Regular meeting of City Council.

Austin, Jan 4. 1886.

Hon. J. W. Robertson, Mayor, presiding.

Roll Call.

Roll Call

Present Aldermen Pillow, Anderson, Brush, Campbell, Schubert, Warren, Wortham, Crooker, Holman, DeGress, Cummings, Erwin, Walker and Brennan - 14.

Absent - Aldermen Schneider, Metz, Odell and Cravens.

Call Council

On motion, a Call of the Council was ordered, but a motion was immediately adopted suspending the Call.

Call suspended

Petition of Citizens to Close bawdy houses, Saloons gambling, etc.

His Honor, Mayor Robertson, presented a petition of citizens of Austin asking that the City Council suppress at once all gambling houses and bawdy houses, and pass and enforce such an Ordinance as will be required to control the saloons and drinking places in the City.

On motion the petition was referred to the Ordinance Committee.

Petition D. M. Wilson for right of Way.

A petition of D. M. Wilson and associates, asking right of way along any of the streets of Austin not now occupied by the present street railway Company now in operation, except the right to cross the tracks thereof, was read and referred to Street Committee.

Electric alarm for fire & Crime

A memorial by O. F. Zink, suggesting that an electric alarm system be established throughout the City for the purpose of giving immediate notice to the police station when crime has been committed, and when fire occurs, was referred to police Committee.

Alderman Metz came in and answered to his name.

Of the River Walk

Alderman Walker presented to the Council a letter which he had received from Stephen H. Darden, Superintendent of Public Buildings and grounds, disputing the jurisdiction of the City to grant permission to persons to erect buildings on the River Walk.

On motion the letter was referred to the City attorney with instructions that he furnish the Council with his opinion on the questions involved, at the next regular meeting.

Reports of City Officers.

Marshals Rec Report

Report of J. E. Lucy, City Marshal, for Dec 22 to 31, inclusive:

Total fines assessed in the recorder's Court, $377.90.

Total Cash Collected.		$123.10
" Work		76.75
" Appeal		38.90
Amount Carried over		139.15
Total		$377.90
Back fines Collected	$18.30	
" " Worked	67.70	
Total	$86.00	

The report was read and referred to the Police Committee.

Sextons report

Report of C. L. Nitschke, City Sexton, for the month of December, 1885.

Total deaths	29
White	23
Colored	6
Male	20
Female	9
Still born	4
Remains brought here from Travis County	4
" " " " Burnet "	1
" taken up and shipped	4

The report was read and referred to Cemetery Committee.

Assr. + Coll's report

Report of Fred Sterzing City Assessor & Collector, for Dec 1 to 21, inclusive

To income for ad valorem taxes of 1885.	$1679.61
" " from " " " 1884	699.40
" " " license tax	1490.50
" " " Cemetery	125.00
" " " Recorders Court	1403.60
" " " ground rents	75.00
" " " miscellaneous	4500.00
Total	$9973.11

By Treasurer's receipts No's 1061 to 1074 inclusive $ 9973.11
Taxes collected for public schools from
November 1, 1885, to December 21, 1885, inclusive:
To income from School tax for the year 1885, $559.92
" " " " " " " " 1884, 233.95
" balance, being Cash on hand as per report
of July 31, 1885, and report of Oct. 31, 1885, 160.30
Total $954.17.
By Treasurer's receipt No. 69 954.17.
The report was read and referred to the finance Committee.

Clerk's report

The City Clerk's report of warrants issued during the month of December 1885, was referred to the finance Committee without being read.

City Physician's report

Report of City Physician:
Hon J. W. Robertson, mayor, and
City Council:
City Physician's report for the month of December, 1885.
Number of patients in hospital
December 1, 1885, 13.
Discharged during the month of December 14
One death during the month of December. 1
Patients remaining in the hospital Jany, 1886, 12
I have made fifty visits to pauper patients during the last fifteen days, and have written twenty-Seven prescriptions.
The health of the City is good, and no Contagious diseases of any kind prevailing.
Respectfully Submitted
R. S. Graves, M. D.
City Physician
Referred to the hospital Committee.

