

Minutes of a Regular Meeting of the City Council
 Austin, Texas, February 6th 1893.

Hon. John McDonald, Mayor, presiding.

Roll Call

Roll Call.

Present - Aldermen Anderson, Assmann, Dawson, Fischer, Glass, Hanesek, Hume, Jackson, Ketchum, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Schuber, Shelley, Taylor, Townsend, Warmoth. - 21.

Absent - Alderman Linn. - 1.

The minutes of the meeting of the City Council which was held on the 16th day of January, 1893, were adopted as printed. It was moved that Mr Neil McClashin be requested to relieve the City Clerk temporarily from attendance upon the City Council to enable him to complete the preparation of the approved accounts Ordinance. The motion prevailed and was complied with.

Petitions, Memorials, Etc.

Alderman Schuber The resignation of Alderman Schuber was presented and resignation accepted.

By Alderman Raymond: A petition of citizens and tax-payers of the Fifth and Sixth Wards of the City, stating that during winter and spring much of that portion of Twenty Fourth Street lying between Shoal Creek on the west and Waller on the East, is in a deplorable condition, at times being almost impassable, and requesting the Council to instruct the Street Commissioner to drain, grade and place said street in a dry condition.

Referred to the Street Committee.

J. D. Shepherd
 error in city taxes.
 \$4.50

By Alderman Shelley: A petition from J. D. Shepherd, stating that an error was made in assessing his property for the year 1892, which increased his city taxes \$4.50.

The City Assessor and Collector was authorized to correct the error by accepting the amount actually due and receipting for the same.

East Ave. 1st to 6th sts

By Alderman Miller: A petition from citizens stating that East Avenue, between Fourth and Sixth Streets, on its East side, is far above its established grade, and its West side is far below said grade. That the west or lower portion of said street consists of a heavy layer of fine sand, carried there by the City authorities, some years ago, with the intention of macadamizing the street. That the sand and dust on said street is so annoying that traffic has nearly ceased, and people living on the street line in those blocks are unable to visit or use their property. The Council is requested to remedy the same.

Referred to the Street Committee.

Dr. C. C. Cook
 rem. 1000

By Alderman Townsend: A petition from Dr. C. C. Cook requesting the Council to remit a fine which was assessed against him in the Recorder's Court on the 16th day of January, 1893.

It was referred to the Committee on Claims and Accounts.

Reports

Reports of City Officers for the month of January, 1893:

By the City Marshal - Total amount of fines assessed in the Recorder's Court \$415.00

Collected in cash \$198.50
 Worked out 16.00
 Appealed 50.00
 Escaped 14.00
 Carried forward 16.50 - \$415.00

City Marshal

Back fines Collected \$152.50

Pound fees Collected 40.75

Total number of arrests made - 66.

Referred to the Police Committee

By the City Treasurer -

Balance on hand January 6, 1893:

Account general fund \$2951.73

Account Interest on bonds issued prior to May 190. 109.65

Account Water and Light fund 283,041.47

" " " Interest fund 1,250.00

" " " Sinking " 4,854.54

Referred to Finance Committee

By the City Clerk -

Amount of warrants issued:

Account of general fund \$4,604.34

" " " Water and Light fund 21,762.60

Referred to Finance Committee

By the City Physician -

No. of patients in hospital Jan. 1, 1893	19
" " " admitted to " during " "	7
" " " discharged from " " " "	9
" " deaths in the " " " "	4
" " patients remaining in " Feb. 1, " "	13
" " Visits made to paupers during Jan'y 1893.	104
" " prescriptions written for " " " "	1
" " Cases of scarlet fever reported " " " "	1
" " " " diphtheria " " " "	1

Referred to Hospital Committee

By the City Assessor and Collector -

Collections:

Account general revenue	\$5,423.66
" water works tax	2,774.79
" lease of dam railroad	1,250.00
" Water and light general fund (Sale of ambulances).	50.00
" interest on bonds issued prior to May 1st 1890	357.65
Total	\$9,856.10

School taxes Collected \$1,654.81.

