

Minutes of a Regular Meeting of the City Council.

Austin, Texas, Jan. 2, 1893.

Hon. John McDonald, Mayor, presiding.

Roll call
Present

Roll call.
Present: Aldermen Anderson, Hermann, Dawson, Fischer, Glass, Hancock, Nune, Jackson, Ketchum, Linn, Miller, Mitschke, Torph, Platt, Powell, Raymond, Schneider, Shelley, Taylor, Townsend, Harroth. - 21.

Absent

Absent: Alderman Schubert - 1.
Alderman Anderson moved that Mr. Will McTashin, be requested to relieve the City Clerk temporarily from attendance upon the City Council to enable him to complete the general appropriation ordinance.

Minutes adopted

The motion was adopted and complied with.
The minutes of the meetings of the City Council which were held on the 17th and 19th days of December, 1892, were adopted as printed.

Petitions re.

Petitions, Memorials, etc.
The following petitions, memorials, etc, were introduced:

James H. Robertson
Fence on Lot #1's 7th 98

From James H. Robertson, requesting permission to set a fence back about three feet south of the north line of lot No. 6, in block 98, city of Austin, near the brick wall constructed at south line of his property, the proposed line of the fence to be on land belonging to the City.
Granted.

M. Hard

To open St. about S. side
Ex. G. N. R. R.

By Alderman Powell: A petition of citizens of the Sixth ward asking that a street be opened so as to give the citizens who reside along the south side of the International & Great Northern railroad, west of and near the water tank, a more direct means of reaching the central portion of the city.
It was referred to the Street Committee.

East 9th
For opening

By Alderman Harroth: A petition of citizens requesting the City Council to open East Ninth Street.
It was referred to the Street Committee.

6th Ward

Street work from S. gate
Linn's Aykum Park
to State St
to King St
to 30th St

By Alderman Nune: A petition from citizens residing in the northwestern portion of the Sixth ward asking the City Council to do the following named street work: Beginning at the south gate to the Linn's Aykum Park, grade and drain what is known as "Linn's Avenue" to its intersection with State Street. From this point grade and drain State Street easterly to its intersection with King Street; thence survey grade and drain King Street southerly to its intersection with Thirtieth Street; thence Thirtieth Street to its intersection with the street on which is located the Rapid Transit railway.
It was referred to the Street Committee.

Alderman Schubert entered the Council and answered to his name.

By Alderman Platt: A petition from citizens of the

- East 5th Street
No bridge: Waller creek &c. North ward requesting the City Council to build a stone bridge across Waller creek on East Seventh Street, and cut down the hill to a grade opposite St. Mary's Academy and the Episcopal church, and also the hill east of Waller creek on Seventh Street so as to make the street of easy travel.
It was referred to the Street Committee.
- Noice Bros
Damages to their lot E. 6th St. By Alderman Platt: A petition from Noice Bros. which states that owing to a drain pipe having been placed by the Street Commissioners on the sidewalk of lot corner Paracuta and East Sixth Street, the water washes into their lot and damages the foundation of their building. The Council is requested to grant relief at once.
It was referred to the Street Committee.
- Henry Orsary
also opening E. 9th St. which East Ninth Street will run if it is opened as has been suggested, and states that he gives this notice "so that in the event of a purchase by the City of said property for street purposes, there will be no question raised as to higher valuation when improved than it is today, and the question of purchase should be decided without unnecessary delay."
It was referred to the Street Committee.
- Police Force increased of By Alderman Linn: A. numerous signed petition of citizens requesting an increase of the police force so that the portion of the city north of the Capital may have some police protection, which at present it has not.
Alderman Linn moved that the petition be granted and the motion prevailed by the following vote:
Yeas - Alderman Anderson, Fischer, Glass, Jackson, Linn, Miller, Nitschke, Powell, Raymond, Shelley, Taylor, Townsend - 12.
Nays - Alderman Asmann, Dawson, Hanscock, Lunn, Ketchum, North, Platt, Schneider, Schuler, Warman - 10.
- Regular order dispensed with. It was moved that the regular order of business be dispensed with and that the Council proceed to the election of one policeman.
The motion prevailed by the following vote:
Yeas - Alderman Anderson, Dawson, Fischer, Glass, Hanscock, Jackson, Linn, Miller, Powell, Raymond, Schneider, Shelley, Taylor, Townsend, Warman - 15.
Nays - Alderman Asmann, Lunn, Ketchum, Nitschke, North, Platt, Schuler - 7.
- Election The chair then appointed Alderman North, Anderson, and Shelley as tellers and announced that nominations were in order.
Alderman Raymond nominated W. B. Davis, and Alderman Asmann nominated A. W. Bell.
Nominations were then declared closed and ballots

