The minutes of a regular meeting of the City Council.
Austin, Texas, August, 3, 1891.
Hon. John Mc. Donald, mayor, presiding.

Roll. Roll Called. Present- Aldermen Anderson, Bassett, Carleton, Glass, Hume, Jackson, Ketchum, Linn Morris, Mitschke, North, Phillips, Platt, Townsend, Wagerman, Wingfield, Zilker - 17.

Abs. Absent- Aldermen Graham, Kenton, Schneider, Schubert, Sutor - 5.

Minutes. On motion the minutes of the meeting of the City Council which was held on the 6th day of July, 1891, were adopted as printed.

Clerk. Alderman Morris moved that Mr. Neil Mc. Cashin be requested to relieve the City Clerk temporarily from attendance upon the Council, to Enable him to Complete the preparation of the general appropriation Ordinance. Carried.

Petitions, Memorials, Etc.

Lights. From Citizens living and doing business in the Vicinity of Second Street and Congress Avenue protesting against the removal of the arc light from the intersection of said Street and Avenue. It was referred to the Committee on Water and light.

Ellis Monroe. On the recommendation of the mayor the Council remitted a fine of $10. which was assessed against Ellis Monroe in the Recorders Court.

Ald. Graham & Schneider. Alderman Graham and Schneider entered the Council and answered to their names.

J. Rayford. Petition of Jerry Rayford for relief for injuries to horse on East Pecan Street, was read and referred to the Committee on Claims and accounts.

Ald. Sutor. Alderman Sutor entered the Council and answered to his name.

P. W. Powell. Petition of P. W. Powell for $1000.00 damages to his homestead On West Fourth Street Caused by the Construction of the railroad to the Site of the Dam, was read and referred to the Street Committee.

City Engineer. Leave of absence was granted the City Engineer from aug. 6, to 15th, inclusive.

J. P. Dodd. Petition from Jno. P. Dodd for remission of fine that was assessed against him in the Recorders Court, was read and laid on the table.

Hiermann & Bro. By Alderman Glass- Petition of Frank Hiermann & Bro. for permission to erect a wagon Scale on the Sidewalk in front of their foundary. The petition was granted, the City Engineer & Street Committee to direct the work.

[illegible] By Alderman Platt - A Communication from Citizens stating that the property abutting on East Avenue between the South line of East 11th Street and the north line of East 12th Street is rendered uninhabitable on account of the dusty and dusty Condition and the traveling public is greatly annoyed thereby. It was referred to the Street Committee.

[illegible] By Alderman Platt. Petition of M. [illegible] for remission of fines

The mayor recommended the remission of the same.

Ald. Newton. Alderman Newton entered the Council and answered to his name.

Mr. Harris. It was then moved that the petition of M. Hans be granted. The motion was lost.

Ald Smith. By Alderman Harris - Petition of Adison Smith for remission of permit fees. Referred to the Committee on Claims and accounts.

Reports of City Officers.

Tr. By the City Treasurer, July 6, to August 3, 1891.
Interest and Sinking fund -
Balances on hand and receipts to August 3, 1891, $9.146.69
Balances August 3,:
Interest Fund $ 5.000.00
Sinking " 4,146.69
Total $9.146.69
Referred to the Finance Committee.

" By the City Treasurer, July 6, to August 3, 1891
Water Works and Electric Light fund
Balance July 6 $ 252,079.06
Disbursements to August 3 22,158.77
Balance August 3, $ 229.920.29
Referred to the Finance Committee.

" By the City Treasurer, July 6, to August 3, 1891.
General Fund:
Balances July 6, and receipts to Aug. 3 $17.845.82
Disbursements to August 3, 15.952.45
Balances August, 3:
General fund $1830.37
City Cemetery " 163.00
Referred to the Finance Committee.

