

Minutes of a Regular meeting of the City Council.  
Austin, Tex. April 6, 1896.

Hon. Henry C. Simm, president of the Council, presiding.

Roll called.

Present, Aldermen Beatty, Fischer, Simm, St. John, Clark, Cowell, Pickett, Oberdean, Shelley, Taylor, Townsend and Zilger 17.

Absent Aldermen Glascock, Glass, Gorth, Haynes, Horton, Sawles, Prosser, Schneider, Stumpf and Sobin 10.

Alderman Shelley moved to dispense with reading the minutes and that they be approved as printed. Carried.

Pet. of Citizens to construct boom across the mouth of Bull Creek. Granted.

By Alderman Townsend, Petition of Citizens asking that a "boom" be placed across the mouth of Bull Creek.

Alderman Fischer moved that the petition be granted, provided the petitioners keep the boom in repair, which motion prevailed.

Aldermen Haynes, Glass, Stumpf and Sobin entered the Council Chamber and answered to their names.

Pet. of Martin Robinson for correction of error in taxes.

By Alderman Shelley, Petition of Martin Robinson requesting the Council to correct an error in their assessment for taxes.

On motion of Alderman Shelley the petition was granted.

Communication from Board of School Trustees requesting A. & C. to furnish bond for collecting school tax.

By Alderman Shelley, A communication from the board of school trustees requesting the City Council to pass an ordinance requiring the City Assessor and Collector to furnish bond for collecting school tax.

On motion of Alderman Oberdean the communication was referred to the Finance Committee.

Pet. of Citizens to have alley in plot in Subst # 6 of Div. B opened.

By Alderman Haynes, Petition of Citizens to have alley in plot No. 61, division B opened. Read and on motion referred to the Street Committee.

Pet. of Mrs. L. St. Martin for drainage to her property.

By Alderman Stumpf, Petition of Mrs. Louisa St. Martin asking the Council to have her place drained. Read, and on motion referred to the Street Committee.

Pet. of Citizens to have 20th street worked between Lampasas and Guadalupe.

By Alderman Stumpf, Petition of Citizens asking to have Twenty-sixth street worked between Lampasas and Guadalupe. Read and referred to the Street Committee.

Reports of City Officers.

The following reports of City Officers were they laid before the Council and on motion, same were referred to their appropriate committees without reading:

Assessor & Collector

By the Assessor and Collector. Tax Collections as follows:

From General Revenue tax of 1895.	\$ 3721.22
" " " " 1894.	286.54
" " " " 1893.	23.73
" " " " 1892.	225.00
" " " " 1891.	3.20
" License tax.	591.25
" Since Proctor's Court.	180.50
" Grand, see ind. list.	21.50
" Interest paid on R. Bonds.	
Total.	\$ 5165.77

Water Works Tax and Interest fund. Total. \$ 9,752.15  
 Interest on old Bonds total 834.59  
 From the City Clerk, proceeds of Warrant 35.80  
 School Taxes, Total. 3,365.99  
 Total Collections \$ 19,149.74

City Clerk

Received by the Finance Committee  
 By the City Clerk.  
 Total amount of Warrants drawn against  
 the General Fund for March, 1896. \$ 9,909.92

Total amount of Warrants drawn against  
 the Savings Fund during the month. 3,760.95

Total amount of Warrants drawn against the  
 Water & Light fund during the month 1,3830.57  
 Referred to the Finance Committee

City Treasurer

By the City Treasurer.  
 Balance on hand Account General Fund April 1, 1896. \$ 1,629.34  
 " " " " Interest on old Bonds " " " 1,634.41  
 " " " " Savings Fund " " " 9,339.99  
 " " " " Water & Light " " " 4,5697.66  
 " " " " Sinking " " " 9,715.41

City Marshal

Referred to Finance Committee  
 By the City Marshal  
 Total fines assessed in Recorder's Court. \$ 245.00  
 Collected in Cash \$ 90.00  
 Worked out 118.00  
 Carried forward. 37.00 \$ 245.00  
 Collected on back fines 33.00  
 Pound fees 48.50

