

August 21, 1952

REGULAR MEETING OF THE CITY COUNCIL HELD
IN THE COUNCIL CHAMBER OF THE CITY HALL ON
THURSDAY, AUGUST 21, 1952 AT 9:00 A.M.

PRESENT: LOZANO, SCHMIDT, KELLER, TUCKER, GERHARDT, CASSIDY, GREEMAN, STEVES

ABSENT: WHITE

Mayor Steves presiding.

Invocation by Alvin E. Schmidt

On motion of Mr. Keller seconded by Mr. Tucker the reading of the minutes of the previous meeting was dispensed with.

The following ordinances were presented and were passed and approved by unanimous vote.

AN ORDINANCE 18,195

CLOSING THAT PORTION OF MARION STREET LOCATED
BETWEEN MALONE AVENUE AND WEST THEO AVENUE

(Full text in Ordinance Book Y. page 117)

AN ORDINANCE 18,196

ABANDONING AND CLOSING PORTIONS OF CERTAIN
STREETS WITHIN THE BOUNDARIES OF CASSIANO
HOMES HOUSING PROJECT

(Full text in Ordinance Book Y. page 117)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

APPRO. NO. 1886

AN ORDINANCE 18,197

APPROPRIATING \$1750.00 OUT OF THE STATE OR STATE-AID
HIGHWAY BONDS A-49 FUND, TO GUARDIAN ABSTRACT & TITLE
CO., IN PAYMENT FOR LAND TO BE CONVEYED BY MARGIE PERALES,
A SINGLE WOMAN, TO THE CITY OF SAN ANTONIO, FOR URBAN
EXPRESSWAY (INTERREGIONAL HIGHWAY)

(Full text in Ordinance Book Y. page 118)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

APPRO. NO. 1887

AN ORDINANCE 18,198

APPROPRIATING \$1116.99 OUT OF THE TRENCH MAINTENANCE
FUND TO PAY COLE GRAVEL CO. AND ROLAND SCHMIDT, FOR
FURNISHING GRAVEL IN ACCORDANCE WITH CONTRACTS

(Full text in Ordinance Book Y. page 119)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

APPRO. NO. 1888

AN ORDINANCE 18,199

APPROPRIATING \$92.65 OUT OF THE SANITARY SEWER
PLANT & SYSTEM A-47 FUND, TO PAY ENGINEERS TESTING
LABORATORY, INC., FOR TESTING & INSPECTING CONCRETE
SEWER PIPE IN ACCORDANCE WITH CONTRACT

(Full text in Ordinance Book Y. page 119)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

APPRO. NO. 1889

AN ORDINANCE 18,200

CANCELLING \$605.30 BEING THE UNUSED PORTION OF APPROPRIATION NO. 1779, DATED APRIL 24, 1952, FOR \$17,347.85, OUT OF THE SANITARY SEWER PLANT & SYSTEM A-47 FUND

(Full text in Ordinance Book Y. page 119)

A letter from the City Manager was read recommending that the following ordinances be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,201

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF FRED HART AT 534 EVEREST

(Full text in Ordinance Book Y. page 120)

AN ORDINANCE 18,202

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MRS. AGNES MARNOCK AHRENS AT 1511 QUINTANA

(Full text in Ordinance Book Y. page 120)

AN ORDINANCE 18,203

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MRS. AGNES MARNOCK AHRENS AT 1515 QUINTANA

(Full text in Ordinance Book Y. page 120)

AN ORDINANCE 18,204

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MRS. AGNES MARNOCK AHRENS AT 1607 QUINTANA RD.

(Full text in Ordinance Book Y. page 121)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

APPRO. NO. 1890

AN ORDINANCE 18,205

APPROPRIATING TWENTY-FIVE DOLLARS OUT OF THE STATE OR STATE-AID HIGHWAY BONDS A-49 FUND TO PAY FRANK W. FALK, 311 ELIZABETH ROAD FOR APPRAISAL AND WITNESS FEE IN CONDEMNATION CASE NO. 665, CITY OF SAN ANTONIO VS. CHARLES C. SMITH

(Full text in Ordinance Book Y. page 121)