St. & C. By the City Assessor and Collector, for the month of July, 1891:
Amount Collected on account of the general fund $10.556.16
" " " " " " Sinking " 968.23 5/7
" " " " " " Interest " 2.420.59 2/7
" " " " " " School " 3.338.83
Total $17.333.82
Referred to the Finance Committee.

City Clerk By the City Clerk, for the month of July 1891.
Statement of Warrants issued against the general fund:

Salaries of Officers	$ 1075.02
Police	1045.00
City Cemetery	22.90
Sanitary Department	281.01
Fire Department	700.00
Services of City Teams, &c.	360.00
Feeding City Prisoners	117.62
Street Lights	1191.12
Miscellaneous	484.23
City and County Hospital	366.61
Water	8069.10

Small Pox	$ 2.03
Streets, Bridges & te.	296.17
Printing, Stationery and postage	129.92
Charity	116.07
Feed for City teams	50.36
Total	$ 13.581.16

Referred to the Finance Committee.

By the City Clerk, for the month of July, 1891:
Statement of warrants issued against the Water works and Electric light fund.

Pay Roll of Engineer's Office	$ 2,000.84
Bernard Corrigan	17,221.92
Rail Road to Site of Dam	2,872.55
Miscellaneous	66.96
Total	$ 22.162.27

Referred to the Finance Committee.

Clerk. By the City Clerk - for the quarter Ending July 31, 1891.
Statement of Warrants issued against the general fund:
Total amount $29.779.96
Referred to the Finance Committee

Clerk. By the City Clerk - for the quarter Ending July 31, 1891.
Statement of Warrants issued against the Water Works and Electric light fund:
Total amount $ 44.933.44
Referred to the Finance Committee.

Clerk. By the City Clerk - for the quarter Ending July 31, 1891.
Statement of Warrants issued against the Water Works Interest fund:
Total amount $10.166.00
Referred to the Finance Committee.

Marshal. By the City Marshal - for the month of July, 1891.
Total amount of fines assessed in the Recorders Court $765.00

Collected in Cash	$ 446.40
Worked Out	217.25
Escaped	7.15
Carried Forward	94.20
Total	$ 765.00

Back fines Collected $ 69.95
Pound fees Collected 98.10
Total number of arrests made - 98.
Referred to the Police Committee.

By the City Physician - for the month of July, 1891.

No. of patients in Hospital	July 1,	12.
" " " admitted to " in "		5.
" " " discharged from " " "		6.
" " " died " "		4.
" " " Remaining Aug. 1		7.
" " Visits made to paupers in "		110

No. of prescriptions Written for paupers 142
Referred to the Hospital Committee.

Phys. By the City Physician - a report of supplies and fixtures for the Small pox Camp now on hand.
Alderman Carleton moved that the City Physician be instructed to sell all of the supplies and fixtures named in the report.
Alderman Morris moved an amendment, Excepting the wagon.
The amendment was accepted, and the motion was then adopted.

Sexton. By the City Sexton - for the month of July, 1891.

Total number of deaths	33
White	26
Colored	12
Mexican	2

Referred to the Cemetery Committee.

Matron. By the matron of the Hospital - for the month of July, 1891.

Total amount Collected from private patients	$ 17.50
" " Expended	17.50

Referred to the Hospital Committee.

Reports of Committees.

Cemetery. By Alderman Zilker, for the Cemetery Committee, report recommending the acceptance of the proposal of Highland Park Association, per E. P. Stiles, agent, to Establish and maintain a city Cemetery. The report was adopted.

Bone Yard. By Alderman Jackson, for the Committee on Sanitation and Sewerage, report on petition of Citizens asking that the "bone yard" and "dump ground" be removed outside of the City limits. The report recommends the removal of the dump to near the river, East of Montopolis bridge. The report was adopted.

D. P. Kinney. By Alderman Anderson, for the hospital Committee, an unfavorable report on Claim of D. P. Kinney, for $25. for rent of house from January to date, on account of Small-pox. The report was adopted.

