

The minutes of a regular meeting of the city Council

Austin Tex. June 3, 1889.

Hon. Joseph Valle, Mayor, presiding.

Roll

Roll Call. Present: Aldermen -
Beland, Jones, Linn, Morris,
Kitschke, North, Platt, Wilson,

Call.

Ziller, - 9.
Absent - Aldermen. Assmann, DeBress, Graham,
Haigler, Lawrence, Metz, Newton, Pillow,
Schneider, Townsend, Wartham - 11.

Call Council.

Alderman Linn moved a call of the Council.
Carried.

Recess.

On motion of Alderman Morris, a recess of
twenty minutes was taken.

Roll called

again.

After the expiration of the recess the roll was
again called, and resulted as follows:

Present - Aldermen

Beland, Jones, Lawrence,
Linn, Metz, Morris, Kitschke, North,
Platt, Schneider, Townsend, Wilson, Wartham,
Ziller - 14.

Absent - Aldermen. Assmann, DeBress, Graham,
Haigler, Newton, Pillow, - 6.

Minutes.

Alderman Linn moved that the minutes of the
last meeting of the Council be adopted as printed.
Carried.

H. W. Steink.

Alderman Linn introduced a petition from H. W.
Steink asking the city to pay half of the cost of
a division fence between the city's lot which
is occupied by Protection Hose Co. and the
adjoining lot owned by Mr Steink. On motion
the petition was granted by the following vote:
Yeas - Aldermen - Beland, Linn, Morris,
Kitschke, North, Platt, Schneider, Townsend,
Wartham - 9.

Nays - Aldermen - Jones, Lawrence, Metz, Wilson,
Ziller - 5.

R. L. Hood

Alderman Morris presented a petition from R.
L. Hood asking that \$58.67, the taxes paid by him for

the year 1888, on lots 4 and 5, in block 99, be refunded to him, and that he be not required to again render said property for taxation while it is being used exclusively for school purposes, as at present. Referred to the City attorney for his opinion as to whether the property is exempt from taxation as claimed, report to be made to the next meeting of the Council.

Cypress st. +
alley.

Alderman Platt presented a petition from citizens residing and doing business on the block adjoining Congress Avenue immediately north of the D. & N. R.R. Co's. depot, asking that Cypress street be reopened from Congress Avenue to Colorado street, and that the alley which would connect Cypress street with the one a block above be reopened. Laid over without action.

City Clerk.

Alderman Linn presented a request from the City Clerk for leave of absence from June 6th to June 30th and moved that the same be granted. Carried.

Reports of Officers.

Treas. Rept.

The City treasurer's report from May 6 to June 3, 1889:

Balance May 6	\$11,629.01
Receipts to June 3	6,696.18
Total	<u>\$18,325.19</u>

Disbursements	\$4,974.99
Balance June 3	13,350.20
Total	\$18,325.19

Sexton.

Referred to the finance Committee.
Report of the City Sexton for the month of May 1889.

Number of deaths	29
white	22
Colored	5
Mexican	2

Clk.

Referred to Cemetery Committee.
The report of the city clerk of warrants issued during May 1889, was read and referred to the finance Committee.

Report of the city marshal for the month of May 1889, was read and referred to the police Committee.

Phys.

The report of the city Physician for the month

of 'May' was read and referred to the Hospital Committee.

San. Insp. The Sanitary Inspector reported recommending that that the gutters on Congress Avenue, from Third Street South to the sewers, be properly graded so as to prevent sewerage from stagnating there as it now does. (Referred to the Sanitary Committee.)

Street Com. The Street Committee reported on a petition from Leslie Price and Lewis Boerner, asking that the gutter in front of their respective residences be paved. The report states that in the opinion of the Committee the financial condition of the City, at this time, will not justify the expenditure for this purpose. Report adopted.

Carl H. Hahnel The Street Committee also presented a report relative to petition of Carl Hahnel to have alley in block 60, Division E, opened, which states that the City Engineer advises that there is no alley shown on the map of the city to extend through said block and ask to be discharged from further consideration of the subject. Report adopted.