were cast and canvassed and the result thereof was reported by the tellers as follows:

W. B. Davis received 15 votes.

R. D. Bell received 7 votes.

W. B. Davis, elected - W. B. Davis was then declared duly elected a policeman of the city for the ensuing term.

The regular order of business was then resumed.

Notes & North American

Water and Light System.

The following was read:

Office of the Board of Public Works,
Austin, Texas, Dec. 31. 1892.

Hon. Mayor and City Council, Austin, Texas:

James Waterston

Gentlemen - I have the honor to inform you that the proposition of Mr. James Waterston to build the foundation walls of the power house to the 15 ft. 9 in. elevation above zero at \$15 per cubic yard for granite masonry and \$7 per cubic yard for limestone masonry, was accepted by the Board of Public Works at a meeting held on Nov. 21. 1892, and on motion the City Council was requested to enter into contract with Mr. Waterston, for same, as appears in the minutes of said meeting.

Robt. Power House walls re.

Very respectfully,
(Signed) W. J. Ophant
Secretary Board of Public Works.

It was moved and adopted that the Mayor be authorized to enter into the contract according to the recommendation of the Board of Public Works.

Report City Officers. Reports of City Officers for the month of December 1892.

By City Assessor and Collector.

Total collections

Divided as follows:

General revenue

Water works interest and sinking fund

Interest on bonds issued prior to May 1. 1890.

School taxes

Total

Referred to the Finance Committee.

By the City Clerk

A Statement of warrants issued against the general revenue:

Salaries of Officers

Police

Sanitary department

City Cemetery

Fire department

Drivers of City teams, etc.

Feeding City prisoners

Charity

City and county hospital

\$ 1. 141. 67

1. 208. 06

274. 50

38. 92

650. 00

400. 00

26. 25

51. 49

436. 27

\$ 9. 153. 54

\$ 4. 991. 42

2 451. 43

319. 21

391. 48

\$ 9. 153. 54

Assessor & Collector

City Clerk

Reports City Officers Printing, stationery and postage \$ 70.48
 Streets, bridges and alleys 319.75
 Miscellaneous 687.06
Total \$ 5,198.89

Referred to the Finance Committee.

City Clerk

By the City Clerk—

Water & Light Fund

A. Statement of warrants issued against the water and

Light Fund:

Engineering department \$ 883.34

Bernard Corrigan 16,905.99

James Watson 5,461.90

Other expenditures 2,574.10

Total \$ 25,825.33

Referred to the Finance Committee.

City Treasurer

By the City Treasurer—

Balances on hand January 2nd 1893:

General Fund \$ 557.66

Water and Light Fund 307.67.14

Water works sinking fund 1,608.84

Referred to the Finance Committee.

City and Public Works

By the Secretary of the Board of Public Works—

An itemized statement of bills and accounts approved by the Board of Public Works during the month of December 1892:

Total amount approved \$ 25,825.33

Referred to the Water and Light Committee.

City Marshal

By the City Marshal—

Total amount of fines assessed in the Recorder's Court \$ 690.00

Collected in cash \$ 310.50

Worked out 131.50

Escaped 12.00

New trial and acquitted 50.00

Carried forward 186.00

Total \$ 690.00

Pounds fines collected 41.25

Back fines collected 57.25

Total number of arrests made, 83.

Referred to the Police Committee.

