

Minutes of a Regular Meeting of the City Council.
Austin, Texas. November 4th 1895.

Hon. John M. Donald, Mayor, presiding.

Roll called.

Roll call

Present Aldermen Anderson, Assmann, Elmer, Haynes, Linn, Nitschke, Clark, Powell, Brett, Roberson, Shelley, Townsend, and Warmoth. 13.

Absent Aldermen, Fischer, Glascock, Gorth, Hume, Lawless, Schneider, Taylor, and Tobin. 6.

Minutes previous meeting adopted as printed.

On motion of Alderman Powell, the minutes of the last regular adjourned meeting were adopted as printed.

Petitions.

Pet. of Citizens of 4th Ward asking certain work be done on Sabine St.

By Alderman Nitschke Petition of Citizens of the Seventh ward, asking that certain work be done on Sabine Street. Referred to street committee.

Aldermen Fischer, Glascock and Tobin appeared in the Council Chamber and answered to their names.

Reports of City Officers laid before Council & referred to proper Committee.

The reports of City Officers were laid before the Council and on motion of Alderman Linn were referred to the proper committees without reading.

Alderman Gorth appeared in the Council Chamber and answered to his name.

Special report of C. Engineer on purchase of mule

The special report of the City Engineer in regard to the purchase of a mule was read and on motion was laid over to come up with the ordinance on the subject.

Alderman Tobin, for the Water and Light Commission, presented the following report.

Report of W & L Commission on utilizing spring under the Power House

Austin, Texas, November 1, 1895.

Honorable City Council:

Gentlemen: - I have the honor to report that at a meeting of the Water and Light Commission, held on October 23, 1895, the question of utilizing the spring under the Power House was taken up, and the following motion was carried: That Mr. Fanning be notified that the proposal of the Gould Company to put in place two 10x12 triplex power pumps and one 25 inch new American Turbine Wheel complete for \$8655. be accepted subject to the approval of the City Council, understanding said bid of \$8655. to include the entire plant complete in place and in operation, including the force main to the outside of the Power House, in successful operation for 90 days before payment is made thereon, and that a guarantee for 12 months be given.

Respectfully submitted,
W. F. Oliphant.

Secretary Water and Light Commission.

Above report adopted

Alderman Anderson moved that the report be adopted, and that the Water and Light Commission, with the Mayor, be authorized to enter into contract in accordance with the resolution. Carried.

The following communication from the Superintendent of Water and Light was read and on motion was ordered filed.

Report of Engineer of W & L Com. in Dist.

Austin, Texas, November 1, 1895.

H. F. Tobin, Chairman Water and Light Commission:

Dear Sir: - I have the honor to report that there were 106 applications for water applications for the City of Austin during the month of October 1895.

Receipts from W. & S. system
for Oct. 1895

The receipts during October were as follows:
 From Water \$ 899.78
 From Electric Light 1373.28
 From Electric Power 192.65
 Total. \$ 2,465.71

The total receipts from Water, Electric Light, and Electric Power to and including October 31, 1895, amount to \$16,154.19.

Am't. of Water pumped during
the month of Oct. 1895

The water pumped per 24 hours during the month averages 1,474,344 gallons; maximum, 2,031,820 gallons. minimum 1,004,065.

The average depth of water on the crest of the dam during the month was four tenths of a foot; minimum, two tenths, and maximum, nine tenths of a foot.

Respectfully submitted,

John H. Maddox, Superintendent.

Chairman Acker Conis report on
pet. of B. A. Jones for remission of
Taxes on lots in Division Addition

Alderman Anderson, for the Committee on Claims and Accounts, to whom was referred the petition of B. A. Jones, asking the Council to refund to him certain taxes paid on lots in the Division addition, presented their report recommending the petition be not granted.

The report of the Committee was adopted.

Report of Special Com. on
Reservoir sites

Alderman Anderson for the special committee on Reservoir site, presented the following report:

To the Honorable Mayor and City Council:

Gentlemen.- Your special committee, to whom was referred the resolution to ascertain and report the propositions from the owners of available Reservoir sites, beg leave to report as follows viz:

Mr. Simon offers the Brackenridge site as follows:

First- The main Reservoir site, in or near centre of the Brackenridge tract, with 30 acres of land, \$7500.

