

Regular Meeting
Council Chamber Austin Texas
May 4th 1876

Council called to order at 4.40 P.M.
Mayor Wheeler in the chair

Roll called and the following members answered, Aldermen, Chandler, Cook, Goodale, James, Robinson, Shuck, and Taylor.

Absent Alderman Bremond, Haffenbaugh and Garrison.
The Chair announced a quorum present.

On motion of Alderman Robinson the reading of the Journal of the previous meeting was dispensed with.

Alderman Bremond came in and answered Petition of E. Moses, and forty six others asking that Auctioneers be required to pay a license of Thirty (\$30) dollars per day except Auctioneers who sell live stock only.

On motion of Alderman Cook the Petition was referred to Committee on Ordinances with instructions to report an Ordinance regulating the license of Auctioneers and to prohibit them from ringing of bells.

Alderman Haffenbaugh came in and answered Petition of H. J. Anderson & Co asking that they be reimbursed the sum of \$2,740.00 which amount they claim as lost to them by receiving City Warrants in payment for work done on Magnolia Avenue by contract with the City of Austin amounting to \$4,490.00 when said contract specified payment in U.S. Currency. Referred to Finance Com.

Petition of J. W. Cotton, asking to be reimbursed in the sum of \$80.00 the same being the amount lost by him in the destruction of Furniture Bedding &c destroyed at Small Pox Hospital by direction of the City Authorities. Referred to Special Committee on Small Pox Hospital.

Petition of John McDonald stating that through ignorance he had commenced the erection of a wooden stable in rear of his store on Pecan Street, and he was stopped from finishing the same by order of the City authorities as the building was situated within the fire limits. He now asks if he puts an Iron roof on said building if he may be allowed to complete it.

On motion the Petition was referred to committee on Fire Department.

At the request of the Mayor the President of the Council took the chair

Petition of Joseph Luckeinger & Co stating that on the 29th day of February last they paid to the City Assessor and Collector the sum of Thirty seven and 5/100 dollars for license tax as butchers, which tax has been decided to be illegal and void, and requesting that the said amount be refunded to them,

On motion of Alderman Brumond the Petition was received and the Mayor be authorized to draw his warrant on the City Treasurer in favor of Luckeinger & Co for the amount of Thirty seven and 5/100 dollars. Carried

Petition of E. W. Shands, J. B. Penn and 110 other Merchants and property holders on Congress Avenue and Pecan St. Requesting that the City provide for the sprinkling of Congress Avenue and Pecan St. providing at least one water cart for each Street

On motion the Petition was referred to Street Committee

Petition of Casper Menger stating that on the 1st day of March last he paid to the City Assessor and Collector the sum of Thirty seven and 5/100 dollars for license tax as butcher and also executed three promissory Notes in favor of the City of Austin each Thirty seven and 5/100 dollars for deferred payments on said license and as said license tax has been declared illegal he prays that the amount of 37 5/100 in U.S. currency be refunded to him and his three Notes for 37 5/100 be returned

On motion of Alderman Cook the petition was received and ^{that} the Mayor be authorized to draw his warrant on the City Treasurer for the amount of Thirty seven and 5/100 dollars in favor of Casper Menger, and that his three promissory notes be returned to him. Carried

Petition of H. J. Simmonds, stating that he had deposited \$62.50 with the City Assessor it being the amount registered for License for three months as retailer of liquors in Barroom. That he rented a room and fixtures from a Mr. Kortach who represented that he was the owner of the Barroom fixtures. That after he had been on business for Ten days the fixtures was seized by the Sheriff by order of Court and had been sold. That the discontinuance of the business was no fault of his and he prays that he be required to pay license for the Ten days only that he was in

business and that the balance of the money be refunded

Alderman Robinson moved that the petition be removed and that the petitioner be only required to pay license for the time he was engaged in business and that the balance of the amount be refunded. Yeas + Nays ordered on the motion Yeas Aldermen Bremond, Chandler, Cook, Deffenbaugh, Goodale, James, Robinson, Shuck and Taylor. Nays. None carried

Petition of C. H. Montgomery stating that on the night of the 21st of March last he was attacked and dangerously wounded with a pitting knife while asleep in his bed, by one McLeary, and that the cause of the attack was that he had testified as a witness in the Mayo's Court against the said McLeary. That the wounds received penetrated his lungs, that he has suffered severely, that he is now and has been unable to do any work since he was wounded, that his means are exhausted and he is unable to support his family, that he has no friends to assist him, he asks the City to render him such assistance as to support himself and family until he is able to work for himself

on Motion the petition was referred to Committee on Charity with power to act. Mayor ~~Wheeler~~ took the Chair

Petition of City Water Company stating that the work of extending their Mains and branches and perfecting the working of their Machinery is now and will be for some time in progress and that they have not yet been able to determine the best location for their Reservoir. They ask that the time for completing their Reservoir be extended to January 1st 1876

Alderman Robinson Moved that the petition be removed and that the extension of time asked for be granted. Yeas and Nays ordered on the motion.

