

Minutes of a Regular meeting of the City Council.

Austin, Texas, Sept. 5, 1892.

Hon. John M. Donald, Mayor, presiding.

Roll

Roll Call.

Present. Aldermen Anderson, Assmann, Glass, Graham, Jackson, Linn, Morris, Newton, Nitschke, North, Platt, Schneider, Schuler, Shelley, Duter, Townsend, Warmoth, Weyerman. - 18.

Roll.

Minutes.

Absent - Aldermen Kume, Ketchum, Miller, and Ziller - 4.
The minutes of the meetings of the City Council which were held on the 15th and 25th days of August, 1892, were adopted as printed.

Neil Begley.

On the recommendation of the Mayor, a fine which was assessed against Neil Begley in the Recorder's Court on August, 2nd, was remitted.

Linn.

Alderman Linn was excused from further attendance during the session.

Petitions, Memorials, Etc.

Light

The following petitions were introduced:

By Alderman Glass: A petition of citizens requesting the Council to place an arc light over the middle of the crossing of Congress Avenue and First Street.

It was moved that the petition be referred to the Water and Light Committee.

Alderman Glass moved that the petition be granted, and that the City Clerk be authorized to enter into a contract with the Austin Water, Light and Power Company for the placing of the light.

The former motion was adopted by a rising vote of 9 to 5.

Kuhn & Martin.

By Alderman Platt: A petition from Kuhn & Martin, requesting permission to place a canvas sign across the street from the top of house No. 513, East Sixth Street to the top of house opposite.

It was referred to the Street Committee.

Reports of Officers

Reports of City Officers.

The reports of the City Treasurer, City Clerk, City Assessor and Collector, City Marshal, City Physician, City Sexton, and Engineer E. W. Groves for the month of August, 1892, were read and referred.

Marshals reports
Comtee. report.

Reports of Committees.

Alderman Townsend, for the Police Committee, to whom was referred the City Marshal's reports for the month of July, 1892, submitted a report thereon which states that the reports were examined and found to be correct.

No action was taken on the report of the Committee.

City Cemetery

City Cemetery.

The following reports on the petition of Otto Bergstrom and others for permission to extend the City Cemetery were presented:

Majority Report.

To the Honorable Mayor and City Council:

Gentlemen - Your Committee to whom was referred the within petition would respectfully recommend that the same be not granted.

(Signed) W. Ziller, J. H. Warmoth, Cemetery Committee.

Cemetery.

R. Platt, W. F. North, Ordinance Committee.
Minority Report.

To Hon. John Mc. Donald, Mayor of the City of Austin, and Board of Aldermen:

The undersigned member of the Cemetery Committee, to whom was referred the proposition of the Austin City Cemetery Association with regard to opening up about eight acres of land adjoining the present City Cemetery to the northeast, for a burial ground, does not concur in the adverse report of the majority of the Committee with regard thereto.

On the contrary, he submits:

That the best interests of the public will be subserved by accepting the proposition of said association. That there are numerous citizens and residents of the city who would prefer burial lots at the point proposed, to any that can now be acquired by them. That the place proposed is convenient, dirt alle and accessible, and the establishment of a Cemetery there will not, in his judgment, injuriously affect the public or individuals in their health or legal rights.

That the principal arguments against the proposal before the Committee was that to accept it would injuriously affect the pecuniary interests of the Highland Park Cemetery Company.

That a careful examination of the proposal of the association shows that there is nothing in it which conflicts with any legal rights of the said Highland Park Company.

By accepting it the city would not enter into any contract obligation to take any lots or bury any parties therein, but would only obtain an option to do so, at prices less than those paid the Highland Park Company.

The proposal is to have the addition brought into the City Cemetery and place the same under the control of the City authorities; it also limits the prices to be charged for a number of the lots to be sold.

That it is altogether probable that if the City does not accept the proposition the association will open the proposed addition as a private Cemetery and while same would of course be under the police regulations of the City it is, in his opinion, preferable to have same opened and maintained as a part of the City Cemetery thus assuring more uniformity in management and a systematic development of the Cemetery as a whole.

From these considerations he recommends that the petition of the Austin City Cemetery Association be granted on the terms proposed.

Respectfully submitted,

R. W. Garrison,

of Cemetery Committee.

Sept. 5, 1892.

Alderman Shelby moved that permission be granted the Austin City Cemetery Association to withdraw their petition. The motion prevailed by a rising vote of

Comptroller.

thirteen to two.

Alderman North moved that the majority and minority reports be received and filed. Adopted.

North of S. M. S. M.

Alderman Suter, for the Committee on Sanitation and Sewerage, to whom was referred a petition of citizens of the South Ward, protesting against granting the Lewis-Mercer Construction Company the right to terminate their sewer system in the channel of the Colorado river at the foot of Trinity Street, because there is no fixed channel in the river at the point, submitted a report thereon which states: "That upon investigation find that the Lewis-Mercer Construction Company are now, and have been for about two weeks, at work in damming that portion of the river that separates the channel, or divides the flow of water causing the above complaint, in such manner as to throw the entire stream into its original channel, thereby obviating such objections as complained of. We furthermore find that the Lewis-Mercer Construction Company intend using improved disinfecting and flush tanks whereby no disagreeable odor will be perceptible at the outlet of the sewer, therefore we recommend that further action in the matter be deferred until necessity will require some action."

The report was adopted.

Injunction - Taxes

Alderman North, for the Finance Committee, to whom was referred the injunction which was recently served on the City Treasurer and Collector, restraining him from selling certain property in South Austin for city taxes of the year 1891, submitted a verbal report thereon recommending that the City Attorney be instructed to defend the suit.

The report was adopted.

