

Minutes of a Regular Meeting of the City Council.

Austin, Texas, April 18. 1892.

Hon. Henry A. Linn, president of the Board of Aldermen, presiding.

Roll call

Roll call:

Aldermen Present -

Present - Aldermen Anderson, Glass, Graham, Hume, Kitchum, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schuber, Shelley, Townsend, Myerman, Ziller - 17.

Absent - Aldermen Asmann, Jackson, Schneider, Dutton, Haruoth. - 5.

The minutes of the meetings of the City Council which were held on the 4th and 9th days of April, 1892, were adopted as printed.

Alderman Jackson entered the Council and answered to his name.

Fine remitted

On the recommendation of the Mayor, the remainder of the fine due by Frank Willkubit was remitted.

Petitions Memorials, etc.

The following petitions, memorials, etc. were introduced:

Invitation from Ladies of San Antonio

From the ladies of San Antonio, an invitation to the Mayor and Board of Aldermen to witness a "Bouquet of Flowers" to take place in that city April 21, in commemoration of the battle of San Jacinto, signed by Mrs. J. J. Stevens, President, and Mrs. J. H. French, committee on invitation.

Motion to accept

Alderman North moved that the invitation be received and that the thanks of the Council be tendered for the same, and that the City Clerk be instructed to mail a copy of this resolution to the persons named. Adopted.

The following was read:

Invitation from Ladies of San Antonio

San Antonio, Texas, April 16. 1892.
Sir: By direction of the ladies in charge of the grand military charity ball in aid of the starving Russians, I have the honor to tender to you, and to the good citizens of the City over which you so worthily preside, a cordial invitation to be present at the new mess hall at Fort Sam Houston on Thursday evening, April 21st San Jacinto day.Very Respectfully
J. P. Martin, Secretary etc.

The Mayor of Austin.

Motion to receive invitation

Alderman Anderson moved that the invitation be received, and that the thanks of the City Council be tendered for the same, and that the City Clerk be instructed to mail a copy of this resolution to the

person named Carried
Aldermen Asmussen and Warmoth entered the Council
and answered to their names.

The following was read:

Austin, Tex. April 18. 1892.

To The Honorable Mayor and Board of Aldermen;
Austin, Texas.

Gentlemen: I am instructed by the committee having
in charge the Pirnie's San Jacinto Day celebration
to invite you to attend the picnic at Hyde Park
on that day, and also the ball at Pirnie's Hall
on the night of San Jacinto Day.

Respectfully

Henry W. Brown
Secretary of the Committee.

Invitation from
Fire Dept

Invitation accepted

City Cemetery

Alderman Morris moved that the invitation be accep-
-ted with thanks. Adopted.

A communication was received from the Ladies' Cemetery
Association requesting information as to the duties
of the City Sexton, and also asking permission to
remove unsightly, rotten, pallings, etc, and to use
the City carts to remove rubbish.

Referred to the Cemetery Committee.

communication from
John Dowell as
Atty for R. A. Plume

A communication was received from John Dowell -
attorney for R. A. Plume, and the City Attorney concerning
settlement of judgment of R. A. Plume against the
city for \$500. with interest on the same at six per cent
per annum, since the 1st day of September 1891.

It was referred to the Committee on Claims and accounts
and on motion of Alderman Morris the City Attorney
was instructed to proceed with the appeal in this case.

Pet. from Walton & Bachman
attys for J. D. Peterson

A petition was received from Walton & Bachman
attorneys for J. D. Peterson, requesting the Council
to refund pound fees recently paid by said Peterson.
It was referred to the Committee on Claims and
accounts.

Pet. from G. M. Brass

By Alderman Miller: A petition from G. M.
Brass requesting the Council to have the alley in block
No. 63 located and opened. It was referred to the
Street Committee.

Pet of citizens & taxpayers
to construct bridge

By Alderman Titchka: A petition of citizens
and taxpayers of the City asking the City Council
to take such action immediately as will result
in the building at an early day of a durable
bridge of iron on stone piers and across Wallon
creek at the intersection of Steeles and East
Downtown streets. It was referred to the streets -
Committee.

Pet from the Board of
open alley

By Alderman Anderson: A petition from M.
Wulter requesting the Council to have the alley in
block No. 67 opened. It was referred to the
Street committee.

Reports of City Officers

By The City Engineer: Estimate of the cost of widening arch bridge over Little Shoal creek at the intersection of Traces and Smith streets. Total cost \$807.45.

