Minutes of a regular Meeting of the City Council

Austin, Tex. January 16, 1888.

Hon. Joseph Nalle, Mayor, presiding.

Roll — Roll Call.

Present - Aldermen Assmann, Brush, Campbell, DeGress, Fisher, Graham, Jones, Linn, Pillow, Platt, Schneider, Wilson, Wortham - 13.

Call. — Absent - Aldermen Boland, Caldwell, Haigler, Metz, Odell, Phillips, Townsend - 7.

Call of Council. — Alderman DeGress moved a call of the Council. Adopted.

Ald. Odell. — Alderman Odell was excused.

" Boland. — Alderman Boland entered and answered to his name.

Call of Council. — Alderman Platt moved that the call be suspended. Carried.

Minutes. — The minutes of the meetings of the Council which were held on January 2 and 6 were approved as printed.

Ald. Phillips & Metz. — Aldermen Phillips and Metz entered and answered to their names.

Mayor's message. — The Mayor then read the following message to the Council.

Gentlemen:- I deem it right to call the attention of this board to a matter of paramount interest to the entire Community - that of providing sufficient and appropriate grounds for the burial of the dead.

From the final message of my predecessor to the Council, I find that the matter of providing suitable grounds for burial purposes is still a question of contention, and has been by him referred to this body for settlement. I regret the necessity that compels the revival of a question that should have been settled by those who preceded us, but as they have left it as an inheritance, we must seek to satisfactorily solve it.

Message. The report of the City Sexton to your honorable body, read at your last meeting that we have no ground available in the City Cemetery for the burial of the pauper dead.

This matter, I need not remind you, claims your earnest and immediate attention, and I respectfully recommend that a resolution be adopted, directing the Cemetery Committee or a special Committee if you think best, to take this matter under advisement and report at the next regular meeting, submitting results of their inquiries, and such suggestions as they may deem practical and appropriate, looking to relief of the City from her embarrassment upon the subject.

In connection with this matter, I would recommend that an Ordinance be passed at an early day, requiring all fencing of every description now surrounding the lots and graves in the City Cemetery be removed, and that henceforth no fencing or enclosure, save a curbing of reasonable proportions, to mark the lines or bounds of the same, be permitted to be erected around any grave or lot.

I beg to call the attention of the Council to article 14, section 7, of the City Charter, which requires the Council, within one month after the close of the fiscal year, "to publish a full, complete and detailed statement of all moneys received and expended, under its proper headings." I had intended to call your attention to this provision at your last meeting, but it escaped my mind.

The time has already passed when this published statement should have appeared, as the Charter makes the fiscal year end the day before the general election, which fell on the 14th of December, 1887, but I recommend that you take such steps as may be necessary to fulfill this requirement of the Charter.

I had the honor to submit to your honorable body, at its last regular meeting, an Ordinance submitting to the tax payers of the City

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a proposition, asking a loan of the credit of the city to the amount of $200.000, to be expended in permanently improving the public streets and parks of the city.

There is also before you another Ordinance, asking a loan of the city's credit to the amount of $75.000 for the purpose of building a city hall. I see no objection to amending the former Ordinance by incorporating in it a Clause covering the provisions of the latter. I would favor, however, the expenditure of a sum not exceeding $40.000, for the building of a City hall, believing that amount ample to erect a building that would not only prove a handsome ornament to the architecture of our city, but be sufficiently commodious to answer all needs and requirements of the City for many years to come, leaving us one hundred and sixty thousand dollars to expend in needed street improvements. I favor the incorporation of the two measures, because I do not believe the people would receive or view with favor two Ordinances of this character, especially when the object aimed at in
" both could be satisfactorily covered in one.

