

and street in front of said premises, and all expenses incident thereto, as same shall be determined by the City Engineer, and to conform to all changes of grade and alterations in said sidewalks and street abutting upon said property, as same may hereafter be determined by the City Council and to pay all necessary expenses thereof.

Resolution was adopted by the following vote: Mayor Pro tem Haynes, Councilmen Alford and Graham, 3 yeas; Mayor Yett and Councilman Ward absent.

The Council then adjourned.

Joe Haynesby
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 5th, 1919.

Roll call showed the following members present: Mayor Yett, Councilmen Alford, Graham, Haynes and Ward. All present.

The Minutes of May 29th were read and adopted by the following vote: Mayor Yett, Councilmen Alford, Graham, Haynes and Ward, 5 yeas; no nays.

The petition of W. L. Eyres, et al., was laid before the Council, and upon motion of Councilman Haynes was referred to Councilman Ward for his consideration and report back to the Council. Motion carried by a vote of 5 yeas; no nays.

The monthly reports of the Assessor and Collector, Chief of Police, Sanitary Inspector and Sealer of Weights and Measures were read and ordered filed.

The Mayor introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That the sum of Three Hundred and Fifty Dollars (\$350.00) be and the same is hereby appropriated out of the General Contingent Fund of the City of Austin, Texas, and made payable for one-half salary of the Child Welfare Nurse, said appropriation to be paid at the rate of Fifty Dollars (\$50.00) per month.

Resolution was adopted by a vote of 5 yeas; no nays.

Upon recommendation of the Fire Chief, the petition of W. H. Richardson for permit to make certain repairs was granted by a vote of 5 yeas; no nays.

The following opinion of J. Bouldin Rector, City Attorney, was laid before the City Council:

Austin, Texas, June 5, 1919.

Hon. J. W. Graham,

Supt. Streets & Public Improvements,
City.

Dear Sir:

I have given the drainage matter in the vicinity of 23rd and Meches Streets my careful attention, with reference to the City's duty in the premises.

I beg to advise you that, generally, it is the City's duty to properly drain its streets, and in so doing not to injure the property of others. The city must take care of all surface waters that may fall or

flow upon its highways. It is under no duty, however, to drain private property, and it is not a proper expenditure of public money to undertake to do so.

After an inspection of the condition in question, it is evident that the surface waters on that watershed had formed a watercourse, with a reasonably well defined channel, extending from a block or more above its crossing at 23rd Street to its junction with Waller Creek. This watercourse extends through private property both above and below Twenty-third Street. Above Twenty-third Street certain obstructions have been unlawfully placed in the bed of said watercourse, which have caused same to fill up and choke the drainage of the street immediately north of Twenty-third Street. Said watercourse runs through the rear of the private premises abutting on 23rd Street, and here the owner undertook to put in a drain and fill in, in an effort to reclaim the property. This construction is not adequate to carry the flow of said watercourse, and in times of flood same overflows and is diverted to the contiguous areas. The drain under Twenty-third Street is inadequate, but this street drain is not the cause of the trouble above said street. If the property holders above said street will bring the waters of this watercourse to said street as is required of them by law, it is the City's duty to make adequate provision for the waters to cross thereunder.

Below Twenty-third Street, the owner of the private property through which this watercourse passes, has filled in same in an effort to reclaim the property, until the waters, which ordinarily flowed down same, are now diverted to the streets for one block south and one block west. The owner of this property is not within his lawful rights in obstructing this natural watercourse.

In this connection, allow me to call your attention to the fact that some years ago a former City Council passed an ordinance prohibiting the obstruction or diversion of watercourses and natural drains, and denouncing penalties for the violation of this ordinance.

I am handling this matter briefly at your suggestion, but shall be glad to advise you or the Council at length, if, in your judgment, the matter should so require.

Very respectfully yours,

J. Bouldin Rector, City Attorney.

Councilman Haynes moved that the above opinion of the City Attorney be adopted as the policy of the Council and that the same be referred to Councilman Graham for him to notify the property owners interested. The motion carried by a vote of 5 yeas; no nays.