Brizelle reports. Alderman Morris, for the Water and light Committee, returned the reports of Chief Engineer Brizell, Concerning the Construction of the dam, for the month of May and June, 1891, and Stated they were in accordance with the Ordinance requiring such reports to be made. They were ordered to be filed.

The Dam.

" " The report of Chief Engineer Brizell of the progress made in Constructing the dam, during the month of July, 1891. was presented, read and ordered filed.

Unfinished Business.

Ord. against Painters, Signs &c. An Ordinance Entitled "An Ordinance to amend Chapter two, title iii, of the revised penal Ordinances of the city of Austin, by adding thereto another article to be known as article 112a of Chapter two of title iii, of said Ordinances;" was taken up on its third reading and read, after which a motion was made that the same do now pass, which was lost by the following Vote:
Yeas - Alderman Hermann, Carleton, Kuns, Hotchkiss, Linn, Platt, Schneider, Sutton, Townsend, Yeas - 10.

Nays. Aldermen Anderson, Glass, Graham, Jackson, Morris, Newton, Nitschke, North, Phillips, Weyerman, Wingfield.- 11.
The Ordinance relates to painting Signs on the Side-Walks.

Purchasing Com. An Ordinance Entitled: An Ordinance Creating a purchasing Committee for the City of Austin, and defining the duties thereof," was taken up on its second reading and read, after which a motion was made to suspend the rules and place the same on its third reading, which was adopted by a vote of two-thirds of the whole Council. The Ordinance was then read by Caption, and on motion was passed.

Water in gutters. An Ordinance Entitled "An Ordinance to repeal article 150 of Chapter One title iv of the revised Criminal Ordinances of the City of Austin," relative to permitting water from premises to flow into the gutters, was taken up on its second reading and read.
Alderman Phillips then moved to lay the Ordinance on the table, and the motion prevailed by the following Vote:
Yeas- Aldermen Anderson, Assmann, Glass, Ketchum, Linn, Newton, Nitschke, North, Phillips, Weyerman, Ziller - 11.
Nays- Aldermen Carleton, Graham, Hume, Jackson, Morris, Platt, Schneider, Suter, Townsend, Wingfield-9.

New Business.

The following Ordinances were introduced:
Estimate No. 9. By Alderman Linn- An Ordinance appropriating the Sum of twelve thousand nine hundred and Seventy-five and 8-100 dollars for the purpose of paying Estimate No. 9, in favor of Bernard Corrigan, for material furnished and labor performed on the dam for the City of Austin under Contract with the City of Austin dated November 7, 1890. It was read the first time, after which motions were 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 then read by Caption, after which a motion was made to suspend the rules and place the same on its third reading, which prevailed by a vote of two-thirds of the whole Council. The Ordinance was then read by Caption, after which a motion was made that the Ordinance do now pass, which was Carried by the following Vote:
Yeas- Aldermen Anderson, Assmann, Carleton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Newton, Nitschke, North, Phillips, Platt, Schneider, Suter, Townsend, Weyerman, Wingfield, Ziller- 21.
By Alderman Linn- An Ordinance appropriating the Sum of fifty three and 66-100 dollars for the purpose of paying Bernard Corrigan for Extra Work done on the dam in July, 1891. 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 prevailed by a vote of two-thirds of the whole Council, and the Ordinance was accordingly read, and on motion passed.

K. R. Ic Dam $[illegible]

By Alderman Linn - An Ordinance appropriating the Sum of Three thousand nine hundred and thirty five and 15-100 dollars, for the purpose of paying for material furnished and labor performed on the railroad to the Site of the Dam.

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 prevailed by a vote of two-thirds of the whole Council, and the Ordinance was accordingly read.

A motion was then made that the Ordinance do now pass, which was Carried by the following vote:

Yeas - Aldermen Anderson, Asmann, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Newton, North, Phillips, Platt, Schneider, Sutor, Townsend, Weyerman, Wingfield - 18.

