

Regular Meeting of City Council Council Chamber Jan'y 2^d 1877

The Council was called to order at 7.30 P.M. Mayor Wheeler in the Chair

Roll called and the following members answered. Alderman Bremond, Cook, Deffenbaugh, Goodale, James, Larimer, Robinson and Taylor. Absent Alderman Chandler. Quorum present.

The Journal of the last meeting was read and adopted.

Otto Rusk Esq. member elect from Ward 7 was sworn in and took his seat.

Petitions

Petition of City Water Company asking the City to rent additional rights also to secure the time for the completion of their Reservoir. Also to allow them to use 15 ft more of ground lying between their works and the Old Mill property.

On motion of Alderman Bremond the Petition was referred to the Committee on Streets.

Petition of L.J. Mahoney & Co asking the City to make for an appropriation of \$185.00 for the payment of the Smoking Fountain erected by them on Congress Avenue.

On Motion of Alderman Bremond the Petition was referred to the Committee on Streets.

Petition of T.J. Rowlett (an invalid) to receive office back & without honor.

On motion of Alderman Goodale the Petition was granted for sixty days, passed unanimously by Yeas & Nays.

Petition of H.L. Bentley and others asking for the construction of a foot bridge across Haller Creek on Bond Ave Street and the filling up of the washes near crossing.

On Motion of Alderman Cook the Petition was referred to the Committee on Streets with power to act.

Petition of William Nelson, A.R. Crozier, James O. Reely, Percy M. Howland, Mrs. M. L. Carr, James Phillips, Earl Lundgren, F. Shaffer, Wesley Griffin, Hurd & Hull and J.H. Robinson, asking reductions in their assessments for taxes for the year 1876.

On Motion of Alderman Bremond all petitions for reduction in assessments for taxes be referred to a special Committee consisting of Alderman James, Deffenbaugh, together with the Mayor and City Assessor & Collector with full power to act.

Petition of August Seidenman asking the privilege of enclosing a lot of ground on River bank 11th 1884

On Motion of Alderman Bremond the petition was referred to the Committee on Streets

Petition of G. B. Stark, H. Luckat, F. Otto, and others asking for the construction of a bridge across Miller Creek on Cypress Street

On Motion of Alderman Cook the petition was referred to Committee on Streets

Petition of Mrs. Huberich asking Charity

On Motion of Alderman Robinson the petition was referred to the Committee on Charity

Petition of the African Methodist Church asking for duplicate lease of lot on which their Church is located, the original lease having been lost

Alderman Taylor moved that the Mayor be authorized to make a duplicate lease, the Yeas and Nays ordered and the resolution passed by the following vote

Yeas Alderman Bremond, Cook, Doffenbaugh, Goodale, James, Lurmon, Robinson, Post and Taylor, Nays none

Petition of Matt Cohn asking authority to cover roofs of buildings in fire limits with concrete.

On Motion of Alderman James the petition was referred to Committee on Fire Department

Petition of J. M. & E. F. Day, A. Bahr and others of More 10 against the use of Cypress Street for railroad purposes

On Motion of Alderman James the petition was referred to Committee on Streets

Petition of Houston & Texas Central Railroad Co asking the passage of an ordinance granting them the right of way through certain streets in the City

On Motion of Alderman Bremond the petition was referred to the Committee on Streets

Petition of Hope Hook & Ladder Company asking that certain repairs be made to their Truck House

On Motion of Alderman Bremond the petition was referred to Committee on Fire Department with power to act.

Petition of P. H. Roach asking permission to make certain repairs on a building on Dean Street

On Motion of Alderman Cook the petition was referred to Committee on Fire Department

Petition of L. B. Metz for license for the sale of spirituous liquors in quantities less than one quart in Ward #1

Petition of M. Hoppe for license for the sale of spirituous liquors in quantities less than one quart in Ward #2

Petition of Jordan & Doughty for license for the sale of spirituous liquors in quantities less than one quart in Ward #1

Petition of M. A. Barnes for license for the sale of spirituous liquors in quantities less than one quart in Ward #9

Petition of J. Hillis & Co for license for the sale of spirituous liquors in quantities less than one quart in Ward #1