I desire that my policy be fully understood by your honorable body and the people of the city; therefore, in asking for this loan, it will not be out of place for me to say, in this connection, that I would oppose the expenditure of any part of this money on Congress Avenue or East Pecan street west of Waller Creek. My reason in opposing the expenditure of any part of this money on the streets named is, that it will be my purpose to go before the Legislature at its next session and endeavor either to secure the passage of a new Charter or an amendment to the present one, empowering the city Council to levy a special tax on abutting property on Congress Avenue and East Pecan street, to pave the respective streets with either limestone or granite, requiring the street railway company to pave with similar material between the rails of their track, and owners of abutting property on each side to pave

Message. to a connection; and at the same time authorizing the Council to make an additional loan on the credit of the City of $175,000. A portion of this amount, I deem it, should be applied to grade and place in order Congress Avenue and East Pecan street to receive the rock pavement and pave the street intersections or crossings. I estimate that this amount will be ample to meet this expense, and leave a handsome surplus that will be sufficient to construct all needed sewerage for years to come. With the adoption of both of these propositions and the issuance of $375.000 additional in bonds, the bonded indebtedness of the City would be $500.000. The annual interest on this sum at six per cent would be $30,000, or $40.000 with a two per cent sinking fund, which of course is never provided for. But if this should be done in order to meet the requirements of the law, it would only, through ordinance, be covered into the general revenue, as public policy would not permit such a sum to accumulate in the hands of the treasurer, and it would be next to impossible to invest it in the manner prescribed in the Charter, which exacts that it shall be invested in United States bonds, bonds of the State of Texas, or Austin city bonds. The small sums which the annual collections would amount to would preclude the purchase of these bonds, save at such heavy premiums as no one would be justified in paying.

I estimate that it would require at least three years to complete these improvements. Of course, they would only be paid for as the work progressed; and while the nominal indebtedness of the City would be increased from $125,000 to $500,000, we should only be called upon to pay interest upon the amount actually outstanding. The bonds would be placed upon the market as the money was needed to pay for the work as completed, and hence interest would only run from the date of issuance. The actual increase in the amount

Message. of interest would not exceed $6,000 a year, estimating the sale of $100,000 of the bonds each year, while I think it safe to estimate that the increase of values of every discription, by reason of these improvements and the expenditure of this amount of money in our midst, would be more than sufficient to meet the increased interest, which would aggregate $22,500 annually, after all the bonds had been disposed of. I hardly think that the increase in values, under this policy, could be less than $2,000,000 in the succeeding three years, ~~and~~ the time allotted for the completion of these improvements; and if I am correct in that estimate, that increase of itself would cover the entire interest upon every dollar of the City's bonded indebtedness that we now propose to create. Again, I think it safe to estimate that $20,000 of the general revenue is annually expended upon the streets. Of course, under a general system of permanent improvement, this amount could be left in the general fund to aid in meeting the accruing interest, as but a trifling sum, comparatively, would be needed to keep the streets in proper repair when the contemplated improvements had been completed. I now sum up as follows:

Interest on 375.000, at 6 per cent. $22.500.

To meet this sum, I claim that we will receive $20,000 from the natural increase in values, based upon a reasonable estimate at $2,000,000. The $20,000 annually expended in temporary work upon the streets, since 1884, would be covered into the general revenue fund. And if these amounts should be insufficient, with other sources of revenue, to meet the accruing interest upon our outstanding obligations, a saving of several thousand of dollars could be effected in the curtailment of general expenses. For instance the police force might be reduced to twelve men (amply sufficient if we are to take no step

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forward), resulting in an annual saving to the general revenue of $5,760. The hospital expenditures might be materially reduced, or altogether abolished; while other sources of expense might be summarily curtailed, or entirely shut off.

I do not wish to be understood as favoring either of these suggestions, but I merely bring them forward to show to those eminently conservative citizens, who shudder at any mention of an increase of the indebtedness of the city, how easy it is to bridge over their objections and practically demonstrate that these improvements can be effected, and these bonds issued to pay for the same, without the actual increase of taxation one cent.

I desire to say to your honorable body, and to the people of Austin, that the history of all municipalities proves that there is no point to be reached where permanency can be attained. As with individuals, so with communities. She must either advance or retrograde. Austin can claim no exemption from this rule, and she must either move steadily forward or content herself to drop quietly to the rear and see more enterprising and energetic neighbors take the lead.

