

Minutes of a Regular Meeting of the City Council.

Austin, Tex., Sept 3, 1894.

Hon John M^d Donald, mayor, presiding.

Roll call.

Present - Aldermen Anderson, Arsmann, Dawson, Glass, Hancock, Hume, Jackson, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Tawnsend, Warmoth. Total 20.

Absent - Aldermen Fischer and Lawless; 2.

Minutes of the meetings of the city council held Aug 20 and 27, 1894, were adopted as printed.

Petitions, Etc.

Petition from butchers asking for ordinance - By Alderman Linn - A petition from eleven butchers requesting the council to concentrate by ordinance the butcher business that is carried on between Magnolia avenue and the Colorado river and between Shoal and Waller creeks, at the old market square.

The petition was referred to the committee on markets.

Alex Chalmers

By Alderman Platt - A petition from Alex Chalmers and others requesting that he be appointed a policeman from East Austin.

Referred to the committee on police.

Alderman Fischer entered the council and answered to his name.

Seventh ward petitioners as to closing of alley.

By Alderman Platt - A petition of citizens and taxpayers living in the Seventh and Eighth wards, on a lot 61, division B, and surrounding, complaining that the alley between East Eleventh and Chincapin streets is gradually being closed up, and asking that relief be granted.

The petition was referred to the street committee and city engineer.

Sidney Blocker

By Alderman Warmoth - A petition from Sidney Blocker and others, requesting that he be appointed a policeman for Gregorytown.

Referred to the police committee.

W. A. White

By Alderman Nitschke - A petition of citizens requesting that W. A. White be appointed a policeman.

Referred to the Police committee.

Recorded granted leave of absence

Alderman Shelley moved that the city recorder be granted leave of absence from the 14th to 28 day day of August, 1894, and the motion prevailed.

Alderman Lawless entered the council and answered to his name.

Reports of city officers for the month of August, 1894.

By the City Assessor and Collector -

Collections - Account general revenue ..	\$ 6,082.83
Account waterworks tax	5304.50
Account interest on bonds issued prior to May 1894.	500.72
Account interest school tax	1904.38
	<u>\$13,987.51</u>

Referred to the Finance Committee,
By the City Treasurer

Account Waterworks Interest and Sinking Fund, balance interest fund		\$21,034.18
Balance Sinking Fund		5000.00
Referred to Finance Committee		
By the City Treasurer -		
Account General Fund, balance		\$9308.56
Account interest on bonds issued prior to May 1, 1890		306.07
Referred to the Finance Committee.		
By the City Treasurer -		
Account Waterworks Fund, balance on hand		\$77,407.68
Referred to the Finance Committee.		
By the City Marshal -		
Total amount of fines assessed in Recorder's Court		\$400.00
Collected in cash	\$171.00	
Worked out	70.00	
Escaped	21.00	
Carried forward	138.00	
	Total	\$400.00

Referred to the Committee on Police.

By the City Clerk - Statement of warrants issued against the General fund during the month of August:

Salaries of officers	\$1156.67
Salaries of policemen	1285.00
City cemetery	111.75
Sanitary department	375.77
Fire department	1186.82
Street, bridges and alleys	1129.43
Feed for City prisoners	83.00
City and county hospital	346.96
Printing, stationery and postage	51.30
Charity	94.16
Feed for teams	98.70
Salary of teamsters	425.40
Street lights	137.50
Salary pound officer	75.00
Salary porter	40.00
Pay Aldermen	210.00
Miscellaneous	669.63
	Total
	\$7471.09

Referred to Finance Committee.

By the City Clerk - Statement of warrants issued against the Water and Light Fund during the month of August:

Engineering department	\$775.36
Wangfield Bros.	350.00
Howard-Harrison Iron Co	5000.00
St Wayne Electric Co	14,172.51
Stiles-Wall-Bierce and Smith-Deale Co	229.72
Miscellaneous	1199.78
	Total
	\$21,728.17

Referred to Finance Committee.

By the City Physician -

Number of patients in hospital Aug. 1, 1890.	6
Number of patients admitted to hospital during August	18

Number of patients discharged from hospital during August 14.
 Number of patients remaining in hospital Sept 1. 12
 Number of visits made to paupers in city during August 111
 Number of prescriptions written for paupers in city during August. 172
 Number of cases of diphtheria reported in city 2.
 Referred to the hospital committee.
 By Rhoads Fisher, Jr. Engineer:

Austin, Tex. Sept 1.