August 21, 1952

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,206

GRANTING ALBIN E. POPP A PERMIT TO CONSTRUCT INSTALL AND CONNECT SEWER LINE IN ALLEY IN NCB 3816 LOCATED AS DESIGNATED HEREIN TO EXISTING CITY SEWER MAINS AT HIS OWN EXPENSE, AND PERMISSION TO CHARGE FOR SEWER CONNECTIONS TO SAID SEWER LINE

(Full text in Ordinance Book Y. page 121)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,207

AUTHORIZING THE CITY MANAGER TO EXECUTE ONE YEAR LEASE AGREEMENT WITH THE UNITED STATES GOVERNMENT FOR WEATHER BUREAU SPACE AT THE MUNICIPAL AIRPORT

(Full text in Ordinance Book Y. page 122)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,208

1890-A
TRANSFERRING \$50,000. FROM THE AIRPORT ADMINISTRATION BUILDING B-45 FUND TO FEDERAL AID AIRPORT PROJECT #9-41-080-005

(Full text in Ordinance Book Y. page 122)

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council

A RESOLUTION

APPROVING THE LOCATION AND EXTENT OF AN ADDITION TO THE PUBLIC HOUSING PROJECT KNOWN AS MENCHACA HOMES

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,209

GRANTING THE PETITION OF THE SAN ANTONIO COMPANY OF JEHOVA'S WITNESSES (EAST UNIT) FOR EXEMPTION FROM CITY TAXES ON LOT 4, NEW CITY BLOCK 726, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

(Full text in Ordinance Book Y. page 123)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,210

APPROVING AND PROVIDING FOR THE EXECUTION OF A CONTRACT FOR ADVANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, DATED AS OF AUGUST 21, 1952, AND NUMBERED CONTRACT NO. UR TEX A-2 BY AND BETWEEN THE CITY OF SAN ANTONIO TEXAS AND THE UNITED STATES OF AMERICA

(Full text in Ordinance Book Y. page 123)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,211

AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF SAN ANTONIO, TEXAS, AGREEMENT ON BEXAR COUNTY CONTROL 17-11-2 SPUR HIGHWAY 247, BETWEEN THE STATE OF TEXAS, MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS, A CORPORATION, AND THE CITY OF SAN ANTONIO

(Full text in Ordinance Book Y. page 123)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,212

AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS PROVIDING FOR THE CONSTRUCTION OF A CERTAIN SECTION OF THE APPROVED PROJECT OF AN URBAN EXTENSION OF THE NATIONAL SYSTEM OF INTERSTATE HIGHWAYS WITHIN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS PREPARED SUBSEQUENT TO AND IN ACCORDANCE WITH AN AGREEMENT BY AND BETWEEN THE CITY OF SAN ANTONIO AND THE STATE OF TEXAS, EXECUTED BY EACH ON THE 4TH AND 5TH OF FEBRUARY, 1947, RESPECTIVELY

(Full text in Ordinance Book Y. page 124)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,213

TRANSFERRING CERTAIN PERSONNEL AND FUNDS FROM THE PUBLIC WORKS DEPARTMENT TO THE FINANCE DEPARTMENT, EFFECTIVE AUGUST 16, 1952

(Full text in Ordinance Book Y. page 124)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was approved by the Council.

AN ORDINANCE 18,214

AMENDING SECTIONS 59-5, 59-9 and 59-10 OF THE SAN ANTONIO CITY CODE IN ORDER TO TRANSFER THE RESPONSIBILITY OF COLLECTING LICENSE FEES ON TOURIST COURTS FROM THE LICENSE AND DUES COLLECTOR TO THE PUBLIC HEALTH DEPARTMENT

(Full text in Ordinance Book Y. page 124)

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESDLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PROPERTY TAXES AGAINST MRS. J. C. PREUSSER

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST FOX ALIGNMENT SERVICE

August 21, 1952

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE
CITY BY AN AGREED JUDGMENT FOR DELINQUENT
PERSONAL PROPERTY TAXES AGAINST TEXAS STEAM
LAUNDRY

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE
CITY BY AN AGREED JUDGMENT FOR DELINQUENT
PERSONAL PROPERTY TAXES AGAINST M. L. COPELAND

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE
CITY BY AN AGREED JUDGMENT FOR DELINQUENT
PERSONAL PROPERTY TAXES AGAINST AL M. HECK

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was approved by the Council.

