

January 15, 1959

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, JANUARY 15, 1959 AT 8:30 A.M.

PRESENT: KUYKENDALL, DIETERT, JOHNSON, SIMPSON, PINSON, SAN MARTIN

ABSENT: PASSUR, MCMAHON, OLIVARES

Mayor J. Edwin Kuykendall presiding.

Invocation by Rev. Thomas Morris, Assoc. Rector, St. Marks Episcopal Church.

On motion of Mr. Dietert, seconded by Mr. Simpson, the reading of the minutes of the previous meeting was dispensed with.

The following ordinances and resolutions were passed and approved as follows: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

AN ORDINANCE 27,231

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF FISHER SCIENTIFIC COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC HEALTH WITH ONE ISOLATOR FOR A TOTAL OF 1,095.00

( Full text in Ordinance Book HH page 486)

AN ORDINANCE 27,232

AUTHORIZING THE PAYMENT OF \$7,635.10 DUE TO HARLEY DAVIDSON SALES UNDER ORDINANCE NO. 27,209, PASSED JANUARY 2, 1959, TO THE AMERICAN STATE BANK, SAN ANTONIO, TEXAS

( Full text in Ordinance Book HH page 487)

AN ORDINANCE 27,233

MAKING AND MANIFESTING A LEASE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND LOUIS PITLUK AND STANLEY ROSENBERG DBA P & R PARKING, FOR LOT A-6 NEW CITY BLOCK 146 AT 510 WEST MARKET STREET, FOR A ONE-YEAR TERM BEGINNING FEBRUARY 1, 1959, FOR A RETNAL OF \$405.00 PER MONTH

( Full text in Ordinance Book HH page 487)

AN ORDINANCE 27,234

MAKING AND MANIFESTING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND HILTON HOTEL TO FURNISH EIGHTY (80) PARKING SPACES TO THE CITY POLICE DEPARTMENT FOR A PERIOD OF ONE (1) YEAR BEGINNING FEBRUARY 1, 1959

( Full text in Ordinance Book HH page 488)

AN ORDINANCE 27,235

TRANSFERRING THE SUM OF \$19,035.00 FROM THE CONTINGENCY ACCOUNT 70-01-01 OF THE GENERAL FUND TO VARIOUS ACCOUNTS OF THE GENERAL FUND

( Full text in Ordinance Book HH page 489)

## AN ORDINANCE 27,236

ACCEPTING THE LOW BID OF HARRIS ENGINEERING & CONSTRUCTION INC., IN THE AMOUNT OF \$38,747.50 FOR RECONSTRUCTION AND RESURFACING OF WOODLAWN AVENUE FROM MCCULLOUGH TO RIPLEY; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; APPROPRIATING \$38,747.50 OUT OF NO. 479-01, STREET IMPROVEMENT BONDS, 1956 SERIES, IN PAYMENT FOR SAID WORK; AND APPROPRIATING THE SUM OF \$1,900.00 OUT OF NO. 479-01 STREET IMPROVEMENT BONDS, 1956 SERIES, FOR USE AS A CONSTRUCTION CONTINGENCY ACCOUNT IN CONNECTION WITH THIS PROJECT

( Full text in Ordinance Book HH page 489)

## AN ORDINANCE 27,237

APPROPRIATING THE SUM OF \$1,217.15 OUT OF STREET IMPROVEMENT BOND FUND, NO. 479-01, FOR THE RECONSTRUCTION OF DRIVEWAY APPROACHES NECESSITATED BY THE CHANGE OF GRADE OF ST. CLOUD ROAD

( Full text in Ordinance Book HH page 490)

## A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF STORM DRAINAGE PROJECT 72, 72X AND SANITARY SEWER PROJECT S-1 (BIDS TO BE OPENED MARCH 17, 1959)

## AN ORDINANCE 27,238

APPROPRIATING \$35.74 OUT OF SANITARY SEWER IMPROVEMENT BOND FUND NO. 479-02 PAYABLE TO IRVING S. SELIGMANN FOR ENGINEERING SERVICES IN CONNECTION WITH SEWAGE TREATMENT PLANT IMPROVEMENT PROJECT

( Full text in Ordinance Book HH page 490)

## AN ORDINANCE 27,239

CHANGING THE NAME OF VIEWRIDGE DRIVE TO NORTHWAY DRIVE

( Full text in Ordinance Book HH page 491)