Estimate of cost of
widening Bridge

Reports of Committee's

Com. Rep. to widening
Bridge

By Alderman Nune, for the Street Committee, a verbal report recommending the widening of the bridge over Little Shoal creek at the intersection of Traces and Smith street. Laid over.
Alderman Schneider and Sutton entered the Council and answered to their names.
Alderman Townsends presented the following report:
Austin, Texas. April 18. 1892.

Hon. John McDonald, Mayor, and Board of Aldermen of the City of Austin:

Rep. of Police Com.
on Officer Sam Platt

Gentlemen:— At the request of City Marshal Lacey your Police Committee have had under investigation the conduct of Officer Sam Platt in the arrest of Mr. J. D. Peterson and beg leave to report that we find from the evidence hereto attached that Officer Platt acted very improper and without authority in the discharge of what he conceived to be his duty.

As Mr. Peterson was violating a city ordinance, it was the duty of the police officer to file complaint and have the matter determined by the proper authority upon proper inquiry.

It is not proper for a police officer to constitute himself a tribunal to impose and inflict the penalty, and as we understand it the imposing of the curfew was no part of the penalty authorized for the violation of the ordinance in question. We believe it is the duty of the police of the city to preserve the peace and not to commit a breach of it. In striking Mr. Peterson with his club and pistol while he was not resisting arrest, we submit the officer committed a breach of the peace which is reprehensible and should not be tolerated. The circumstances as they appear from the testimony attending the matter were such as doubtless aggravated Mr. Platt under his misapprehension of what his duty was at the time, and we therefore conclude that he is entitled to be excused thereby, but we submit a proper apprehension of his authority and duty should be impressed upon his mind by a suitable reprimand and instructions by the City Marshal or Mayor, so that he may not in the future yield to provocation by language which may

not comport with his feelings, and exceeds his authority as in this case. It may not be improper for your committee to say that Mr Platt has always theretofore borne the reputation of a careful and efficient officer.

Respectfully Submitted.

A. W. Townsends

J. D. Shelley.

J. P. Schneider

Police Committee.

Rept adopted

The report was adopted by the following vote:
Yeas - Aldermen Asomano, Glass, Graham, Wume, Kelghum, Linn, Miller, Morris Newton, Hirschke, North, Schneider, Schuber, Shelley, Townsends, Warmoth, Weyerman: - 17.
Nays - Aldermen Anderson, Jackson, Sutton, Jillen: - 4.
Resolved Alderman Platt

Rept of Com on exa
on Mrs J. H. Kinney's claim

Alderman Shelley submitted the following report to the Council:

Your committee on Claims and Accounts, to whom was referred the claim of Mrs J. H. Kinney for damages to buggy by reason of defective Culvert, having investigated the same, beg leave to report that we find the damage caused, as claimed, amounted to \$12. and believing the city is liable for such damages, we recommend that the same be allowed.

Rept adopted

The report was adopted.
Alderman Shelley presented the following report to the Council:

Rept of Com on exa
on Mrs Dupre's claim

Your Committee on Claims and Accounts, to whom was referred the complaint of Miss DuPre that her city taxes for 1891 are excessive, and asking that the same be reduced, have had the matter under investigation and beg leave to report that we find the valuation of her property upon which the tax complained of is based, was fixed by Miss DuPre, and while the valuation is somewhat in excess of that of other property adjacent, the difference is not such as to justify the judgment of your committee would justify the Council in reversing the action of the Board of Equalization.

Rept adopted

The report was adopted.
Alderman Shelley also made the following report to the Council,

Rept of Com on 6 & a
on Pet of C. Hoffmeyer

Your Committee on Claims and Accounts, to whom was referred the petition of Chas Hoffmeyer et al, citizens of the Seventh Ward, asking that certain pound fees be refunded, have had the same under investigation and beg leave to

report that we find the animals mentioned were properly impounded, and therefore recommend that the petition be not granted.
The report was adopted.

Rept. Adopted

Majority Rept of Ord Com
on reduction of speed of
Rapid Transit Ry.

Alderman North introduced the following report-

Your committee on ordinances to whom was referred the accompanying resolution having in view the reduction of the speed of the Rapid Transit beg leave to report that they recommend that it do not pass for the following reasons.

1 Section 8 of the Rapid Transit ordinance limits the speed to ten miles on streets and four miles around corners. We believe this to be reasonable and it is less than in other Texas cities.

2 We believe that the people want rapid transit and would be sorry to see the creeping speed of our late lamented mules cars re-established.

3 We believe that the fear of actions for damages at the hands of enterprising limbs of the law is a more wholesome regulation than any regulation by ordinance.

4 We believe that the whole country Austin included is already suffering from too much regulation.

Rept. Adopted

The report was adopted.

Rept of Ord Com on
Storage of Dynamite
Gunpowder etc.