Councilman Graham introduced the following resolution:

RESOLUTION RELATING ANY CLAIMS FOR DAMAGES AGAINST THE I&GN RAILWAY COMPANY ON ACCOUNT OF RAISING TRACK TO OFFICIAL GRADE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That whereas, the City Engineer, acting upon instructions from the Superintendent of Streets and Public Improvements, has notified the I&GN Railway Company to raise and resurface their track on Woodridge Avenue at the intersection of Mesquite Street to grades as shown on

profiles on file in the office of the City Engineer, the length of track to be raised being as follows:

Beginning at a point 150 feet east of the west line of Mesquite Street and thence extending to a point 250 feet west of the west line of Mesquite Street; and

Whereas, the said I&GN Railway Company has notified the City Engineer and Superintendent of Streets and Public Improvements of their willingness to comply with the request of the city, but that they request that the city release them from any damages that might occur on account of impounding surface waters on said Wooldridge Avenue in the above described area on account of the raising of said 400 feet of track,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That the said I&GN Railway Company be and the same are hereby released from any claim or claims for damages for impounding of water on Wooldridge Avenue for the area abutting in the vicinity of Mesquite Street, as heretofore described, and

BE IT FURTHER RESOLVED:

That the City Clerk be and he is hereby instructed to mail to the I&GN Railway Company, at their general offices in San Antonio, Texas, a copy of this resolution.

The above resolution was adopted by a vote of 5 yeas; no nays.

The Council then recessed until 3 p. m.

Councilman Haynes asked that the following statement be spread upon the minutes:

"Having charge of the Tax Department of the City, I feel that now the matter of the proposed increase in the rate of tax for the schools has been placed before the Council, it is my duty to make a plain and full statement, without prejudice, in order that the Council and the people may be fully advised as to the conditions, etc.

"As you know, the City of Austin now has the highest tax rate of any city of its class in the State, and the valuations of property, except in a few instances, cannot be equitably increased at this time, for the reason that our valuations are now as high as in other like cities.

"It is not generally known that almost one-third of all property in Austin, such as State institutions, schools, public and private, charitable institutions and church properties, is exempt from taxation; hence the conditions here are different from most cities, in that about two-thirds of the properties are taxed to support the whole, as all must have Water, Light, Sewer, Fire and Police protection, as well as Sanitary service and all city facilities. Therefore, our tax rate, as well as the valuations placed on property, is necessarily higher than in most cities, and the people, as a rule, are bitterly opposed to any increase in the tax rate or valuations at this time, feeling that they are now taxed to the limit. Hence they have refused to adopt the Unit or Somers system, by a vote of over two to one, as it was well known that the proposed system was intended to raise valuations under the guise of equalization, in order that valuations could be raised to such an extent that more bonds could be issued. Therefore, the "system" was favored by the School Board, as well as our former Mayor and a majority of my late colleagues, and I am sure that any attempt now to revive the proposition would be again resented by the people. In this connection, I would state that I now have filed with me many bills of newspapers, aggregating over a thousand dollars, for publishing letters, maps and certificates from private parties and officials regarding the beauties of the "system". These bills I have not and cannot legally approve.

"There is now quite a large list of delinquent taxpayers in the hands of the City Attorney for suit, among this list appears the names of many well-to-do citizens in official positions, whose salaries are paid out of the taxes paid by their fellow citizens, the taxes of such delinquents would go far towards relieving the situation. However, our delinquent lists are no larger than in other cities, as most of our people pay promptly and we collect from 95 to 96% of the taxes each year. Within the past five years, the people of Austin have voted \$400,000.00 in bonds and other interest-bearing obligations for our public schools, and within the same period have increased the rate of school tax from 33-1/3 to 45 cents on each \$100.00 of property valuations, which has yielded

*Releasing
I. & G. N. Ry. Co.
from Liability*

*Instruction
City Clerk*

Statement

*Councilman
Haynes*

the schools for the five years, up to this date, \$471,415.07, making a grand total of \$871,415.07, which does not include several hundred thousand per capita apportionment received from the State during that time, or small amounts from transfers and pay pupils.

"It is no doubt a fact that the teachers, as well as the janitors, of our schools are underpaid, and that some relief should be given them. Therefore, if an increase in the tax rate for the schools is again granted by the people, they should be assured that the additional amount of money thus received would be used solely for the increase of the salaries of teachers and janitors, and in my mind this relief would be more certainly granted by the people if they were also assured that an annual statement, showing all receipts and expenditures, including the amount of salary paid each and every employee of the public schools would be made and published, which has not been done for many years.

Respectfully,

H. L. Haynes,
Supt. Receipts, Disbursements
and Accounts."

The Mayor introduced the following resolution:

DIRECTING THE MAYOR TO GIVE NOTICE OF THE CITY COUNCIL'S INTENTION TO PASS AN ORDINANCE ORDERING AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF AUSTIN.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Mayor be and is hereby directed to give notice that the City Council of the City of Austin intends to pass an ordinance entitled "An Ordinance ordering an election for the purpose of submitting to the qualified voters of the city a proposed amendment to the charter of the City of Austin", said ordinance to be passed on the 28th day of June, 1919, and said election to be held on the 31st day of July, 1919, at which election the following proposed amendment to the charter of the City of Austin will be submitted to the qualified voters of the city for their action thereon:

Shall subdivision 2, of section 2, of article 12, of the city charter be amended so as to read as follows:

(2) To raise such further amount as may be necessary for the maintenance of the public schools of the city, not to exceed sixty cents on the one hundred dollars' worth of taxable property in the city. The board of trustees for said schools shall determine and advise the city council as to what amount of said tax shall be levied and collected each year, and the city council shall levy the amount so determined, but if at any time said board fails to do so, the city council shall levy such tax at the same rate as levied for the last preceding year.

