

Minutes of a Regular Meeting of the City Council.

Austin, Texas, February 4, 1895.

Hon John M^d Donald, mayor, presiding.

Roll call.

Present Aldermen Anderson, Asmann, Fischer, ^{Glasgow} Smith, Suth,
Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, (Rock),
Roberdeau, Schneider, Taylor, Townsend, Warrmoth - Total, 19.

Absent - Aldermen Linn, Shelley, Tobin - 3.

The minutes of the meeting of the city council held January 21, 1895, were adopted as printed.

Petitions, Etc.

Petition to open street.

A petition of citizens requesting that a street 100 feet by 40 feet be opened between State street and the Austin and Burnet road, was read and referred to the committee on Streets, Bridges and Alleys.

Alderman Shelley entered the council and answered to his name.

Austin City Cemetery
Assn. Proposition

By Alderman Fischer - A proposal of the Austin City Cemetery Association to add to the present city cemetery, the strip of land adjoining it on the east and north. The proposal was laid over to come up under an ordinance in regard to the subject.

Petitions on above

By Alderman Nitschke. Five petitions of citizens and tax payers favoring the proposed extension of the city cemetery, all of which were laid over to be taken up with an ordinance in relation to the matter under the head of unfinished business.

J. & S. Koppel

By Alderman Nitschke. A petition from J. and S. Koppel requesting permission to erect an iron stairway three feet wide, in the rear of building No 318 and 320, block 29, Congress Avenue.

Alderman Schneider moved to refer it to the street committee with power to act and the motion prevailed.

Reports City Officers

Reports Of City Officers.

Alderman Anderson moved to dispense with the reading of reports of city officers for the month of January, 1895, and to refer them to their respective committees. Carried.

By the City Engineers.

Austin, Texas, February 4, 1895.

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

Gentlemen - I hereby respectfully report that the City of Austin Beverage Company has finished its sewage system in this city and that the work done and material furnished is in conformity with the plans and specifications adopted and accepted by your honorable body.

Respectfully J. H. P. M^d Fall, City Engineer.

On motion the report was received and filed.

Reports of Committees.

Alderman Roberdeau, for the Committee on Fire Department, to whom was referred an ordinance appropriating the sum of \$60 for the purpose of reflooring two stalls in building of Protection Horse Company No. 3, and to provide necessary drainage for same, presented a report recommending the passage of the ordinance and the report was adopted.

Alderman Anderson, for the committee on Purchases presented the following report:

Austin, Texas, February 4, 1895

To the Hon. Mayor and City Council:

Gentlemen: Your purchasing committee have made the following awards:

First. For horse-shoeing to H. H. Cook for year ending Nov 30, 1895.

Second. For culvert pipe to W. B. Brush for the year ending Nov 30, 1895.

Third. For horse feed to Martin Robinson for quarter ending March 31, 1895.

Very Respectfully

C. E. Anderson, Chairman.

The report was adopted and the Mayor authorized to enter into contracts with ^{the persons named in accordance with} their respective bids.

Unfinished Business.

An ordinance appropriating the sum of \$28 for the purpose of paying D. P. Kinney for rent of land used by the city in placing electric light poles on his property in the city of Austin was taken up on its second reading and read. Alderman Powell then moved to amend the same by striking out section two which reads as follows:

Section 2 Before the warrant covering the appropriation hereby made is delivered to said D. P. Kinney he shall execute and deliver to the City Clerk a release in full of all demands of any character by reason of the occupancy of his lands or lots in constructing the city water and light system.

The amendment was lost by a rising vote of 6 to 10.

Alderman Platt moved to lay the ordinance on the table and the motion was adopted by the following vote:

Yeas. Aldermen Asmann, Fischer, Glass, Glascock, Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Warmoth - 11.

Nays. Aldermen Anderson, Goeth, Powell, Redd, Roberdeau, Schneider, Shelby, Taylor, Townsend - 9

An ordinance appropriating the sum of \$60 for the purpose of reflooring two stalls in Protection Horse Company hall No. 3 and to provide for the proper drainage of the same was taken up on its second reading, read and passed under suspension of the rules by the following vote:

Yeas. Aldermen Anderson, Asmann, Fischer, Glass, Glascock, Goeth, Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelby, Taylor, Townsend, Warmoth, total 16.

\$28 D. P. Kinney.
Tubed.

Protection Horse Co.
Reflooring stalls.

Bull Creek Ord.

Alderman Tobin entered the council and answered to his name. An ordinance appropriating the sum of \$1487.50 for the purpose of paying one half of the expense of construction of a road around back water in Bull creek, was taken up on its third reading and read.

