

Regular Meeting of the City Council
Austin Oct 10 1883

Hon. R. Platt President of the Council presiding

Roll call present aldermen Mertz Kinney Lawrence
Schuber Dickie Reed and Platt

A fine of one dollar was entered against aldermen Gussert and Wilson for non attendance at this meeting

Minutes of Oct 7 1883 read and approved

A Proposition was received from the Capital
Compress Company to build a bridge for the City
over Shoal Creek on Cedar street The Compress
Company propose to advance the amount necessary
to build the bridge and the City to pay for
the same January 1 1884 Referred to the Street Committee

The following communication was received
from the City Marshal

Austin Oct 10 1883

To the Hon Mayor and Board of Aldermen of
the City of Austin

Gentlemen

I respectfully request that
you place four additional police officers on
the pay roll for the five days of the fair

Respectfully

John P. Kirk
City Marshal

a communication was received from the City
Marshal asking the a sum of money be appropri-
ated for the purpose of burial of furnishing
transportation to the Cemetery of dead paupers
an ordinance appropriating the sum of \$500.00 for
the purpose of paying for the burial of paupers
was introduced and read second and third
times under suspension of the rules and passed
by the following vote Yeas Aldermen Mertz Kinney
Lawrence Schuber Dickie Reed and Platt

The Street Committee submitted the following report in regard to the City water troughs which was adopted

Hon W A Paylor President of the City Council

Having considered the within report of the City Marshal in regard to public water troughs we recommend that the Mayor be requested to ascertain by correspondence with parties both at home and abroad the cost of iron troughs suitable for public accommodation for stock and of such construction as would make them suitable for connection with the water works The report of such enquiry to be reported to the City Council at the next regular meeting

Black J Kinney, Street Committee

The street committee were granted further time to report on petitions referred to them

The Ordinance committee submitted the following report which was adopted

To the Hon W A Paylor President of the City Council of the City of Austin

The Committee on ordinance to whom was referred an ordinance entitled an ordinance making a refusal or neglect to construct sidewalks a misdemeanor be leave to report that they have duly considered the same and recommend that the same do not pass it is the opinion of the Committee that the only mode by which such improvements are contemplated by the ordinance can be forced to be made by owners of property fronting on a street is by the exercise of the taxing power of the City as found in article 13 of the City Charter by that ~~authority~~ article the Mayor and the Council have the power to levy one per centum tax on the value of property fronting on streets for paving the sidewalks thereon and under the circumstances named in that article the Council has the power to have such paving done at the sole and exclusive expense of the owners of lots fronting on such streets we think therefore the better course is to pursue the mode indicated by that article of the City Charter Respectfully submitted Ined Black and Buttz

The following report of the Ordinance committee on the petition of P B Foster was read and adopted

To Hon W A Gaylon President of the City Council

The ordinance committee to whom was referred the petition of P B Foster to grant him the right of way through the streets of the City to build and operate a street railway beg leave to report that they have duly considered the same and recommend that the right of way asked for be not granted

The committee are of the opinion that the interest of the City would be best served if an advantageous contract could be made for the construction of street railways but if such contract be made it should have such safeguards therein as would secure to the Citizens such railway facilities as are commensurate with the present needs of the City. The proposition of Mr Foster is to give him the unqualified right of way through the streets to build a street railway. We now have one street railway running through a portion of the City which by no means reflects credit on its managers or on the City. The insufficiency of that railway arises from want of caution in prescribing terms on which the same was permitted to be constructed in the first instance.

It is the opinion of the committee that the use of the streets for street railway purposes should be made a source of revenue to the City and this rule should be applied to the railway now existing and all others hereafter authorized to be constructed.

Respectfully submitted

Snead & Metz

Alderman Lawrence called up a resolution authorizing the Mayor to enter into a contract with Mr Riley for the purchase of twenty acres of land for cemetery purposes. The resolution was read second time.

Alderman Snead offered the following amendment to the resolution which was adopted

add at the end of the resolution 'after deducting the expense of cleaning and enclosing the grounds and laying the same off into burial lots,

Alderman Kinney offered the following resolution which was adopted

Resolved by the City Council of the City of Austin

That a committee of three aldermen to be appointed by the Mayor are hereby clothed with full power to act in conjunction with the authorities of Travis County and to adopt a plan for a City hospital to advertise for bids for the construction of said Hospital in accordance with the plans adopted and to make a contract with the lower and best bidder for the erection of said Hospital Building provided the expense on the part of the City shall not exceed the amount of the special hospital fund heretofore set apart and now standing in the City Treasury to the credit of said fund.