Petition of Garone and Masia for license for the sale of spirituous liquors in quantities less than one quart in Ward #2

Petition of Francis Lotie & Co for license for the sale of spirituous liquors in quantities less than one quart in Ward #1

Petition of Upton & Meier for license for the sale of spirituous liquors in quantities less than one quart in Ward #9

Petition of Madison & Mitchell for license for the sale of spirituous liquors in quantities less than one quart in Ward #9

Petition of M. E. Hunt for license for the sale of spirituous liquors in quantities less than one quart in Ward #1

Alderman Robinson moved that all the petitions for Barroom licenses where the petitioners had complied with the City Ordinance regulating the same, be granted

Alderman James offered the following substitute. That all petitions for Barroom licenses in Ward 7 & 8 be referred to a committee of three for investigation. Lost Whereupon the original motion was adopted

Reports

His Honor the Mayor submitted the following reports
Mayor's Office Austin Texas

January 2nd 1877

To the Honorable Board of Aldermen
of the City of Austin

Gentlemen

Under the ordinances of the city it again becomes my duty to submit to your body an annual report and make such suggestions as may seem right and proper

Herewith I submit the annual reports of the City Treasurer, City Assessor and Collector and the City Clerk.

These reports run up to and close on the 31st day of October 1876. The City Clerk's report is to a great extent a recapitulation of the two former, and shows so well the condition of the city that it should be published for the in-

formation of the people

Since my last annual report our City has been greatly blessed in almost every particular. Our people have been exceedingly healthy and the City has increased rapidly in wealth and population. In fact few towns the size of Austin, have within the same period, erected as many magnificent private residences or so great a number of good substantial business houses. Everything indicates that our people for the past twelve months have been healthy, happy and prosperous.

The City Water Works Company since my last report have completed their contract with the City by erecting on Pecan Street and the Avenue fifty hydrants. The Company has also extended the mains along the principal streets to the great convenience of many of our citizens. The company as you know is obligated to have the reservoir completed by the first of next January. And as it has at all times complied strictly with its engagements we cannot doubt but what the reservoir will be built in the time stipulated or as soon thereafter as the hard times and stringency of the money market will admit. Already we begin to realize the beneficial effects of a complete system of water works. The City pays \$4000. per annum for the use of the water for fire and street sprinkling purposes, and yet the aggregate reduction on insurance in the City since the erection of the fifty hydrants has been about \$16000. And I am informed by good authority that when the reservoir is finished, the reduction will be at least 25000—

The works then do not only add to the convenience and comfort of our Citizens, but are pecuniarily beneficial to the City. The men who control the works deserve great credit for the manner in which they have fulfilled the contract with the City as well as for the skill and vim which they have exhibited in pushing the works to completion.

The fire department is in good condition. This department must be sustained and furnished at the expense of the City, every necessary article for a complete equipment, even if less important departments are partially neglected and suffer for the lack of funds. We have recently ordered 1500 feet of first class hose, which we think sufficient for present use. The administration should be proud of our fire department. It certainly is the most complete in the State. It is composed of the best men in our City and from the Chief down to the lowest Employee, all

perform their respective duties honestly, faithfully and with alacrity, I respectfully recommend that the room recently occupied as a Mayor's Court room be repaired and divided into two rooms to be used as a meeting room for Washington and Hooper Companies, I would also suggest that the City purchase a furnace and all necessary tools so that the engineers of the Steamers can do all repairing and work in that department and thereby save to the City the expense of such work.

The addition to the Cemetery has been enclosed, surveyed into lots and the ground as well as the fence paid for since my last report. The whole cemetery has been kept in as good condition as circumstances would permit, most of the lots are in good repair but unfortunately the grasshoppers have destroyed most of the shrubbery and flowers a misfortune that is to be regretted. for the owners of lots have worked so industriously to beautify and adorn the resting place of their loved ones.

I respectfully suggest that your body take immediate action in regard to persons who have purchased cemetery lots and failed to pay for them. This is a matter that should be settled in a just and equitable manner and that too without delay.

Markets.

As it is necessary before the first of March to mature a plan for the establishment and government of the markets of the City for the next year, I trust that you will consider this subject without delay. I am fully convinced that it is an unwise policy for the City to endeavor to raise any revenue from this source, further than is necessary to defray the expense of this department.