Twenty days notice of the intention to pass said ordinance shall be given by publication for ten days in some newspaper published in the City of Austin. By "twenty days" is meant from the first date said notice is published.

The above resolution was adopted by the following vote:

Mayor Yett, Councilmen Alford, Graham, Haynes and Ward, 5 yeas; no nays.

Councilman Graham introduced the following ordinance:

AN ORDINANCE CREATING AND ESTABLISHING THE SANITARY SEWER DEPARTMENT OF THE CITY OF AUSTIN; PRESCRIBING RULES AND REGULATIONS FOR THE CONDUCT OF THE BUSINESS OF SAID DEPARTMENT; AND ADOPTING A SCHEDULE OF RATES FOR SEWER SERVICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Section 1. That there is hereby created and established a

*Mayor's Notice of
Intention to pass
Ordinance
Amending City Charter*

Sanitary Sewer

department to be known as the Sanitary Sewer Department. This department and the employees thereof shall be under the immediate supervision and control of the Superintendent of Streets and Public Improvements. He shall have the power to employ and discharge all employees of said department, except as herein otherwise provided, subject, however, to the action of the City Council whenever ordered. He shall be held responsible for the administration of the affairs of said department and shall make or cause to be made monthly reports thereon to the City Council, which reports shall show the receipts and expenditures and all contract work done by said department during said month.

Sec. 2. That there shall be a cashier of said department, who shall be nominated by the Superintendent of Streets and Public Improvements, and shall be elected by the majority vote of the City Council; said cashier shall also perform the duties now incumbent and performed by the cashier and bookkeeper of the Street and Sewer Departments, with the aid of such assistant, or assistants, as the Superintendent of Streets and Public Improvements and the City Council may hereafter select. Such cashier shall receive for his services such compensation as the City Council may by resolution or ordinance provide, and may be removed by the City Council at any time by a majority vote thereof. It shall be the duty of the Cashier to receive and account for all monies paid to the City of Austin for sewer service by the patrons thereof, and for all fees and charges for plumbing inspection and service, and to deposit same with the City Treasurer to the account of the Sanitary Sewer Earnings Fund, which fund is hereby created and established. Such cashier shall give bond payable as provided by law in such amount as the City Council may provide, conditioned upon the faithful performance of the duties of his office.

Sec. 3. That the owner of each separate piece of property shall be required to pay for sewer service for said property a fixed charge of Three Dollars and Sixty Cents (\$3.60) per annum, together with additional charges hereinafter set forth for additional fixtures over and above one fixture. Such additional fixtures shall be paid for at the rate of Eighty Cents (80¢) per annum for each additional fixture up to and including five fixtures above the first fixture; and, in addition, at the rate of Forty Cents (40¢) per annum for each additional fixture over and above six fixtures up to and including twelve fixtures; and, in addition, at the rate of Twenty Cents (20¢) per year for each additional fixture over and above twelve fixtures. Provided, however, that the reduced rates on fixtures over and above the first fixture shall not apply to fixtures located on property owned or paid for by different parties, nor to those located on properties not adjacent but owned by the same party, nor to properties owned by the same party but separated by a street or alley.

Manufacturing establishments or buildings with more than twenty-five fixtures shall be subject to special rates fixed by the City Council. Floor drains shall be classed as fixtures. The fact that the sewage from two or more different properties reaches the main sewer through the same "tap" or connection shall not be considered a sufficient reason for rating the two or more as one connection; but each property shall be charged for as a

separate connection.

Sec. 4. All sewerage service charges shall be paid quarterly to the cashier of the Sanitary Sewer Department, or to any other person whom the City Council may designate to collect said service charges. In the collection of such service charges allowance will be made for any time during which the property may have been vacant, though no allowance shall be made for greater length of time than the period during which water service has been discontinued, as shown by the records of the Water, Light and Power Department. In event of default in the payment of any service charge as herein provided, the Superintendent of Streets and Public Improvements may order that such service be discontinued, and in case connection is discontinued on account of such non-payment, the connection shall not be re-established until all back charges, together with costs of cutting off and reconnecting all service pipes, have been paid in full.