Second- The Reservoir site in northwest corner of said tract of land \$5000.

Third- The Reservoir site in northeast corner of said tract of land \$3000.
Each of the last to contain 30 acres.

Very respectfully,
O. E. Anderson.
H. A. Simon.

To the Honorable Mayor and City Council:

Your special committee to ascertain and report upon propositions for a Reservoir site, herewith submit the offer of Mr. D. J. Hill, assignee of C. C. Taylor, thereto attached.

Yours respectfully,
O. E. Anderson.
H. A. Simon.

Hon. Charles E. Anderson, Chairman, etc.

Dear Sir.- The site of the Reservoir as originally contemplated in the plans of Engineer Dingell, within the City limits, on the lands of the C. C. Taylor estate, is shown on the accompanying sketch from a sub-division, made by Dennis Corwin, of the C. C. Taylor lands, lying about Bee Creek, on the west bank of land. The area of the immediate site of the Reservoir, as shown by map, is 25 acres. I do not think there are over three or four acres outside of the twenty five acres, which would drain into the Reservoir site. Probably the east half of the summit or knob would drain into it. That is, say, three acres off of east end of lots 44, 45, and 46, as shown by the map. The road shown on north and south sides of Reservoir

Proposition of D. J. Hill
Assignee for C. C. Taylor for
Reservoir site

twenty-five acres are on summit ridges. I offer this site to the City at the nominal price of \$5. per acre. I believe the City should own this site whether it uses it now or not. If the City desires the summit knob of, say, six acres, I would consider it worth \$25. per acre. I would suppose a fair price for any other adjacent lands desired would be about \$10. per acre.

Your Committee is doubtless aware of the advantages of this site, for the location of one or more reservoirs, at any desired altitude. I expect to press these lands, including this site, on the market for early sale and hope to have an early decision as to whether the City wants it.

Very respectfully yours, F. J. Still.

Assignee of C. G. Taylor.

Alderman Shelley moved that the report be laid upon the table subject to call, which motion prevailed.

Unfinished Business.

The message of the Hon. Mayor, vetoing the ordinance appropriating the sum of \$300. to pay the claim of S. G. White for damages to growing crops overflowed by the Lake was then laid before the Council.

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

On motion of Alderman Sinn the message with all papers in the case were referred to a special committee of five to report at the next meeting of the Council.

The Mayor appointed Alderman Sinn, Blatz, Powell, Townsend and Haynes, the committee under the above resolution.

The following message of his Honor, the Mayor, was then read.

Mayor's Office,

Austin Texas, October 31, 1895.

To the Honorable City Council:

Gentlemen.- I herewith return without my approval "an ordinance appropriating the sum of \$350. to pay claim of Mrs. Elizabeth Marshall for land submerged by the Lake," for the following reasons:

First- The ordinance does not set forth or indicate for what particular tract, or for what amount of submerged land for which payment is to be made.

Second- If reference to resolution made in the ordinance refers to the adoption of report of committee on claims and accounts made to your honorable body, dated September 16, 1895, this recommendation has not been followed in formulating the ordinance.

They, the committee recommended "upon the execution by the duly appointed and qualified administrator or administratrix or other duly authorized representative of the estate of Charles Marshall of a release in full to the City, for all damages to said property."

Third- No appropriation should be made to any one to pay damages to submerged land until said claim is referred to the City Attorney and he shall have certified to the fact that the party claiming damage was the owner of, in fee simple, the land to which the damage occurred, and that they are now the owner of said land, and that they, the claimants have a legal right to sell and relieve the City from all damages that, as or may be caused by the building of the dam by the City, at Austin, one of which is now down in this case. Respectfully,

John M. Donald, Mayor.

Action on Mayor's veto on claim of S. G. White laid before the Council.

Message & all papers referred to a Special Committee of 5

Mayor's veto message on claim of Mrs. Elizabeth Marshall for damage to land submerged by the Lake.