She cannot maintain her present position. If the people determine that she shall maintain her position among the progressive cities of the State, they must awake to a realization of the necessity of adopting a liberal, modern policy of public improvement. If they are content to drop to the rear, and see less favored localities reap the benefits she should enjoy, I confess I see no reason for these expenditures, nor indeed the necessity of maintaing the expensive and complicated machinery of a city government. If we are to simply occupy the position of a staid, quiet, overgrown county town, we should at once take steps to abolish the costly machinery of a first class city government, and relegate

Message. the administration of public affairs to the County authorities.

I feel assured that a liberal and public-spirited policy on the part of the City Council and the people of Austin will beget and foster a like spirit among our County officers and the people of the County. I believe that with proper effort the honorable Commissioners' Court, and upon proper representation, could be induced to take in hand the permanent improvement of our County roads, extending such improvements to the County line, in different directions, thus drawing to our city trade and business, naturally tributary, but now diverted by reason of wretched roads and impassable creeks and watercourses. But to secure such aid from the County, we must first give practical and tangible evidence that we propose to help ourselves.

In conclusion, I desire to say that I put forward these recommendations as the policy of my administration. I recognize the difficulties and impediments that will be urged against their adoption and carrying out. But whilst I may now be defeated in my effort, I propose to persevere to the end of my term of office, and if unsuccessful, shall go before the people at the next general election upon an open and avowed platform based upon this policy, and ask their indorsement by a reelection.

I conscientiously believe that the policy here outlined is the only true and proper one for Austin to pursue at this time. Immigration schemes are in active contemplation, that will bring thousands of visitors to our State during the present and the next succeeding few years. Naturally, a large number will seek the capital before finally locating.

If they find a live, progressive, enterprising city, it will go far toward inducing them to cast their lot with us, and thus aid in

Message. extending our general growth and prosperity. Should the Council and the people see fit to endorse this policy, I pledge myself to individually guard the city's interest in the expenditure of the public funds as far as in my power lies, and assure them that not one dollar shall be disbursed without the city receiving a fair equivalent in permanent benefit for the same, and that every penny expended, to the best of my ability, shall be honestly and judiciously applied to the purposes for which it has been raised.

Respectfully,
Joseph Nalle,
Mayor.

Geo. Metz. The Committee on streets, bridges, alleys, etc., asked for further time, in order to prepare their report on the petition of George Metz, which was referred to them at the last meeting of the Council. The request was granted.

Chas. McAnally. The Committee on streets, etc., also returned the petition and bill of Charles McAnally, regarding the quarrying of rock and gravel on certain streets, which was referred to them at the last meeting of the Council, and asked that they be referred to the Committee on finance and revenue. Alderman DeGress moved to recommit the papers to the street Committee, with instructions to call upon Mr McAnally and endeavor to ascertain the facts in the case. Carried.

Marshals Dec. report. The Committee on police presented a report on the city marshal's report for the month of December, 1887, stating that they had examined the same and found it correct.

Cemetery. The Cemetery Committee was given further time to prepare their report.

Ald. Haigler. Alderman Haigler entered and answered to his name.

W. & Gas. The Committee on water and gas, to whom

was referred, at the last meeting of the Council, a proposition from the Austin Water, Light and Power Company, proposing to furnish lights for the streets, reported on the same and advised that the Mayor and Committee on water and gas be authorized to enter into a Contract with the Austin Water, Light and Power Company, for the supply of twenty five arc lights of 2000 candle power each, at $150 each per annum, and 100 incandescent lights of twenty five candle power each, at $25 per annum each, for the period of five years, lights to be located under the direction of the City Council, and, in case the city desires at any time an additional number of lamps, the Company are to establish such lamps as the Council may require, at the same cost per lamp as above. The report was read, after which Alderman DeGress presented an Ordinance authorizing the Mayor and Committee on water and gas to Contract with the Austin Water, Light and Power Company, for twenty five arc and 100 incandescent lights, for the period of five years. The Ordinance was read for the first time, after which a motion was made to suspend the rules and place it on its second reading.

A. Gaslight & Coal Co.

Alderman Schneider presented a Communication from the Austin Gaslight and Coal Company, which he asked to have read before the vote on the motion to suspend the rules would be taken.

