assign the following reasons:

Section 6 of this ordinance, as originally proposed, reads as follows:

"That said Railroad Company is further granted the right and permission to operate its engines, trains and cars upon said railroad tracks and to grant such right to other railroads or transportation companies lawfully operating within the City of Austin on such terms and conditions as said railroad company may elect"

When this draft was submitted to me, I addressed a communication to Mr G S Waid, General Manager of the company, calling his attention to the fact that the language, as contained in Section 6, would have the effect of delegating to the railroad company the power to grant privileges on a public street of the City, which would be absolutely repugnant to the law, and therefore, I indicated to him that I would disapprove the ordinance unless this provision was eliminated. In answer Mr Waid proposed to strike out the word "its" before "Engines" in said section, and all of the remainder of said section after the word "Tracks", and to insert in section 1 the words, "its successors and Assigns" after the words "Houston and Texas Central Railroad Company" where it appears in said section the second time.

It is my opinion that this change does not relieve the proposed ordinance of the vice of an attempt to delegate to the railroad Company to grant privileges in a public street of this City, which is not only repugnant to law, but would be an ultravires act of the City Council and a far reaching and unsound municipal policy.

I believe that the ordinance as proposed, if enacted, would be invalid, and being firmly convinced of this fact, I cannot approve same, and respectfully ask that this communication be spread upon the minutes of the City Council.

Very Respectfully Yours  
J Bouldin Rector, City Attorney.

February 26th 1915, All present:

The Mayor laid before the City Council the following resolution:

Whereas, Miss Mary Dawson owned Lot No 4 in Block No 124, in the City of Austin on the 1st day of January, 1913; and whereas, J A Jackson, purchased from said Miss Mary Dawson said property on May 15th, 1913, as agent and Trustee of the first Baptist Church of Austin; a religious Corporation, and held said property for said Church, for the purpose of constructing a church building thereon until his conveyance of said property to said church on December 19, 1913, in execution of said trust; and whereas, from the date of the purchase of said property from Miss Mary Dawson as aforesaid, it has been contemplated by said church to use same exclusively for religious purposes and is at present the purpose of said church to use same for said purposes; and whereas, from these facts it appears that said property is chargeable with City taxes for the year 1913 only from January 1st, to May 15, 1913, but, there appears on the City tax records the sum of \$ 60.70, same being \$ 55.00 taxes, \$ 2.95 interest, and \$ 2.75 penalty;

*Lot 4. Block 124  
Church property  
exempt from  
taxes*

Therefore Be it resolved by the City Council of the City of Austin :

That the City Assessor & Collector be and he is hereby instructed and authorized to receive in full payment for the taxes due on said property for the year 1913, the sum of \$ 22.80, and that he hereafter designate said property as exempt and carry same as such on said rolls so long as same shall be exclusively used for religious purposes .

The resolution was adopted by the following vote :

Yeas Mayor Wooldrdige, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none.

March 3rd 1915: All present :

The Mayor laid before the Council the following resolution :

Be it resolved by the City Council of the City of Austin, Texas :

That the sum of seven hundred thityone & 69/100 ( \$ 731.69) dollars be transferred from the Sanitary Sewer Earnings fund to the Sanitary Sewer fund for the purpose of re-imbursing said fund for an overdraft in said Sanitary Sewer fund for this amount, and that the City Treasurer be requested to make said transfer.

The resolution was adopted by the following vote :

Yeas Mayor Wooldrdige, Councilmen Anthony, Bartholomew, Haynes & Powell 5

Nays none.

Approved, A P Wooldrdige, Mayor.

The Mayor laid before the Council the following resolution, which was read the 1st time and laid over for one week :

Resolved by the City Council of the City of Austin, Texas:

That the Budget of the Mayor of the City of Austin for the Water, Light and Power Department of this City for the year 1915, dated March 3rd 1915, and appropriating the gross sum of \$ 407,086.39, be and the same is hereby approved and the specific appropriations therein recommended be and the same are hereby made.

The Council then adjourned.

*Geo. Johnson*  
City Clerk

*Transfer from  
Sanitary Sewer*

*Water Light  
Budget for  
1915*