

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 19, 1931.

The Council was called to order with Mayor Pro tem Mueller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; absent, Mayor McFadden and Councilman Steck, 2.

The Minutes of the last meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

Mayor Pro tem Mueller laid before the Council the following report of A. R. Davis, Superintendent of the Water Department:

"Austin, Texas, November 18, 1931.

Mr. Adam R. Johnson,  
City Manager,  
Austin, Texas.

Dear Sir:

I am handing you herewith a copy of the bids received on furnishing the City of Austin water meters for the coming four years, together with my recommendations for accepting same.

Prior to the time that bids were received a series of accuracy and wear tests were run by the department on meters of eight different companies. The tests conducted consisted of running through the various meters the equivalent of 15 years of water on a domestic service. Monthly tests as to the accuracy of the meters on various size streams were made, the tests running over a period of nine months. At the end of this time, and just before the bids were opened, the meters were torn down in the presence of the company representative for a visual inspection of the working parts.

Seven bids were received by the purchasing agent. Due to the results of the tests conducted by the department only the three lowest bids were considered. The meters of the three lowest bidders show to compare favorably in accuracy and wear with meters of a much higher price.

The three low bidders were the Pittsburgh Equitable Meter Company of Pittsburgh, Pa., the Worthington Pump and Machinery Corporation of Harrison, N. J., and the Gamon Meter Company of Newark, N. J. In the final analysis of bids and tests the Gamon Meter Company was eliminated.

The following table will show the relative standing of the Pittsburgh Equitable Meter Company and the Worthington Pump and Machinery Corporation:

AMOUNT OF CONTRACT BASED ON ONE YEAR'S REQUIRE-  
MENTS FOR VARIOUS SIZES OF METERS:

Pittsburgh Equitable Meter Company -----	\$7,027.39
Worthington Pump and Machinery Corporation -----	<u>6,829.00</u>
Worthington Corporation low by -----	\$ 198.39
Allowance by Pittsburgh Equitable Meter Company -----	\$ 400.00
on junked meters, \$1.00 per meter -	
No allowance by Worthington Corporation -	
Difference between original bids -----	<u>198.39</u>
Pittsburgh Equitable Meter Company low by -----	\$ 201.61

From the tests run these two meters show equal accuracy on all types of flows. On the visual inspection the Worthington meter showed a very bad leak of the oil from the oil enclosed gear train. This leakage could develop into considerable maintenance work on the part of the department. In all other respects, the two meters are comparable, therefore the price becomes the determining factor.

It is my recommendation that the bid of the Pittsburgh Equitable Meter Company be accepted and the City of Austin enter into the enclosed contract with them.

Very truly yours,

(Sgd) Albert R. Davis,  
Superintendent Water Department . "

Councilman Alford moved that the bid of the Pittsburgh Equitable Meter Company of Pittsburgh, Pennsylvania, be accepted in accordance with the above recommendations of A. R. Davis, Superintendent Water Department, and that the City Manager be authorized to enter into contract with said Company accordingly. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

Mayor Pro tem Mueller laid before the Council the following resolution:

WHEREAS, the Mexican Committee handling the Mexican Independence Celebration at the Mexican Park, September 15, 16, and 17, 1931, made a profit of \$83.20, deposited same to the General Fund of the City of Austin and asked that the same be spent on improvements at the Mexican Park;

Now, therefore,

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

That the sum of \$83.20 be appropriated out of the General Fund and deposited to the Recreation Division for the purpose of painting the comfort station, grading the park and general cleaning.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Engineer's Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements on Tenth Street from the east property line of Brazos Street to the west property line of San Jacinto Street, known and designated as Unit or District No. P-154, was read and ordered filed.

The Mayor Pro tem then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATES OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF TENTH STREET IN THE CITY OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR HEARING TO THE OWNERS OF ABUTTING PROPERTY AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the here-inbelow mentioned portion of highway be improved by raising, grading, and filling, and installing concrete curbs and gutters and by paving with two inch Warrenite Bitulithic Wearing Surface on a five inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the City Consulting Engineer to prepare and file estimate of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined.

Therefore,

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

I.

That such estimates be and they are adopted and approved.

II.

That it is hereby found and determined that the cost of improvements on such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and the owners thereof on each such portion of street or highway are as follows, to-wit:

TENTH STREET from the east property line of Brazos Street to the west property line of San Jacinto Street, known and designated as Unit or District No. P-184. Estimated cost of improvements is \$2535.74. Estimated amount per front foot to be assessed for curb and gutter is \$ .65. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.881. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.531.

II.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning and claiming any property abutting upon any of said portion of street and highway, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 3rd day of December, A. D. 1931, at 10:00 o'clock A.M. in the regular Council Meeting Room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held November 24, 1928. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Mayor Pro tem laid before the Council the following resolution, which was introduced at the last regular meeting and laid over:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF LAVACA STREET IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

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

I.

That a necessity exists that Lavaca Street from the north line of Eleventh Street to the south line of Nineteenth Street in the City of Austin, Texas, be improved by flush coating the same with Bitulithic double flush coating, in accordance with the specifications therefor on file with the City of Austin, Texas.

II.

That the bid of Southwest Bitulithic Company for such flush coating at and for the price of fifteen cents per square yard be and the same is accepted, and it is hereby ordered and provided that the contract for making such street improvement is hereby let to said Southwest Bitulithic Company, and the form for said contract having been submitted, together with a form of construction bond securing the performance of said contract, said forms of contract and bond are hereby approved and the City is hereby authorized and directed to execute a contract with said Southwest Bitulithic Company upon said form of contract in the name of the City of Austin, Texas, and to impress the corporate seal of said city thereon, and is authorized and directed to receive and approve a construction bond executed upon said form of bond, in the sum of \$960.00, upon presentation of said bond duly executed by said contractor and a surety company authorized to do business in the State of Texas.