Mrs. A. Smith The Street Committee also presented a report on a petition from Mrs. A. Smith asking to be reimbursed for draining street in front of her residence, which states that the necessary provisions have been made. Report adopted.

Printing Alderman Kitchie, for the printing Committee, presented a report recommending that awards be made to the following persons for the purposes named, to date from June 1, to December, 1889:

Stationery Eugene Van Boeckmann, for doing the city's job printing.

Statesman Publishing Company, for doing the city's newspaper printing.

Geo. A. Nagle, for furnishing the city with stationery.

The report also authorizes the mayor to enter into contracts in accordance with the bids.

The report was adopted.

The mayor submitted the following Veto:

Austin, May 30, 1889.

Hon Board of Aldermen, City of Austin:

Veto
of

W.B. Davis
A.D.

Gentlemen:- I return herewith without my approval, "An Ordinance appropriating three hundred dollars to pay Counsel for defending William B. Davis on charge of murder".

I know of no authority to justify the Council in making use of the public money as is proposed by the passage of this Ordinance. It is well known to every one, when he accepts the position of peace officer, the risk and dangers attending the discharge of his duties. The city, like an individual, has only to do its part by paying for the services as agreed upon. No one sympathizes more than myself with those meeting with such a misfortune, and I fully appreciate the expense attending such a defense, no matter how trivial the prosecution may be, but to establish such a precedent, by paying for or making good any misfortune that might overtake any officer or employee, while in the service of the City, the pension system would soon follow, and the City would be called upon to provide for those who might become disabled or sick while in the service. If the Council believes it the duty of the City to aid in defending one of its officers, under such circumstances it certainly becomes the duty of the City attorney to appear on the part of the City, for such defence, but to do this, a resolution would be necessary instructing the City attorney to that effect. I therefore recommend that you reconsider the Vote upon which the Ordinance passed.

Respectfully,

Joseph Valle Mayor.

Alderman Linn, moved to reconsider the vote by which the Ordinance was passed. Carried.

Alderman Platt then moved to postpone action on the Ordinance. Lost.

Alderman Jones then moved that the Ordinance pass notwithstanding the Veto of the Mayor. Motion lost. Yeas. Aldermen Jones, Linn, Hittseltke

Schneider, Wilson, Wartham - 6.
 Kay, Alderman, Kaland, Lawrence, Metz,
 Morris, North, Platt, Townsend, Ziller - 8.
 The mayor then presented the following Veto:

Austin, May 30th 1889.

Honorable Board of Aldermen, City of Austin:

Gentlemen: I return herewith
 without my approval "An Ordinance, appropriating
 two thousand dollars to purchase fire hose for
 the use of the Fire Department".

My reasons for withholding my approval to
 this ordinance are: Art. (16) Sixteen, Sec. (1) One
 of the City Charter, reads as follows: "The
 City is hereby prohibited from incurring any
 expense or making appropriations beyond the receipts
 of the treasury, so that at the close of any
 fiscal year, any obligation created during that
 year shall remain unpaid. x x x It is
 hereby also made a misdemeanor for any
 Alderman to knowingly vote for any appropriation
 whereby debt shall be created in violation of
 the provisions of the act". x x x

The revenues from all sources that we can
 rely on to meet the expenses of the City
 government for the fiscal year ending December
 the first, will amount to about fifty thousand
 dollars. From this amount we will be called
 upon to meet the following approximated estimate
 of expenses, for seven months, commencing the
 first day of May and ending the first day of
 December, which are as follows:

Pay roll 7 months, per month \$3100	\$21,700
Interest on bonded debt due July 1 st	5,200
Water rent due July 1 st	6,000
Interest on bonded debt from July 1 st to December 1 st 5 mos	4,333
Water rent July 1 st to Dec 1 st (5 months)	5,000
Miscellaneous accounts, which include the monthly pay to the fire Companies, street lights, hospital, feed of teams and other items estimated at \$1,600 per month for 7 months	11,200
Total.	\$53,433

This shows a deficit at the end of the fiscal year
of more than three thousand dollars unless

the estimate submitted can be reduced, which I hope to be able to do from the item of "miscellaneous expenses", so that at the end of the fiscal year we will be within our revenue as is required by the Charter.