Sec. 5. That at the end of each quarter the cashier shall make up and transmit to the Superintendent of Streets and Public Improvements a statement showing the names of all persons who have failed to pay service charges for the preceding quarter, together with the amounts due and description of the property involved, which statement the Superintendent shall in turn transmit to the City Council for its action. The City Council may at its discretion order that suit be brought in the proper court for the collection of such unpaid charges.

Sec. 6. That before connection shall be made with any of the sanitary sewers, it shall be the duty of the person desiring such connection to file with the cashier an application for such service. No basement or cellar drain shall be connected with any of the public sanitary sewers or to any sewer leading to a public sewer, until the owner of the building has executed and signed a written agreement to be furnished by the City of Austin, releasing the City of Austin from any damage that may result from the basement being flooded by the stoppage or overflow of sewers, which agreement shall be filed with the City Clerk.

Sec. 7. That the Superintendent of Streets and Public Improvements shall keep and maintain in proper books a complete record of all matters pertaining to the maintenance of the Sanitary Sewers, and at the end of each year make a report of the same to the City Council, which report shall show the total house connections with the sanitary sewers and the number of such connections made during the year. In addition thereto, he shall cause to be made a thorough and complete inspection of all sewers, manholes, catch basins, etc., at least once each month, and shall make a written report to the City Council at its first regular meeting of the month, showing the condition of the sewers, manholes and catch basins, a copy of which report shall be kept on file in his office. Said report shall state the character of obstructions found in sewer pipes and the cost of removing such obstruction.

Sec. 8. That all ordinances or resolutions in conflict with this ordinance be and the same are hereby repealed.

Sec. 9. That this ordinance shall become operative and in full force and effect on and after the first day of July, A. D. 1919.

Councilman Graham moved the suspension of the rules and the placing of said ordinance on its second reading. The motion prevailed by the following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward; nays none.

The ordinance was then read the second time and Councilman Graham moved a further suspension of the rules and the placing of the ordinance on its third reading. The motion prevailed by the following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward; nays, none.

After the reading of the ordinance for the third time, Councilman Graham moved its final passage. The motion prevailed by the following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward.

Councilman Alford introduced the following ordinance:

AN ORDINANCE PROHIBITING PERSONS, NOT HUSBAND AND WIFE, FROM REGISTERING AT HOTELS AND OTHER PLACES AS SUCH, OR FROM OTHERWISE ACTING AS SUCH, OR PERMITTING OR ASSISTING SAME TO BE DONE; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Section 1. It shall be unlawful for any person or persons, not husband and wife, to register as husband and wife, or to in any manner represent themselves to be husband and wife at any hotel, apartment house, residence or at any other place.

Section 2. It shall be unlawful for any person or persons to knowingly consent to such false registration, or knowingly to afford any male or female, not husband or wife, with any room, bed, or other facilities for carnal intercourse, or to falsely register, or introduce any persons as husband and wife, or knowingly and falsely represent any persons to be husband and wife.

Section 3. It shall be unlawful for any person or persons, not then husband and wife, to enter any building or room, or visit or go to any place of retirement or seclusion, or to any place whatsoever, for the purpose of engaging in carnal intercourse.

Section 4. It shall be unlawful for any person or persons, not then husband and wife, to engage in carnal intercourse.

Section 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than two hundred dollars.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. Should any section, provision or part of this ordinance be held to be void or unconstitutional for any reason, the other sections, provisions and parts of this ordinance shall not be affected by any such decision.

Councilman Haynes moved the suspension of the rules and the placing of said ordinance on its second reading. The motion prevailed by the

*Ordinance
prohibiting
persons, not
husband and
wife, from
registering at
hotels and
other places
as such, or
from otherwise
acting as such,
or permitting
or assisting
same to be
done; and
providing a
penalty for
the violation
thereof.*

following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward.

The ordinance was then read the second time and Councilman Alford moved a further suspension of the rules and the placing of the ordinance on its third reading. The motion prevailed by the following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward.

After the reading of the ordinance for the third time, Councilman Alford moved its final passage. The motion prevailed by the following vote: Yeas, Mayor Yett, Councilmen Alford, Graham, Haynes and Ward.

The Council then adjourned.

Joe Hornsby City Clerk.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, June 6, 1919.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Alford, Haynes, and Ward; Councilman Graham absent.

Councilman Ward moved that City Attorney, J. Bouldin Rector, be granted ten days' leave of absence, from June 10th, 1919. The motion carried by a vote of 4 yeas; Councilman Graham absent. *Saturday, with full pay.*
asking that the Mechanical Employees of the Water & Light Dept. be granted 1/2 holiday pay.
 The petition of W. L. Tyres, et al., came up for consideration.

Motion was made that petition be not granted. Motion prevailed by a vote of 5 yeas; no nays.

The Council then adjourned.

Joe Hornsby City Clerk.

Leave granted City Clerk.