Alderman North presented the following report to the council.

Your Committee on Ordinances to whom was referred the accompanying resolution on the enforcement of the gunpowder ordinance beg leave to report that they recommend that it do pass.

Rept. Adopted

The report was adopted.

Majority Rept of
Ord Com on
Creation of a Board
of Street Commissioners.

Alderman North for a majority of the committee on ordinances to whom was referred a resolution looking to the creation of a board of street and sewer commissioners submitted a report thereon recommending that the same do not pass for the following reasons.

1 We believe that the provisions of the city charter permitting the creation of such a board have in view a general system of improvement.

2 During the construction of our dam and the resulting heavy taxes it would be a hardship on tax payers to spend more than is needed to keep our streets in good condition and we have no money now to spend on new undertakings.

A such a board in order to command the respect of our people should be composed of prominent citizens. Such a body of men could not be expected to interest themselves in the routine of filling the ordinary holes in our streets.

For this work we believe the present system to be efficient.
(Signed) North and Morris

Minority report of our Com. By W. H. W. (W. H. W.)

Minority report of our Com. By W. H. W. (W. H. W.) A minority report on the above on creating Board of Street named resolution. It states, "That in my judgment the election of the Commissioners under the ordinance would reflect great credit on this body and the city would get the benefit of their judgment and experience in all matters of street and sewer improvements which involve an expenditure of one half of the revenue of the city. I am of the opinion it would give more general satisfaction to citizens. There is now and no doubt will be in the near future many questions of great importance involving diversity of opinion and interest that might be brought before such a board. I therefore recommend that the ordinance do pass."

On motion the majority report was adopted.

Unfinished Business

The following resolution which was introduced at the last regular meeting of the City Council was read and adopted:

Res City Marshal to enforce and limiting storage of gunpowder

A resolution directing the City Marshal to enforce the ordinance limiting the storage of powder in the city limits.

Be it resolved by the City Council of the City of Austin that the City Marshal be and is hereby directed to enforce the ordinance limiting the storage of dynamite, powder, etc. in the city limits.

That he notify all parties now violating above ordinance to comply with same at once as they the said parties have had an abundance of time to comply with said ordinance."

New Business

Ord appropriating \$810 for bridge on W 9th st

By Alderman Morris - An ordinance making an appropriation of \$810 for the purpose of widening the bridge on west Ninth street.

It was read the first time after which motions were made to suspend the rules and pass the ordinance on its second and third readings both of which were adopted by a vote of two thirds of the whole council. The ordinance was accordingly read and on motion passed by the following vote:

Yeas Aldermen: Anderson, Admann, Jones, J. R. Harris, Adams, Jackson, Ketchum, Linn, Miller, Morris, Newton, Nichols, Platt, Schneider, Schuber, Shelly, Townsend, Warruth, Ziller - 19

Ways Aldermen North, Sutor, Weyermann. - 3

(Alderman Sutor was excused from further attendance upon the session.)

Res to Police South Austin By Alderman Ketchum - A Resolution instructing the City Marshal to place a policeman on duty in the eleventh ward at 3 P.M. and keep him on duty until 12 o'clock at night each and every day and that the said policeman be required to patrol Congress Avenue principally between Colorado bridge and the south limits of the City Adopted

Ord appropriating \$601.37 By Alderman Morris. An ordinance appropriating the sum of \$601.37 for the purpose of paying approved accounts to pay approved accs

It was read the first time after which motions were made to suspend the rules and pass the ordinance on its second and third readings and that it do pass all of which were adopted by the following vote, Yeas Aldermen Anderson, Asmann, Glass, Graham, Jackson, Ketchum, Linn, Miller, Morris, Newton, Reddick, North, Platt, Schuber, Shelley, Townsend, Warmoth, Weyermann, Ziller - 19

Ways Aldermen Same

Res extending time for removing slaughterhouses By Alderman Linn. A resolution extending the time for the removal of slaughter houses from the city limits until January 1, 1893.

It was referred to the Committee on sanitation and sewerage

Res to increase Police force

By Alderman Ketchum. Resolved that the police force of the City of Austin be increased two men and that we proceed to elect the same under the regular order for elections

It was referred to the Committee on police

Motion to fix time for council to meet

Alderman North moved that until further notice the regular meetings of the City Council shall begin at 8.30 P.M. Carried

Motion instructing City Clerk to notify Aldermen

Alderman North Moved that the City Clerk be instructed to mail Postal Cards to all members of committees of the City Council in advance of the first regular meeting in each month calling their attention to bills on file in his office awaiting approval. Adopted

The Council then adjourned

Milton Morris,
City Clerk