Treas's report

Report of City Treasurer for month ending December 31, 1885.
Bal. on hand Nov. 30, $23.630.24
Received from assessor and Collector
On account of advalorem tax $2,242.84
" " license 1309.05
" " general fund 4978.60
" " Cemetery " 125.00 — 8655.49
$32 285.40

Credits.

Cemetery fund Paid Warrants	$20.85	
General " " "	5936.36	
Interest fund paid interest on bonds	1000.00-	$6,957.21
Cash Balances Dec. 31,		
Market fund	1365.00	
Cemetery "	1410.94	
Back debt "	172.73	
General "	17129.85	
Interest "	50.00	
" " in New York	5200.00-	$25,328.52
		$32285.73

Unappropriated Balances.

Market fund	$1,339.00
Cemetery "	1276.66
General "	6716.21

J. W. Howard
City Treasurer.

The report was redd.

Printing Comtee. further time

The printing Committee asked for further time in which to prepare their reports. Granted.

The following report was read:

Comtee. report on final settlement of Coller. Sterging

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

Gentlemen - At the request of Fred Sterging esq, late assessor and Collector of the City of Austin, We the undersigned members of the finance Committee, have examined his books, as well as it was possible without going into a general Checking of his books, and by taking his balances, We find that he has paid into the City treasury $100.38 more than he has received. It would be impossible to give the items making the above amount without going over the business of his office during the last 13 years, which would require more time than your Committee is able to give; but we believe he is justly entitled to have the amount refunded

Very Respectfully
J. M. Odell, W. B. Walker.

Ord. to pay Jan. Salaries

An Ordinance appropriating $5,747 to pay officers and employees for the month of January, 1886, was read and referred to finance Committee.

The Ordinance Committee submitted the following report.

Austin, January 4, 1886.

Comtee. report advising Codification of ordinances.

To the Hon Mayor and City Council:

Your Committee to whom was referred an Ordinance entitled "an Ordinance making provision for the revision and Codification of the Ordinances of the City of Austin", have had the same under Consideration, and recommend its passage, in accordance with article 9, Section 1, of the amended charter.

W. B. Wortham,
T. J. Campbell,
J. C. DeGress,
Ordinance Committee

Ord. $400 to Codify ord's

The Ordinance, "an ordinance making provision for the revision and Codification of the ordinances of the City of Austin:

Be it Ordained by the City Council of the City Austin:

Sec. 1. That the Mayor is hereby authorized and empowered to employ some suitable person to revise and Codify the ordinances of the City of Austin, and it is hereby made the duty of the City attorney to assist the person so employed, whenever called upon.

Sec. 2. That the sum of four hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to carry into effect the provisions of this ordinance".

On motion the ordinance was read.

a motion was made and adopted suspending the rules and placing the ordinance on its second reading.

Passes

The Ordinance was then read, and on motion the the rules were further suspended, and the ordinance placed on its third reading and final passage and passed by the following vote: Yeas Aldermen Metz,

Pillow, Anderson, Brush, Campbell, Schuber, Warren, Wortham, Crooker, Holman, ~~Delgress~~, Cummings, Erwin, Walker and Brennen - 15.

Alderman Warren offered the following resolution which was adopted:

advertise for bids supply Hospital

Resolved, That the Mayor and hospital Committee be directed to advertise for bids for furnishing medicines and medical supplies for use of the City for the year 1886.

That said Committee shall let the Contract under such rules and regulations as they may prescribe.

Hospital Committee.

His Honor, Mayor Robertson read the following:

Mayor's Office Jany 4, 1886.

Fine of Geo. Allen remitted

Gentlemen of the Council:

I hereby remit the fine and Costs assessed against George Allen in the recorders Court on the fourth day of January, 1886, on the Charge of using language Calculated to provoke a breach of the peace, said fine and Costs amounting to the sum of $15.65, and ask your advice and Consent thereto.

J. W. Robertson
Mayor

The council Consented to remit the fine, and ordered the same refunded

Alderman Crooker offered the following resolution:

Resolution for publication of minutes in Statesman

A resolution providing for the publication of the proceedings of the City Council:

Be it resolved by the City Council of the City of Austin, That the printing Committee is hereby directed to make a Contract with the Austin Daily Statesman to publish the proceedings of the City Council.

