Regular meeting of City Council.

Austin Jan 4, 1886.

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

Roll Call:


Absent: Aldermen Schindler, Metz, Odell and Swint.

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

His Honor, Mayor Robertson, presented a petition of citizens of Austin asking that the City Council suppress at once all gambling houses and bordello 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.

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 streets thereof, was read and referred to the street committee.

A memorial by C. 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 the police committee.

Alderman Metz came in and answered to his name. Alderman Walker presented to the Council a letter which he had received from Stephen H. Gardens, 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:

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

Total fines assessed in the Recorder's Court, $377.90. Total cash collected: $123.10. Amount carried over, $377.90. The report was read and referred to the Police Committee.

Report of C.C. Michaels, City Sexton, for the month of December, 1885:


Report of Fred Steinberg, City Assessor's Collector, for Dec. 1 to 31, inclusive

By Treasurer's receipts No. 2, 1061 to 1074, inclusive; 
$9773.11
Tax collected for public schools from 
November 1, 1885, to December 31, 1885, inclusive; 
To income from school tax for the year 1885; $559.92 
" " " 1884; 233.93
Balance, being cash on hand as per report 
of July 31, 1885, and report of Oct. 31, 1885. 
Total 
$754.17.

By Treasurer's receipt No. 69
The report was read and referred to the finance 
Committee.

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

Report of City Physician:
Hon. 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 January 1, 12.
I have made forty visits to private 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. D. Grimes, M. D.
City Physician.

Report of City Treasurer for month 
ending December 31, 1885:
Referred to the hospital committee.

Received from assessor and collector 
On account of ad valorem tax $224.26
" " license 120.95
" " general fund 4978.60
" " cemetery 125.00 - 86.55 - 4.9
$32285.40

Credits.
Cemetery fund paid warrants $20.85
General " " 5936.36
Interest fund paid interest
Cash balances Y.T. 31
Cash balances 1000.00 $6757.91
Market fund 1365.00
Cemetery " 1410.44
Bail debt " 172.73
General " 17129.85
Interest " 50.00
" in cash fund 5200.00 $25328.52
$32285.73

Unappropriated Balances.
Market fund $1339.00
Cemetery " 1276.66
General " 6716.21

J.W. Howard
City Treasurer.

The report was read.
The Printing Committee asked for further time in which to prepare their reports. Granted.
The following report was read:
To the Mayor and City Council of the City of Austin:

Gentlemen—At the request of Fred Sterling, our 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 $100.36 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 justified entitled to have the amount refunded.

Very Respectfully,
J.M. O'Dell, W.H. Walker.
Ord to pay Jan salaries. An Ordinance appropriating $5,447 to pay salaries and employees for the month of January, 1866, was read and referred to finance Committee. The Ordinance Committee submitted the following report:

Austin, January 4, 1866.

Committee report 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.J. Wortham,

J.J. Campbell,

J.C. DeGress,

Ordinance Committee.

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 of 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.

The Ordinance was then read, and on motion the rules were further suspended, and the Ordinance passed on its third reading and final passage, and passed by the following votes: Five Aldermen for,
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 1856. That said committee shall let the contract under such rules and regulations as they may prescribe.

His Honor, Mayor Robertson read the following:

MAYOR'S OFFICE, JANUARY 4, 1856.

Gentlemen of the Council:

I hereby remit the fine and costs assessed against George Allen in the recorder's court on the fourth day of January, 1856, on the charge of using language calculated to provoke a breach of the peace, said fine and costs amounting to the sum of $15.62, and ask your advice and consent thereon.

J. W. Robertson
Mayor

The council consented to remit the fine, and ordered the same refunded.

Alderman Crooker offered the following resolution:

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 this city council.

The following resolution was offered by Mayor Robertson, as a substitute for Alderman Crooker's resolution:

Passed, That the
Major 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.

Alderman Cummings moved that the resolution offered by Mayor Robertson be substituted for the one offered by Alderman Crocker. The substitute was rejected by the following vote: Year: Alderman Pillow, Campbell, Schuler, Warren, Holman, DeGress and Cummings-7. No: Metz, Anderson, Carnah, Worthing, Chester, Ervin, Walker and Brennan-5.

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: Year: Campbell, Schuler, Warren, Holman, DeGress, Cummings, Ervin and Walker-8.

No: Metz, Pillow, Anderson, Brush, Worthing, Chester and Brennan-7.

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.

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

The temporary appointment of J. P. Kirk as City Marshal, by his Honor, Mayor Robertson, was an motion confirmed.

Report of special committee:

Report of Committee on contested elections.
in the Cases of R. C. Wells vs Geo. A. Brush; and McAnally vs J. C. DeGraze.

Austin, Feb. 4, 1886,

To the Honorable Mayor and City Council:

Gentlemen—Your Committee to whom was referred the Case of Wells vs Brush, Contesting for the seat of Alderman of the 3rd Ward; and McAnally vs DeGraze, 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 DeGraze, the testimony consists of answers of Col. DeGraze 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. Wartham,
J. Schubens of Committee.