This department should simply be made self-sustaining. whenever the City places a heavy tax on the privileges for the sale of the necessities of life the vendors add the amount paid to the price of the produce. Thus a heavy tax is indirectly placed on the consumer, who in many instances, is little able to afford it. Believing therefore that the cheaper the Market system the better for all concerned I respectfully recommend that for the next year the City charge no rent for the meat stalls at the City Market, but in lieu thereof a very light license tax be placed on each butcher doing business in the City. This course I am satisfied will give us a good central Market.

as well as give us meat markets for the accommodation of the people in every part of the City where any profit can be made, after paying rent and the license, the markets even with protection and to a certain extent they should be protected. I am fully convinced that each one would be willing to pay a small license tax to defray the necessary expense of this department, if the City would give them the desired protection. In any event let us do all we can to give the people cheap provisions by removing as far as we can every obstacle which may come between the producer and consumer.

I wish to call your attention to a claim which Messrs Bahr and Behrman have against the City. During Mayor Brown's administration the City sold to the above named gentlemen for \$ the block on East Avenue known as the Hospital block, as the City had no right to sell the property it being dedicated for a certain purpose, of course the purchasers could get no title. And while it may seem hard for our administration to refund money illegally collected by a former administration yet justice to the City and especially to the purchasers demands that we should refund the money and cancel the deed. I therefore ask that your body authorize the appointment of a committee to settle with Messrs Bahr and Behrman on just equitable terms and report its action to the next meeting of the Council.

Since the completion of this report the City has purchased and canceled City bonds to the amount of \$100 - \$2000 - were purchased from H. B. Salmon, of Clinton Missouri at par with accrued interest, and a \$100 - bond from Capt. M. D. Mather for twenty eight ^{dollars} with accrued interest. Some persons may think it strange for the City to purchase and retire her twenty year bonds while we have any floating debt.

But you will remember that the ordinance ordering the sale of the bonds required that a sinking fund be set apart, and that it be used for no other purpose than to purchase and retire the bonds. The above amount has accumulated in the treasury and it was deemed best to use it in reducing the debt, and saving to the City the interest on the bonds purchased. I deem it proper to add this statement to the regular report so that all may know why money was used in purchasing bonds instead of paying warrants drawn on the treasury.

I was pleased to see that our city warrants are worth from 95¢ to par and very few on the market and that our bonds are worth par. While the report submitted shows that the City is in a healthy financial condition, still it is not all that we could desire. And yet how could it have been better, unless we had discharged the police force, put out the Street lamps, refused to repair streets or build bridges, or do anything until the delinquents paid their taxes, that we could not do, and deal justly with those who had paid. Consequently, we were compelled in justice to these, to continue the expenses, even if they did exceed the income, an examination of the report will show you that there are now over \$60,000 in taxes due the City. If one quarter had paid we would not have, at this time, any floating debt, and if all had paid we would, after paying all of the floating debt, have \$40,000 in the treasury with which we could ^{retire} \$20,000 worth of bonds, and defray the expenses of the City until next years taxes become due. Then all impartial persons must admit, that the delinquent taxpayers are more to blame for the increase in the City indebtedness ^{than the City government} than the management. They seem to forget there are many unavoidable expenses incurred in running a City government, and that if the money is not furnished by the taxpayers your body must devise some other way to defray the expenses. Heretofore we could not be blamed if taxes were not paid, for we had no authority until now to force payment.

Now it becomes our duty to make all pay. And I earnestly impress upon you the necessity of enforcing the law against all delinquents. Those that will not pay without compulsion should be compelled to pay with all costs and penalties to the full extent of the law. Adopt that course and it will place our City in a good financial condition, as well as be just to those who have paid to defray the expenses of the City government.

In conclusion I most respectfully ask you, collectively and individually to assist me in reducing the expenses in every manner possible. The reduction which we have made in the last few months has been very beneficial, and if we can make further retrenchments, we should not hesitate to do it. At this season of the year our expenses will necessarily be heavy but let us adopt a policy that will bring it within our income.