City Physician

By the City Physician:

Number of patients in hospital December 1. 17

" Patients admitted to hospital during December 11

" discharged from hospital during December 4

" remaining in hospital January 1, 1893. 19

" Visits made to paupers in city in December 39

" Prescriptions written for paupers in the city during December 154

" cases of phthisis reported in city in December 3

No other contagious or infectious diseases reported

during the past month

The general health of the city continues remarkably

Report for Dec 1892

Reports of City Officers good for this season of the year.
Referred to the Hospital Committee.

City Section By the City Section:
Total number of deaths, 16. White, 12; colored, 4;
Mexican, 2; male 14; female, 4.
Referred to Cemetery Committee.

Engineer Groves By Engineer Groves:
Report of the progress made upon the construction
progress of work on dam of the dam during the month of December.
It was referred to the Water and Light Committee.

Engineer Wernstedt By Engineer Wernstedt:
Report of the progress made in excavating for
progress of work on foundation for power house, etc, during the month
of December.
It was referred to the Water and Light Committee.

Committee Reports Reports of Committees.

Police Committee Alderman Townsend for the Police Committee to
whom was referred the City Marshal's reports for the
month of November, 1892, submitted reports thereon,
which state that the Marshal's reports were examined
and found to be correct.
The reports of the committee were adopted.

New Business New Business

Committee on purchases By Alderman North - A resolution authorizing
to advertise and directing the Committee on Purchases to advertise
for bids for supplying the city with sewer pipe,
from January 16 to the end of this fiscal year and
stock feed from January 16 to June 1, 1893. Also
for shoeing the city's mules from January 16 to
the end of this fiscal year.
Adopted.

Direct Sterzing Alderman Anderson moved that Mr. Fred Sterzing
be granted leave of absence for about three weeks,
and the motion was adopted.

Committee on printing By Alderman Ketchum:
A resolution authorizing and directing the Committee
on Printing to advertise for bids for doing the city's
newspaper and job printing from January 16 to
December 1, 1893.
Carried.

By Alderman Dehneider:
An ordinance appropriating the sum of \$280. for the
purpose of repairing the fire building damaged by
Austin Hook and Ladder Company and Colorado
Fire Company.
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, Asmann, Dawson, Fischer, Glass, Hancock, Nune, Jackson, Ketchum, Linn, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Schubert, Shelley, Taylor, Townsend, Warmath. - 22.

By Alderman Anderson:

An ordinance appropriating the sum of \$19,038.98, for the purpose of paying certain expenses connected with the construction of the water works and electric 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, Asmann, Dawson, Fischer, Glass, Hancock, Nune, Jackson, Ketchum, Linn, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Schubert, Shelley, Taylor, Townsend, Warmath. - 22.

Alderman Shelley was excused from further attendance upon the session.

By Alderman Linn:

An ordinance appropriating the sum of \$2,166.90 for the purpose of paying approved accounts.

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, Asmann, Dawson, Fischer, Glass, Hancock, Nune, Jackson, Ketchum, Linn, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Schubert, Taylor, Townsend, Warmath. - 20

Nay - Alderman Schneider

By Alderman Linn:

An ordinance prohibiting the riding on bicycles, tricycles and velocipedes on the sidewalks of the City of Austin

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 prevailed by the following vote:

Yeas - Aldermen Anderson, Asmann, Fischer, Hancock, Nune, Jackson, Linn, Miller, Nitschke, North, Platt, Powell, Raymond, Schneider, Schubert, Taylor, Townsend, Warmath. - 18.

Nays - Aldermen Dawson, Glass, Ketchum. - 3.

The ordinance was accordingly read after which Alderman Ketchum moved to amend Section 1. of

\$19,038.98

for
M. & E. light system.

