

Minutes of a Regular Meeting of the City Council.
Austin, Texas, August 16th 1897.

Hon. Lewis Hancock, Mayor, presiding.

Roll called.

Present Aldermen Haynes, Horton, Kuhn, Lawless, Maddox, Miller, Nischner, Platt, Powell, Robertson, Schneider, Shelley, Stumpf, Taylor, Townsend and Ziker 16.

Absent Aldermen Deaty, Nelson, Fischer, Linn, Redd and Rosengren 6.

Minutes approved as recorded.

Communication from H. Scheiffer asking for compromise of Taxes.

Police Com^{tee} report on City Marshals reports for July 1897.

Communication from Secretary of W & L Commission regarding Cus-pool at new Dumping Station.

On motion the minutes were approved as recorded without reading Petitions, etc.

The Mayor laid before the Council, a communication from Alexander Scheiffer, asking that the Council accept a compromise offered on Taxes. Read and on motion referred to the Committee on Claims and Accounts. Alderman Powell, for the Police Committee, to whom was referred the reports of the City Marshals for the month of July, presented a report stating that they had carefully examined the reports, and found them correct. The report was ordered filed.

The following Communication was read and ordered filed:
Austin, Texas, August 14th 1897.

To the Hon. City Council:
Austin, Texas:

Gentlemen:-

In reply to your resolution of Aug. 2nd I am directed to inform you, that at a meeting of the Water Light & Power Commission of the City of Austin, held on the 5th instant the following resolution was adopted, to wit:

"Resolved that in answer to the City Council's resolution adopted Aug. 2nd 1897, the Secretary is requested to reply that the Cus-pool is to be used only for the purpose of receiving any water that may leak from the pumps."

Respectfully,

Rudolph Lawrence, Secretary.

Report of Street Com^{tee} recommending the repairing & painting of Street Wagons.

Sanitary Com^{tee} report on Ord. declaring keeping of Hogs in certain limits of the City.

Pet. of Marshall asking that the City Attorney be instructed to appear in court for him in the case of the permit in the case of the...

Alderman Ziker, for the Street Committee, presented a report recommending that the City Wagons formerly used on the Streets be repaired and painted. Alderman Maddox moved that the report be laid upon the table. Lost. On motion the report was laid over to come up under the head of new business.

Alderman Stumpf, for the Sanitary Committee to whom was referred "An Ordinance declaring the keeping of Hogs in certain limits of the City" presented their report recommending the passage of the ordinance. On motion the report was adopted.

Alderman Platt, asked that the regular order of business be suspended and that he be allowed to present a petition. Granted.

By Alderman Platt, Petition of Chas. Wolf, stating that he had been arrested, charged with altering, and adding to, a building within the fire limits, without first obtaining a permit, and asking that the City Attorney be instructed to dismiss the charge, he having obtained a permit from the Fire Committee. On motion the petition was laid

Ord. declaring keeping of
Hogs in certain limits of the
City a misdemeanor

over, to come up under the head of new business. Alderman Fischer entered
the Council Chamber. Unfinished Business.

The Mayor laid before the Council "An ordinance declaring the
keeping of Hogs in certain limits of the City of Austin, a misdemeanor
and providing a penalty therefor."

The ordinance was read the second time, and a motion made to suspend
the rule and place the ordinance on its third reading and final passage
and was lost by the following vote:

Ayes: Aldermen Haynes, Horton, Sawless, Maddox, Miller, Platt, Powell,
Robertson, Schneider, Shelley, Stumpf and Taylor. 12.
Nays, Aldermen Kuhn and Zilker 2.

The Mayor laid before the Council the following veto message:

Mayor's Office.
Austin, Texas, August 10th 1897.

To the Hon. City Council.
Gentlemen:-

Mayor's veto of pet. of Thos. D.
Wooten to have certain taxes
remitted

I herewith veto the resolution passed by
you at your last regular meeting, granting the petition of Thos. D. Wooten
to have certain taxes remitted on account of erroneous assessment by the
Board of Equalization. I sympathize strongly with the petitioner, and with
the object sought to be accomplished by the Council, which is to correct an
assessment obviously erroneous and oppressive without putting upon the
petitioner the burden of resorting to litigation, and if such power existed
in the Council I should commend the exercise of it in this case as
eminently wise and just. But it is clear that the Council possesses
no power to remit taxes or to revise the decisions of the Board of
Equalization, and I do not remember that such power was ever attempted
to be exercised. In one case a supplemental report was filed by the Board of
Equalization changing an assessment and the Council authorized the Assessor to
act upon same. In several instances last year the City Council, authorized the
City Attorney to compromise certain law suits arising out of appointments,
thereby exercising a power clearly possessed by it to compromise any litigation
actually pending in Court. The resolution under consideration is of
entirely different character and would not be authority to the Collector
to forgo the collection of the tax in question, or a defense to a demand,
at any time in the future, for a payment of such tax.

Respectfully,
Lewis Hancock, Mayor.

The motion was then put, shall the resolution pass notwithstanding
the Mayor's objections, and was lost by the following vote:

Ayes, Aldermen Fischer, Maddox, Kitcher and Shelley. 4
Nays, Aldermen Haynes, Horton, Kuhn, Sawless, Miller, Platt, Powell,
Robertson, Schneider, Stumpf, Taylor, Townsend and Zilker 13.