Alderman Platt moved to lay it on the table. Lost.

The ordinance was then passed by the following vote:
Yeas- Aldermen Anderson, Asmussen, Fischer, Glass, Goeth, Jackson, Lawless, Nitschke, Powell, Redd, Roberdeau, Schneider, Shelley, Tobin, Townsend, total, 15.

Nays- Aldermen Glascock, Haynes, Harne, Platt, Taylor, Warmath, total 6.

Police ordinance.
Tabled.

An ordinance amending article 327, chapter 1, title 18 of the Revised Civil Ordinances of the city of Austin, was taken up on its third reading and read.

It provides for increasing the police force.

Alderman Schneider moved to lay the ordinance on the table and the motion prevailed.

Culvert on W. 5th St.

An ordinance appropriating the sum of \$1449.50 for the purpose of building an arch culvert on West Fifth street, at the intersection of Nueces street, over Little Shoal creek, was taken up on its third reading and read.

Alderman Powell moved to postpone action on the same until the next regular meeting of the city council and the motion prevailed.

New Business.

Mayors veto of Cemetery Ord.

The mayor presented the following message:

Austin, Texas, January 28, 1895

Gentlemen of the City Council:- I herewith return to you "An ordinance entitled 'An Ordinance to amend section 1 of an ordinance entitled an ordinance to regulate the burial of the dead bodies of human beings within the corporate limits of the City of Austin, approved, February 8, 1893, and accepting the proposal of the Austin City Cemetery Association made to the city of Austin under date of January 21, 1895,' without my approval for the following reasons:

Some four years ago the city purchased a tract of land adjoining the old cemetery and immediately west of the proposed extension with a view of enlarging the cemetery. Suits for injunction were instituted by citizens enjoining the city from using said land for burial purposes. That injunction still lays against the city. If it is detrimental and dangerous for the city to use its ground the city ought not to allow private corporations to do so.

The ordinance which it is now proposed to amend was passed for the express purpose of preventing what the

proposed amendment seeks to authorize. We have been seeking to maintain the validity and enforcement of this ordinance by a suit in court for the last year, thus leading the people interested to believe the city was protecting them against the cemetery encroachment. I hold that it would not be just to them for the city to change front and legalize the opening of the addition to the cemetery without ^{giving} those opposed to the same an opportunity of being heard in the matter. Having often assured them that the city would protect them in their rights I deem it my duty to do so far as I can, while I do not wish to set my judgment in opposition to that of the city council.

Give the citizens living adjacent to the property an opportunity to be heard and if you think it advisable I will offer no objection.

I am informed that the description of the land is defective. The ordinance does not mention the size of the lots, although the prices are named.

An ordinance of this kind should be prepared with great care, the land should be laid out under the direction of the city engineer and a plat filed with the proper officer.

Respectfully

John M. Donald, Mayor.

Alderman Nitschke moved to reconsider the vote by which the ordinance was passed and the motion prevailed. The question "Shall the ordinance pass notwithstanding the veto of the mayor?" was put and decided in the negative by the following vote:
Yeas - Alderman Anderson.

Nays - Aldermen Armann, Fischer, Glue, Gluscock, Laeth, Hughes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, Reed, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsends, Warmoth, total 19.

The mayor then presented the following message:

Austin, Tex. Jan 28. 1895.

Gentlemen of the City Council - I herewith return to you without my approval an ordinance appropriating the sum of six hundred dollars for the purpose of constructing a stone bridge over Little Shoal creek at the intersection of Nueces and West Eleventh street, for the following reasons:
1. The bridge now at the point named is in good condition for travel, therefore I can see no reason for removing the same.

2. Should the proposed culvert be constructed some 975 yards of soil, which would cost \$700 to handle, would be required to make the necessary fill and approaches.

We should set aside for the time all improvements and betterments that are not absolutely necessary and husband our resources, so as to be able to help our citizens in making the proper connections with our water, light and power plant, to the end that we may at the earliest possible moment be earning a revenue from the plant, and relieve our citizens from the unjust tax

Mayor's veto \$600
and for stone bridge.
W Eleventh & Nueces.

levied by the old water company.

Let us get crops growing (i.e. getting rid of weeds from our water and light plants) before we repair our fences and beautify our lawns.

Respectfully

John M. Donald, Mayor

Alderman Shelley moved to reconsider the vote by which the ordinance was passed. Carried.

The question "Shall the ordinance pass notwithstanding the veto of the mayor?" was put and decided in the negative by the following vote:

Yeas - Aldermen Asmann, Fischer, Glascock, Platt, Shelley - 5.