\$2,166.90

for
Approved Accounts

Bicycles re.
prohibited on sidewalks

the same by striking out the following words:
 "provided, that this ordinance shall not apply to infants
 under the age of ten years." The amendment was lost
 after which a motion was made to suspend the rules
 and place the ordinance on its third reading,
 which was adopted by the following vote:
 Yeas - Aldermen Anderson, Kessmann, Fischer,
 Nauesock, Nune, Jackson, Ketchum, Linn,
 Miller, Kitchke, North, Platt, Powell, Raymond,
 Schneider, Schuber, Taylor, Townsend, Warmoth - 19.
 Nays - Alderman Dawson, Class - 2.
 The ordinance was accordingly read, and on
 motion passed
 By Alderman Kitchke:

Resolution

To amend Sec 56, 71,
 19. of City Charter

Resolution

Whereas, Section 56 of the present charter of our
 city reads as follows:
 "Section 56. That the City Council shall elect on
 the nomination of the Mayor on any Alderman, all
 officers of the city, except the Mayor, Aldermen,
 and Board of School Trustees.
 The election of said officers of the city to be elected
 by the City Council, shall be at the first regular meeting
 on at any called meeting for that purpose after the
 general election of the Mayor, on at any time thereafter;
 provided, no election of officers by the Council shall
 occur until after the time for filing contests for
 elections of Aldermen, as provided for in this act,
 shall have expired, or until contests have been waived
 as provided for in this act, and not until after
 the termination of any contests of election of Aldermen.
 And Section 71 of said charter reads as follows:
 "Section 71. That there shall be a City Marshal, a City
 Clerk, a City Attorney, a City Treasurer and Collector,
 a City Physician, a Measure, a Recorder, a City
 Engineer and a Superintendent of Streets, and
 such other officers, agents and employees of the city,
 as may be now or hereafter provided for by the City
 Council by ordinance. The terms of the officers
 mentioned in this act, shall be for two years from the
 first Monday in December of the year of their
 election. They shall be elected by the City Council,
 as soon as may be, after the first Monday in Decem-
 -ber every two years. They shall hold their offices
 until their respective successors are elected and
 qualified.
 And Whereas, The provisions in said two sections
 contained are wholly inapplicable and subversive of the
 true principles of a free government, in that they abso-
 -lutely deprive the four thousand voters in our city
 of any voice in the selection of all the men who
 officially execute the laws and manage the m-

Amendments to Sec's
56, 71 & 9. of City Charter.

affairs of our people, and at whose will they are controlled and by whose acts they are bound, and place the same in the hands at most of twenty-three, and at least of twelve men, who compose our City Council, on a majority of the same, therefore,

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

1st That it is the sense of this Council that said sections 56 and 71 should be so amended as to read as follows:

"Section 56. That the City Council shall elect, on the nomination of the Mayor or any Alderman, all officers, agents and employes of the city, except the Mayor, Alderman, Boards of School Trustees, and other city officers agents and employes made elective by the qualified voters of the city by the provisions of Section 71 of this act as amended. The election of all said officers, agents and employes of the city to be elected by the City Council, shall be held at the first regular meeting, or at any called meeting for that purpose, after each regular biennial election of the Mayor, or at any time thereafter; provided, no election of officers, agents or employes of the city by the City Council shall occur until after the time for giving contests of elections of the Mayor, Alderman, or other officers, agents or employes of the city, as provided for in Section 9. of this act as amended, shall have expired, or until contests have been waived as provided for in said section, and not until after the termination of all contests of election of the Mayor and Alderman."

"Section 71. That there shall be a City Marshal, a City Clerk, a City Attorney, a City Treasurer and Collector, a City Physician, a City Treasurer, a City Recorder, a City Engineer, a City Superintendent of Streets, and such other officers, agents and employes of the city as may be now or hereafter provided for by the City Council by ordinance, all of whom except the City Clerk (who shall be elected by the City Council), shall be elected by the qualified voters of the city at each regular biennial election of the Mayor. The first such election thereof to occur on the first Monday in December 1893.

The terms of office of the officers, agents and employes of the city mentioned in this section as amended, shall be for two years from the first Monday in December of the year of their election, and they shall hold their respective offices until their successors are elected and qualified.