Referred to the Finance Committee.

By the City Assessor and Collector -

Amount of bills approved by Board of Public Works:

Total amount \$21,762.60

Referred to Finance Committee.

By the City Assessor -

Total number of deaths

City Doctor

Reports

White 12. Colored 8. Male 4. Female 11.

Engineer Guido

Referred to Cemetery Committee.

By Engineer Edward

Report of progress made upon the dam.

Approved 4th Water and Light Committee.

" Hermetic Oil Engineer Wrenskield-

Report of progress made on foundation for power house etc.

Referred to the Water and Light Committee.

Street Committee.

Reports on

Reports of Committees

By Alderman Kume. For the Street Committee, to whom was referred a resolution to require the Austin Rapid Transit Company to place timbers of suitable thickness on either side of the rails, to be on a level with the top thereof, at the intersection of Fifth, Seventh, Eighth, Ninth and Tenth Streets, at the curve on Eleventh Street on Congress Avenue, and at the crossings on Sixth Street between Congress Avenue and Red River on the East and on the West including Rio Grande Street. Said timbers to be securely fastened to the Cross ties and beveled on the outer edges for the convenient crossing of vehicles of all kinds, submitted a report thereon, which states:

"That upon investigation of the matters involved in the resolution, we do not think it advisable to require the Company to conform to the requirements of the resolution, but suggest that the said Company be held to a strict compliance with prevailing regulations touching the crossings referred to in the resolution."

Alderman Shelley moved to lay the report on the table, which was
lost.

The report was then adopted by the following vote:

yes Aldermen Anderson, Asmann, Glass, Hume, Jackson,
Kitschke, North, Powell, Raymond, Schneider, Taylor, Townsend-12.

Nays-Aldermen Dawson, Fischer, Hancock, Ketchum, Miller,
Platt, Shelley, Warmoth.-8.

Worked Nine Hours

By Alderman Hume - For the Street Committee, to whom was referred an Ordinance prohibiting the erection of barbed wire fences within the Corporate limits of the City of Austin, presented a report thereon, recommending its passage after Section 1 has been amended by striking out the words "or maintain" in the third line, to the end that such fences already constructed may not be disturbed.

The report was adopted.

By Alderman Hume - For the Street Committee, to whom was referred a petition of citizens, property owners and residents on and adjacent to Fifth Street, west, requesting the City Council to open said street for travel to the dam boulevard, offered a report thereon as follows:

Opening M. 1/2 x 1/2

On a fine sand, vegetation
dark blue. The hills across the prairie in the distance of sight
of way over dark blue across the prairie in the McKinnon, from
West corner to the corner of the hill, a dark blue, something like
the rest, the eastern ridge across the dark and hills.
dark blue, a deep blue line in the middle west of dark blue.

a cut under the International and Great Northern railroad. Said Extension would run parallel with and upon the same street as the dam railway, said street being only sixty feet wide. Not believing that such a necessity now exists for such Extension as to justify the cost of opening and maintaining the same, we recommend that the petition be not granted." The report was adopted.

Chas. Duesterhoeft
damages

By Alderman Hume - For the Street Committee, to whom was referred a petition from Chas. Duesterhoeft, stating that on the 26th day of December, 1892, between 11 and 12 o'clock p. m., he was returning home in his wagon and on account of the bad condition of the road near Bauldin bridge, where a cedar post was obstructing the road, he met with an accident and was thrown from his wagon, thereby fracturing his skull and otherwise injuring himself; on account of which he asks the Council to allow him \$5.00 as damages, offered a report thereon which states:

"That upon investigation of the matter * * * we find that the obstruction which it is claimed caused the injury was not within the road or traveled way, was not placed there by the city or its authority, and furthermore, we find that the petitioner had voluntarily placed himself in a condition so as not to be capable of exercising ordinary care in the matter and, therefore, recommend that his claim for damages be not allowed."