An motion the report was adopted and the Committee discharged.

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

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

A motion to postpone the case for
Tomorrow at 7 P.M., was made and defeated, and the Council proceeded to consider the Case. On motion, the City Attorney was excused. Since, Alderman Anderson introduced the following resolution which was adopted:

Resolved, that in view of the fact that in the case of New Albany vs. City of Oakland, the question is purely a legal one, the Contest be dismissed.

C. E. Anderson

Alderman Pillow introduced the following resolution instructing the City Engineer to examine and report cost of repairing culvert on West Ocean 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 Ocean Street between Crockett and West Blanco Streets from causing in, thereby rendering said West Blanco Street impassable. Adopted.

Alderman Schuler offered the following Ordinance which was read:

An Ordinance granting to Gus McKee the privilege of connecting the Austin and Northwestern railroad and the Oberner Taylor railroad.

Be it Ordained by the City Council of the City of Austin, Dec. 1st, 1903, Gus McKee is hereby granted the privilege of connecting by a railroad track, the branch of the Austin and Northwestern railroad and the Oberner Taylor railroad, and to lay a side track on East Avenue south of Pelican Street and a third rail on the road east of said Oberner Taylor railroad from the joint where said McKee 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 as hereby granted to the Said Gus. With 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 With to remove at his own cost the ruins, cross ties, and all other obstructions placed by him on Said Streets in the construction and use of Said Connection between the Austin and Northaven railroad and the Said Abner Taylor railroad. Sec. 3 All work done by Said With, 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 With to put such street casings and curbets along the line of Said Connection as may be required of the City engineer, and a failure to do the same 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 suspended and the Ordinance placed on its second reading.

Alderman Walker moved to amend section 2 by striking out "South" of Pleasant and inserting "North" of Pleasant, etc. A motion to table the amendment was adopted by the following vote: Yeas: Metz, Pillow, Anderson, Bruck, Campbell, Schuler, Warren, Crooker, Holman, and Beddard-10.

Nays: Northam, Cummings, Ervin, Walker and Brennan.

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 Capital Contractors for the completion of the State Capitol, unless the State shall grant further time.
The said contractors: A motion to table this amendment was adopted.

Alder. Halsey offered the following amendment to section 3: Provided that all of said tracks shall be made so that 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 it's third reading and final passage were adopted and the ordinance passed by the following vote:

Emetz, Pillow, Anderson, Bruse, Campbell, Schuler, Warren, Rutherford, Cooper, Holman, DeGraw, Cummings, Brown, Walker and Popenoe—15

Mayor Robertson presented the following ordinance:

An ordinance levying a license tax for the year 1886 on the keepers of livery and feed stables and the owners and proprietors of hack, 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 stable 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
Vehicular.

Sec. 3. That this shall be laid and collected on an annual license tax for the year 1886 from the owner, proprietor, or person in charge of any cart, dray, or other vehicle for the purpose of transporting merchandise or other articles whatsoever, 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 plate 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 upon conviction thereof, shall be fined in a sum 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 was adopted and the Ordinance passed by the following vote: Yes: Wright, Brown, Anderson, Brink, Campbell, Schuber, Warren, Norham, Cooner, Holmes, Sessies, Cummings, Ewin, Walker, and Brennan. 15.
Adoption Schuber introduced the following Ordinance:
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An appropriation of $2,500.00 for the purpose of building an arch bridge on East Pecan Street and for removing and building an iron bridge from Pecan to Pine to Pine Street and building abutments thereon.

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 seven 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 said abutments thereon.

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 passing the Ordinance on its second reading.

Motion to suspend the rules and pass the Ordinance on its third reading and final passage were carried, and the Ordinance passed by the following vote: Yea—Metz, Pilcow, Anderson, Brust, Campbell, Schaffer, Warren, Northing, Osander, Holman, DeBress, Cunningham, Emri, Walker, and Brennan—15.

The following resolution was introduced by Alderman DeBress:

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 purposes.
The ordinance was read and on motion the rules were suspended and the resolution placed on its second reading. A motion was made to amend the resolution amended to be read: 4. Be it further resolved that the following $26.75 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 and final passage was adopted, and the resolution passed by the following vote: Jas. Alderman Crites, Picow, Anderson, Brush, Campbell, Blanchard, Warren, Northam, Crocker, Holman, de Frez, Cummings, Brown, Walker and Brennan 45.

An ordinance appropriating $2,747.00 to pay officers and employees of the City for the month of January, 1886, was read and referred to the Finance Committee.

Alderman Brennan tendered his resignation, which was accepted.

The following resolution was offered by 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 4th 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 Hoffman's Store, and J. M. Mansfield, Lib. Johnson and I. H. Rice 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.