City Physician

Total number of arrests made 38.  
 Referred to Police Committee  
 By the City Physician.  
 Number of Patients in Hospital March 1, 1896. 16  
 " Admitted during March 10  
 " Discharged " " 7  
 " Deaths " " 0  
 " Remaining April 1 1896. 19  
 " Visits made during March 90  
 " Prescriptions " " 143.  
 " Cases of Diphtheria reported during March 2

City Sexton

No other contagious or infectious diseases reported  
 Referred to Hospital Committee.  
 By the City Sexton  
 Total number of deaths during the month. 21.  
 Males 18  
 Females 3 21.  
 Whites 10  
 Colored 11 21.

Witnessed by the Finance Committee.  
 Witnessed by the City Clerk, City Treasurer, City Marshal, City Physician, City Sexton, and Public Commissioner.

Auxil. W & S. report for  
the month of March

presented the following communication from the Superintendent:  
Austin, Tex. April 1, 1896.

Wm. Robin, President Water and Light Commission:

Dear Sir: On February 29 there were 1346 water consumers and 141 new consumers were added during March, making the total number of water consumers on March 31, 1487.

On February 29 there were 696 consumers of electricity and thirty three new consumers were added and seven old consumers discontinued making the net gain in electrical consumers during the month of March twenty six and the total number of electrical consumers on March 31, 722.

The current consumed during the month of March was equal to 10935 lamps of sixteen candle-power.

The receipts for water and electricity during the month of March were as follows:

For Water	\$ 3313.08
" Electric Lights	2164.61
" " Power	<u>278.35</u>
Total.	\$ 5,756.04

There were also collected \$28. for two electric motors which had been redeemed by the City and again sold to consumers, and the amounts received for same were redeposited in the City Treasury to the credit of the Water and Light fund.

There is now due from the City the sum of \$5,660. for water and light furnished for public purposes during the quarter ending February 29, 1896, for which bill was rendered at the proper time but for which no warrant has yet been received.

The amounts of bills approved by the Commission during the month of March, and paid out of the Water and Light Savings fund were as follows:

Salary Account for February	\$ 1,350.00
Electrical Service Connections	327.00
Water " " "	447.79
Retirements in Water Department	374.54
" " Electrical "	540.69
Repairs Water " "	96.04
" " Electrical "	73.18
Fuels	176.89
Electric Meters	28.00
Telephone Service	10.50
Office Expenses	6.70
Fuel at Dam	1.20
Oil, Grease and Waste	69.88
For collecting Water & Light rates	<u>19.74</u>
Total.	\$ 3512.15

The average elevation of water in the lake above the crest of the dam for March, was 6 $\frac{3}{4}$  inches; maximum, 10 $\frac{1}{2}$  inches and minimum, 3 $\frac{1}{2}$  inches.

The water pumped per 24 hours in March was an average of 1,240,594 gallons, the maximum 1,864,410 gallons and the minimum 1,185,349 gallons.

I trust the capacity of the spring to furnish water to the City will

Centrifugal pump has been connected with the twelve inch river discharge and power supplied from the one light turbine by tapping a shaft through the river wall. The pump at 200 revolutions with six foot suction is rated to discharge 3,744,000 gallons of water per 24 hours.

The lift was six feet and the speed 100 revolutions per minute; so in connection with the Gould pumps which were turning 10 revolutions per minute <sup>when up per minute</sup> gave 3,000,000 gallons per 24 hours. It is a very conservative estimate to say that the spring furnished from 9 A.M. to 3 P.M. yesterday at the rate of 5,000,000 to 6,000,000 gallons. The head of the spring as shown by an accurate gauge being lowered only six feet below the river discharge, which still left four feet head above the twenty foot suction of the Gould pumps. This important test has not cost the City all told more than \$30.