## AN ORDINANCE 27,240

MAKING AND MANIFESTING A BILL OF SALE IN FAVOR OF J. F. PERRY, JR., FOR IMPROVEMENTS LOCATED AT 6102 SOUTH ZARZAMORA STREET, ON PARCEL #3321, ZARZAMORA STREET WIDENING PROJECT RIGHT-OF-WAY IN SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE SUM OF \$525.00

( Full text in Ordinance Book HH page 491)

## AN ORDINANCE 27,241

APPROPRIATING THE SUM OF \$10.00 OUT OF EXPRESSWAY AND STREET IMPROVEMENT BOND FUND, SERIES 1955, ACCOUNT NO. 478-01 PAYABLE TO MARCUS AGUIRRE AND WIFE, CATHERINE V. AGUIRRE, FOR A DRAINAGE EASEMENT IN CONNECTION WITH THE CAVALIER STREET PROJECT

( Full text in Ordinance Book HH page 491)

## A RESOLUTION

ACCEPTING THE DEDICATION OF A CERTAIN DRAINAGE EASEMENT FROM THURMAN BARRETT

( Full text in Ordinance Book HH page 492)

## AN ORDINANCE 27,242

APPROPRIATING THE SUM OF \$108.52 OUT OF EXPRESSWAY AND STREET IMPROVEMENT BOND FUND, SERIES 1955, SECTION "A" ACCOUNT #478-01, TO PAY COURT COSTS INCURRED IN CASE NO. F-113,691, DAVID SOTO, ET UX, VS. CITY OF SAN ANTONIO

( Full text in Ordinance Book HH page 492)

January 15, 1959

## AN ORDINANCE 27,243

AMENDING ORDINANCE NO. 26453, PASSED AND APPROVED BY THE CITY COUNCIL ON JUNE 5, 1958, WHICH MANIFESTED A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND CLARENCE MABRY FOR THE OPERATION OF THE SAN PEDRO TENNIS CENTER BY EXTENDING THE TERM OF SAID CONTRACT FOR A PERIOD OF ONE (1) YEAR

( Full text in Ordinance Book HH page 492)<sup>2</sup>

## A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF RUNWAY 12-30, AVIATION FEDERAL AID PROJECT #9-41-080-5810, AT SAN ANTONIO INTERNATIONAL AIRPORT (BIDS TO BE OPENED FEBRUARY 10, 1959)

(

## A RESOLUTION

GIVING NOTICE THAT BIDS WILL BE RECEIVED FOR THE SELECTION OF A DEPOSITORY FOR THE FUNDS OF THE CITY OF SAN ANTONIO FOR THE FISCAL YEARS 1959 AND 1960 (BIDS TO BE OPENED JANUARY 29, 1959)

## AN ORDINANCE 27,244

AMENDING SECTION 10-12 OF THE CITY CODE CONCERNING THE KEEPING OF PUBLIC HEALTH RECORDS

( Full text in Ordinance Book HH page 493)

## AN ORDINANCE 27,245

AUTHORIZING THE EXECUTION OF CERTAIN INSURANCE CONTRACTS BY THE CITY OF SAN ANTONIO WITH FIREMAN'S FUND INDEMNITY COMPANY AND GLOBE INDEMNITY COMPANY AND AUTHORIZING PAYMENT OF INSURANCE PREMIUMS IN THE SUM OF \$770.74

( Full text in Ordinance Book HH page 493)

The Clerk then read the following ordinance:

## AN ORDINANCE 27,246

AMENDING CHAPTER 60 OF THE CITY CODE BY ADDING ARTICLE 7 THERETO WHICH REGULATES THE OPERATION OF AMBULANCES ON THE PUBLIC STREETS OF THE CITY OF SAN ANTONIO

( Full text in Ordinance Book HH page 493)

When the above ordinance was read, the City Attorney was questioned about its provisions. The Mayor asked the Clerk to read a letter and a copy of a Resolution by the Bexar County Medical Society on the subject.

The Council then adopted the ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, and San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

The following ordinance was then passed and approved as follows: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

AN ORDINANCE 27,247

AUTHORIZING THE CITY MANAGER TO EXECUTE  
A PIPE LINE LICENSE ON BEHALF OF THE CITY,  
PROVIDING FOR THE INSTALLATION OF A WATER  
MAIN UNDER THE MISSOURI PACIFIC RAILROAD  
COMPANY'S TRACKS AT JONES-MALTSBERGER ROAD  
AT NOTTINGHAM STREET

( Full text in Ordinance Book HH page 494)

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 filed with this office and forwarded to the department concerned for any necessary action.

1-6-59 Petition of Earle C. Parker, owner of El Montan Motor Hotel, requesting permission to erect eight columns on city owned property for the purpose of supporting the entrance canopy and sign for the El Montan Motor Hotel was referred to the Planning Director.

