

Minutes of a Regular meeting of the City Council.

Austin, Tex, August 15, 1892.

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

Roll

Roll Call. Present - Aldermen Asseman, Graham, Thune, Jackson, Linn, Miller, Morris, Newton, Kitcher, Platt, Schulen, Shelley, Townsend, Ziller - 14.

Call.

Absent - Aldermen Anderson, Glass, Ketchum, North, Schneider, Suter, Warmoth, Weyerman - 8.

Minutes.

The minutes of the meeting of the City Council which was held on the 1st day of August, 1892, were adopted as printed.

Petitions, Memorials, Etc.

Lewis-Mercer Const.
G. Denver.

The following petitions, etc. were introduced:

By Alderman Jackson: A petition of citizens and tax-payers of the Tenth Ward protesting against the Lewis-Mercer Construction Company being permitted to terminate their system of sewers in the channel of the Colorado river at the foot of Trinity Street.

It was referred to the Committee on Sanitation and Sewerage.

Ald. Warmoth, Weyerman & North.

Aldermen Warmoth, Weyerman and North entered the Council and answered to their names.

City Cemetery & the Burial.

By Alderman Ziller, by request, a petition from Otto Bergstrom, for himself and others, for permission to enlarge the present boundary of the City Cemetery so as to include the tract of land lying immediately east and north-east of and adjoining the present boundary, and containing eight acres of land, more or less. In consideration of the granting of the petition the petitioners agree to furnish the City of Austin with ground in said addition for the burial of its pauper dead at the following charges:

For infants up to and including four years of age, space of 2 x 4 feet of ground, at the rate per grave of \$2.50.

For adults and children 5 years old and over, a space of 3 x 7 1/2 feet of ground, at the rate per grave of \$4.

The cost of digging and filling pauper graves to be defrayed by petitioners.

Petitioners also agree to move the fences on the East and Northeast and extend them so as to include the ground above mentioned, and further to lay out streets and walks in said addition, and to plat said ground in blocks of same size as those now in Cemetery, the streets and walks to correspond and be an extension of those now in existence.

The petition was referred to the Cemetery and Public Com-
mission.

Ald. Schneider.

Alderman Schneider entered the Council and answered to his name.

By Alderman Graham.

A petition from citizens owning property on Darling Street, a part of which is claimed by the City as a part of Broadway Street, stating that such

alike Street is now wider by ten feet than the legal requirement, and that the City does not own any part of the property claimed by her, and that she never did own or in any way control said property. As further justification of your claims we submit the opinion of Messrs. Fisher & Sawney for your consideration, and we petition your honorable body to refer this matter to the Street Committee or some other Committee as you in your wisdom may think proper. x x x

The petition and opinion were referred to the Street Committee and City Attorney
By Alderman Weyerman:

Sts. in South
Austin.

Austin, Texas, June 6, 1892.

To the Honorable Mayor and Common Council of the City of Austin:

At a meeting of the citizens of South Side held at Fulmore School house on May 20th, the following was unanimously adopted, viz:

Resolved, That it is the sense of this Convention that the Streets in the Eleventh Ward as already established by the citizens thereof and which have been Conformed to by the great majority of said Citizens, be adopted by the City Council, and that the said Streets be declared to be as they now are used. That a Copy of this resolution be transmitted to the Mayor of the City by the Secretary of this meeting with a recommendation added that the Council give the request favorable consideration.

Respectfully,

Geo. P. Warner,
Secretary of the Meeting.

It was referred to the Street Committee.

Reports of City Officers.

Tax Sale, 1891.

The City Assessor and Collector presented a report of the real estate sold Aug. 2, 1892, for city taxes for the year 1891.

It was referred to the Finance Committee.

Jmr. Hancock.

The resignation of Hon. John Hancock as a member of the Board of Public Works was received and accepted.

Ed. Appin. to Equal-

A Communication was received from the Board of Appraisers and Equalization of City Taxes for the year 1892, which states that they are unable to fix, with any degree of correctness, the value of improvements on property in the old as well as in the new city limits without a personal inspection of the same.

Therefore they would respectfully request that they be allowed to hire a Conveyance with a driver for not exceeding six days for this purpose. If your honorable body concurs in this matter it will be necessary to extend the length of the first session of the Board some five or six days.

Alderman Morris moved that the Board be authorized to employ a Conveyance as suggested. Carried.

Alderman Morris then introduced an Ordinance Entitled:
"An Ordinance to amend Section four of an Ordinance to create a Board of Equalization of Taxes for the City of Austin and to prescribe the powers and duties thereof,"

approved August 3, 1891." It was laid over to be taken up under the head of new business.

Injunction.

The City Assessor and Collector presented the injunction which was recently served on him, restraining him from selling certain real estate in South Austin for City taxes of the year 1891. It was referred to the Finance Committee. Alderman Duter entered the Council and answered to his name.