Nays - Aldermen Carleton, Nitschke, Ziller - 3.

$5,000 Misc. Expenses Dam.

By Alderman Linn - An Ordinance appropriating the Sum of five thousand dollars for the purpose of paying Salaries of Engineers and miscellaneous Expenses incurred and to be incurred on account of the Construction of a Water-Works and Electric light System for the City of Austin. It was read the first time, after which a motion was made to suspend the rules and place the same on its second reading, which was lost by the following Vote.

Yeas - Aldermen Anderson, Asmann, Carleton, Glass, Graham, Hume, Jackson, Linn, Morris, North, Sutor, Townsend, Weyerman, Wingfield - 14.

Nays - Aldermen Ketchum, Newton, Nitschke, Phillips, Platt, Schneider, Ziller - 7.

$1000 - to pay Aldermen.

By Alderman Linn - An Ordinance appropriating the Sum of One thousand dollars for the purpose of paying aldermen for attending regular meetings of the City Council. It was read the first time, and then passed to its second reading by a vote of two-thirds of the whole Council. It was then read by Section, after which Alderman Morris moved to amend Section one of the Same by adding the following

"Provided, that no part of this appropriation shall be expended in payment of Alderman attending at the City hall at a time appointed for a regular meeting unless there was a quorum present to Constitute a meeting."

The amendment was adopted by the following Vote:

Yeas - Aldermen Anderson, Graham, Hume, Jackson, Morris, Newton, Nitschke, North, Phillips, Platt, Schneider, Townsend, Weyerman - 13.

Nays - Aldermen Asmann, Carleton, Glass, Ketchum, Linn, Sutor, Wingfield, Ziller - 8.

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 Anderson, Graham, Hume,

Jackson, Morris, Newton, Nitschke, North, Phillips, Platt, Schneider, Townsend, Weyerman, Wingfield, Ziller - 11.
Nays. Aldermen Assmann, Carleton, Glass, Ketchum, Linn, Suter, Wingfield - 7.
By Alderman Linn - An Ordinance appropriating the sum of $2372.85 for the purpose of paying approved accounts.
It was read the first time, after which it was passed to its second reading by a vote of two-thirds of the whole Council, and read by Caption.

Ellis Monroe

Alderman North moved to amend Section One, by adding ten dollars to refund fine to Ellis Monroe, and to so change the Caption as to make it conform to the sum added. The amendment was adopted, and the Caption was so changed.
Motions were then made to Suspend the rules and place the Ordinance on its third reading and that it do pass, both of which were adopted by the following Vote:
Yeas - Aldermen Anderson, Assmann, Carleton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Newton, Nitschke, North, Phillips, Platt, Schneider, Suter, Townsend, Weyerman, Wingfield, Ziller - 21.

$ 5000. for Misc. Expenses of Dam.

Alderman Nitschke moved to reconsider the Vote by which the Council refused to Suspend the rules and place on its second reading an Ordinance Entitled "An Ordinance appropriating the sum of five thousand dollars for the purpose of paying Salaries of Engineers and miscellaneous Expenses incurred and to be incurred on account of the Construction of a water works and Electric light System for the City of Austin."
Alderman Carleton moved to lay the motion on the table, which was lost by the following Vote:
Yeas - Aldermen Assmann, Carleton, Ketchum, Platt, Schneider, Ziller - 6.
Nays - Aldermen Anderson, Glass, Graham, Hume, Jackson, Linn, Morris, Newton, Nitschke, North, Phillips, Suter, Townsend, Weyerman, Wingfield - 15.
The motion made by Alderman Nitschke was then adopted.
Motions were then made to Suspend the rules and place the Ordinance named 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, Assmann, Glass, Graham, Hume, Jackson, Linn, Morris, Newton, Nitschke, North, Phillips, Suter, Townsend, Weyerman, Wingfield - 16.
Nays - Aldermen Carleton, Ketchum, Platt, Schneider, Ziller - 5.