This suggestion is not made simply for effect but in all sincerity, because I believe it is your duty as the representatives of the people to assist in inaugurating and enforcing every reduction in expense which can be made in justice and equity. Permit me to say that it is your duty to investigate the acts of every officer of the City from the highest to the lowest and prevent as far as possible any dereliction of duty by any of them. And it is the duties of your committee to critically examine every account and bill, and see that the City gets a dollar consideration for every dollar that is disbursed. I now assure you that in all investigations in all works of re-formation and reform in the City government, I will always be more than pleased to assist and co-operate with you.

Trusting that you will give these suggestions due consideration, that your body may continue to work harmoniously in all things that appertain to the advancement of the City and the good of the people.

I remain most respectfully your obedient servant
F. B. Hunter.

Mayor

Annual Report of the Clerk of the City of Austin
showing the Receipts and Expenditures of the City during the fiscal
year ending October 31st 1876

Table I
City Warrants Account
Debits

To Amounts of Endorsements upon City Warrants in payment of Taxes received by F. B. Hunter A + C	36,153 57
" Amounts of Cash Payments upon City Warrants by J. R. Johnsons Treasurer	8,044 82
" Amounts of Warrants cancelled in sale of Bonds June 26 th 1876	20,206 63
" Balance City Warrants outstanding Oct 31 st 1876	64,405 02
	16,103 79
	80,508 81

Credits	
By Balance City Warrants outstanding Nov 1 st 1875	17,776 31
" Amounts of City Warrants issued during the year ending October 31 st 1876 Viz	
Police	10,814 88
Streets	18,212 99
Administration	7,234 30
Charity	2,281 60
Fire Department	5,272 34

By Market House	2119 64	
Cemetery	575 22	
Prisoners	1502 80	
Sanitary (Small for 3919.25)	11805 95	
Interest (Bonds + Haranto)	4370 18	
Licenses for Refractories	3246 57	
Miscellaneous	2665 59	62732 50
		50508 51

Table II

City Bond Account	
To Balance outstanding October 31 st 1876	77000 00

Credits

By Balance outstanding November 1 st 1875	77000 00
Amount sold June 26 th 1876 in compliance with ordinance No 79 approved June 6 th 1876	20000 00
	97000 00

Table III

J R. Johnson City Treasurer

Debits

To Balance Received from H. Howard late City Treasurer	2857 66
" Cash received from F. Stirling Apfeffer & Collector from 1 st Nov 1875 to 31 st October 1876	9277 82
	12135 48

Credits

By Amount of Cash disbursed upon City Haranto during the fiscal year ending October 31 st 1876	8054 82
" Cash turned over to Committee in compliance with resolution of City Council to pay interest on Bonds duly July 1 st 1876 through Foster Ludlow & Co	1200 00
" Balance Cash Oct 31 st 1876	9244 82
	2890 66
	12135 48

Table IV

Fred Stirling Apfeffer & Collector
Debits

To Amounts received during the fiscal year ending October 31 st 1876 from the following sources viz	
Taxes of 1875 and previous years	4831 04
" " " " " "	
Collected by City Atty	1350 82

1876

Aforesaid of 1876	
To Taxes upon Rolls of 1876 viz	
1st Valuation Tax	125,819.83
Personal Property	15,497.17
Poll	2,069.00
Supplemental Aforesaid	104.60 66,490.60
Also amount uncollected	147,116.36 19,374.25
" License Tax	19,560.07
" Dog Tax	35.00
" Market House (Rent)	1,479.01
" Sale of County Lots	395.00
" Ground Rents & Sale of Block	308.43
" Fines in Mayor's Court	20,335.00
	<u>49,407.11</u>

Credits	
By Amounts Endorsed upon City Warrants received in payment of Taxes during the year ending October 1876	36,153.57
" Cash turned over to J R Johnson City Treasurer during the same period as per receipts	9277.83
" Cash turned over to Foster Ludlow & Co in compliance with a resolution of City Council to pay interest on Bonds due July 1 st 1876	1874.98
" Errors in Aforesaid	68.00
" Commissions for Aforesaid & Collecting	2032.76 49,407.11

Table II	
F L Britton City Attorney	
Debits	
To Amount of Uncollected Taxes of 1875 and previous years from H L Thomas late City Attorney	16,618.86