Yeas Aldermen Bremond, Cook, Goodale, James, Robinson, Shuck & Taylor, Nays, Ald. Deffenbaugh, Chandler

At the request of
the Mayor the
President of the
Council took the
Chair

Petition of S. H. Crothwell asking the privilege of leasing part of the River Walk lying between Block 753 and the Colorado River, and between Guadalupe and Lavaca Streets excepting Water Avenue off the North side 80 ft wide, for the period of Fifty Years from the day of 1876, with the usual conditions and covenants

required from Lessee of River Walk, the ground asked for is required for the placing thereon suitable buildings to carry on the business of Foundry and Machine Shops.

On Motion the petition was referred to the Committee on Streets with instructions to report at next meeting when the ground applied for is, and whether the proposed buildings will obstruct any of the Streets or alleys in the City or not.

Petition of Mc Dowell & Mc Divain and 33 others stating that they are informed that the City Council are about to pass an Ordinance compelling all drinking Saloons to close at a certain hour every night and to remain closed until a certain hour on the following morning, and stating that if such an ordinance be passed it will work a great hardship to the proprietors of such places and requesting that notice of passing such an Ordinance that the license of persons keeping a disorderly house be revoked.

On Motion of Alderman Diamond the petition was laid on the table.

Petition of J. M. Smith asking the construction of a sidewalk across the Street running North & South at a point East of Block #52, Div E.

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

Petition of Ed Creamy City Marshal, stating that by Resolution passed by the City Council on the 10th day of July last he was directed to take charge of the City prisoners and carts and superintend them on the streets, thereby ^{upon him the} imposing additional duties of Street Commissioner, that the duties he performs are onerous, and asks that he be paid a certain sum for his services as Street Commissioner in addition to his salary as City Marshal.

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

Report of City Marshal for April received

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" " " Physician " " returned for signature

" " " Treasurer " " " " "

" " " Assessor & Collector " " received and referred to Finance

Committee

Report of City Recorder from the 10th day of March to the 30 day of April received and referred to Finance Committee

Ordinance #77 amendatory to Article #2.3 of our Ordinance prohibiting the running at large of Animals within

certain limits of the city as introduced by Alderman Skeels on the 3rd day of April and passed its first reading was taken up and read the second time

Yeas + Nays ordered, and the ordinance passed its second reading by the following vote

Yeas Alderman Bremond, Cook, Saffentbaugh, Goodale James, Robinson ^{Skeels} and Taylor Nays None

On Motion of Alderman Robinson the rules were suspended and the ordinance was put on its third reading and final passage

Yeas and Nays being called the ordinance was passed by the following vote

Yeas Alderman Bremond, Cook, Saffentbaugh, Goodale James Robinson Skeels and Taylor Nays None

Alderman Skeels introduced the following Resolution which was adopted

Resolved that the Police Committee be and they are hereby instructed to inquire what Police-men if any permit streets to be obstructed to a greater extent than one-third of such streets in their respective Beats, and report the names of such police-men and the extent of the obstruction or obstructions so permitted

By Alderman Skeels, Resolved that the committee on Ordinances be and they are hereby instructed to report an Ordinance to the next meeting of this Board to prevent the killing of wild birds within the city limits

By Alderman James, All Ordinances # 78 entitled, an Ordinance Regulating the opening and closing of 18 or Rooms, Ordinance read first time and Yeas + Nays ordered. Yeas Aldermen Bremond, Cook, Saffentbaugh, Goodale, James, Robinson, Skeels, and Taylor Nays None The Ordinance passed its first reading

On Motion of Alderman Taylor the rules were suspended and the ordinance was read the second time

Yeas + Nays being called the ordinance passed its second reading by the following vote Alderman Bremond, Cook, Saffentbaugh, Goodale, James, Robinson, Skeels, + Taylor Nays None

On Motion of Alderman Taylor the rules were further suspended and the ordinance read the third time and put on its final passage

Yeas and Nays ordered, Yeas Alderman

Bremond, Cook, Duffenbaugh, Goodale, James, Robinson, Shuts and Taylor. Says none Ordinance passed

By Alderman Cook. Be it Resolved by the City Council of the City of Austin that the Mayor appoint a Committee of Five to draft a New Charter (or amendments to the present Charter) for said City and that said Committee shall as soon as practicable report said Charter to the Board of Aldermen, so that the present Legislature can take action thereon before their adjournment, and be it further Resolved that the Mayor be one of said Committee

Adopted. Alderman Cook requests that he be not appointed Chairman of said Committee

The Mayor appointed the following committee to draft a City Charter. Alderman Shuts, Taylor, Chandler, & Cook

By Alderman Bremond. Be it Resolved by the City Council of the City of Austin, that permission be and is hereby granted to Mr J. Traynor to float a Bathing Establishment on the River at the foot of Brazos Street, so as not to conflict with the travel or access to the river at the foot of said Street and by paying his City license on said Establishment as required by ordinance

Adopted

By Alderman James. Be it Resolved by the City Council of the City of Austin, that the Mayor be and is hereby authorized to appoint three citizens as a board of assessors of assessment to revise and make uniform in value the assessments of this city for the year 1876, and that said board of assessors be allowed for their services such compensation as may be fixed by the City Council

The Mayor appointed the following as the board of assessors S. A. James, A. Duffenbaugh and J. H. Cunningham.

On Motion of Alderman Cook the Council adjourned

John J. Herbert,
Deputy City Marshal and
City Recorder