And that whereas said amendments, if carried out, will necessitate an amendment of section 9. of said charter so as to confer upon the City Council jurisdiction to judge of the election and qualification of all the additional officers, agents and employes of the city made elective by the qualified voters of the city by the provisions of said

Amendments proposed to Sec. 56, 71 & 9 of the City Charter

Section 71. as amended, and determine contests of elections of the same, that said section 9. which now reads as follows: "Section 9. That the City Council shall be the judge of the election and qualification of its members, and shall determine contested elections of all city officers made elective under this act, in such manner as may be provided by ordinance; provided, that no Alderman or the Mayor shall be allowed to qualify or requalify, if he succeeds himself in office, until a session of the City Council to be held on or after the Saturday next succeeding the election, which shall in all cases occur on Monday, unless his opponent in the election on all opponents, if more than one, shall sooner file a statement with the City Clerk that he on they will not contest the election of his on their opponents, naming them. If prior to the time for installing such newly elected Mayor or Alderman, a contest of his election is filed in writing with the City Clerk, stating the grounds for the contest, he shall not be installed until such contest is determined nor shall the Council elect the other city officers until such contests are determined. Provided, that all contested elections shall be decided within fifteen days from the date of the election." should be so amended as to read as follows:

Section 9. That the City Council shall be the judge of the election and qualification of, and shall determine contested elections of its members and of all city officers, agents and employees made elective by the qualified voters of the city by the provisions of section 71 of this act as amended, in such manner as shall hereafter be provided by ordinance; provided that no Mayor, Alderman or city officer, agent or employee made elective, shall be allowed to qualify or requalify, if he succeeds himself in office, until a session of the City Council, to be held on or after the Saturday next succeeding the election, which shall in all cases occur on Monday, unless his on their opponent or opponents, if more than one, in said election, shall sooner file a statement in writing with the City Clerk that he on they will not contest the election of his on their opponent or opponents, naming him or them. If prior to the time for installing such newly elected Mayor, Alderman, or city officer, agent or employee made elective, a contest of his election, made in writing and verified by the oath of the contestant upon information, and while, is filed with the City Clerk, stating the grounds for the contest, he shall not be installed until such contest is determined, nor shall the City

Amendments proposed
to Sec's 56, 71 & 9.
City Charter.

Council elect any officer, agent or employee to be elected by the City Council until all contests of elections of the Mayor or Aldermen are determined, provided that all contested elections of the Mayor or Aldermen shall be determined within fifteen days after the date of the election.

3rd That whereas the Legislature, to which all proposed amendments to said charter must be submitted after the length of advertisement required by law is about to convene, and if said amendments are not passed by the same at the ensuing session thereof, an election of all city officers, agents and employees, proposed by said amendments to be made elective by the qualified voters of the city on the first Monday in December, 1893, and every two years thereafter, will again on that date be made by the Council under the said section 71 of said charter as now in force, whose terms of office, under said section 71 would last for beyond the meeting of the Legislature of 1895, it is necessary that speedy action be taken by the Council upon this resolution.

It is therefore ordered by the Council that this resolution be referred to the Committee on Ordinances with instructions to report the same back for action by the Council at an adjourned meeting of the same which is hereby ordered to be held at 8 o'clock p.m. on Monday, January 4th 1893, and the City Attorney is hereby directed to attend the meeting of said committee for consultation with them, so that the proper and legal provisions may be incorporated in their report, and all required steps be taken, to make said proposed amendments effective and cause all laws in conflict therewith to be repealed. Alderman Anderson moved to lay the resolution on the table.

The motion was lost by the following vote:
Yeas - Alderman Anderson, Chapman, Schoen, Hume, Ketchum, Lind, North, Schuler, Townsend, Harvath - 10
Nays - Alderman Dawson, Glass, Hawes, Jackson, Miller, Nischke, Platt, Poirer, Ray, Smith, Schneider, Taylor - 11.

Alderman Nischke moved to refer the resolution to the Ordinance Committee with instructions to report on it as early as practicable.

Deferred to Ordinance Committee - Alderman Hume moved as a substitute that the resolution be referred to the Ordinance Committee with instructions to report on it at the next regular meeting of the City Council.

The substitute was adopted and the Council adjourned.

Milton Manning,
City Clerk