Alderman Shelley moved to reconsider the vote by which the ordinance was passed, which motion prevailed.

Aldermen Hume, Schneider and Sawless entered the Council Chamber and answered to their names!

Mayor's veto sustained

The Mayor then put the question, shall the ordinance pass, notwithstanding the objections of the Mayor, which motion was lost by the following vote:

Yeas Aldermen Anderson, Fischer, Glascock, Hies, South, Haynes Platt Roberdeau, Shelley, Taylor, Tobin, Townsend and Harnoth 13.

Nays Aldermen Assmann, Hume, Sawless, Linn, Sticksche, Powell, Redd, and Schneider 8.

Veto reconsidered

Alderman Linn moved to reconsider the vote just taken, which motion prevailed.

Mayor's veto message and all papers in the case of claim of the Eliza Marshall referred to the Special Com. of 5 appointed on the 3d of White, Linn City Attorney added to above Com.

Alderman Linn then moved that the message of the Mayor and the papers in this case be referred to the special committee to whom was referred the vote

message in the case of J. & White, which motion prevailed by the following vote:

Yeas Aldermen Anderson, Assmann, Fischer, Hies, South, Haynes Hume, Linn, Sticksche, Roberdeau, Schneider, Taylor, Tobin, Townsend and Harnoth 15

Nays Aldermen Glascock, Sawless, Platt, Powell, Redd and Shelley 6

Alderman Schneider moved to add the City Attorney to the committee which motion prevailed.

The following report of the City Auditor was then laid before the Council and read:

City Auditor's report to the Council

Austin Texas Oct. 31 1895.
To Hon. John McDonald, Mayor, and the Board of Aldermen of the City of Austin, Texas:
Gentlemen:- I have carefully examined the books and accounts of Mr. Fred. Stenzing, Assessor and Collector, from 1887 to 1895 inclusive. I find his book correct and receipts from the Treasurers of the City and the School Board to cover amounts collected by him also the amounts received from License tax, and to be properly entered upon his books and accounted for.

Credits recommended to be allowed W & C. Fred. Stenzing

I recommend that the following credits be allowed the Assessor and Collector for uncollected taxes, the receipts for which are on file in his office, and still unpaid, a list of the same having been furnished the City Attorney for suit, and a small insolvent list, which is uncollectable. These amounts are included in the tax rolls which have been charged to the Assessor and Collector for the respective years.

For the Year 1887 on Ad Valorem Tax	1319.03
" " " 1887 " School	441.10
" " " 1888 " Ad Valorem	1180.81
" " " 1888 " School	396.25
" " " 1889 " Ad Valorem	627.84
" " " 1889 " School	209.86
" " " 1890 " Ad Valorem	967.47
" " " 1890 " School	322.38
" " " 1890 " School	377.41
" " " 1891 " General Revenue	3154.97
" " " 1891 " School	1214.08
" " " 1891 " Insurances	103.16
" " " 1891 " Insurances	121.83

For the year	1897	on General Revenue tax	\$ 3169.60
"	"	1897 " School	" \$ 1370.23
"	"	1897 " Water Works	" \$ 2377.17
"	"	1897 " Interest	" \$ 270.21

Debits recommended to be made against L. P. Smith, Druggist

And the following debits to be made against Mr. Fred. Stenzing, Assessor and Collector, which amounts were assessed after the rolls were made and being supplemental and not charged to him at the time the rolls were changed:

For the year	1887	on Ad Valorem tax	\$ 63.00
"	"	1887 " School	" \$ 21.00
"	"	1889 " Ad Valorem	" \$ 146.39
"	"	1889 " School	" \$ 53.74
"	"	1890 " Ad Valorem	" \$ 2.00
"	"	1890 " Water Works	" \$.65
"	"	1890 " School	" \$.65
"	"	1891 " General Revenue	" \$ 55.92
"	"	1891 " School	" \$ 23.24
"	"	1891 " Water Works	" \$ 19.55
"	"	1892 " General Revenue	" \$ 1496
"	"	1892 " Water Works	" \$ 11.22
"	"	1892 " Interest	" \$ 1.07
"	"	1892 " School	" \$ 6.25

In this connection I would state, that from 1887 to 1892 inclusive, Mr. Stenzing collected and paid into the City Treasury on these tax rolls over \$800.000 and this divided into four accounts, which necessitated a great deal of calculation, requiring very close and careful attention, and on the whole of the above amount for said years, he has turned into the City Treasury \$25.28 more than the actual tax, which resulted from the fractions on the many tax receipts.