Nays - Aldermen Anderson, Glass, Goeth, Haynes, Hume, Jackson, Lawless, Nitschke, Powell, Redd, Roberdeau, Schneider, Taylor, Tobin, Townsend, Warmoth - total 16.

By Alderman Jackson - An ordinance appropriating the sum of \$4,800.00 for the purpose of paying extra street and sanitary laborers of the City of Austin during the year ending Nov. 30, 1895.

It was read the first time and then a second time under suspension of the rules, after which Alderman Fischer moved to amend the caption and section one of the ordinance by striking out "\$4,800;" and inserting in lieu thereof "\$3,600.00".

Alderman Schneider moved to amend the amendment by striking out "\$3,600" and inserting instead \$400.00, and striking out the words "year ending Nov. 30" and inserting in lieu thereof "month of February".

The amendment by Alderman Schneider was adopted by a vote of 21 to 1. The amendment as amended was then adopted. The rules were further suspended and the ordinance was read a third time and passed by the following vote:

Yeas - Aldermen Anderson, Asmann, Fischer, Glaf, Glascock, Goeth, Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warmoth - total 21.

By Alderman Tobin - An ordinance appropriating the sum of \$6,978.00 for the purpose of paying draft of Fort Wayne Electric Company for dynamos under their contract with the City.

It was passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Fischer, Glaf, Glascock, Goeth, Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warmoth - total 21.

By Alderman Tobin - An ordinance appropriating the sum of \$4,175.00 for the purpose of paying certain expenses connected with construction of the water and light system for the City of Austin.

It was passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asman, Fischer, Glaf, Glascock, Goeth, Haynes, Hume, Jackson, Lawless, Nitschke, Platt, Powell, Redd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warmoth - 21.

By Alderman Shelley - Be it resolved by the City Council of

Street labor.

\$6,978⁰⁰. Fort Wayne
Elec Co.

\$4,175⁰⁰ W & L
Expenses.

Resolution as to
delinquents tax payers.

the City of Austin:

Section 1. That the City Attorney be and he is hereby instructed to at once institute suits against all delinquent tax-payers for the amount of tax and cost due, as shown by the list now in his hands.

Section 2. That he be instructed to bring suit against all future delinquents at the first term of the district court, at which service can be had, next after the list of the same is placed in his hands by the assessor and collector for collection.

The resolution was adopted.

Ord. fixing penalties
as to collection of
taxes

By Alderman Shelley— An ordinance amending Article 171, title 5, Chapter 4 of the Revised Civil Ordinances of the City of Austin, as amended September 4, 1893.

The ordinance directs the City Assessor and collector to charge and collect the following penalties where real estate is levied on, advertised for sale, or sold for taxes due the City:

For each levy, \$1.50

For advertising property, \$1.00

For executing deed to purchaser at tax sale, \$2.00

The ordinance further provides that where real estate has been advertised for sale for taxes, and there is no bidder at such tax sale, there shall be levied and collected 5 per cent on the total amount of tax due, if not paid before the first day of October of each year, and 2 1/2 per cent additional if not paid by the first day of December.

It is further provided that in all suits brought to collect taxes due the City of Austin the penalties prescribed above shall also be charged and included in the amount due for, so far as the same have been incurred.

The ordinance was read and on motion of Alderman Schneider referred to the Committee on Ordinances.

\$100 street mule.

By Alderman Glafs— An ordinance appropriating \$100 for the purpose of purchasing one mule for use of the City.

It was passed under suspension of the rules by the following vote:

Yeas— Aldermen Anderson, Affmann, Fischer, Glafs, Glascock, Goeth, Haynes, Hume, Jackson, Lawlis, Mitschke, Platts, Powell, Radd, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend, Warrmoth. — 21

Fire Plugs. E. G. & Congress

By Alderman Glafs, for the Committee on Sanitation and Sewerage, submitted recommendations as follows:

First— That a fire plug be put at the north-east corner of East Sixth and Congress Avenue, as there is no way to flush the gutter on north side of East Sixth street and that it will be necessary to flush said gutters soon.

Second— That two fire plugs be put in at the head of Congress Avenue, one on each side, for flushing gutters, as all the plugs are placed on side streets and too far from gutters on the Avenue to admit flushing, and if said side streets are used the water will tear same up and cost more to keep said side streets in repair than to put in plugs at head of Avenue on the edge of gutters to flush with.

It was read and referred to the Water and Light Commissioners.

Amending charter.
Resolution & c

By Alderman Glafs— Whereas, The time has arrived in the history of this City when it becomes ^{necessary} for her advancement and success that she have all the legal advantages and beneficial legislation possessed by other cities: be it

Resolved, By the City Council of the City of Austin that the mayor be and he is hereby authorized to appoint a special committee of five members to act with a like committee of the Board of Trade to submit to our Senator and representatives such changes and additions as may be needed to our City Charter and to urge the passage of same.

