

Regular Meeting of City Council  
 Austin Texas May 5<sup>th</sup> 1879.  
 Mayor De Graw presiding  
 Roll Called. Present Aldermen, Parren and  
 Vaughan, Absent Aldermen Brown, Crocker,  
 Millett, Metz, Staller, Platt, Sheehan and  
 Strong.  
 There being no quorum present on motion  
 the Council adjourned to May 7<sup>th</sup> at 8 P. M.

Approved  
 June 2<sup>nd</sup> 1879

L. M. Bradley  
 City Clerk.

Adjourned Meeting of City Council  
Austin Texas May 7<sup>th</sup> 1879.

Mayor [unclear] presiding. Roll Called.  
Present Aldermen [unclear], [unclear], Miller, [unclear],  
Stall, [unclear], [unclear], [unclear] and [unclear].  
Quorum present.

The following business was transacted.  
The minutes of April 7<sup>th</sup> and 10<sup>th</sup> were read and  
approved.

Petitions of M. Kinney and Arnton, Morrison &  
Malin, and L. M. Bell for retail liquor  
license were received and granted.

Petition of Winter and others to erect a stand  
on the sidewalk. Laid on the table.

Petition of Citizens of the 8<sup>th</sup> ward for the im-  
provement of Callego Avenue.

Read and referred to the Street Committee.

Petition of Citizens of the Eighth ward for  
the building of a bridge over Haller Creek  
on Mesquit Street. Read and referred to  
the Street Committee.

Report of City Engineer of surveys and estima-  
tes on Callego Avenue and Mesquit Streets.

Read and referred to the Street Committee.

Petitions of Austin N. R. Co. No. 1 and Hope  
N. R. Co. No. 2 for an appropriation for  
feed for their horses.

Read and referred to the Committee on Fire  
Department.

Petition of S. Sanford to retain his wood  
yard at his present location.

Read and referred back to Board of Fire  
Commissioners.

The following communication was presented  
from the City Water Company.

Office of the City Water Co.  
Austin May 5<sup>th</sup> 1879.

To the honorable Mayor and City Council of  
the City of Austin, Gentlemen:

We would respectfully petition your honor-  
able body to pass the following ordinance  
to protect the rights and ~~property~~ privileges  
of the Water Company.

I have the honor to remain

Very respectfully - W. D. Mather  
 also the following entitled Ordinance. "An  
 Ordinance providing for the management and  
 protection of the rights and property of the City  
 Water Company."

Ordinance read first time and referred to the  
 ordinance Committee.

Reports of City Marshal, City Treasurer, City  
 Assessor and Collector, City Sexton, and Pound  
 report of City Marshal received and ordered  
 filed.

Also the following report of the City Attorney  
 on the petition of A. D. Griffith

Austin, May 3<sup>rd</sup> 1879.

To the honorable Mayor and Board of Aldermen  
 of the City of Austin. Gentlemen.

The petition of A. D. Griffith asking that  
 your honorable body refund him the sum  
 of \$40.00 the amount for which two animals  
 belonging to him had been sold by the City  
 Marshal after having been impounded and  
 advertised according to law, - having been  
 referred to me, I beg leave to report and sug-  
 gest that it be refused, because under the law  
 the City is not bound to refund in such  
 cases.

Respectfully,

W. D. Jones

City Attorney.

Report of City Attorney adopted and  
 petition refused.

Resolution authorizing the Street Committee to  
 enter into a contract with the City Water  
 Company to establish a street fountain  
 together with the following reports from the  
 Street Committee: "The best arrangement  
 that we can make with the City Water works  
 is at \$80.00 per annum, and which we would  
 recommend that no contract be made for  
 longer term than six months, if at all."  
 G. Crow.

The undersigned recommends that the  
 Mayor be authorized to enter into a contract for

said fountain at the price named.

H. M. Strong.

Also the following report from the special committee appointed to ascertain the cost of establishing a stock fountain near Brady's Store in the Seventh ward.

To the honorable Mayor & Board of Aldermen.  
Your committee appointed to confer with the Water Company in regard to the price which said Company would charge the City for the stock fountain ordered to be established near Brady's Store, in Seventh ward, respectfully state that said Company charge the regular contract rates & recommended that the Mayor be authorized to enter into contract with the Company for said fountain.