Contract for laying pipe.

The following was laid before the Council together with the Contract mentioned therein:

Mayor's Office,
Austin, Texas, August 3, 1892.

Mr Milton Morris, City Clerk, Austin, Texas.

Dear Sir:- Enclosed please find Contract for pipe laying which is to be laid before the City Council at its next regular meeting for ratification.

Respectfully,

John Mc Donald, Mayor.

Alderman Ziller moved to refer the Contract to a Special Committee of three with instructions to report at the next meeting of the Council.

Alderman Platt moved to amend the motion by inserting therein between the words "next meeting" the word "regular". The Amendment was accepted, and the motion as amended prevailed by a unanimous vote of the Council and the Chair appointed Aldermen Ziller, North and Shelley as such Special Committee.

Reports of Committees.

St. Mary's Academy - St.

Alderman Kitschke, for the Street Committee, to whom was referred a petition from the Corporation of St. Mary's Academy, requesting the City to excavate Streets north and west of block 65 to proper width, submitted a verbal report thereon recommending that the report be granted. Adopted.

Mrs. E. E. Robertson - Sec. St.

Alderman Morris, for the Finance and Street Committees, to whom was referred a proposal from Mrs. E. E. Robertson to convey land to the City for an Extension of East 9th Street through Outlet No. 1, in Division B, of the outlots of the City, on certain conditions, presented a report concerning the same which recommends that the land referred to be acquired by the City for Street purposes, but while recognizing that a Street is necessary along the line indicated they refrain from recommending that said land be declared a public Street owing to the fact that the City has not money belonging to the present fiscal year out of which to place said land in condition to be used as a Street.

The report was adopted.

Alderman Schneider, for the Fire Committee, to whom

was referred a petition from the fire Commissioners requesting the Council to purchase 2000 feet of fire hose, presented a report thereon recommending that the petition be granted. The report was adopted.

Alderman Duter, for the Committee on Sanitation and Sewerage, to whom was referred a petition of citizens of the Ninth ward against the hauling of swill, etc., in the day time, offered a report thereon recommending that an ordinance be passed prohibiting the hauling of swill, etc., through the streets between 6 a.m. and 6 p.m. The report was adopted.

Alderman Schuber presented the following:

To Hon. John Mc Donald, Mayor, and Gentlemen of the City Council:

Your Special Committee appointed to confer with the Hon. County Commissioners of Travis County, beg leave to report that they have attended to that duty. In regard to the Bouldin bridge your Committee have thoroughly examined said bridge and found the same in a very dilapidated condition, and it was considered to be a waste of money to repair or patch it up as it would, in a very short time, become so decayed as to require something permanent. Your Committee therefore proposed to the County Commissioners of Travis County to build an arched Culvert, either of rock or brick, with a roadway of 40 feet wide, which your Committee think can be built for about \$4500, or less, and the County is willing to advance this sum until the City of Austin is able to reimburse the County of Travis after the close of the next fiscal year to the amount of one-half of the cost of this bridge. All of which your Committee have agreed to, provided the City Council of the City of Austin will approve of your Committee action. We would therefore respectfully recommend that the adoption of your Committee's report we believe by so doing we will give general satisfaction to all the City and County and Citizens and taxpayers as it would settle a vexed question of this bridge for all time to come, satisfactory. We therefore respectfully submit its adoption.

(Signed) J. Schuber,
J. D. Nitschke,
R. Wegman.

The report was adopted.

New Business.

The Ordinance Extending the length of the first session of the Board of Appraisers and Equalization of Taxes, which is above referred to, was taken up and read, after which a motion was made to suspend the rules and place the same on its second reading, which was adopted by a vote of two-thirds of the whole Council.

The Ordinance was accordingly read, after which Alderman Morris moved to amend Section one thereof by inserting therein between the words "Exceeding -- days", the word "thirty". Alderman Nitschke moved to amend the amendment by inserting therein "twenty five" instead of "thirty". The amendment was accepted and the original amendment as amended as amended was then adopted.

A motion was then made to suspend the rules and place the ordinance on its third reading, which was lost by the following vote:

Yeas - Aldermen Kessmann, Graham, Jackson, Miller, Morris, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman - 12.
Nays - Aldermen Hume, Linn, Newton, Kitchke, North, Platt, Zeller - 7.

The following veto was then read.

Veto.
Borough C. pipe act.

Mayor's Office,
Austin, Texas, August 3, 1892. }
To the Board of Aldermen of the City of Austin

Gentlemen - I hereby call your attention to an ordinance which was passed by your honorable body on the first day of August, 1892, and which is entitled: "An Ordinance appropriating the sum of \$2373.81 for the purpose of paying approved accounts," and invite your attention to an item therein which reads as follows:

"Geo. A. Brush, for E. pipe during July, \$226.25," being one on loan. I cannot lend my approval to this item.