Second— That the City Clerk be requested to give the usual 30 days notice of same.

The resolution was adopted.

Austin City Council
Assn.

By Alderman Fischer— An ordinance authorizing the Austin City Cemetery Association to establish a cemetery in the City of Austin.

It was read the first time, after which Alderman Nitschke moved to suspend the rules and place the ordinance on its second reading.

Alderman Goeth moved to refer it to the Committee on ordinances

Alderman Taylor moved to amend the motion by including the Committee on Cemetery. Accepted.

Alderman Glafs moved to amend the motion to refer by adding "and the City attorney and City engineer". Accepted.

The motion to refer was then lost by the following vote:

Yeas— Aldermen Glafs, Goeth, Hume, Roberdeau, Schneider, Taylor, Tobin, Townsend— 8.

Nays— Aldermen Anderson, Affmann, Fischer, Glascock, Haynes, Jackson, Lawliffe, Nitschke, Platt, Powell, Redd, Shelley, Warmoth— 13.

Alderman Nitschke then renewed his motion to suspend the rules and place the ordinance on its second reading, which was lost by the following vote:

Yeas— Alderman Anderson, Affmann, Fischer, Glascock, Jackson, Lawliffe, Nitschke, Platt, Powell, Redd, Shelley, Warmoth— 12.

Nays— Alderman Glafs, Goeth, Haynes, Hume, Roberdeau, Schneider, Taylor, Tobin, Townsend— 9.

Alderman Goeth moved to refer the ordinance to a special committee of five.

Alderman Nitschke moved to amend the motion by striking out "a special committee of five" and inserting in lieu thereof the Cemetery and ordinance committee. Accepted.

The motion to refer was then lost by a rising vote of 10 to 11.

Alderman Tobin moved that a special committee of five be appointed for the purpose of ascertaining how much land suitable for cemetery purposes, contiguous to the present City Cemetery can be procured and on what terms. The motion was lost.

Alderman Schneider moved to refer the ordinance last above mentioned named and petitions concerning same to a special committee of six including the committee on cemetery. The motion was lost by a rising vote of 9 to 12.

Alderman Anderson moved to refer the ordinance to the Com-

Committed on
Amendments to
Charter.

\$1652.⁶² approved
accounts.

mitted on Cemetery. Carried by a rising vote of 13 to 6.

The mayor then announced the special Committee on Amendments to the City Charter as follows:

Aldermen Glaf, Haynes, Shelley, Taylor, Goeth.

Alderman Kume was excused from further attendance on the session of the City Council.

By Alderman Taylor in An ordinance appropriating the sum of \$1,652.⁶² for the purpose of paying approved accounts.

It was passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asman, Fischer, Glaf, Glascock, Goeth, Haynes, Jackson, Lawless, Nitschke, Platt, Powell, Redd, Roberson, Schneider, Shelley, Taylor, Tobin, Townsend, Warmoth - total 20.

Income + expense
estimate for present
fiscal year.

By Alderman Taylor - An estimate of the probable income from all sources which will be collected for the general fund during the present fiscal year and of the expenditures to pay salaries and wages of officers and regular employees, and of the amount required to meet the other ordinary expenses of the City government, not including work on streets and bridges or other public improvements.

Income.

From assessment Rolls of 1894	\$58,152
From assessment Rolls of previous years	4500
From license tax	10,000
From recorder's Court	2,700
From pound fees	750
From Travis County	1,750
From dog tax	800
From miscellaneous.	500
Total	\$79,152

Expenses.

Salaries of Officers	14,000
Salaries of policemen	15,625
City Cemetery	275
Sanitary department	4,000
Fire department	7,200
Blacksmithing	500
Repairs of harness and new parts	150
Teamsters, plowman and scraper holder - 10 at \$400	4,000
Foreman of street gang	720
Fees for City teams	1,250
City and County hospital	5,000
Meals for City prisoners	600
Printing, stationery and postage	1,800
Charity	1,300
Attorney's fees	2,000
Street lights - gas	450
Water, to old Company	2,200
Water and light, from City works	8,500
Salary of poundmaster	276

Salary of Porter	480
Pay of Aldermen	2,600
Board of Equalization	480
Miscellaneous	3,000
Total.	<u>\$ 77,856</u>
Balance	<u>\$ 1,296</u>

The estimate was on motion adopted.

The Council then adjourned.

Milton Marris,

City Clerk.