Alderman DeGress moved that unanimous consent of the Council be given to the reading of the Communication. Carried. The Communication was then read. It refers to the proposition made by the Austin Water, Light and Power Company to furnish electric lights, and states that twenty five arc lamps, as now erected, would take the place of only fifty three

gas lamps for which the City is now paying $30 each per year or $1,590 per annum, whereas the twenty five arc lamps, at $150 each per annum, would cost the city $3,750, or $2,160 more than the city is now paying for gas lamps in the same territory.
The Communication also states that the Austin Gaslight and Coal Company will be prepared to supply the city with arc and incandescent electric lights within twelve months from the present time, at reduced rates. The Communication was on motion received and filed.
The motion to suspend the rules and place the last named ordinance on its second reading was then voted upon, and lost by the following vote:
Yeas Aldermen Boland, Brush, DeGress, Jones, Phillips, and Platt-6.
Nays- Aldermen Assmann, Campbell, Fisher, Graham, Haigler, Linn, Metz, Pillow, Schneider, Wilson and Wortham-11.

Lamp posts. Alderman Pillow moved that the Committee on Water and gas be instructed to ascertain whether the Austin Gaslight and Coal Company owes the city for lamp posts, and, if so, that the Committee deduct the amount due from the bills now due that Company by the City before approving the same. Adopted.

Ald. Townsend. Alderman Townsend entered and answered to his name.

Art's 213, 221 & 222. Alderman DeGress then offered an Ordinance repealing articles 213, 221 and 222, chapter 8, title 5, of the revised Civil Ordinances of the City of Austin, which was read.
Article 213 reads as follows: The city Engineer shall be ex-officio street Commissioner of the city. Article 221 Conflicts with the Ordinance defining the jurisdiction of the Street Commissioner. Article 222 gives the city engineer supervisory

control of all streets, alleys, public grounds and buildings of the city, and requires him to superintend all changes, repairs and improvements thereof and work thereon.

Art. 372+373. Alderman DeGress also offered an Ordinance amending articles 372 and 373, Chapter 3 title 16 of the revised Civil Ordinances of the city of Austin, which was read. The articles sought to be amended by this Ordinances gives the city engineer alone the general superintendence and control over all streets and alleys of the city, and all repairs, etc., made thereon, and omits the words "street Commissioner". The effect of the amendment will be to give the Street Commissioner concurrent jurisdiction with the city Engineer.

Art. 213, 221+ 222. A motion was made to suspend the rules and place the Ordinance repealing articles 213, 221 and 222 on its second reading. The motion was adopted by a unanimous vote of the Aldermen present. The Ordinance was then read a second time, after which Alderman Pillow moved to strike out that portion of the Ordinance which relates to article 222. Adopted.

The Ordinance was then passed to third reading by the following vote:

Yeas- Aldermen Assmann, Boland, Brush, Campbell, DeGress, Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Townsend, Wilson, Wortham. 18.

On motion, the Ordinance then passed.

Arts. 372+373. The Ordinance amending articles 372 and 373, above referred to, was then passed to its second and third readings by the following vote:

Yeas- Aldermen Assmann, Boland, Brush, Campbell, DeGress, Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Townsend, Wilson, Wortham-18.

On motion, the Ordinance then passed.

Marshal. Alderman DeGress introduced a resolution allowing the city marshal $25 per month for the feed and keeping of horses.

Alderman Linn moved to indefinitely postpone the resolution.

Alderman DeGress moved that the motion made by Alderman Linn be laid upon the table. Carried. Yeas- Aldermen Assmann, Boland, Brush, DeGress, Graham, Jones, Platt, Townsend, Wilson, Mayor-10.
Nays- Aldermen Campbell, Fisher, Haigler, Linn, Metz, Phillips, Pillow, Schneider, Wortham-9.
Alderman DeGress then moved to refer the resolution to the City attorney for his opinion as to whether the allowance could be legally allowed. Carried.

Art. 70. Alderman DeGress then presented an Ordinance amending article 70, Chapter 3, title 4 of the revised Ordinances of the City of Austin. The object of the amendment is to provide for but one regular meeting of the Council per month instead of two, as at present.
On motion of Alderman Wortham the Ordinance was laid upon the table.