Purchase of Water Co.

The mayor presented the following message and resolution:

Mayor's Office, Austin, Tex., Aug. 3, 1891.

Gentlemen of the City Council:

The building of the dam to create power to operate water and Electric light works for the City is now well advanced, and I am confident will be finished in the next fifteen or Eighteen months. If We are to have the water and light System proper ready to go into operation upon Completion of the dam, it will be necessary to take immediate steps to Complete the plans and drawings and the Surveys of pipe lines, and ask for bids upon the Construction of pumps, power house, and the laying of main and distributing pipes through the City.

Before this Can be done intelligently, it becomes necessary for us to know whether or not we are to acquire the present water works to become a part of our System. If so, in my opinion the time has Come when steps should be taken looking to the purchase of said works. Under a Contract with the Water Company, we have the right to acquire by purchase their plant, and although we may not be legally bound by said Contract, yet if we by building our own works destroy the Value of their property, it is but just that we should take it by purchase, paying them all that it is worth to the City, as a part of the proposed System.

I believe that it will be advantageous to the City to purchase the present works, for many reasons:

First, because upon taking possession we would immediately begin to receive a revenue from the works to pay interest on their Cost.

Second, the Entire list of Water takers, fire hydrants, and all water appliances, are now Connected with the present System and by acquiring it as a part of our new System we Could Connect the large mains to be laid from the proposed reservoir and Commence the operation of the new system without any inconvenience to the Citizens, who will thus be Saved the great Cost of making new Connections with a new System, and thereby avoid not only a great Expense but a Vast amount of inconvenience and great damage to our Streets.

I believe the Water Company is willing to sell to the City at a reasonable price, and I would recommend that the Board of Public Works be authorized to enter into negotiations for the purchase of the present Water-Works to become a part of the Water-Works of the City, and that they, through their Engineering force, Examine, Estimate and determine what the present Value of said works would be to the City as a part of the new System, and report the same to the City Council. In the foregoing recommendation, I have the Endorsement of the Board of Public Works, as you will see by resolution herein attached.

Respectfully, John McConnell, Mayor.

The following resolution was adopted by the Board of Public Works, at a meeting held on August 5, 1891:

"Resolved, That it is the Sense of this Board that the time has arrived for the opening of negotiations with the owners of the present water works with a view of ascertaining at what price and upon what terms, if at all, the present Water-works Can be purchased by the City, and with the purpose of getting at the necessary and proper information to guide them in this important matter they request of the City Council formal authority to open said negotiations."

Attest: W. J. Oliphant,
Secretary Board of Public Works.

Alderman North presented the following resolution which was adopted.

Resolved, that the mayor's message be referred to the board of public works with the request that they may make such investigation in the premises as to them may seem meet and thereupon to prepare and report to this body such preliminary propositions and forms of Contracts as they may see fit to recommend.

Board of Equalization

The mayor submitted the following:

Austin, Texas, July 20, 1890.

Honorable City Council.

Gentlemen:- I herewith submit the opinion of the City Attorney Concerning the qualifications of the members of the Board of Equalization, and I suggest that an Ordinance be passed amending Article 403 Revised City Ordinances so as to Conform to the opinion of the City Attorney.

Very Respectfully,
John McDonald, mayor.

Austin, Texas, July 15, 1891.

"

Hon. John McDonald, mayor,

Dear Sir:- your favor of the 14th inst. wherein you ask for my opinion as to the eligibility of an Alderman of the City of Austin, to appointment of the Board of Equalization, has been received and Considered.