First. Because said pipe was not ordered by the city, and
Second. For the reason that the financial condition of the city will not, at this time, permit of an expenditure for purposes of this character.

I therefore respectfully inform your honorable body that said Ordinance is not approved as to the item named, and ask that you take such action in reference thereto as you may deem proper.

Very respectfully,
John M. Donald, Mayor.

It was then moved that the motion by which the ordinance was passed be reconsidered. Carried.

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

Yeas - Aldermen Kessmann, Graham, Miller, Platt, Shelley, Schuber, Weyerman, Zeller - 8.

Nays - Aldermen Hume, Jackson, Linn, Morris, Newton, Kitchke, North, Schneider, Suter, Townsend, Warmoth - 11.

By Alderman Morris: An Ordinance appropriating the sum of \$5200 for the purpose of paying interest on bonds of the City of Austin which were issued prior to May 1, 1890. It was read the first time, after which motions were made to suspend the rules and place the ordinance on its second and third readings and that it do pass, all of which were adopted by the following vote: Yeas - Aldermen Kessmann, Graham, Hume, Jackson, Linn, Miller, Morris, Newton, Kitchke, North, Platt, Schneider, Schuber, Shelley, Suter, Townsend, Warmoth, Weyerman, Zeller - 19.

Interest new works. By Alderman Morris: An Ordinance appropriating \$11,250 for the purpose of paying interest due July 1, 1892, on 900 water works and Electric light bonds of the City of Austin.

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

Ayes - Aldermen Assmann, Abraham, Hume, Jackson, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schneider, Schubert, Shelley, Suter, Townsend, Warmoth, Weyerman, Ziller. - 19.

\$12.41 per Com. 2.48/100

By Alderman Morris: An Ordinance appropriating the sum of thirteen and 41/100 dollars for the purpose of paying Commissions and Exchange account of the payment of interest on bonds of the City of Austin issued prior to May 1, 1890.

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

Ayes - Aldermen Assmann, Abraham, Hume, Jackson, Linn, Miller, Morris, Newton, Nitschke, North, Platt, Schneider, Schubert, Shelley, Suter, Townsend, Warmoth, Weyerman, Ziller. - 19.

E. Saunders. Dr. H. Switch.

By Alderman Jackson: An Ordinance granting permission to E. Saunders and his assigns to lay and operate a switch from the track of the dam railroad at a point south of lot No. 12, in block 42, diagonally across Tenth Street, to and on the East End of lot No. 6 in block No. 30.

It was read the first time after which a motion was made to suspend the rules and place the ordinance on its second reading, which was adopted by a vote of two-thirds of the whole Council.

Alderman Hume was Excused.

Alderman Nitschke moved to suspend the regular order of business for the purpose of calling up and considering a proposition from D.W. Bauldin in regard to opening a street in South Austin.

The motion prevailed and the following was read:

Austin, Jan. 28, 1892.

To the Honorable Mayor and Councilmen, Austin, Texas:

Gentlemen: Having read the petition of my neighbors and friends to your Honorable Body, I will state that I fully appreciate the justness of their requests, and will subscribe as a donation to said street a strip of land sixty feet wide and about sixteen hundred long if you will build the bridge asked for, on a suitable bridge, within a reasonable time. I also most respectfully ask that when we had without delay, as I desire to pass in about twenty-five years for a barrier on part in front of my residence that would be very satisfactory enough by the location of this street, and being already fenced, I could not consider the same proposition thereafter, as it

Alld. Hume.
D. W. Bauldin.

would be attended with unreasonable cost, greatly to my injury; and should I inclose the land there would be no pass-way for the public without much greater expense than to grant and adopt the line of road asked for.

Very Respectfully,

D. W. Bauldin.

On motion of Alderman Kitchschke the proposal was accepted.

Alderman Duter was Excused.

Alderman Kitchschke moved to amend Section four of the last above named (Saunders) Ordinance by adding thereto the following: "Provided that said Saunders or his assigns shall be liable to the City of Austin for any and all damages that may be assessed against it by reason of injuries done to person or property by the operation of said ditch. The amendment was adopted, after which a motion was made to suspend the rules and place the ordinance on its third reading, which was adopted by the following vote:

Yeas - Aldermen Kitzmann, Graham, Jackson, Linn, Miller, Morris, Newton, Kitchschke, North, Platt, Schneider, Schuber, Shelley, Townsend, Warmoth, Weyermann, Ziller - 17. The ordinance was accordingly read and on motion passed.

The City Attorney was granted a leave of absence for ten days from the 17th inst.

The Council then adjourned.

Milton Morris,
City Clerk.

A. L. Duter.
E. Saunders with road
ditch.

City Atty leave of
absence.