If however, in the judgment of your honorable body, the estimate submitted can be reduced and you should so decide, so that the expenses will be within the revenue, it will afford me pleasure to lend my approval to any ordinance having for its object the more fully equipping and improving our fire department. No one appreciates more, or takes greater pride in the efficiency of this department of the City government, than myself, but with the Charter provisions referred to, I feel that it is my duty to return this ordinance and respectfully recommend that you reconsider the vote upon which it passed.

(Respectfully,

Joseph Kalle, Mayor.

Alderman Wortham moved to reconsider the vote by which the ordinance was passed. Carried. He then moved that it lie on the table subject to call. Carried.

Market Square An Ordinance appropriating the sum of \$400 to enclose Market Square and build a shed on the same was taken up on its third reading and read, after which a motion was made that it do pass, which was lost by the following vote:
 Yeas - Aldermen - Beland, Jones, Platt, Wilson
 Nays - Aldermen - Lawrence, Linn, Metz, Morris, Nitschke, North, Schneider, Townsend, Wortham, Zeller - 10.

Water.

Alderman Beland presented an ordinance to amend article 150 of the revised penal ordinances of the City of Austin. It relates to water in gutters, etc. It was read first time, and referred to Sanitation & Sewerage Committee.

Cows.

Alderman Morris presented an ordinance to repeal article 137, Chapter 6, title 3 of the revised penal ordinances of the City of Austin. It seeks to prevent Cows and Calves from running at large in the City.

It was read and referred to the Ordinance Committee by a rising vote of 7 to 5.

Alderman Jeller brought up the question of the scope and power of the president of the board of Aldermen in case of the disability or absence of the mayor, but no definite action was taken thereon. Alderman Wertham introduced an Ordinance levying an ad valorem tax of one per centum for the year 1889. It was read first time, after which motions were made to suspend the rules and place it on its second and third readings and that it do pass, all of which were adopted by the following vote.

Yeas, Aldermen - Boland, Jones, Lawrence, Linn, Metz, Morris, Kitschke, North, Platt, Schneider, Townsend, Wilson, Wertham, Jeller - 14.

School tax
1889.

Alderman Wertham also introduced An Ordinance fixing and levying an ad valorem tax of one third of one per centum on all property, real and personal, within the City of Austin, made taxable for State and County purposes for the year A. D. 1889, for the support of the public free schools of said city. It was read first time, after which a motion was made to suspend the rules and place it on its second reading which was lost by a vote of 13 to 1.

Approp. acct's.

Alderman Wertham offered an Ordinance appropriating the sum of \$2,294.65 for the purpose of paying approved accounts. It was read first time after which motions were made to suspend the rules and place it on its second and third readings and that it do pass, all of which were adopted by the following vote:

Yeas - Aldermen - Boland, Jones, Lawrence, Linn, Metz, Morris, Kitschke, North, Platt, Schneider, Townsend, Wilson, Wertham, Jeller - 14.

3100\$ for wages
Salaried

Alderman Wertham introduced An Ordinance appropriating \$3,100 for the purpose of paying officers and regular employes for the month of June 1889. It was read first time, after which motions were made to suspend the rules and place it on its second and third readings and that it do pass, all of which were adopted by

the following vote: Yeas, Aldermen Boland, Jones, Lawrence, Linn, Metz, Morris, Kitschke, North, Platt, Schneider, Townsend, Wilson, Wertham, Zeller - 14.

Adopted.

Alderman Linn introduced an ordinance appropriating the sum of \$5,000 for the purpose of paying the interest on the bonded debt of the City, which will be due July 1, 1889.

It was read first time, after which motions were made to suspend the rules and place it on its second and third readings and that it do pass, all of which were adopted by the following vote:

Yeas. Aldermen - Boland, Jones, Lawrence, Linn, Metz, Morris, Kitschke, North, Platt, Schneider, Townsend, Wilson, Wertham, Zeller - 14.

On motion the Council then adjourned.

Milton Morris,
City Clerk.