Section 16 of the present Charter is as follows:

That aldermen shall receive as their Compensation, the Sum of five dollars for attending each regular meeting of the City Council, provided the Sum shall not exceed the Sum of ~~#~~ ten dollars per month, but no Alderman nor the mayor, shall during the term for which he is Elected, hold or be eligible to any other office under the City, nor shall any alderman during his term of office, be interested directly or indirectly, in any Contract or agreement for work to be done, or material furnished, or Services to be performed, for which the City is to pay a Consideration, or in the purchase or Sale of any property by the City for any purpose whatever, and for the violation of any part of Section

Sixteen, the penalty shall be Expulsion from office on an affirmative vote of two-thirds of the whole board of Aldermen.
In my opinion the above Section of the Charter renders an Alderman ineligible to appointment on said board for two reasons. First, because members thereof are within the meaning of the Charter officers of the City.
Second, because the members of said board will be required to perform a service for which the City will pay a Consideration.
The Ordinance now in force requiring the mayor to appoint members of the City Council on the Board of Equalization is in my opinion void. So far as the requirement is Concerned.

Very Respectfully,
Geo. F. Pendexter,
City Atty.

Board of Equalization.

By Alderman Morris, An Ordinance to Create a board of Equalization of Taxes for the City of Austin, and to prescribe the powers and duties thereof. It was read the first time and passed to its Second and third readings by a Vote of two-thirds of the whole Council, and accordingly read. On motion it was then passed.

Swill, Slops, Etc.

By Alderman Platt. An Ordinance, declaring it a misdemeanor for any person to haul Swill, Slops or other offensive matter through the streets of the City of Austin between the hours of - o'clock a.m. and - o'clock p.m., and providing a punishment for its Violation.
It was read the first time and referred to the Committee on Sanitation and Sewerage by a rising Vote of 11 to 9.

Salary of Supt. of Sts.

By Alderman Hasmann - An Ordinance, amending Sub-division Eighteen of Section One of an Ordinance, Entitled "An Ordinance fixing the Compensation of the officers and employees of the City of Austin from the date of their qualification," approved December 23, 1869. The object of the Ordinance is to increase the Salary of the Superintendent of Streets $25 per month.
It was read and referred to the City Attorney for his Opinion as to the legality of the same.

Speed of Electric Cars.

By Alderman Hume. An Ordinance, regulating the running of Electric Street Cars on Congress Avenue and Sixth Street and the turning of the Corner at the intersection of Congress Avenue and Sixth Street by Electric Street Cars, and prescribing a penalty for the Violation hereof. It was read the first time and referred to the Ordinance Committee.

Asa. School Land.

By Alderman North. An Ordinance, authorizing and Confirming the Sale by the City of Austin, and its Board of School Trustees, of its undivided interest in the Mary Irwin, Wm B. Dewn, Allen Talbot, and Peterman Prince Surveys of Land in Victoria County, Texas, to P. H. Jordan, H. B. Austin, and to C. J. Beck.
It was read the first time, after which Alderman North moved that it be referred to a Special Committee of three. Council. The Chair appointed Aldermen North, Platt and Jackson as such Committee.

Res.

Alderman North introduced the following resolution, which was adopted: Resolved, That the City assessor and Collector

prepare and furnish to the City attorney a fuell list and all necessary information Connected therewith of the delinquent taxes due on real estate within the City and of the parties owing the same, and that the City attorney forthwith institute all necessary proceedings to Collect the same, and to foreclose the lien securing the same in accordance with the provisions of the City Charter: Alderman Linn introduced a resolution requiring the Sanitary Inspector to flush the gutters on Congress Avenue and Pecan Street daily, Sundays excepted, until September 15, 1891, and to notify the City Water Company that he will use the hydrants along the Avenue and Street designated for the purpose named Adopted.

Bd. Equalization. The Mayor nominated W. H. Robin, Cm. Calloway, Robert H. Hanna, R. E. Shelly and Judge J. W. Smith to Constitute the board of Equalization of the City of Austin. Alderman North moved that the persons named be elected by acclamation and the motion prevailed On motion the Council then adjourned

Milton Morris, City Clerk.