If deemed advisable these pumps might be operated continuously for some days, after which it would be well to consider how best to supplement the pump capacity from the spring. This could be economically done in two ways: first, by lowering one of the 4000000 gallon pumps into the wheel pit so that its suction may reach the spring, or second by putting in a rotary pump to lift the spring water to a reservoir from which the 4000,000 gallon pump may take its suction.

On a rough estimate the two plans would cost about the same, say \$7,500. After talking these matters over with Mr. Johnson I would recommend the former plan as likely to be most satisfactory and probably least expensive.

On this connection I can not forbear commending Mr. Walter Johnson to your favorable consideration. He has proven himself equal to every demand of the plant. He is diligent, practical and constant. No better man could be secured for the important position he occupies, and I would respectfully recommend that the old office be put in condition for his residence and that he be furnished with the house with water and light as additional compensation for his devotion, efficiency and laborious constancy to the City's interest.

Mr. Buckley is paid \$5. per month, while Mr. Deville was paid \$15. Henry Collins and J. Francis get \$5. each per month as dynamo men while those they succeeded were paid \$75. each per month, so there is a saving in salary account of \$105. per month.

Respectfully submitted,  
Jno. W. Maddox,  
Superintendent.

Alderman Schneider entered the Chamber and answered to his name. Alderman Stumpf, for the Cemetery Committee, to whom was referred an ordinance appropriating the sum of \$400.00 for the purpose of cleaning up and making other necessary repairs to the City Cemetery, presented their report recommending the passage of the ordinance. The report was laid over to come up with the ordinance under the head of unfinished business. Alderman Platt for the Committee on Purchases presented the following report, which was read and adopted and the Mayor authorized to enter into contract with the parties.

Report of Cemetery Com:  
on Ord. appropriating \$400.  
to clean up & repair cemetery

Report of Committee on  
Purchases  
on Ord. appropriating \$400.  
to clean up & repair cemetery

Austin, Tex. March 28, 1896.

To the Hon. Lewis Hancock, Mayor, and the Board of Aldermen of the City of Austin.  
Gentlemen: Your Committee on Purchases beg leave to report that they have awarded the contract for furnishing feed for City teams, etc., for the quarter ending June 30, 1896, to Messrs Robinson Bros, as follows:

Alfalfa hay, baled, per ton	\$ 13.00
Bottom hay, baled, per ton	7.90
Lawe hay, baled, per ton	5.50
Shelled Corn per bushel	.27
Ear Corn per bushel	.22 <sup>1</sup> / <sub>2</sub>
Oats, sacked, per bushel	.27
Wheat bran per 100 pounds	.65
Salt per 100 pounds	.40

Henry A. Linn,  
B. Platt,  
W. C. Redd.  
Committee on Purchases.

On 3<sup>rd</sup> reading, an ordinance amending an ordinance to prevent staking out of stock on corners & squares of the City  
Final Passage

Alderman Goeth entered the Council Chamber and answered to his name. The chair laid before the Council on its third reading an ordinance amending an ordinance to prevent staking cattle, horses etc., on the public squares and parks in the City, etc.

The ordinance was read a third time and passed by the following vote: Yeas Aldermen Beatty, Fischer, Goeth, Haynes, Sawless, Linn, Platt, Powell, Roburdeau, Schneider, Shelley, Taylor, Townsend and Tobin 14. Nays Alderman Glass, Kitchin, Redd, Stumpf and Zilker 5.

On 3<sup>rd</sup> reading on ordinance to fix rates for heating, cooking & arc lamps  
Final Passage

The chair laid before the Council on its third reading an ordinance to fix rates for alternating electric currents used for heating, cooking and arc lamps.

The ordinance was read a third time and passed by the following vote: Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Sawless, Linn, Kitchin, Platt, Powell, Redd, Roburdeau, Schneider, Shelley, Taylor, Tobin and Townsend 17. Nays Aldermen Stumpf and Zilker 2.