Yours very truly,

J. FRANK GALLAGHER  
City Clerk

First zoning case heard was Case No. 1071 to rezone Lot 1, Blk. 1, NCB 1883, located between W. French Place and Russell Place, from "B" RESIDENCE DISTRICT to "E" Apartment District. The Planning Director stated the Planning Commission recommended the change. Representatives of the Episcopal Church, adjacent to this property, stated they were not opposed to the change but wanted assurance that the disposal of garbage would be taken care of properly and sufficient parking. An official of the American Legion stated there would be 91 off street parking spaces and each apartment unit would be equipped with a garbage disposal unit. On motion of Mr. Pinson, seconded by Mr. Dietert, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, McMahon, Passur, Johnson.

AN ORDINANCE 27,248

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN  
ORDINANCE ESTABLISHING ZONING REGULATIONS AND  
DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN,  
ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY  
CHANGING THE CLASSIFICATION AND RE-ZONING OF CERTAIN  
PROPERTY DESCRIBED HEREIN: CASE NO. 1071 TO REZONE  
LOT 1, BLK. 1, NCB 1883, FROM "B" RESIDENCE DISTRICT  
TO "E" APARTMENT DISTRICT

( Full text in Ordinance Book HH page 495)

January 15, 1959

Next heard was Case No. 900 to rezone Blk. 28, NCB 12220, bounded by Overbrook, Babcock, St. Cloud and McNeel Road from "A" RESIDENCE DISTRICT to "D" APARTMENT DISTRICT. No one appeared in opposition. On motion of Dr. San Martin seconded by Dr. Johnson, the Planning Commission's recommendation was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

## AN ORDINANCE 27,249

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 900, TO REZONE ALL OF BLOCK 28, NCB 12220 FROM "A" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT

( Full text in Ordinance Book HH page 496)

Next heard was Case No. 893 to rezone Lot 12, NCB 10931, located on west side U. S. Highway 281 South from "B" RESIDENCE DISTRICT to "LL" MANUFACTURING DISTRICT. No one appeared in opposition. On motion of Dr. San Martin, seconded by Mr. Simpson, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

## AN ORDINANCE 27,250

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 893 TO REZONE LOT 12, NCB 10931 FROM "B" RESIDENCE DISTRICT TO "LL" MANUFACTURING DISTRICT

( Full text in Ordinance Book HH page 496)

Mr. Archie Johnson and G. J. Sutton, representing an East side Citizens Committee, and Rev. Black, representing Baptist Ministers Association, addressed the Council requesting that a negro be appointed to the Transit Board. They were told that anyone suggested by them would be considered, but that all appointments are made on the basis of qualifications only, and not on the basis of race, color or religion.

Rev. J. C. Bailey, of St. Johns Baptist Church on Olmos Drive, requested street improvements on Olmos, Joy and Dora Streets. He also asked for help in establishing a recreation center. He stated he had a building which could be used. He was referred to the Parks and Recreation Director to attempt to work the matter out.

The meeting recessed until 1:30 p.m. this date.

RECESSED MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER ON THURSDAY, JANUARY  
15, 1959, AT 1:30 P.M.

The meeting was called to order at 1:30 p.m. by Mayor Kuykendall with the following members present:

J. Edwin Kuykendall,	Mayor
Reuben O. Dietert	:
Dr. Max E. Johnson	:
Wayne C. Simpson	: Councilmen,
Theo W. Pinson, Jr.	:
Dr. Jose San Martin	:
J. Frank Gallagher,	City Clerk

The City Clerk read the following letter to the Council.

January 15, 1959

The Honorable Mayor and Council of the  
City of San Antonio  
San Antonio, Texas

Gentlemen:

Confirming our oral advices of yesterday, San Antonio Transit Company herewith agrees to sell to the City of San Antonio its transit system properties as outlined in your letter to use dated January 14, 1959, for a consideration of \$3,725,000.00 payable in cash at closing. The transaction will be closed as of the close of business on April 30, 1959, unless at an earlier date the City of San Antonio pays to the Company the purchase consideration, in which event the transaction shall be closed as of the date of such payment.