The following resolution was offered by Mayor Robertson as a substitute for Alderman Crookers resolution:

Resolved, That the

Mayor and printing Committee be required to advertise for printing for the City for the year 1886, in two Classes: First Class: Printing Ordinances, messages, proceedings of City Council, proclamations, and other like matters. Second Class: Blanks, forms, etc, etc; also for stationery for the use of the City for said year 1886. The terms and Conditions of bids to be made known in the advertisement for bids.

Substitute rejected

Alderman Cummings moved that the resolution offered by Mayor Robertson be substituted for the one offered by alderman Crooker. The substitute was rejected by the following vote: Yeas alderman Pillow, Campbell, Schuber, Warren, Holman, DeGress and Cummings - 7.

Nays Metz, Anderson, Brush, Wortham, Crooker, Erwin, Walker, and Brennen - 8

Amendment

Alderman DeGress offered an amendment that bids be asked which shall be made to the printing Committee and Mayor, and that they be empowered to accept or reject such bids.

The amendment was adopted by the following vote: Yeas Campbell, Schuber, Warren, Holman, DeGress, Cummings, Erwin and Walker - 8.

Nays - Metz, Pillow, Anderson, Brush Wortham, Crooker and Brennan - 7

Amendment

Alderman Cummings moved that the same Committee advertise for bids for printing second Class matter such as blanks, forms, stationery, and other like matter

Adopted.

Petition P. Conley for appointment as policeman.

A petition by Patrick Conley asking to be appointed a policeman was presented and referred to the City marshal.

Jno P. Kirk Marshal pro tem.

The temporary appointment of J. P. Kirk as City marshal, by his Honor, Mayor Robertson was on motion Confirmed.

Report of special Committee:

Report Contest. on Contested elections

Report of Committee on Contested elections

in the Cases of B. C. Wells vs Geo A Brush; and McAnally vs J. C. DeGress:

Austin Tex Jany. 4, 1886.

To the Honorable Mayor and City Council.

Gentlemen - Your Committee to whom was referred the Cases of Wells vs Brush, Contesting for the seat of alderman of the 3rd ward; and McAnally vs DeGress, Contesting for the seat of alderman of the 8th ward, Submit the following report of testimony taken in both Cases, in accordance with the resolution of this honorable body.

Your Committee beg to further report; That in the Case of Wells vs Brush the evidence disclosed several illegal votes Cast, which though not sufficient to change the declared result of the election as to Mr Brush's right to the seat from the third ward sufficient to show that Mr Wells had good grounds of Contest on which to base his action. In the Case of McAnally vs DeGress, the testimony Consists of answers of Col DeGress to a number of interrogatories propounded and involves, mainly, legal points for the Consideration of the Council

Very Respectfully

C. E. Anderson

Chairman of Committee

W. B. Walker,

W. J. Brennan,

W. B. Wortham,

J. Schuber, of Committee.

Report adopted. On motion the report was adopted and the Committed discharged.

Ald. Brush Confirmed. Alderman Anderson moved that Mr Brush be confirmed in his seat, the Contestant having withdrawn his Contest. Adopted.

Take up McAnally Case. Alderman Cummings moved to take up and proceed with the Contested election Case of McAnally vs DeGress. Adopted.

A motion to postpone the Case till

tomorrow at 7 p.m., was made and defeated, and the Council proceeded to Consider the Case.
On motion, the City attorney was excused.