The Mayor then laid before the Council the following veto message:

Mayor's Office.
Austin, Texas, August 10th 1897.

To the Hon. City Council.
Gentlemen:-

Mayor's veto of resolution
authorizing the Mayor to
execute ordinances regarding
land in connection with the
city of Austin.

I herewith return to you resolution

passed by you at your last regular meeting, directing the City Marshal to enforce the ordinance in regard to all structures within the Fire limits, with my veto of the same and my reasons therefor. The language of the resolution is sufficiently sweeping to amount to instructions to the Marshal to summarily tear down many stairways and other structures which, while violating the Fire ordinances, were erected by the owners only after obtaining permission therefor from the City Council. The permission thus obtained was usually granted by simple resolution, and may have been informal and inoperative in the face of express enactment by ordinance. But the permission was asked, granted and acted upon in good faith. Property owners have arranged their buildings and constructed stairways relying upon such permission, and it would be unfair for the City to now withdraw this permission unless a valid reason therefor exists in the needs of the public. Such reason I do not find to exist. The structures are not injurious to the public welfare on account of danger from fire and do not seriously obstruct the public highways, and I know of no public necessity or demand for their removal.

Respectfully,

Lewis Hancock, Mayor.

The motion was then put, shall the resolution pass notwithstanding the Mayor's objections and was lost by the following vote:

Ayes, Alderman Maddox. 1.

Nays, Aldermen Fischer, Haynes, Horton, Kuhn, Sawless, Miller, Kitchner, Platt, Powell, Oberdrau, Schneider, Shelley, Stumpf, Taylor, Townsend and Zilker 16.

Alderman Powell offered the following resolution which was adopted. Be it resolved by the City Council of the City of Austin, that the Supt. of Streets, shall go out to the pasture and inspect the City Mules, once a week, and make report on the condition of same to the Mayor.

By Alderman Townsend, An ordinance appropriating the sum of \$382.²⁶/₁₀₀ to pay approved accounts for the Street Department. Read, and a motion made to suspend the rule and place the ordinance on its second reading, which was lost by the following vote:

Ayes Aldermen Fischer, Horton, Kuhn, Miller, Kitchner, Powell, Oberdrau, Schneider, Shelley, Stumpf, Taylor, Townsend and Zilker 13.

Nays Aldermen, Haynes, Sawless, Maddox and Platt. 4.

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

By Alderman Townsend. An ordinance appropriating the sum of \$1853.⁵²/₁₀₀ to pay approved accounts. The ordinance was passed under suspension of the rules by the following vote:

Ayes Aldermen Fischer, Haynes, Horton, Kuhn, Sawless, Maddox, Kitchner, Platt, Powell, Oberdrau, Schneider, Shelley, Stumpf, Taylor, Townsend and Zilker 16.

Nays None

By Alderman Maddox, An ordinance to amend Articles 29 & 31, Chapter 6, Title II. of the Revised Penal Ordinances of the City of Austin. Read and on motion referred to the Ordinance Committee.

On motion of Alderman Maddox, leave of absence was granted to Engineer McCall and Assessor & Collector Fred. Sharkey, for two weeks.

Resolution directing Supt. of Streets to inspect the Mules in pasture once each week & report to Mayor their condition.

Ord. Appropriating \$382.²⁶/₁₀₀ to pay Approved Accts. Street Dept.

Ord. Appropriating \$1853.⁵²/₁₀₀ to pay Approved Accounts

Ord. to Amend Articles 29 & 31, Chapter 6, Title II. of the Revised Penal Ordinances of the City of Austin. Passed by the Council.

Ord. to Amend Chapt. 8 Title 5 By Alderman Maddox. An ordinance to amend Chapter 8, Title 5, of the Revised Civil Ordinances of the City of Austin, by adding thereto another section entitled Art. 210 a. another section to be entitled Article 210, a.

Resolution instructing Supt of Streets to have 8 Street Wagons repaired & painted

Amended by adding the Street Committee

Resolution directing City Attorney to dismiss charges against Chas Wolf in Recorder's Court

Read and on motion referred to the Ordinance Committee.

By Alderman Zilker, Resolution instructing the Supt. of Streets to have the 8 Street Wagons repaired and painted, the work to be awarded to the lowest bidder.

Alderman Huhn moved to amend the resolution by adding after the words "Supt of Streets" the words "and Street Committee"

Alderman Schneider offered as a substitute to the motion of Alderman Huhn, the following "Strike out Supt of Streets" and insert "Street Committee"

The substitute was lost, and the amendment offered by Alderman Huhn was adopted, and the resolution as amended adopted.

The Mayor then laid before the Council the resolution offered by Alderman Platt directing the City Attorney to dismiss the charges in Recorder's Court, against Chas Wolf.

On motion of Alderman Zilker Mr. Wolf, was permitted to address the Council, after which the Recorder was requested to make a statement in regard to the case, after which the resolution was adopted.

On motion the Council adjourned.

J. O. Johnson
City Clerk.