Print Ords. Alderman DeGress offered a resolution providing for the printing, in pamphlet form, of all Ordinances of a general character now in force which have been passed since the adoption of the revised Ordinances. Adopted.

Feed for teams Alderman DeGress also introduced a resolution amending a resolution which was adopted June 21, 1886, providing the manner of purchasing feed for the City teams. Adopted.

Estimate for payroll. Alderman Phillips moved that the finance Committee be instructed to make an estimate for the regular pay roll in the middle of each month. Rejected.

City atty's opinion. The City Attorney submitted an opinion as to the legal right of the Council to allow the City marshal $25 per month for feed of horses, as above proposed, in addition to his salary. The opinion states the Council may legally do so, as long as the marshal incurs the expense intended to be provided for by the resolution.

Marshal. The resolution was then taken up, and On motion of Alderman Phillips, laid

on the table by the following vote:
Ayes- Alderman Campbell, Fisher, Graham, Haigler, Jones, Linn, Phillips, Pillow, Schneider, Wortham - 11.
Nays- Aldermen Boland, Brush, DeGress, Metz, Platt, Townsend, Wilson - 7.

Mrs. T. J. Houston. Alderman Wortham introduced a petition from Mrs. T. J. Houston, requesting that the sum of $9.54, together with interest, be paid to her for a lot sold to her by the city for taxes that had been previously paid. On motion, the petition was tabled.

J. L. Driskill tax. Alderman Wortham moved that the city be instructed to advise the Council at its next regular meeting whether there was any legal means by which the Council could relieve Col. J. L. Driskill from paying taxes of 1887 on the Driskill hotel property at assessed value of that year. Adopted.

Fire alarm. Alderman Jones offered a proposal from the Union Fire Alarm Company, of New York, to erect a system of fire alarm in this city, and agreeing to sell the same to the city for $14.020, or rent it at $1,200 per annum. Alderman Jones also presented a communication from Monroe Miller, chief of Austin Fire Department, urging the Council to adopt a system of electric fire alarm.

Lights- Alderman DeGress then introduced a resolution authorizing the mayor "to draw his warrant monthly in favor of the Austin Water, Light and Power Company for the amount now paid for forty seven street gas lamps now operated by the Capital Gaslight Company not under contract with the city, where said Austin Water, Light and Power Company have arc and incandescent lights now in position". The mayor is further requested to give notice to the Capital Gaslight Company to discontinue the lighting of said forty seven lamps.

Alderman Fisher moved that the resolution

be indefinitely postponed. Carried.

Fire Alarm. Alderman Pillow introduced an Ordinance authorizing the Mayor to enter into a Contract with the Union Fire Alarm Company, of New York, for rent of a fire alarm to be used in the city of Austin for a period of one year. The Ordinance was read the first time, and, on motion, passed to its second reading by the following Vote: Yeas- Alderman Assmann, Boland, Brush, Campbell, DeGress, Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Townsend, Wilson, Wortham - 18.

The Ordinance was then read the second time, after which Alderman Campbell moved to amend the Ordinance, by providing that the rent shall be paid monthly. Carried. Alderman Brush also moved to amend the Caption and Section 1, by providing that the mayor and fire Commissioners enter into Contract with the Company. Adopted. The Ordinance was then passed to its third reading by the following Vote:

Yeas- Aldermen Assmann, Boland, Brush, Campbell, DeGress, Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Townsend, Wilson, Wortham - 18.

The Ordinance was then read a third time and, on motion, passed.

$100-L.A.S. The Mayor Submitted an Ordinance appropriating $100, to be used by the Ladies Aid Society for the relief of the poor of the City. The Ordinance was read first time, after which motions were made to suspend the rules and place it on its second and third readings, both of which were adopted by the following Vote:

Yeas- Alderman Assmann, Boland, Brush, Campbell, DeGress,

Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Townsend, Wilson, Wortham - 18.

On motion, the ordinance then passed.

City Secy. The mayor also introduced an ordinance creating the office of City Secretary of the city of Austin. The ordinance provides for the election of a secretary, who shall receive an annual salary of $900; and further provides that he may be removed from office at any time by the mayor, with or without the consent of the city council; and in case of such removal, that the mayor be authorized to appoint his successor for the unexpired term.