A RESOLUTION

DIRECTING THE CITY CLERK TO ADVERTISE SALE
OF IMPROVEMENTS OWNED BY THE CITY OF SAN ANTONIO
1401 BROADWAY

A letter from the City Manager was read with regard to painting school buses a specific color.

A letter from the City Manager was read with regard to quarterly payment of taxes.

A letter from the City Manager was read to petition filed by Morriss, Morriss, Boatwright & Lewis, attorneys, representing Messrs. E. L. Kirby and J. C. Kirby, Jr., requesting exception to property purchased by the Kirby brothers which is located in that area proposed to be annexed to the City on grounds that the property was purchased for commercial rather than residential purposes.

A letter from the City Manager was read authorizing the Director of Public Works to provide an opening in the concrete barrier down the middle of the Austin Highway in order that north and east bound traffic might turn off the Austin Highway onto Franklin Street.

Councilman Keller stated he had heard so much about economy that he wished to bring the Public's attention to the fact that the City ended 14 months operation on a 12 month budget with an unappropriated surplus and a letter from the City Manager was read to that effect.

Mrs. Gerhardt commended the Council on having this surplus.

The following letter from the City Clerk was read:

Honorable Mayor and Members of Council
City of San Antonio, Texas

Gentlemen:

The following petitions were received by this office and then referred to Mr. C. A. Harrell, City Manager, for his attention or recommendation.

- 8-15-52 Petitions of Riverside Methodist Church requesting tax exemption at NCB 6407 and 6717
- 8-18-52 Petitions of residents on Achilles and Harney Streets requesting a street light and street sign
- 8-18-52 Petition of Mrs. Edwin G. Majesic appealing to the City Council from the decision of the Board of Examiners and Appeals in the case of Mr. Arthur Veltman's violation of the Building Code.
- 8-19-52 Petition of San Antonio Portland Cement Company protesting the amended annexation ordinance.
- 8-21-52 Letter from Rev. Rufus Wilson requesting the use of Community House at 2000 E. Commerce. Yours very truly,

/s/ J. H. Inselmann
Asst. City Clerk

Hearing was held as per resolution regarding an unnamed street running one block along south side of Asbury Methodist Church between San Pedro Avenue and Carney Street be named "Asbury Lane". No objection being made, the following ordinance was adopted.

AN ORDINANCE 18,215

PROVIDING THAT THE UNNAMED STREETING RUNNING WEST FROM THE 4600 BLOCK OF SAN PEDRO AVENUE TO CARNEY STREET, BE DESIGNATED AND NAMED "ASBURY LANE"

(Full text in Ordinance Book Y. page 125)

At this time a public hearing was held with regard to temporary rate increase. The Mayor asked if anyone had any statement to make against the increased fares. No objection having been expressed, Mr. Lawrence Wingerter, President of Transit Company, was asked to make a statement. Mr. Wingerter gave a history of the present fares and stated that the Transit Company was decidedly disappointed as far as the revenue was concerned. For the first 17 days of August their revenue was less than the same period a year ago. He forecast that for the coming year revenue would be less than the previous. He stated he did not know what caused the decrease in riders but if revenue did not increase they would have two alternatives: (1) To curtail service or (2) ask for a further increase in fares. He asked that the Council make the temporary fares permanent.

Mr. Lozano made a motion that the temporary fares be made permanent. Mr. Keller seconded and was approved by unanimous vote.

Next a hearing was held regarding proposed closing and sale of an alley running north from E. Cevallos Street between NCB 2567 and NCB 2568.