Hon Board of Public Works, Austin, Tex:

Gentlemen - I have the honor to submit my report of operations on the pipe lines during the month of August, 1894:

20,821.75 feet of pipe were laid, 87 hydrants and 18 valves were set during the month as follows: 1354.75 feet of 20 inch pipe were laid on Dam boulevard; 40 feet of 16 inch pipe were laid on West Nineteenth street; 1060 feet of 12 inch pipe were laid on Georgetown road; 2519 feet of 8 inch pipe were laid, of which 296 feet were laid on Congress Avenue, from First street to Colorado river bridge, and 2223 feet on Congress Avenue (South Austin) from Colorado river bridge to a point near deaf and dumb asylum, 15,848 feet of 6 inch pipe were laid, of which 2,367 feet were laid on East Sixth street, between Lydia street and First street, west of second cotton seed oil mill; 1455 feet on Seventeenth street, between Lavaca and Rio Grande streets; 2040 feet on Twentyfourth street, between Rio Grande and Wichita streets; 2050 feet on Rio Grande street, between Twenty-fourth and Twenty-eighth streets; 1005 feet on Navarota street, between Second and Canterbury streets; 869 feet on East Tenth street, from Comal street eastward; 500 feet on Mary Ann street, north from Nineteenth street; 396 feet on Blanco street, south from Sixth street; 156 feet on West Sixth street, to make connection with North and South Blanco street mains; 915 feet on Fanning street, between Third and Sixth streets; 2538 feet on Congress Avenue (South Austin) between Nellie and Mary streets, 761 feet on Mary street (South Austin) between Nickerson and Eva streets; 362 feet on Circle drive (South Austin) east from Congress Avenue, 350 feet on Nellie street (South Austin) west from Congress Avenue, and the remaining 508 feet were used in making hydrant connections.

Respectfully submitted

Rhoads Fisher, Jr. Engineer.

Referred to Water and Light Committee.

By Joseph Kappeler, Engineer

Austin, Sept 9

To the Board of Public Works -

Gentlemen - During the month of August there was but little work done on the rebuilding

of the power house foundation contracted for by Messrs Brown & Dabney. From the 1st to the 20th the contractors were delayed on account of high water. Since the flood has receded the contractors have been trying to pump the water down with the same pumps, which have been tried and tested to their utmost capacity time and again, both by themselves and J. F. Hart & Co. Owing to the inefficient capacity of these pumps they have failed thus far to accomplish anything which would indicate the completion of the work within a reasonable time.

It is due to the contractors to say that on Aug. 29 they received a Merges pump, estimated capacity of 900,000 gallons per 24 hours, the efficiency of which I doubt very much; this pump they are now endeavoring to place in position. Should this pump prove to be a success, the work could be easily finished within 20 days, if not, it will be necessary (in my opinion) to throw aside all the pumps now in use and put in their stead two 10-inch centrifugal pumps with engines of sufficient speed and power to run them to their utmost capacity.

Very respectfully,
Joseph Kupperle, Engineer.

Referred to committee on water and light.
Reports of Committees.

Bridge over Waller
Creek report of
Committee

Alderman Jackson, for the street committee, to whom was referred an ordinance appropriating \$1568.85 for the purpose of constructing a stone arch bridge over Waller creek on East First street, presented a report thereon recommending the passage of the same. The report was laid over to be taken up with the ordinance named therein under the head of unfinished business.

Brown & Dabney
Est. No. 2

Alderman Taylor, for a majority of the finance committee, to whom was referred an ordinance appropriating \$3,642.74 for the purpose of paying estimate No. 2, in favor of Brown & Dabney under their contract with the city of Austin dated June 14, 1894, offered a report thereon recommending the passage of the same.

Minority Report

Alderman Linn presented the following minority report:

Austin, Sept 3 1894.

To Hon John Mc Donald, Mayor, and to the city council of the city of Austin:

Gentlemen. The undersigned, a minority of your finance committee, to whom was referred the ordinance appropriating \$3,642.74 to pay estimate No 2 favor Brown & Dabney for work done in erecting the foundation for the power house at the dam, beg to recommend as follows:

First. That said ordinance be laid over without action, for the reason that the contractors obligated themselves to complete the work contracted for within a certain specified time, and that Messrs

Brown & Dabney have failed to carry out the terms of their contract within the time named in their contract with the city, but to the contrary under the terms of their contract with the city are forfeiting \$50 per day to the city because of their failure to carry out their contract terms with the city, the date of said forfeiture running back to about August 20, 1894.