He shall discharge all such duties as may be imposed on him by the mayor. It was read first time; after which a motion was made to suspend the rules and place it on its second reading. The motion was lost by the following vote:

Yeas - Aldermen Assmann, Boland, DeGress, Haigler, Jones, Metz, Platt, Wilson - 8.

Nays - Aldermen Brush, Campbell, Fisher, Graham, Linn, Phillips, Pillow, Schneider, Townsend, Wortham - 10.

Fire Insp. Alderman Jones introduced an ordinance creating the office of fire inspector, and prescribing the salary and duties of such officer. The ordinance was read first time; after which a motion was made to suspend the rules and place the ordinance on its second reading. Lost.

Yeas - Aldermen Assmann, Boland, Brush, DeGress, Graham, Haigler, Jones, Platt, Wilson, 9.

Nays - Aldermen Campbell, Fisher, Linn, Metz, Phillips, Pillow, Schneider, Townsend, Wortham - 9.

Alderman Fisher moved to lay the ordinance on the table. Carried.

Yeas - Aldermen Campbell, Fisher, Graham, Haigler, Linn, Metz, Phillips,

Pillow, Schneider, Townsend, Northam - 11.
Nays- Aldermen Assmann, Boland, Brush, DeGress, Jones, Platt, Wilson - 7.

Citizens. Alderman Fisher introduced two numerously signed petitions from tax-payers, protesting against the passage of the ordinance to increase the bonded debt. Some of the reasons assigned are: The expense of maintaining the present efficient city organization, including the police; the public free schools, with the systematic equality of advantages to both races and its efficient and admirable fire department, require a rate of taxation fully as large as the population can bear.
To increase the revenue of the city by arbitrarily increasing the assessable values, will be a duplicitous expedient equally if not more onerous to the taxpayers. To add to the present burden of taxation will deter investments in real estate in the city, and will drive capital from investment in old, as well new, business enterprises in our midst. It is not employed population only that is required, but it is a population who, being employed, will produce something which in turn will hold and increase the purchasing medium in our midst. One of the ordinances referred to in the petitions mentioned

Bond Ord. above, and which is entitled "An Ordinance ordering an election by the tax paying citizens of Austin for the purpose of procuring their consent to an extension of the bonded debt of the city of Austin in the sum of $200,000 beyond and in addition to the present bonded debt of $125,000", was then taken up on its second reading.
Alderman DeGress moved to amend section 9 by adding to the purposes for which the money arising from sale of the bonds may be used, "the building of a city hall". Adopted.
A motion was then made to suspend the rules and place the ordinance on its third reading, which was carried by the following vote:

Yeas- Aldermen Assmann, Boland,

DeGress, Graham, Haigler, Jones, Linn, Metz, Phillips, Platt, Schneider, Townsend, Wilson, Wortham - 14.

Nays- Aldermen Brush, Campbell, Fisher, and Pillow - 4.

The Ordinance was then read a third time; after which a motion was made that the Ordinance do now pass. The motion was lost by the following vote:

Ayes- Alderman Assmann, Boland DeGress, Graham, Haigler, Jones, Metz, Phillips, Platt, Schneider, Townsend, Wilson, Wortham - 13.

Nays- Aldermen Brush, Campbell, Fisher, Linn, Pillow - 5.

Alderman Phillips gave notice that he would move a reconsideration of the vote at the next meeting of the Council.

Art. 135 An Ordinance, amending article 135, title 5, Chapter 4, of the Revised Civil Ordinances of the City of Austin, was taken up on its second reading and read. The Ordinance relates to the election of a deputy assessor and Collector of taxes. Alderman Pillow moved to lay the Ordinance on the table. The motion was adopted by the following vote:

Ayes- Aldermen Boland, Brush, Campbell, Fisher, Graham, Haigler, Jones, Linn, Metz, Phillips, Pillow, Platt, Schneider, Wortham - 14.

Nays- Aldermen Assmann, DeGress, Townsend, and Wilson - 4.

The Council, on motion, then adjourned.

Milton Morris,
City Clerk.