Case dismissed

Alderman Anderson introduced the following resolution which was adopted:
Resolved, that in View of the fact that in the Case of McAnally vs De Gress, the Question is purely a legal One, the contest be dismissed
C. E. Anderson

Culvert on W. Pecan

Alderman Pillow introduced the following:
Resolution instructing City engineer to examine and report Cost of Repairing Culvert on West Pecan Street between Crockett and West Blanco Streets.
Resolved that the City engineer be instructed to examine and report as early as practicable what is necessary to be done and the Cost thereof, to prevent the Culvert on West Pecan street between Crockett and West Blanco streets from Caving in, thereby rendering said West Pecan street impassible. Adopted.
Alderman Schuber offered the following Ordinance which was read:

Ord. granting Gus Wilke right of way

An Ordinance granting to Gus Wilke the privilege of Connecting the Austin and Northwestern railroad and the Abner Taylor railroad.
Be it Ordained by the City Council of the City of Austin
Sec. 1. That Gus. Wilke is hereby granted the privilege of Connecting by a railroad track, the tracks of the Austin & Northwestern railroad and the Abner Taylor railroad, and to lay a Side track On East Avenue South of Pecan Street and a third rail On the road bed of said Abner Taylor railroad from the point where said Wilke shall Connect with the same to its terminus at the State Capitol.
Sec. 2. The right of way along East avenue

and Cedar street necessary to the enjoyment of the privileges conferred by this Ordinance is hereby granted to the said Gus. Wilke, and he is fully authorized to run trains over said connection at such times as he may deem necessary until the completion of the new Capitol building, at which time it is hereby made the duty of said Wilke to remove at his own cost the rails, ties and all other obstructions placed by him on said streets in the construction and use of said connection between the Austin and Northwestern railroad and the said Abner Taylor railroad.

Sec. 3 All work done by said Wilke, under and by virtue of the privileges hereby granted, shall be under the supervision of the City engineer and in strict conformity with the plans of said work now on file in the office of the City Clerk

Sec. 4. It is hereby made the duty of said Wilke to put such street crossings and culverts along the line of said connection as may be required of the City engineer, and a failure so to do shall be held and taken as a forfeiture of all rights conferred on him by this Ordinance.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage.

On motion the rules were suspend and the Ordinance placed on its second reading

Amendment — Alderman Walker moved to amend section 1 by striking out "South" of Pecan, etc., and inserting "North" of Pecan, etc. A motion to table the amendment was adopted by the following vote: Yeas — Metz, Pillow, Anderson, Brush, Campbell, Schuber, Warren, Crooker, Holman, and DeGress — 10.

Nays — Wertham, Cummings, Ervin, Walker and Brennan — 5

Amendment — Alderman Campbell offered the following amendment to section 2: Provided that this privilege shall expire at the time fixed by the contract between the State and Capitol Contractors for the completion of the State Capitol, unless the State shall grant further time

motion tabled.

to the said Contractors. A motion to table the amendment was adopted.

Amendment

Alderman Wasser offered the following amendment to Section 3: Provided that all of said tracks shall be made so that the top of the rail shall conform to the grade of said streets as the same shall be fixed by the City engineer. Adopted.

No further amendments being offered to the Ordinance, motion to further suspend the rules and place the ordinance on its third reading and final passage were adopted and the ordinance passed by the following vote:

Passed

Ayes. Pillow, Anderson, Brush, Campbell, Schuber, Warren, Wortham, Crooker, Holman, DeGress, Cummings, Crain, Walker and Brennan—15

Mayor Robertson presented the following Ordinance.

Levying license tax for 1886.

An Ordinance levying a license tax for the year 1886 on the Keepers of livery and feed stables and the owners and proprietors of hacks, omnibuses and other vehicles not connected with livery or feed stables.

Be it ordained by the City Council of the City of Austin:

Sec. 1 That there shall be levied and collected an annual license tax for the year 1886 from Keepers of every livery or feed stable the sum of fifteen cents for each stall in such stable and the sum of fifteen cents on each buggy, hack or vehicle belonging to said stable.

Sec. 2. That there shall be levied and collected an annual license tax for the year 1886 from the owners, proprietors or person in charge of every omnibus, hack carriage or other vehicle used on the streets of the City of Austin for the purpose of receiving, soliciting or transporting persons, for hire the sum of two dollars and fifty cents for each animal attached to or used in drawing any such

Vehicle.

Sec. 3 That there shall be levied and collected an annual license tax for the year 1886 from the owner proprietor or person in charge of any cart, wagon, dray, truck or other vehicle for the use, for the purpose of transporting merchandise or other articles whatever for hire the sum of one dollar and twenty five cents for each animal attached or used in drawing such cart, dray, truck or other vehicle.