The report was adopted.

Against Accounts

Dennis Corwin
about his taxes

By Alderman Shelley - For the Committee on Claims and Accounts, to whom was referred a petition from Mr. Dennis Corwin in regard to the settlement of his back taxes, etc., submitted a lengthy report thereon, and returned the petition "for such action as the Council may deem proper". It was moved that the report be received and the whole matter laid on the table. Carried.

Chas. Duesterhoeft
reconsider - lost

Alderman Dawson moved to reconsider the vote by which the Council adopted the report of the Committee on Streets and bridges on the claim of Chas. Duesterhoeft. Lost.

By Alderman Platt - For the Committee on Cemetery, to whom was referred a petition of citizens asking the City Council to prevent Messrs. Bergstrom, Court and McElarty from using, for Cemetery purposes, what is known as the Palon property, north and east and adjoining the present city Cemetery, presented a report thereon which states, that "your Committee would most respectfully report that we have considered the same and we fully concur in the views expressed in said petition that the use of said lots for burial purposes would be injurious to the health of the people living in the vicinity and would greatly depreciate the value of the property adjoining the same and we have prepared an ordinance to accompany this report which will fully meet the expectations and wishes of the petitioners. We would therefore ask that the ordinance do pass."

Bergstrom, Court &
McElarty, adjoining
cemetery

City Officers.
Election by vote

The report was adopted.

There were two reports presented from the Committee on Ordinances, to whom was referred a resolution looking to the amending of the City Charter so as to provide for the election of City officers by the qualified voters of the City, a majority report signed by Aldermen Platt and Dawson, recommending the adoption of the resolution, and further, that the boundary lines of the City be so changed as to leave the Eleventh ward outside of the City limits, and a minority report by Alderman North opposing the adoption of the resolution.

Alderman Raymond moved the adoption of so much of the majority report as relates to the election of City officers.

Alderman Anderson moved to lay the whole matter on the table, and the motion prevailed by the following vote:

Yeas - Aldermen Anderson, Hassmann, Fischer, Glass, Hume, Jackson, Ketchum, Miller, North, Schneider, Shelley, Taylor, Townsend, Warmoth - 14.
Nays - Aldermen Dawson, Hancock, Kitchie, Platt, Powell, Raymond - 6.

Unfinished Business.

The Ordinance above reported by the Committee on Cemetery and which is entitled:

Ordinance relating
to burial of dead
bodies

"An Ordinance to regulate the burial of the dead bodies of human beings within the Corporate limits of the City of Austin, and to provide a penalty for the Violation thereof," was taken up and read and passed to its second reading by an affirmative vote of two-thirds of the whole Board of Aldermen. It was then read a second time, after which various amendments thereto were offered. By unanimous consent the City attorney was requested to redraft the Ordinance so as to include all of the adopted amendments. This being done, section 1 of the ordinance read as follows:

Section 1. That it shall be unlawful for any person to bury or cause to be buried, or to in any manner aid or assist in the burial of the dead body of any human being within the Corporate limits of the City of Austin north of the Colorado river except in the State Cemetery, the Mount Elvory Cemetery and the Cemetery heretofore established by Ordinances of said City and therein designated as the Austin City Cemetery; provided, that the two and one-half acre tract lying on the north of said last named Cemetery purchased by said City in 1890, shall not be considered as a part of said Cemetery, and no burials shall be made in said tract.

The Section was adopted as amended after which a motion was made to suspend the rules and pass the Ordinance on its third reading which was adopted by the following vote:

Yeas - Aldermen Anderson, Hassmann, Dawson, Fischer, Glass, Hume, Jackson, Ketchum, Miller, Kitchie, North, Platt, Powell, Raymond, Schneider, Shelley, Taylor, Townsend, Warmoth - 17.
Nays - Alderman Anderson - 1.

The Ordinance was accordingly read and an motion passed.