H. M. Strong,

of Committee.

Also the petition of J. H. Lawrence et. al for a stock fountain in the third ward.  
Alderman Crooker moved to lay the reports of the committees on the table. Carried.  
Alderman Millett moved to defer action on the petitions for stock fountains for six months. Carried.

Reports were read from the Special Committee to whom was referred a resolution offered by Alderman Platt, to investigate the action of the City Attorney in having perpetuated the injunction of the International and Great Northern Railroad Company to restrain the City Assessor and collector from the collection of City Taxes upon their property located in the City of Austin.  
On motion, the Council refused to receive the reports.

Communications from C. R. Nitschke, City Sexton, in relation to the condition of the City Cemetery.

Referred to the Cemetery Committee with power to act.

Deed from Mrs. Florence Whitie, executrix of C. H. Whitie deceased, to the City of Austin of certain lots in the Sixth Ward.

Agreed and ordered to be recorded.  
Resolution appropriating \$5.00 for Sundries for  
the Fire Department.

Resolution appropriating \$ Resolution read  
first time and on motion the rules were suspended  
and the resolution placed on its second reading  
by the following vote: Yeas Aldermen Crook,  
Crooker, Millett, Stalle, Platt, Barru, Strong and  
Vaughan. Nays none.

Resolution read second time and on motion  
the rules were further suspended and the  
resolution placed on its third reading by  
the following vote: Yeas Aldermen Crook  
Crooker, Millett, Stalle, Platt, Barru, Strong,  
and Vaughan. Nays none.

Resolution read third time and on motion  
passed by the following vote: Yeas  
Aldermen Crook, Crooker, Millett, Stalle,  
Platt, Barru, Strong and Vaughan.  
Nays none.

The proposition of Dr. Cordova & M. Kinney to  
sell 17 1/2 acres of land adjoining the City Levee  
-along together with the following report from  
the Levee Committee were read.

"We do not recommend the purchase of  
this land at this time.

D. M. Crooker,  
G. Crook.

Report of Committee adopted.

Proposition of Jones and Glass to rent the  
property known as the "City Mills" property,  
located on the "River Walk" together with  
the following entitled ordinance "An ordi-  
-nance authorizing the Mayor of the City of  
Austin to enter into an agreement and make  
a lease with Jones and Glass for the City  
Mill property.

Ordinance read first time.

Alderman Stalle moved to lay the ordinance  
on the table. Motion lost. suspend the rules to  
a motion was then made to place the  
ordinance upon its second reading, which was  
lost two thirds of a full Council that voting  
in the affirmative. The following was the vote

Yes Aldermen Crooker, Millett, Strong and Vaughan.

Yes Aldermen Crow, Halle, Platt & Barr.

Resolution appropriating \$51.<sup>00</sup> for the purchase of material etc. for an addition to the frame house of Protection Hook & Ladder Co. No. 3.

Resolution read first time and on motion the rules were suspended and the resolution placed on its second reading by the following vote: Yes Aldermen Crow, Crooker, Millett, Halle, Platt, Barr, Strong & Vaughan.

Ays none.

Resolution read second time and on motion the rules were further suspended and the resolution placed on its third reading by the following vote: Yes Aldermen Crow, Crooker, Millett, Halle, Platt, Barr, Strong and Vaughan.

Ays none.

Resolution read third time and on motion passed by the following vote:

Yes Aldermen Crow, Crooker, Millett, Halle, Platt, Barr, Strong and Vaughan.

Ays - none.

Resolution in relation to the City Physician & City Sexton as follows:

Be it resolved by the City Council of the City of Austin, That from and after this date it shall be the duty of the City Sexton to submit his mortuary report to the City Physician for inspection and revision on the first day of each month and that it is hereby made the duty of the City Physician to inspect, revise and correct said mortuary report and file the same with the City Clerk for the regular monthly meeting of the City Council.

Be it further resolved:  
That it shall be the duty of the City Physician to make a monthly written report to the City Council at its regular meetings, containing the following information, to wit: Number of patients for and at date of last report; number admitted to treatment since; whole number treated during the

month, number that have died, been restored, and turned over to the County, number remaining on hand at date of each report, prescriptions given during the month, and that all resolutions or parts of resolutions in conflict herewith ~~be~~ be and are hereby repealed.