Sec. 4. That the owner, driver or person in charge of the vehicles named in the preceding section of this ordinance shall be furnished by the Collector of taxes, a special number plate of uniform color for each vehicle, said plates to be placed on said vehicles in such a manner as to be plainly seen.

Sec. 5. all vehicles licensed under this ordinance while soliciting employment, shall be stationed at such point or points in the city as the City Council may direct.

Sec. 6. any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not less than five nor more than one hundred dollars.

Sec. 7. That this ordinance be in force from and after its passage.

The ordinance was read and on motion the rules were suspended and the ordinance placed on its second reading.

A motion to further suspend the rules and place the ordinance on its third reading and final passage were adopted and the ordinance passed by the following vote: Yea Metz, Pillow, Anderson, Brush, Campbell, Schuber, Warren, Wortham, Crooker, Holman, DeGress, Cummings, Ervin, Walker and Brennan – 15

Passed.

Alderman Schuber introduced the following ordinance:

$2800 for Culvert On E. Pecan st. + removing bridge to pine st etc

An appropriating $2,800 for the purpose of building an arch bridge on East Pecan Street, and for removing an iron bridge from Pecan to Pine Street and building abutments thereto.

Be it Ordained by the City Council of the City of Austin:

Sec. 1. The sum of Seventeen hundred dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any money in the city treasury not otherwise appropriated for the purpose of building an arch stone bridge on East Pecan street.

Sec. 2. The sum of eleven hundred dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any money in the city treasury not otherwise appropriated, for the purpose of removing the iron bridge now on East Pecan street to Pine street, and for building rock abutments thereto.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage.

The Ordinance was read and a motion made and adopted suspending the rules and placing the Ordinance on its second reading.

Motion to suspend the rules and place the Ordinance on its third reading and final passage were carried, and the Ordinance passed by the following vote: Yea Metz, Pillow, Anderson, Brush, Campbell, Schaber, Warren, Wortham, Crooker, Holman, DeGress, Cummings, Ervin, Walker and Brennen — 15.

Passed.

$50. to supply ald. with charter + repair desks

The following resolution was introduced by Alderman DeGress:

Resolved 1st. That each alderman be furnished with a copy of the Charter as amended and the old Ordinances now in use.

2nd. That the desks of aldermen be repaired.

3rd. That the sum of $50.00 or so much thereof as may be necessary, is hereby appropriated for the above purpose.

The ordinance was read and on motion the rules were suspended and the resolution placed on its second reading.

Amended to include $26 to pay J.J. Lane.

A motion was made to amend the resolution to read: 4th Be it further resolved that the sum of twenty-six dollars be also appropriated to pay J.J. Lane for services as stenographer in contested election cases.

On motion the amendment was adopted.

A motion further suspending the rules and placing the resolution on its third reading

Passed

and final passage was adopted, and the resolution passed by the following vote: Yeas Aldermen Metz, Pillow, Anderson, Brush, Campbell, Schuber, Warren, Wortham, Crooker, Holman, De Gress, Cummings, Erwin, Walker and Brennen 15.

$5.747.00 to pay officers &c. Jany

An ordinance appropriating $5.747.00 to pay officers and employees of the City for the month of January, 1886, was read and referred to the finance Committee.

Brennen resigns

Alderman Brennen tendered his resignation, which was accepted.

The following resolution was offered by

Order spl. election

His Honor, mayor Robertson:

Sec. 1. Be it resolved by the City Council of the City of Austin, That the Mayor be and is hereby directed to order an election in the tenth Ward of the City of Austin on Monday the 18th day of January, 1886, for the purpose of electing one alderman of said ward to fill the vacancy occasioned by the resignation of alderman Brennan.

Sec. 2. That said election shall be held at Hoffheintz's Store, and J. M. Mansfield, C. B. Johnson and S. H. Dixon are hereby appointed judges of election.

Sec. 3. That this resolution take effect and be in force from and after its passage.

The resolution was adopted.

On motion the Council adjourned.

Milton Morris
City Clerk.