Credits	
By Amounts turned over to Fred Storgung Aforesaid & Collector	1,340.82
" Balance uncollected 31 st of October 1876	15,278.04
	<u>16,618.86</u>

Note

Since the completion of this report there has been collected by the City Attorney the amount of \$1,880.00 and turned over to the collector

Table VI

Sale of City Bonds

Under Ordinance N° 79 approved June 6th 1876

Debits

To Amount of City Bonds \$20,000 sold at 1 1/2% premium

20,450 00

Credits

By Amount of City Warrants received in lieu of Bonds now cancelled

20,206 63

" Amount of Interest due on Interest bearing Warrants included in the above

215 76

" Amount of Interest on Bonds sold, from June 26th to June 30th 1876

27 61

20,450 00

Table VII

Forster Ludlow & Co

Debits

To Amount received by Committee through J R Johnson City Treasurer

1200 00

" Amount received from F Storgeng Lifesaver & Co

1876 98

" Premium on Silver

— 67

3,075 65

Credits

By Amount of Interest paid upon Coupons of Austin City Bonds at New York due July 1st 1876

2975 00

Exchange Telegrams Interest and Advertising

100 65 3,075 65

Table VIII

Inventory of Property

2 Engine Houses 3051 00

2 Steam Fire Engines 15000 00

1 Fire Extinguisher 2778 00

1 Hand Fire Engine (Cook 1800) 500 00

2000 Feet Hose 2500 00

2 Hook and Ladder Trucks 3000 00

Furniture in Engine House 300 00

Market House and Improvements 12204 80

Trench Lamps 1500 00

1 Clock 1200 00

Furniture of Court Rooms & Office & Safe 500 00

Horses Mules & Carts & Tools 850 00

Buildings for Small Pox Hospital 61884 42,002 34

Table 1x
Recapitulation of the Liabilities and Assets of the
City of Austin on the 31st day of October 1876

Liabilities		
City Bonds	Table "2	97,000 00
" Warrants	" 1	16,108 79 113,108 79

Assets		
Taxes of 1876 uncollected	Table "4	117,116 36
" " Previous years uncollected	" 5	15,278 01
Cash in Treasury	" 3	2890 66
Property for Inventory	" 8	117,116 36 107,284 03

Note under the head of Expenditures for Miscellaneous in Table "1 The following items are subroded viz

Taxes + Commissions paid H. H. Thomas late City Atty		
For collecting back Taxes	59 65	
" Compelling City Cade	100 00	159 65
Taxes + Commissions paid F. L. Britton late City Atty viz		
For collecting back Taxes		146 32
For Services of officers of Election Nov 1 st 1875		57 44
" " " Board of Appraisers + Equalization		112 25 71
" Entertainment of Texas Veterans Banquet Celebration		356 20
" Stock Pound Repair and repairs of Pound		223 00
" Furnishing + Repairing Court Room and Office over Market House		224 93
" Contingent Expenses of City Council + Office, Postage + Telegraphy		104 87
" Commissions for paying Interest on Bonds at New York		14 92
" License Tax Refunded		241 20
" Interest on Bonds + Warrants		895 00
" Compromise of Damage Suit in District Court		100 00 2,668 59

City Clerk's Office Austin Texas
November 1st 1876

I hereby certify that the above and foregoing is a true and correct statement as appears upon the books of the City Clerk and Recording Office of the City of Austin

John F. Herbert
City Clerk

Mayor's Office Austin Texas
January 1st 1877

To certify, that the undersigned Finance Committee of the City of Austin, have carefully examined the reports of the City Assessor and Collector, City Treasurer and City Clerk, with all Vouchers thereto belonging and find that they show the financial condition of the City on the 31st day of October 1876. That all monies received and expended are properly accounted for. All vouchers for disbursements correspond and are on file with the proper Officers, and that the accounts for and against the City are properly kept.