Adopt Plan
for a City Hospital

Alderman Schubert introduced an Ordinance Authorizing the Mayor and City Physician on the part of the City to take such action in conjunction with the County authorities as will secure the erection of a city hospital on the City Hospital Block at the earliest date possible also appropriating \$5000. out of the hospital fund for that purpose the ordinance was read second time under suspension of the rules.

Alderman Reed offered the following amendments which was adopted strike out in Section 1 line 6. the word City Physician and add the words Three aldermen to be appointed by the President of the City Council Amend by striking all of section one after the word City of Austin and in line 24 and insert in lieu of the part stricken out the following For that purpose the sum of \$5000. or so much thereof

as may be necessary now in the City Treasury belonging to the Hospital fund &c and the same is hereby appropriated Amended further by striking out the word. Equally, in line 22 of section 2nd.

The Ordinance as amended was read third time under suspension of the rules and passed by the following vote Yeas Aldermen Metz Kinney Lawrence Schubert Driskill Reed and Platt.

His honor appointed as the Committee Aldermen Reed Kinney and Schubert.

Alderman Kinney moved that the Council reconsider the vote by which an ordinance amending an ordinance granting to the Capitol Gas Light Company the right to erect and operate gas works, and contracting for street lamps.

Motion to reconsider was adopted by the following vote Yeas Aldermen Metz Kinney Lawrence Schubert Driskill Reed and Platt.

On motion the ordinance was referred to the Street Committee.

Alderman Kinney introduced an ordinance providing for the grading and paving sidewalks on Picayune Street between Sausalito Street and West Avenue. The ordinance was read second and third time under suspension of the rules and passed by the following vote. Aldermen Kinney Metz Lawrence Schubert Driskill Reed & Platt.

The ordinance was ordered to be published in full.

On recommendation of Alderman Metz the mayor nominated Benjamin Miller as special Police officer. The nomination was confirmed by acclamation.

Alderman Metz introduced the following resolution which was adopted.

Be it resolved by the City Council of the City of Austin

That the mayor be and is hereby authorized to fill temporary vacancies

on committees made by absence of its members from the City or by sickness

Section 7. Members of committees so appointed shall only act during the absence from the City or of sickness of the regular members of committees

alderman Platt introduced the following letter as a supplementary report of the Committee to whom was referred the matter of the City Charter.

Hon Radcliff Platt alderman & word
Sir

In answer to your question whether the act of the recent legislature abolishing and amending the City Charter of Austin is a valid act I have to say that, in my opinion it is not the same being in conflict with section 8 article 11. of the State Constitution

You say that the City Council composed of the Mayor and aldermen, protested against the action of the legislature in the premises. The section quoted makes it discretionary with the City to have Charters granted or amended by special act of the legislature. A City in a legal or political sense is the municipal corporation composed of Mayor and aldermen and other vested with power of government. An application by a number of citizens to the legislature to modify the Charter is not an application by the City. On page 88 art 340 of the revised Statutes, where the legislature confers upon certain cities the right to reform their charters under the general laws you will find that the movement to change the Charters of such cities is treated in the view presented. The council must act in the matter. In my judgment the legislature has no power to act in changing the City Charter of Austin except by a vote of the City Council in favor of that purpose expressed and addressed to the legislature such is the predicate I believe to be laid down in the Constitution and with out it the act of the legislature repealing or modifying the Charter is null and void

Respectfully yours B. Trigg

Alderman Kinney introduced an ordinance amending the stock ordinance passed March 10th 1883. The amendment provides that milk cows shall not be impounded but the owners allowing them to run at large, shall be punished by a fine as in the case of other misdemeanors.

The motion to suspend the rules and place the ordinance on its second reading was lost by the following vote. Yeas Metz Kinney Lawrence Schubert Driskill and creed nays Alderman Platt.

Alderman Platt introduced an ordinance prohibiting the digging up breaking or removing of dirt and gravel from the street and other public places, with out first having obtained permission so to do.

The motion to suspend the rules and place the ordinance on its second reading was lost by the following vote yeas Metz Lawrence Schubert Driskill creed and Platt nays Kinney.

An ordinance appropriating the sum of \$1000. for improvements on the street and \$750⁰⁰ to repair the gutters on Congress avenue was introduced and read first time the motion to suspend the rules and place the ordinance on its second reading was lost by the following vote yeas Metz Lawrence Schubert Driskill creed and Platt nays Kinney.

J. L. Durnell
City Clerk

a fine for cows
running at large