J. Sam Levy, attorney for Bexar Realty Company, who petitioned to close alley, stated that this problem has been before the Planning Commission on three occasions; that the alley was visited by the Commission and it approved the closing. He stated that in rear of property on Cevallos was a 15 ft. alley which has been incorporated by the property owners, that the right of way back of the alley and Peden Alley which is a private road[^] owned by the railroad. He said when you go through the alley you would have to go 4 or 5 hundred feet to get to public property. He presented pictures of the alleyway. That in fact it is not a thoroughfare and although it has been used by trucks as a short cut they have to go on private property of Bexar Realty Company and the railroad, Peden alley is a private alley. He further stated that the Bexar Realty Company controls property on the north, east and west. The matter has been kicked around 2 1/2 or 3 years and the Planning Commission and Director approve the closing. Bexar REALTY Company has agreed to offer \$2500 for the alley and give the City easement necessary for utilities. That most of the opposition has been by one of the neighbors, Mr. Ralph Trejo, whose mother owns property east of Bexar Realty. He stated Mr. Trejo listed a number of businessmen who were opposed to closing the alley and upon being checked by Mr. Martin of the Planning Department found that of everyone contacted none was so opposed.

Councilman Cassidy asked about fifteen ft. strip of land at rear. Mr. Levy then presented a map showing the 15 ft. to be an alley but was never opened, and had been incorporated by property owners on Cevallos Street. He explained three feet of the loading dock was on the 15 ft. strip.

Councilman Lozano asked how long the 15 ft. had been occupied in good faith and Mr. Levy said about 35 years. He then stated that they wanted the alley in order to close it at night and keep people out thereby eliminating a fire hazard.

Mr. Levy then asked Mr. Tuttleby of SP RR if statements made by him were correct and he answered in the affirmative. He further stated that the railroad does not object to closing but favors closing the alley.

Mr. Jack Ridgeway, attorney for opposition to closing alley, asked Mr. Tuttleby if railroad was against use of their property by the public. He stated that it was but never had done anything to stop it. He was asked if the railroad claimed the 15 ft. alley and he replied that it did not.

Next Mr. W. F. Pickard, County Surveyor, stated he had made a survey of the property and that statements made by Mr. Levy were correct and that he found no specific dedication of 15 ft. alley. Mr. Ridgeway then questioned Mr. Pickard regarding location of the loading dock. Mayor Steves asked when the plat was filed and Mr. Pickard replied it was around 1913.

Mr. Keller asked if Bexar Realty was on the 15' strip and Mr. Levy replied that there was in fact a building and they claimed it the same as other property owners. Mr. Ridgeway asked when the dock was built and Mr. Levy said about a year ago. Mr. Levy then closed his address and stated that the traffic engineer and fire marshall and almost everyone is in agreement the alley should be closed.

Mr. Ridgeway then addressed the council and said he had been employed by property owners on east of Cevallos Street; that all the area had been zoned "L" District. He gave a history of the so-called alley which he claimed was actually a street and presented a certified copy of a deed (Vol. 60 page 609-10 Deed Records)

given by Smith, Cunningham & Cassiano, the original subdividers, who called it a street. He said that regarding statement made about trying to close the alley for some time was that no one saw fit to close the alley; that after many years usage, by prescription the public has right to use the property as a thoroughfare. He stated he had witnesses to show it had been open for at least 42 years; that the railroad cannot stop the public from using the street; that the railroad does not block the crossing but uncouples railroad cars at that point; that the people on south side of Cevallos, being in "L" District have some right to use the alley; that if alley was closed it would depreciate property value across street to enhance property owned by Bexar Realty Co.; that the railroad would be glad to haul merchandise for the new commercial property on south of Cevallos; that the new Expressway is going to be on Probandt and you will have much congestion and so, why close the alley.

Mr. Ridgeway then asked Mr. Trejo to make a statement and said he had lived in that locality 45 years and that it had always been an alley and railroad crossing. Mr. Trejo said that the statement made that he did not have permission to use names of business people to protest closing was wrong. That he contacted them again on 8-20-52 and they reaffirmed their stand that they were against closing. Mr. Levy then asked Mr. Trejo that when he used the alley if he had to go on lot owned by Bexar Realty Co. to cross railroad. Trejo replied that he did but that was because loading dock was obstructing the road. When asked if he went on Bexar Realty Property before the dock was built he replied that he had to because their trucks were blocking the road.

Mr. Martin Trejo then stated he was born in that part of town and it had been a thoroughfare for 45 years; that the railroad put a crossing sign there, but someone took it down. He stated that if alley was closed it would deny property owners south of Cevallos access to the railroad and value would go down.

Mr. Ridgeway then took exception to report of Planning Commission which stated that the 25 ft alley had not been for 8 or 9 years used as a thoroughfare and that it was a traffic hazard. He asked that the petition to close the alley be denied and that he had been authorized to offer \$2600 for the alley if they voted to sell the alley.