Second. The minority of your committee, without any desire or intent to reflect upon the integrity of the contractors or upon the sufficiency of bonds, begs to say:

First. If this estimate is paid the contractors may see proper to surrender their contract.

Second. In the event the estimate is paid and the contractors should surrender their contract because of their inability to complete same at contract price, then the city would be placed in one position, namely, suit upon the contractor's bond. The undersigned have never seen this bond; it may be a good bond it may be not. If suit be brought upon it the suit would go through all the courts, not be terminated under two years. So thus litigate involves expense and worry.

The undersigned believes that the city has this matter well in hand, the city is in a position to fully protect itself, that it would be foolish and absolutely in disregard of the rights of the people of Austin to surrender the advantage the city now has. I therefore respectfully recommend that said ordinance be not passed but that the same lay upon the table until the engineer at the dam shall make such report as will show that the contractors propose to carry out their contract.

Respectfully submitted,

Henry A. Linn.

Alderman Anderson moved that the reports be laid over to be considered with the ordinance under the head of unfinished business. Carried.

By Alderman Nitschke for the fire committee, to whom was referred a communication in regard to reflooding a portion of the first floor of Firemen's hall, reported verbally, recommending that the city engineer be instructed to have the necessary repairs made. The report was adopted.

Alderman Schneider for the committee on police to whom was referred a petition and resolution in regard to the "colored park" and the advisability of increasing the police force, asked for further time in which to prepare reports. Granted.

Alderman North for the committee on ordinances, to whom was referred a petition of a majority of the owners of block 62, requesting that said block be

Firemen's Hall.

Report of Fire Com.

Police Com. on the

Colored Park

placed within the fire limits, presented a report recommending the passage of an accompanying ordinance covering the request of petitioners. The report was laid over to be taken up with the ordinance therein referred to under the head of new business.

Sale of school land.
Report of Com.

Alderman Anderson, for the special committee to whom was referred an ordinance authorizing and confirming the sale by the city of Austin and its Board of School trustees of its undivided interest in the Antonio de los Reyes and James Paponoe surveys of land in Kaufman and Lee counties, Texas, submitted a report recommending passage of same. The report was laid over to be taken up with the ordinance named therein under the head of unfinished business.

Mary St. Petition
as to.

By Alderman Redd, by unanimous consent, a petition of citizens requesting that Mary street be put in good condition for travel. Referred to the street committee.

Unfinished Business

Electric Wiring
Ordinance

An ordinance entitled "An ordinance to regulate the supervision of electric wiring and provide penalties for violation of same in the city of Austin" was taken up on its third reading. Alderman Schneider moved to amend the ordinance in section 3 line 1, after the words board of "public works" by inserting the words "or city council". The amendment was adopted, after which the ordinance was read a third time and passed by the following vote:

Yeas- Alderman Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth - 22.

Sale of school land

An ordinance entitled "An ordinance authorizing and confirming the sale by the city of Austin and its Board of School trustees of its undivided interest in the Antonio de los Reyes and James Paponoe surveys of land in Kaufman and Lee counties, Texas," was taken up on its second reading and passed under suspension of the rules by the following vote:

Yeas- Alderman Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth, Total 22.

Brown & Dabney
Es. No 2.

An ordinance entitled "An ordinance appropriating the sum of \$3642.79 for the purpose of paying estimate No 2 in favor of Brown & Dabney under their contract with the city of Austin, dated June 14, 1894" was taken up on its second reading together with the majority and minority report in reference thereto.

Alderman Kern moved to substitute the minority for the majority report.

Alderman Taylor moved that Messrs Woodbridge and J. W. Mason, members of the Board of Public Works, be invited to address the council in regard to the

payment of the estimate named in the ordinance before the council. The motion was adopted and Mr Woodbridge came forward, addressed the council and gave his reasons for believing the estimate should be paid.

Mr Maddox then made a few remarks in support of the position taken by Mr Woodbridge.

The City attorney, by request, explained the contract of Brown & Dabney with the city of Austin, and took the position that the estimate was in accordance with the terms of the contract and should be paid.

The motion to substitute the minority for the majority report was then put and lost by the following vote:

Yeas - Aldermen Hancock, Hume, Jackson, Linn, Raymond, Redd, Warmoth; 7.

Nays - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Lawless, Nitschke, North, Platt, Powell, Roberdeau, Schneider, Shelley, Taylor, Townsend; 15.

Alderman Lawless then moved the adoption of the majority report and the motion prevailed by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Lawless, Nitschke, North, Platt, Powell, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; 17.