Pipe laying - Winfield Bros.

The following Special Committee report was read:

The Honorable Mayor and City Council:

Gentlemen - Your Special Committee to whom was referred the contract of Winfield Bros. with the City of Austin relative to pipe laying, and which was presented to the City Council for ratification, would respectfully report that they have examined the same, and herewith transmit to the Council a certified copy of the proceedings of the Board of Public Works and also a statement giving the totals of all bids received by the Board, which in our estimation fully covers the matter, and would recommend that the contract be ratified.

(Signed)

W. J. Filler,
W. J. North,
W. D. Shaley.

The report was adopted.

Now Business.

Messrs. P. M. S. M.

The Mayor presented the following message:

Austin, Sept. 5, 1892.

Gentlemen of the City Council:

I respectfully send you herewith a detailed report from the Board of Public Works, showing the receipts of bids of prices therein named as follows:

James Webster, per Messrs. P. M. S. M., estimated amount

\$54,856.80

Killer to Condy, per Messrs. P. M. S. M., estimated amount

50,319.25

Stillwell & Pierce, manufacturing Company and Smith & Vail Company 37,580.
and recommend that authority be granted to close the contracts named.

Respectfully,

John McDonald, Mayor.

The report from the Board of Public Works referred to in the Mayor's message was then read.

It states that the action of the Board of Public Works in awarding contracts to the parties above named was, on motion, referred to the City Council for approval, with the request that the Mayor be authorized to enter into contracts in accordance with said bids.

Alderman North moved that the Mayor's message together with the report from the Board of Public Works thereto attached be received and filed, and that the Mayor be authorized to enter into contracts according to the recommendation of the Board of Public Works. Adopted.

Mayor on cleaning up city.

The Mayor presented the following message:

Austin, Texas, Sept. 5th 1892.

Gentlemen of the City Council:

Realizing the importance of having the city placed in as good sanitary condition as possible, I recommend that the Committee on Ordinances be requested to report an ordinance requiring all property owners to clear all weeds and rubbish from the sidewalks and one-half the alleys in front, and in the event of the owners failing or refusing to do so, to authorize the Street Commissioner to have such clearing done at the expense of the owners of the property.

Respectfully,

John McDonald, Mayor.

It was referred to the Ordinance Committee.

By Alderman Glass:

"Resolved, By the City Council of the City of Austin, that all street work but what is actually necessary to prevent accidents and keep streets in passable condition be and is hereby discontinued for the present.

Second. That the Street Commissioner be and is hereby instructed to use all the street force except such part as are needed for work above excepted in cleaning up the streets and alleys for the city."

Alderman Platt moved to refer it to the Ordinance Committee. Carried.

Reading of Ordinance

By Alderman North: An Ordinance Entitled "An Ordinance to amend article 85, Chapter 25, title 1 of the revised penal Ordinances of the City of Austin" It was read the first time after which motions were made to suspend the rules and place the same on its second and third readings, both of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Morris, Nitschke, North, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman. - 15.

Nays - Aldermen Newton and Platt. - 2.

The Ordinance was accordingly read and an motion passed By Alderman North: An Ordinance appropriating the sum of \$1890.04 to pay approved accounts.

It was read the first time after which motions were made to suspend the rules and place the same on its second and third readings and that it do now pass, all of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Morris, Newton, Nitschke, North, Platt, Schuber Shelley, Suter, Townsend, Warmoth, Weyerman. - 16.

Nay - Alderman Schneider.

Est. # 22 - Carrigan.

By Alderman Morris: An Ordinance appropriating the sum of 22,697 and 94-100 dollars for the purpose of paying estimate No. 22 of work done and material furnished during the month of August, 1892, by Bernard Carrigan under his Contract with the City of Austin, dated Nov. 4, 1890.

It was read the first time after which motions were made to suspend the rules and place the same on its second and third readings and that it do now pass, all of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Glass, Graham, Jackson, Morris, Newton, Nitschke, North, Platt, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman. - 17.

Recorder Carlton leave absence.

Cemetery - Austin
Cemetery Austin.

Alderman North moved that the City Recorder be granted leave of absence from September 12th. to October 1st. 1892, provided the city is not put to any expense thereby. Carried.

Alderman Shelley presented the following proposition: To the Honorable Mayor and Council of the City of Austin, Texas: The Austin City Cemetery Association makes the following proposition, viz:

If the City of Austin will allow the said Association to remove the fence between the present Cemetery and the land proposed to be added, that said Association will grant to said City of Austin one acre of land, to be designated by said Association for the burial by the City of its pauper dead, said Association binding itself to bear expense of moving the fence, building curbs and opening streets, said streets and walks, also the blocks in the new addition, to be of corresponding size of those in old Cemetery. Said Association binds itself to sell lots at following price for next three years:

One hundred blocks at not exceeding \$75 per block.

One hundred blocks at not exceeding \$100 per block.

And the remainder at not exceeding \$150 per block.

The land to be added consists of about eight acres, and is shown by the plat hereto attached.

(Signed) C. H. Singstrom,
J. M. Conant,
C. J. McCarty.

Composing Austin City Cemetery Association.

By Alderman Shelley: A resolution authorizing the Mayor of the City of Austin to enter into a contract with the Austin City Cemetery Association for enlarging the City Cemetery.

On motion of Alderman North it was referred to the Cemetery Committee.

Abandoning part of St.

By Alderman Weyerman: A resolution releasing and abandoning part of a certain public road on the south side of the Colorado river. Adopted.

Time of meeting

Alderman North moved that hereafter all regular meetings of the City Council shall begin at 8 o'clock p.m. Carried.

The Council then adjourned.

Milton Morris
City Clerk.