Ord. Appropriating \$300.00 to pay for Extra Street Laborers and Teams  
Final Passage

By Alderman Zilker, An ordinance appropriating the sum of \$300. to pay for Extra Street laborers and teams for April 1896.

The ordinance was passed under suspension of the rule by the following vote: Yeas Aldermen Beatty, Glass, Goeth, Haynes, Sawless, Kitchin, Platt, Powell, Redd, Roburdeau, Schneider, Stumpf, Taylor, Tobin, Townsend and Zilker 16.

Ord. appropriating \$5000. to pay approved accounts out of Comings Fund.  
Final Passage

Nays Aldermen Fischer and Shelley 2. By Alderman Tobin, An ordinance appropriating the sum of \$5000.00 out of the Comings fund for the purpose of paying approved accounts.

The ordinance was passed under suspension of the rule by the following vote: Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Sawless, Linn, Kitchin, Platt, Powell, Redd, Roburdeau, Schneider, Shelley, Stumpf Taylor, Tobin Townsend and Zilker 19.

Nays None. By Alderman Townsend, An ordinance appropriating the sum of

Ord. appropriating \$1240.07 to pay approved accounts, out of General fund

\$1240.07 out of the General fund to pay approved accounts. Read first time. Alderman Goeth moved to suspend the rules and place the ordinance on its second reading, which motion prevailed by the following vote: Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Lawless, Linn, Stitscher, Platt, Powell, Bead, Roberdeau, Shelley, Stumpf, Taylor, Tobin, Townsend and Zilker 18.

Ord. amended by inserting \$31.50 to pay J. N. Bigby

Stays Alderman Schneider 1. The ordinance was read a second time. Alderman Taylor moved to amend by inserting the sum of \$31.50 to pay the claim of J. N. Bigby for work done at City Hospital, which amendment was adopted.

Final passage of Ord. as amended

On motion the rules were suspended and the ordinance placed upon its third reading and final passage by the following vote: Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Lawless, Linn, Stitscher, Platt, Powell, Bead, Roberdeau, Shelley, Stumpf, Taylor, Tobin, Townsend and Zilker 18.

Ord. appropriating the sum of \$75.00 to construct "boom" across mouth of Bull Creek. Final Passage.

Stays Alderman Schneider 1. By Alderman Fischer, An ordinance appropriating the sum of \$75.00 to construct a boom across the mouth of Bull Creek. The ordinance was passed under suspension of the rules by the following vote: Yeas Aldermen Beatty, Fischer, Glass, Goeth, Haynes, Lawless, Linn, Stitscher, Platt, Powell, Bead, Roberdeau, Schneider, Shelley, Stumpf, Taylor, Tobin, Townsend and Zilker 19.

Com. of 3 appointed to canvass returns for officers Fire Department. Roberdeau, Powell & Haynes appointed. Ord. appropriating \$100. to pay claim of J. White

Stays None. Alderman Roberdeau moved that a committee of three be appointed to canvass the returns for officers of the Fire Department. Carried, and the Chair appointed Aldermen Roberdeau, Powell and Haynes. such committee. By Alderman Platt, An ordinance appropriating the sum of \$100. to pay the claim of J. White.

Above ord. referred to the Charity Com. Special Committee's report on returns of election of Fire Department

Alderman Goeth moved to lay the ordinance on the table. Lost by the following vote: Yeas Aldermen Goeth, Haynes, Lawless, Linn, Stitscher, Powell, Roberdeau, Schneider and Stumpf 9. Stays Aldermen Beatty, Fischer, Glass, Platt, Bead, Shelley, Taylor, Tobin, Townsend and Zilker 10. On motion the Ordinance was referred to the Committee on Charity. The special committee to canvass the returns on election of officers of Fire Department presented the following report, which was read and adopted.