Nays - Aldermen Hume, Jackson, Linn, Raymond, Redd; 5.

The ordinance was then passed under suspension of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Jackson, Lawless, Nitschke, North, Platt, Powell, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; total, 18.

Nays - Aldermen Hume, Linn, Raymond, Redd; total, 4.

An ordinance appropriating the sum of \$1568.85 for the purpose of constructing a stone arch bridge over Waller creek, on East First street, was taken up on its second reading, read and passed by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Lawless, Linn, Nitschke, North, Platt, Powell, Raymond, Redd, Roberdeau, Schneider, Shelley, Taylor, Townsend, Warmoth; total, 22.

Aldermen Fischer and Linn were excused from further attendance on the session of the council.

New Business.

By Alderman North. An ordinance entitled "An ordinance to amend an ordinance amending article 281, title 8, chapter 2, of the revised civil ordinances of the city of Austin, approved September 18, 1890". The object of the amendment is to include block 62 above mentioned, in the fire limits.

The ordinance was read first time and a second and third time under suspension of the rules and passed by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Glass, Hancock, Hume, Jackson, Lawless, Nitschke, North,

Bridge over Waller Creek
\$1568.85.

Fire Ordinance
Amended

Amendment changing
place of Council
meetings

Platt, Powell, Raymond, Redd, Roberdeau, Schneider,
Shelley, Taylor, Townsend, Warmoth - 20.

By Alderman Anderson - An ordinance amending
article 70, chapter 3, title 4 of the revised civil ordinances
of the city of Austin.

The object of the ordinance is to change the place of
meeting of the city council from the city hall to the Fire-
men's hall.

The ordinance was read, after which Alderman Schneider
moved to refer it to the Fire Committee.

Alderman Anderson moved as a substitute that it
be referred to the committee on ordinances.

The substitute was lost by a rising vote of 9 to 10
and the original motion prevailed.

Alderman Hume was excused from further attendance
on the session of the council.

By Alderman Taylor - An ordinance appropriating
the sum of \$1473.28 for the purpose of paying approved
accounts. The ordinance was passed under suspension
of the rules by the following vote:

Yeas - Aldermen Anderson, Asmann, Dawson,
Glass, Hancock, Jackson, Lawless, North, Platt, Powell,
Redd, Roberdeau, Shelley, Taylor, Townsend, Warmoth; 18.

Nays - Alderman Nitschke, Raymond, Schneider.

By Alderman Anderson - An ordinance appropriat-
ing the sum of \$1000 for the purpose of paying freight
and other miscellaneous accounts of Brown + Dabney
while constructing the foundation of the powerhouse.

The following was then read:

"Resolved, That the city council be requested to ap-
propriate the sum of \$1000 for the purpose of paying freight
and other miscellaneous expenses of Brown + Dabney, while
constructing the foundation of the powerhouse. Pay-
ments to be made only on properly approved vouchers."

I hereby certify that the foregoing resolution was
adopted by the Board of Public Works at a meeting held
Sept 3, 1894.

Milton Morris,

Acting Secretary Board of Public Works.

The ordinance was read and referred to the Committee
on Finance.

By Alderman Anderson - An ordinance appropriat-
ing the sum of \$3749.78 for the purpose of paying estimate
No 5 of work done by Wingfield Bros as per contract. It
was passed under suspension of the rules by the following
vote:

Yeas - Aldermen Anderson, Asmann, Dawson, Glass,
Hancock, Jackson, Lawless, Nitschke, North, Platt,
Powell, Raymond, Redd, Roberdeau, Shelley, Taylor, Town-
send, Warmoth - 18.

Nays - Alderman Schneider.

By Alderman Shelley - An ordinance regulating
assemblages in public places and fixing a pen-
alty for violation of same. Alderman Nitschke

Approved Accts
\$1473.28

Brown + Dabney
\$1000 for freight.

Wingfield Bros
Es No 5 \$3749.78

moved that it be referred to the committee on ordinances without being read and the motion prevailed.

Alderman Nitschke moved that the council stand adjourned. The motion was lost by a rising vote of 8 to 4.

Alderman Raymond's
Questions.

Alderman Raymond offered the following:
Mr Mayor I desire to know whether or not the water pipes will be laid in all parts of the city as originally contemplated under the dam system of waterworks, and also the electric light systems, and if not, why not. And I further ask that this inquiry and answer be published in the regular proceeding of this meeting of the council.

Alderman Nitschke moved that the council stand adjourned and the motion prevailed.

Milton Morris,
City Clerk.