This letter is approved by D. Gordon Rupe and Sylvan Lang as Voting Trustees under a Voting Trust Agreement pursuant to which certain of the capital stock of San Antonio Transit Company is deposited, and such approval evidences the agreement of such individuals that each will vote any stock owned by him individually in favor of the sales agreement and that as Voting Trustees they will promptly cause notices of the proposed sale to be issued to the holders of Participation Certificates under the Voting Trust Agreement in the manner provided for in such agreement and will each use his utmost efforts to secure the approval of such holders in the manner provided for thereby (it being understood in this connection that the Voting Trust Agreement provides that unless 33 1/3 per cent of such holders dissent therefrom the Voting Trustees shall be authorized to vote for a sale of such assets) and further, that in the event less than 33-1/3 per cent of such holders dissent that, as Voting Trustees, they will affirmatively vote the stock in said trust in favor of such sales agreement, and will use their utmost good faith efforts to procure the affirmative vote of all other stockholders of said Company and use their best efforts to insure the consummation of the sales agreement.

It is understood and agreed that in the event the sale of said property is not authorized in the manner aforesaid, the Company obligates itself on request of the City to continue the operation of the transportation system as same now exists for such period of time as the City may request but not beyond February 1, 1960, provided that during such period commencing with the request of the City the Company shall be entitled to net income at the rate of \$250,000.00 per annum. This agreement relating to the rates to be charged during the period intervening between the request by the City and February 1, 1960, except insofar as it fixes the said net income, shall be without prejudice to any existing controversies now between the City and the Company.

It is understood and agreed that the Company will transfer to the City on closing date supplies and inventory substantially as same existed on January 15, 1959 except as they may be diminished by normal routine operations of the Company or increased by normal routine, necessary purchases. In this connection the Company agrees that it will maintain and operate the system pending closing of this agreement in a normal, usual, and routine manner. To the extent that such inventories and supplies may be increased by routine purchases, the purchase price will be adjusted.

The Company agrees that pending closing of this sales contract it will operate the transit system in its normal, routine manner, as the same now exists, and that it will make no new or additional contracts without consent of the City.

January 15, 1959

It is understood and agreed that Company has outstanding certain contracts incurred in normal operation of its system. The City will, upon closing of this agreement, assume and continue to perform such contracts for the period during which they are effective after closing of this agreement and will hold Company harmless therefrom for any such period.

It is further understood that the Company has in effect a pension plan for the benefit of its employees. It is understood that City shall have the right to continue such plan for the benefit of present Company employees who become employees of the City, and that Company shall have the right to continue such plan for the benefit of any employees who remain with the Company.

It is understood that the Company now has on its books certain accounts receivable representing employee loans, which accounts are normally repaid by payroll deductions. The City agrees that from and after closing hereof it will continue the Company's policy of payroll deductions and remit to the Company all amounts so deducted in payment of such loans, it being understood in this connection that all such payroll deductions shall be first applied to the existing Company loans as distinguished from any additional loans, if any, which the City may make.

All pro rations shall be at date of closing of revenues, expenses, insurance, taxes, license and permit fees, payrolls and other items of a like nature applicable to such properties or the operation thereof in a manner usual and customary in transactions of this nature.

It is understood that this memorandum agreement shall be supplemented by a detailed formal contract evidencing all details and terms of the transfer and sale here agreed to.

Yours very truly,

SAN ANTONIO TRANSIT COMPANY

By: /s/ Laurence Wingerter  
President

APPROVED:

/s/ D. Gordon Rupe  
/s/ Sylvan Lange

Voting Trustees

APPROVED:

CITY OF SAN ANTONIO  
By: /s/ L. H. Andrews  
City Manager

After its contents were fully discussed and agreement was reached, the Mayor introduced the following ordinance.

AN ORDINANCE 27,251

AGREEING TO THE TERMS AND CONDITIONS FOR THE PURCHASE BY THE CITY OF SAN ANTONIO OF THE TRANSIT SYSTEM PROPERTIES NOW OWNED BY THE SAN ANTONIO TRANSIT COMPANY, AND AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM AGREEMENT EMBODYING SUCH TERMS AND CONDITIONS

( Full text in Ordinance Book HH page 496 )

The ordinance was passed and approved by the following vote: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

The following resolution was then passed and approved as follows: AYES, Kuykendall, Dietert, Johnson, Simpson, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Olivares.

A RESOLUTION

CREATING A TRANSIT ADVISORY COMMISSION  
AND NAMING THE MEMBERS THEREOF

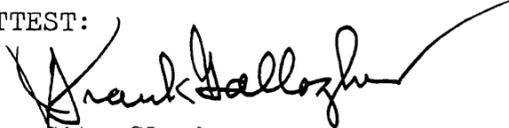
( Full text in Ordinance Book HH page

There being no further business, the meeting adjourned.

APPROVED:

  
MAYOR

ATTEST:

  
City Clerk