Respectfully submitted,
G. A. Wheatley,
City Auditor.

City Clerk directed to make the entries indicated in Auditor's report

Alderman Sinn moved that the report be adopted and that the City Clerk be directed to make the entries indicated in the report, which motion prevailed. Alderman Taylor for the ordinance committee presented the following report which was adopted:

Austin, Tex. Nov. 4 1895.

Report of Ord. Com. on beh. of Merchants to prohibit street drumming

Hon. John McDonald, Mayor and Board of Aldermen of the City of Austin: Gentlemen—Your ordinance committee, to whom was referred the petition of merchants requesting the passage of an ordinance prohibiting retail street drummers soliciting trade on the streets without a license, beg leave to report, that they have had the same under consideration and find that under section 46, page 12, of the City Charter, the City can only levy an occupation tax on occupations taxed by the State. There is no tax reserved by the State of persons soliciting trade, hence an ordinance taxing such persons could not be enforced.

Thos. F. Taylor
H. D. Shelby.
A. C. Gorth.

Report of Ord. Com. on beh. of Merchants to prohibit street drumming

Alderman Taylor for the ordinance committee presented the following report: Hon. John McDonald, Mayor and City Council, City of Austin. Gentlemen—Your committee on ordinances, to whom was referred an ordinance

to prevent staking out neat cattle, cows, etc., begs leave to submit for your consideration the attached substitute or ordinance and recommend its passage.

Thos. J. Taylor.
H. D. Shelley.
A. C. North.

Substitute for Ord. to prevent
staking out Cattle, Cows, Calves
Horses

An ordinance amending an ordinance entitled "an ordinance to prevent staking out any neat cattle, cows, calves, horses, mules, or jackasses on the public squares and parks in the City of Austin, to prohibit hitching such animals to fences on the public streets of said City and to provide a penalty for the same" Approved, Aug. 20, 1890. Be it ordained by the City Council of the City of Austin; That an ordinance entitled "An ordinance to prevent the staking out neat cattle, cows, calves, horses, mules, and jackasses, on the public squares and parks in the City of Austin to prohibit hitching such animals to fences on the public streets of said City, and to provide a penalty for the same" Approved Aug. 20, 1890. be so amended as to hereafter read as follows to-wit:

Section One. That it shall be unlawful for any person to stake out in any of the public squares or parks of the City of Austin any neat cattle, cow, calf, mule, horse or jackass, or to hitch tie or stake any such animal on any public street of said City, for grazing purposes.

Section Two. That any person violating any of the provisions of the foregoing section of this ordinance shall be deemed guilty of a misdemeanor and on conviction fined in any sum not less than five nor more than twenty-five dollars.

Section Three. That this ordinance shall take effect and be in force from and after its publication for the time and in the manner required by the Charter of the City of Austin.

Alderman Shelley moved that the rule be suspended and the ordinance placed upon its second reading, which motion prevailed by the following vote:

Yeas Aldermen: Anderson, Assmann, Fischer, Glass, Glascock, Gorth, Haynes, Hume, Lawless, Platt, Powell, Schneider, Shelley, Taylor and Tobin. 15.

Nays Aldermen: Simm, Nitschke, Dredd, Roberdeau, Townsend, and Marmoth. 6.

Alderman Schneider moved to amend the ordinance by inserting after the word fence, the words trees or posts, which motion prevailed.

Alderman Simm moved to amend by inserting the following:

Provided that this ordinance shall not apply to those parts of the City not embraced within the pound limits. The amendment was lost by the following vote:

Yeas Aldermen: Assmann, Fischer, Glass, Glascock, Simm, Nitschke and Dredd. 7.