Resolution adopted.

An ordinance appropriating \$700.<sup>00</sup> to erect a stone bridge over Haller Creek on Mosquit Street. Ordinance read first time and on motion was referred to the Street Committee.

By Alderman Strong the following resolution which was adopted.

Resolved by the City Council of the City of Austin, That a street lamp be erected and maintained at the bridge over a branch of Haller Creek, on Sabine Street between Pipers Stone Corner and College Avenue and the City Marshal is authorized to see that this resolution is carried into effect.

Proposition of B. Badley to build a sewer together with the following reports:

Austin, May 7, 1879  
To the honorable Mayor and Board of Aldermen:  
The proposition of B. Badley which was referred to a special committee - the undersigned majority of your committee respectfully report and recommend that the proposition be not accepted.

L. M. Crocker,

Geo. Stalle.

Hon. J. C. De Cress, Mayor City of Austin:  
Your special committee to whom was referred the proposition of Mr. B. Badley, have the honor to report the following: That there should be a sewer built across in the business part of the City, that is, near Congress Avenue and Pecos Street, is beyond controversy. The only question then presents itself here, shall this sewer be built?

The City is not in a condition to undertake this work, nor would your committee recommend such action unless she had sufficient

money on hand which could be used for this purpose, as we do not believe the entire city should be taxed for the benefit of a few. The city Council upon receiving the Mayor's message on this subject appointed a committee to take this entire matter into consideration. They finally concluded to advertise for proposals, to be received from private parties or corporations, to build a sewer or sewers in this city. Any proposition was received by Mr. Badkey. This the committee reported back to the Council, recommending that the plan proposed by Mr. Badkey be the most feasible, but without any other recommendation. As the proposition of Mr. Badkey will not involve the city in any expense whatever, your committee would recommend that a contract be entered into by the city with him, taking said proposition as a basis, with a few changes, and we herewith submit a draft for a contract:

This agreement entered into by and between B. Badkey and his associates, party of the first part and the Hon. J. C. De Gress, Mayor of the City of Austin Texas, party of the second part, witnesseth:

1. That the said party of the first part hereby agrees and binds himself and his associates (in case he sees fit to join any other persons with him) to build one or more sewers in the alleys immediately East or west of Congress Avenue, on Pecan Street, and such other streets as he may design - except on Congress Avenue, which street shall not be used except for the purpose of making connections with his pipes of any capacity.

2. That said party of the first part shall have the right, and he is hereby authorized to excavate, lay pipes and do anything that may be necessary to construct his sewers on any street, alley, sidewalk or public grounds, except as provided in the foregoing section. Provided, that said party shall use reasonable



diligence in the prosecution of such work restoring all places where excavations have been made to their original condition.

3. That said party of the first part shall discharge the contents of the pipes into the Colorado River, at least one block east of Congress Avenue, and that said pipes be laid into the River at least — feet below low water mark.

4. That said party of the first part shall be guided by the following rates of charges: —

5. That said party of the first part shall have the exclusive right to own and control said sewers for the period of — years from date, — Provided that the City through her Mayor and City Council may at any time purchase said sewers at their original cost and that in such case this contract is null and void, and — Provided further that should any sewer built, as constructed by said party of the first part, become inadequate to carry off the entire matter, as set forth in section 3, and refuses to enlarge said sewer after sixty days notice has been given, this contract shall be null and void.

6. In consideration of the benefits to be derived by the City, the party of the second part hereby exempts this enterprise from taxation for — years.

We have left blanks to be filled out by the Council in case the above meets their views.

V. E. Vaughan.

Alderman Barnwood to adopt the minority report. Motion lost.

On motion of Alderman Crocker the majority report was adopted.

Alderman Crow, the chairman of the Street Committee reported that the Rock Bridge on West Ocean street was in an unsafe condition.

On motion the Street Committee was authorized to have the same repaired.

An Ordinance authorizing the Mayor and  
 Committee on Fire Department to Contract  
 with the City Water Company for two addi-  
 tional hydrants.

Ordinance read second time.

There being no further business the  
 Council adjourned.

Approved  
 June 25 1879  
 June 25 1879

L. M. Bradley  
 City Clerk