H. Edmull Chief Jos. Stumpf Asst. Chief James Beatty Recorder

Your Committee, after canvassing the returns of an election held by the Fire Department March 16 1886, find that the following named officers were elected and ask their confirmation: Chief of Fire Department, W. C. Russell. Assistant Chief Fire Department, Joseph Stumpf. Recorder Fire Department, Julius Schuetz, Jr. J. D. Roberdeau, H. S. Haynes, B. W. Powell.

Estimate of Expenses of City Hospital quarter ending June 30, 1896, together with an ordinance appropriating the sum of \$1700.00 to pay the salaries of the employees and the other necessary expenses of the Hospital for the quarter.

By Alderman Taylor. An estimate of the expenses of the City Hospital for the Hospital quarter ending June 30, 1896, together with an ordinance appropriating the sum of \$1700.00 to pay the salaries of the employees and the other necessary expenses of the Hospital for the quarter.

The ordinance was read and on motion the rules were suspended and the ordinance read second time by the following vote:

Yeas Aldermen, Beatty, Fischer, Glass, Goeth, Haynes, Linn, Oltshen, Platt, Powell, Reed, Robertson, Schneider, Shelley, Stumpf, Taylor, Tobin and Zicker. 17

Nays Aldermen Lawless and Townsend 2.

Ord. referred to Hospital Committee

The ordinance was read a second time and on motion of Alderman Goeth was referred to the Hospital Committee.

Motion to reconsider vote granting pet. of Martin & Robinson's that pet be referred to Claims & Accts Com.

Alderman Platt moved to reconsider the vote by which the Council granted the petition of Messrs. Martin & Robinson, and that said petition be referred to the Committee on Claims and accounts, which motion prevailed.

Communication from the City Attorney in regard to suit brought by the State to recover possession of River Walk or River Avenue

The following communication from the City Attorney was then laid before the Council by the Chair:

Austin Tex., April 9, 1896.

Hon. Lewis Hancock, Mayor, City

Dear Sir; There is now pending in the District Court of this County a suit brought by the State to recover possession of that portion of the River walk or River Avenue lying west of Congress Avenue, a portion of which is occupied by persons under leases made by the City of Austin. The title to this property has been in dispute between the State and the City of Austin for some time. The State claiming that it was reserved at the time the blocks and lots in the City of Austin were surveyed. Upon the other hand, the City has claimed that it was dedicated by the State to the public as an avenue or walk.

The only evidence of dedication is to be found on the original map of the City of Austin, and is of a very indefinite character.

I have several times advised that the City had no power to lease this property for private use, as such use is wholly inconsistent with the claim asserted by the City of its dedication for public purposes.

Improvements of considerable value have been erected at the expense of the occupants and should the title of the State be established these improvements would necessarily become the property of the State.

The Attorney General has agreed to a compromise of the matter upon the following terms:

If the City will waive its claim to that part of the property in dispute now occupied by the lessees of the City, a judgment will be entered establishing a street of the width of that now open and in use and giving to the occupants of the land the right to remove all improvements placed thereon by them. The title to the land thus occupied to be vested in the State. The State will further waive any claim it may have against the occupants of said land for rents.

In my opinion there is no grave doubt as to the result of the suit should the City insist upon its claim to said property, and should it be

determined in favor of the City, it could only be upon the idea that the property was dedicated to public use and hence it would be the duty of the City, in the event such dedication should be established to at once remove all encroachments placed thereon, as the present use of the property is wholly inconsistent with the purpose for which such dedication was made.

I suggest that the matter be laid before the Council to the end that definite action be taken, and it is the desire of the Attorney General that the suit should be tried at the present term of the Court.

Very respectfully,  
 Geo. J. Pendleton,  
 City Attorney

Communication referred  
 to Special Com. of 5

Alderman Haynes moved that the communication be referred to a special committee of five, the Chair to be one of the five, which motion prevailed and the Chair appointed Aldermen Haynes, Powell, Goeth and Beatty to be the other members of the committee.  
 On motion the Council then adjourned.

Geo. A. Johnson  
 City Clerk