In testimony whereof we hereunto sign our names on the day and date above written

Eugene F. Brown
M. A. Taylor
J. H. Chandler

Finance Committee

On motion of Alderman Cook the reports was received and ordered published

Reports of City Marshal for the months of October November + December was received

Reports of City Physician for the months of October November + December was received

Reports of City Sexton for the months of October November + December was received

The Committee on Police submitted the following Report
Austin Texas

December 29th 1877

To the Hon. J. D. McKelvey

Mayor of Austin

Sir

Your Committee on Police to whom was referred the matter of investigating the conduct of Police Officers H. P. Allen and J. H. La Rue at the Capital Theatre on the night of the 25th ult

Respectfully report that they have performed the duty assigned them and respectfully submit the following

After carefully examining the statements of the two Officers referred to, we do not think that there was anything particularly wrongful in the conduct of Officers Allen and La Rue, yet we believe that they were negligent in the performance of their duty as Peace Officers, in not suppressing the difficulty when it originated and promptly arresting the parties engaged.

We therefore recommend to the City Council that

officers H P Allen and J M La Rue be removed
from the Police force of this City

Respectfully

D R Robinson

J. O. Goodale

Police Committee

(Alderman Cook moved that the report be received and adopted)

The Yeas and Nays being called the report was adopted by the following vote, Yeas Alderman Bremond Cook, Goodale, (Alderman James declined voting) Larimer, Robinson, Root, and Taylor, Nays Alderman Duffenbaugh

At the request of Alderman James he was excused from voting on the adoption of the report of the Police Committee

By Alderman Bremond, Be it resolved by the City Council of the City of Austin, That from and after the 10th day of January 1877 no officer of the City shall receive any dues to the City by endorsement upon City Warrants or receipts

That the City Clerk shall issue to the City Collector city Warrants in small denominations, from time to time, when needed by the collector for making change upon warrants with City taxpayers, taking his receipt therefor, and keep proper account with the collector for the same

The Yeas and Nays being called, the resolution passed by the following vote.

Yeas ^{Alderman} Bremond, Cook, Duffenbaugh, Goodale, James, Larimer, Robinson Root and Taylor

Nays None

By Alderman Duffenbaugh, Be it resolved by the City Council of the City of Austin, That the money collected by the City from all sources of income shall be placed in the Sinking and Interest fund and no officer or other person shall be permitted to use any of said money for any other purpose without authority from the City Council, provided that one hundred dollars in cash be set apart each month to pay the necessary contingent expenses of the City. Said amount to be disbursed under the direction of the Mayor and Finance Committee

The Yeas and Nays being called the resolution passed by the following vote

Yeas Alderman Bremond Cook, Duffenbaugh, Goodale, James, Larimer, Robinson, Root and Taylor

Nays None

The Mayor informed the Council that there were two vacancies on the Police Force, and that there were six officers now serving which had not been confirmed by Council, that he had on file twenty one petitions for appointment, these included the petitions of those who were now serving without confirmation, and while the Charter gave him the right to nominate all officers, other than those elected, but in this particular case he had determined to waive that prerogative, and requested the Council to take all the petitions and retire to the Clerk's office and select from the number the names of the eight officers required. The Council then retired and on their return presented the names of, John Chamille, M. E. Jones, Dennis Shuchan, M. L. Wilson, Alfred Larson, John Handell, Thomas Johnson, and M. Riley. Whereupon the Mayor asked their confirmation.

The Yeas and Nays being called they were confirmed by the following vote

Yeas Aldermen Bremond, Cook, Jeffersburgh, Goodale, (Alderman James asked to be excused from voting, Excused) Larimore, Robinson, Rosh + Taylor

Nays none

Alderman Bremond moved that the Fire Committee be authorized to have the horse Carriage belonging to the old hand engine repaired with the view to organize a horse company. Carried

Alderman Bremond moved that a Committee be appointed to purchase an iron safe for the better protection of records and papers in the Clerk's Office. Carried

Alderman Bremond, Taylor and Robinson were appointed as said Committee.

On motion the Mayor was added to the Committee

Alderman Rosh was appointed on the Ordinance and Printing Committee

On Motion of Alderman Cook the account of James Raulston was referred to Committee on Finance for Settlement

Alderman Bremond moved that a Committee of three be appointed to confer with Bahn and Schumann regarding their claim against the City

Aldermen Cook, Rosh and Jeffersburgh were appointed on said Committee

On Motion the Council Adjourned