It is ordered that any ordinance, resolution, rule or regulation requiring or providing for competitive bid shall be and the same is hereby waived and dispensed with and suspended for the purposes of the improvements herein ordered, and for the purpose of the contract hereby let.

## III.

That the City of Austin shall and will pay in cash the entire cost of such flush coating, upon completion and acceptance thereof by the City of Austin.

## IV.

That the sum of \$1916.30 is hereby appropriated out of the street improvement fund of the City of Austin for the purpose of the cost of such flush coating, which amount is to be kept in a sacred fund and applied to the purpose named.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro tem Mueller, 3; nays, none; Mayor McFadden and Councilman Steck absent, 2.

The Mayor Pro tem laid before the Council the following resolution:

**RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF GUADALUPE STREET IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.**

The above resolution was introduced and laid over.

A resolution of the Park Board, indorsing the low water dam project and recommending an appropriation of \$750.00, or so much thereof as may be necessary, out of the Parks and Playgrounds Bond Fund for the services of an engineer to make a survey of the project, was read and filed.

A communication from M. H. Crockett, asking that the Council submit the question of whether or not a low water dam should be built instead of a market house at the same time a vote is taken on the purchase of the Zilker tract, was read.

Mayor McFadden entered the Council Chamber and took the Chair, stating to the large number of citizens present in the interest of a low water dam and market building that the Council was greatly interested in the proposals and would like to hear from those present.

Geo. W. Walling presented a petition, bearing several pages of signatures, protesting the proposed removal of the municipal market to property owned by M. H. Crockett in South Austin, and asking that the City continue its plans to build on the present site. Mr. Walling also spoke of the urgent need for a municipal market building on the present site and the injustice of using bonds voted for this purpose for the building of a low water dam, stating, however, that the citizens he represented were in favor of such a dam if same could be built without too much cost to the taxpayers.

Tom Attal, S. Ferris, John F. LaPrelle, G. S. Camp, H. L. Kuhlman, and A.C. Baldwin each urged the Council not to have the bonds voted for a market house diverted to the building of a low water dam, stating that a majority of the citizens were in favor of a dam but thought same should be paid for in some other way.

M. H. Crockett presented thirteen petitions, bearing a large number of signatures of citizens, asking that the Council submit the proposition of diverting the market house bonds to the building of a low water dam at the same time that the purchase of the Zilker tract is voted on by the tax payers. He stated that the sentiment for a low water dam seemed to be universal, and that he was retaining the petitions presented by him for further use.

H.F. Oliver and Robt. F. Jones stated that they had been instrumental in circulating the petitions presented by Mr. Crockett and had found the tax payers greatly in favor of the dam. Mr. Jones also spoke of the asset such a dam would be to the City in the way of tourist trade and factories.

No other citizens desiring to be heard in the matter, the Mayor stated that the Council would proceed with the regular order of business.

The following ordinance was then laid before the Council for its second reading:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The above ordinance was read the second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Alford moved that same be finally passed. Motion was seconded by Mayor McFadden and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis; Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, A. H. Hilsberg, owner of the property situated at the southeast corner of Wichita and Twenty-first Streets, which property is legally described as Lot 26, Block 18, of Subdivision of Louisa Horst's Outlots in Division "D" and Division "E", City of Austin, Texas, has requested the City Council to grant him a permit to set his curb back on Twenty-first Street adjacent to his property; and

WHEREAS, the City Engineer has recommended that said request be granted subject to the following conditions:

1. That a concrete curb six inches high be constructed adjacent to the setback area.
2. That the setback area between the old gutter line and the proposed new curb be constructed of concrete not less than six inches thick and composed of one part cement, two parts sand and four parts gravel.
3. That the layout of the work shall be in accordance with the plan marked 2-H-188, which plan accompanies this resolution and is made a part hereof.
4. That all work shall be done in accordance with lines and grades furnished by the City Engineering Department.

WHEREAS, the City Council has considered and approved the proposed curb setback in accordance with the attached plan; therefore,

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

THAT A. H. Hilsberg is hereby granted permission to make a curb setback on Twenty-first Street adjacent to his property subject to the foregoing conditions.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO OBTAIN THE AUTHORITY OF THE QUALIFIED VOTERS OF THE CITY OF AUSTIN, FOR THE PURCHASE BY THE CITY OF AUSTIN OF CERTAIN TRACTS OF LAND ADJACENT TO BARTON SPRINGS, IN TRAVIS COUNTY, TEXAS, FROM THE BOARD OF TRUSTEES OF THE PUBLIC FREE SCHOOLS OF THE CITY OF AUSTIN, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Mueller moved that the City Manager be authorized to open the ballot boxes of the City and remove the contents of same in order that said boxes may be used at the election to be held December 21st next. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Gillis moved that the City Manager and Construction Engineering Department be directed to make a survey of the low water dam project, including soundings, etc., and submit a report on the matter to the Council at the earliest possible date. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The hearing on East Sixteenth Street from East Avenue to Navasota Street, District No. 52, which was continued from the last regular meeting, was again continued until the next regular meeting.

No further business coming before the Council, Councilman Mueller moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Council then recessed.

Approved:

*J. M. Fadden*  
Mayor.