Barbed wire fences. An Ordinance entitled "An Ordinance prohibiting the Erection of barbed wire fences within the Corporate limits of the City of Austin," was taken up on its second reading and read, after which Alderman Glass moved to amend Section 1 thereof by providing that the provisions of the Ordinance shall not apply to such fences when one or more planks are used on each panel. Alderman Nitschke moved to amend the motion by striking out the word "One" and inserting in lieu thereof the word "two". The amendment was accepted, and the amendment as amended was then adopted. Alderman Ketchum moved to exempt the Eleventh Ward from the provisions of the Ordinance. Carried. Alderman Shelley moved to refer the Ordinance to the Committee on Ordinances. Carried.

New Business.

Right of way
D. F. S. Haulebeck
J. F. Harris
By Alderman Anderson - An Ordinance granting the right of way over certain streets and the right to cross certain highways in the City of Austin to J. Seys, Haulebeck and J. F. Harris, their associates and assigns, for a Street railway to be built from Brazos and Third Street, as hereinafter described.

It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings, each of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Ketchum, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Shelley, Taylor, Townsend, Warmoth. - 20.

The Ordinance was accordingly read and an motion passed.

\$10,000 to pay
Engineers &c. same
By Alderman Anderson - An Ordinance appropriating \$10,000 for the purpose of paying Engineers, inspectors, Secretary and the cost of clearing lands to be submerged, also cost of releases of damages to lands to be submerged, and all other miscellaneous expenses connected with the construction of the water and light system. It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings, and that it do pass, each of which were adopted by the following vote.

Yeas - Aldermen Anderson, Assmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Ketchum, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Shelley, Taylor, Townsend, Warmoth. - 20.

\$30,045.16 for
construction of same
By Alderman Anderson - An Ordinance appropriating the sum of \$30,045.16 for the purpose of paying certain expenses connected with the construction of the water and light system for the City of Austin.

It was read the first time, after which motions were made to suspend the rules and place the Ordinance on its second and third readings, and that it do now pass, each of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Dawson, Fischer, J. Glass, Hancock, Hume, Jackson, Ketchum, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Shelley, Saylor, Townsend, Warmoth. - 20.

2,007 35 For By Alderman Saylor - An Ordinance appropriating the sum of \$2,007.35 for the purpose of paying approved accounts. It was read the first time, after which a motion was made to suspend the rules and place the ordinance on its second reading, which was adopted by a two-thirds vote of the whole Board of Aldermen.

The Ordinance was accordingly read.

After which Alderman Shelley moved to strike out the following item, "Weeds Stable for Carriage hire account funeral during January, 1893, \$12.00". Lost.

Motions were then made to suspend the rules and place the ordinance on its third reading and that it do now pass, each of which were adopted by the following vote:

Yeas - Aldermen Anderson, Assmann, Dawson, Fischer, Glass, Hancock, Hume, Jackson, Ketchum, Miller, Nitschke, North, Platt, Powell, Raymond, Saylor, Townsend, Warmoth. - 18.

Nays - Aldermen Schneider and Shelley. - 2.

300, For Nouveau Sum of \$300 for the purpose of building a bridge across Bouldin Creek Bridge branch at the Southwest Corner of the asylum grounds.

Referred to the Street Committee.

Alderman Townsend moved that Recorder Carleton be granted leave of absence for one week, and the motion prevailed.

Alderman Anderson moved that until it becomes necessary, and the Street Committee shall so advise the Council, the office of Superintendent of Streets of the City of Austin be not filled. Carried.

Alderman North moved that the vote by which the resignation of Mr. J. Schubert as Alderman of the City from the Fourth Ward was accepted, be reconsidered, and the motion prevailed.

Alderman Schubert's resignation withdrawn Alderman North then moved that Alderman Schubert be requested to withdraw his resignation.

Alderman Anderson moved to amend the motion by directing the City Clerk to return it to him. The amendment was accepted and the motion, as amended, was adopted.

The Council then adjourned.

Milton Morris,
City Clerk.