At this point Mr. Levy asked Mr. Martin to testify regarding business houses checked by him regarding opposition to close as represented by Mr. Trejo. He said he had contacted six of eight people listed and none had objections to closing the alley.

Next Mr. L. L. Hinton made a statement that he worked for the railroad many years; That 1922 was his last service; that you could not cross the railroad because of loading operations and he had no recollection of a crossing sign ever being there.

Mr. Levy then stated that as long as you have permission to go on private property you do not have prescriptive right. Discussion was then held regarding proper notices being sent those concerned about hearing before Planning Commission.

The City Attorney then advised the council that the Planning Commission^{is} an advisory body and this hearing is the one that counts. That council is at liberty to sell alley to Bexar Realty Co. or have status quo.

Mr. Lozano then stated the 15 ft. strip of land belongs to people who have had it in good faith for many years and that any property used as a thoroughfare for ten or more years stays that way.

Mr. Cassidy then said that the Planning Commission was an advisory body; that they should decide first whether to close the alley and if it was voted to close it then sell to the highest bidder. Mr. Hardy then said they had his opinion on file that the City could sell only to the abutting property owner.

Mr. Ridgeway stated that Bexar Realty wanted to close the alley but if it was not

sold to them they would sue for damages and he asked Mr. Levy if the City sold the alley and he did not get it would he waive court action. Mr. Levy replied that he agreed with the opinion of the City Attorney. That if they want to, they could close the alley by putting up a fence but that they had to keep it open in their business; that they would keep it open privately.

Next to speak was Theresa Marek who owns property on south side of Cevallos and stated that it was now zoned a commercial district and that being in a fire zone you could only build certain types of homes; that they would need access to the railroad if business houses were built there.

Mr. Levy asked if she had asked Mr. Parker to have them put up a fence so paper could not get on here property and she replied that she had made such a request, but that was before she was convinced that closing the alley would hurt the value of her property.

Next Mr. J. A. Flores said he owns property at 250 E. Cevallos and that it would hurt the value of his property if alley was closed.

Mr. Greeman said he would like to hear from the railroad regarding Peden Alley, and
Mr. Tuttleby stated that before 1929 it was SAAP railroad property, was used to make up freight trains. In 1929 the property was made into industrial sites and built this so-called drive to reach warehouses. That it was built as a private road. That recently a new private drive was built from Probandt to Peden and the public is using this drive instead of S. Alamo; that if this continues they will want it as a thoroughfare even though the drive was built for exclusive use of warehouses.

Councilman Schmidt then stated that he was very familiar with the proposition as he had worked as a call boy for the railroad; that there was a railroad crossing and that the railroad had a double board at that time to show it was a crossing - that was 52 years ago.

Mr. Greeman then asked that if the City opened it up as a thoroughfare could they have the obstruction removed. Mr. Ridgeway said he believed they could make them move it through prescription - but that was a matter for the courts.

Mr. Levy then made a statement regarding conditions that would exist if it is made a thoroughfare.

Upon motion of Mr. Greeman seconded by Mr. Lozano the hearing recessed until the next meeting so that they could take the matter under further consideration and the motion carried.

Councilman Cassidy presented the name of Loran Hill for appointment as a member of the Planning Commission to fill vacancy of Mrs. Gerhardt. Seconded by Mr. Tucker, he was unanimously appointed.

The City Council asked the City Attorney to look into the matter of installations of butane connections with a view to making them conform to natural gas installations so that when natural gas was available no expensive installations would be necessary.

Councilman Cassidy then presented the following resolution which was adopted by the City Council.

A RESOLUTION

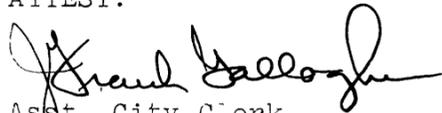
CONGRATULATING THE SAN ANTONIO WORLD CHAMPION
PONY LEAGUE ALL-STARS

On motion of Mr. Lozano seconded by Mr. Schmidt the meeting adjourned.

APPROVED:


MAYOR

ATTEST:


Asst. City Clerk

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