Nays Aldermen: Anderson, Gorth, Haynes, Hume, Lawless, Platt, Powell, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend and Marmoth. 14.

The ordinance was then passed under suspension of the rules by the following vote:

Yeas Aldermen: Anderson, Assmann, Gorth, Haynes, Hume, Lawless, Platt, Powell, Roberdeau, Schneider, Shelley, Taylor, Tobin, Townsend and Marmoth. 15.

Nays Aldermen: Fischer, Glass, Glascock, Simm, Nitschke and Dredd. 6.

Yeas Aldermen: Tobin - An ordinance appropriating the sum of \$44,400 for

the improvement of the water works. Adopted 20, 1890.

The ordinance was passed under suspension of the rules by the following vote:

Yeas Aldermen: Anderson, Assmann, Fischer, Glass, Glascock, Gorth, Haynes,

"An ordinance appropriating the sum of \$44,400 for

the improvement of the water works. Adopted 20, 1890.

passed

Hume, Sawless, Sinn, Nitschke, Platt, Powell, Redd, Robindson, Schneider, Shelley, Taylor, Tobin, Townsend and Wammoth 21.

Nays None.

Ord. appropriating \$934.¹²/₁₀₀ to pay approved accounts.

By Alderman Sinn, An ordinance appropriating the sum of \$934.¹²/₁₀₀ to pay approved accounts.

The ordinance passed under suspension of the rules by the following vote:

Yeas: Aldermen Anderson, Asmann, Fischer, Glass, Glascock, North, Haynes, Hume, Sawless, Sinn, Nitschke, Platt, Powell, Redd, Robindson, Schneider, Shelley, Taylor, Tobin, Townsend and Wammoth 21.

Nays None.

Ord. to provide a method of filling vacancies in Board of Aldermen.

By Aldermen Nitschke - An ordinance to provide a method of filling vacancies except by expiration of terms of office that may occur in the Board of Aldermen referred to the ordinance committee.

Ord. to Amend an Ord. entitled an Ord. to regulate the burial of the dead bodies of human beings within the corporate limits of the City of Austin.

By Alderman Nitschke - An ordinance amending 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."

The ordinance was referred to the ordinance committee.

Ord. appropriating \$90 to pay for one mule purchase.

By Alderman Glass - An ordinance appropriating the sum of \$90. to pay for one mule for sanitary purposes.

The ordinance was passed under suspension of the rules by the following vote:

Yeas: Aldermen Anderson, Asmann, Fischer, Glass, Glascock, North, Haynes, Hume, Sawless, Sinn, Nitschke, Platt, Powell, Redd, Robindson, Schneider, Shelley, Taylor, Tobin, Townsend and Wammoth 21.

Nays None.

Ord. ordering an Election to be held for Mayor and three members of Board of School Trustees and One Alderman from each Ward of the City.

By Alderman Glass - An ordinance ordering an election to be held in all the Wards of the City of Austin for the purpose of electing a Mayor of the City, three members of the Board of School Trustees and One Alderman from each Ward in the City.

The ordinance passed under suspension of the rules by the following vote:

Yeas: Aldermen Anderson, Asmann, Fischer, Glass, Glascock, North, Haynes, Hume, Sawless, Sinn, Nitschke, Platt, Powell, Redd, Robindson, Schneider, Shelley, Taylor, Tobin, Townsend and Wammoth 21.

Nays None.

Alderman Asmann was excused from further attendance at this session of the Council.

Ord. for \$210.⁵⁰/₁₀₀ to pay approved account of Walter Dike for valves furnished.

By Alderman Tobin an ordinance appropriating the sum of \$210.⁵⁰/₁₀₀ to pay approved account of Walter Dike for valves furnished.

The ordinance was passed under suspension of the rules by the following vote:

Yeas: Aldermen Anderson, Fischer, Glass, Glascock, North, Haynes, Hume, Sawless, Sinn, Nitschke, Platt, Powell, Redd, Robindson, Schneider, Shelley, Taylor, Tobin, Townsend and Wammoth 20.

Nays None.

On motion of Alderman Tobin the Council adjourned.

Geo. W. Johnson
City Clerk.