

MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

MONDAY, AUGUST 12, A.D.1918, 4 P.M.

PRESENT: Honorable Sam C. Bell, Mayor, presiding, and Commissioners Coy, Lambert, Heuermann, Wright.

Minutes of previous meeting were ordered approved.

----MEMORIALS AND PETITIONS----

A letter from San Antonio Public Service Co. requesting permission to raise the rate of street car fares, was referred to City Attorney.

A letter from Mrs. Mamie Applewhite asking to be paid for time lost through injuries sustained Dec. 31, 1917 was read and referred to City Attorney.

A communication from Womans Committee National Council of Defense, requesting issuance of a proclamation calling for two minutes of prayer at 12 o'clock noon of each day, was granted on motion of Commissioner Lambert.

An invitation of the Furniture Dealers Association to attend a luncheon was accepted with thanks.

The following petitions were read and referred to Commissioner of Streets and Public Improvements:

Stanley and Hauser, for permit to build a private sewer in University Ave.

G.H. & S.A.Ry Co. and W.U.Telegraph Co. for permit to lay conduits.

The following petitions were read and referred to Commissioner of Taxation:

H.C.Speer, for refund of Auto for hire license.

Hillyer, Deutsch, Jarrett Co. for correction of assessment.

Oscela Archer, for correction of assessment.

Mrs. A.W.McEnery, for correction of assessment.

Mrs. Beulah Saylor, for refund of unexpired part of Auto For Hire License.

The following petitions were read and referred to Commissioner of Fire and Police:

Geo. P. Burnett, for permit to install gasoline pump 112 W.Travis Street.

Eggleston & Todd, for permit to erect Petroleum Refinery.

Commissioner Heuermann introduced the following ordinances, which were read and adopted by the following vote on roll call, to-wit: Ayes Bell, Coy, Lambert, Heuermann, Wright.

MC-498 AN ORDINANCE

RE-LEVYING SPECIAL ASSESSMENT AND TAXES on account of the cost of the improvements of South Hackberry Street in front of lot No. 16, City Block 673, between Victoria Street and Denver Boulevard, and to provide for the issuance of assessment certificate and for other purposes.

BE IT ORDAINED by the Commissioners of the City of San Antonio,

WHEREAS, the Commissioners heretofore to-wit, on the 26th day of July, A.D.1915, by resolution ordered the improvement on the special assessment plan of that portion of

South Hackberry Street in said City of San Antonio between the intersections of said highway with Victoria Street and Denver Boulevard, by grading and paving the same, and constructing or resetting curbs where required and performing other work on said highway so ordered to be improved; and

WHEREAS, said improvements and the special assessments and special taxes to be levied therefor, and all proceedings, notices and instruments in connection therewith, are governed by certain rules and regulations prescribed in a certain ordinance of this City, known as the "Procedure ordinance" passed and approved on December 18, 1913, which together with all amendments thereto and Chapter 11 of Title 22, revised civil Statutes of Texas for 1911, are made a part of this ordinance, and all such proceedings and other matters requisite to the passage of this ordinance have been regularly had and performed and are hereby ratified and confirmed; and any and all requirements as to what this ordinance shall contain, if not herein otherwise complied with, shall be deemed to have been complied with by this reference to said procedure ordinance and the adoption of its provisions herein: and

WHEREAS, in the course of said proceedings the bid of Rushmore and Gowdy for the performance of said work was duly accepted by said Commissioners and a certain written contract and bond for the construction and completion of said improvements, both bearing date on the 8th day of December A.D.1915, were duly made, and entered into and accepted by and on behalf of the City and said bidder as the contractor bound to construct and complete said improvements: and

WHEREAS, thereupon said Commissioners by resolution duly passed and approved on the 26th day of July A.D.1915, duly approved the plat and statement prepared and filed by the City Engineer for said improvements, and ordered that the required hearing be had before said Board of Commissioners; and

WHEREAS, thereupon notice of said hearing was duly given by publishing such notice three times in a newspaper, published in said City, viz, in the San Antonio Light, on 30 and 31st day of July and 1st day of August A.D.1915, and additional and accumulative notice of said hearing was also duly given; and

WHEREAS, a full and fair hearing was duly held at the time and place mentioned in said resolution and notices, to-wit, on the 19th day of August, 1915, in the Council Chamber of the City Hall of said City at 4 o'clock p.m., and thereupon said hearing was duly adjourned on the same date; and

WHEREAS, at said hearing all persons desiring to contest said proposed assessment or personal liability, or the regularity of the proceedings with reference to the improvements, or in any manner to be heard concerning benefits of said improvements to their property or any other matter with reference thereto, were duly heard and their claims considered; and thereupon all errors, mistakes and other matters requiring rectification which were brought to the attention of said Commissioners, ^{having been by said Commissioners} corrected, and said Commissioners having also fully heard, examined and considered the evidence concerning frontage and other considerations, including said plat and statement of the City Engineer and the benefits of said improvements to said property, and being of the opinion that the assessment therein levied and the personal liabilities thereby declared are just and equitable, and that no such assessment was made therein in any case against any parcel of property in excess of the actual benefit to the owner thereof in the enhanced value of his property, by means of such improvements; and,

WHEREAS, by ordinance duly passed and approved on the 13th day of Sept A.D.1915, to which reference is here made, the sum of \$6739.81 being less than two thirds of the

cost of said improvements (excepting the cost of curbing and sidewalk included in said contract) was levied, charged, apportioned and assessed on the "front foot plan" against each of the several owners of said property abutting on said street, (all as in said ordinance more particularly itemized and set forth) the sum of \$172.96 being assessed against Lot No. 16, in Block 673, abutting on said street and against James S. and Dovie Clark described therein as the owners of said property; and

WHEREAS, the said James S. and Dovie Clark at the time said assessment was levied was not the owners of said property as in said ordinance stated; and

WHEREAS, thereafter, to-wit, on the 20th day of June, A.D. 1918, said Commissioners by resolution duly passed and approved, ordered a public hearing of the owners and other interested parties for the purpose of correcting, re-assessing and re-levying the special taxes assessed and levied on said lot, and to correctly levy and assess the proportionate part of the cost of said street improvements against said property and the owners thereof; and:

WHEREAS thereupon notice of said re-hearing was duly given by publishing such notice three times in a newspaper published in said City, viz., in the Commercial Recorder, on June 24, 25 and 26, 1918, and additional and cumulative notice of said hearing was also duly given; and

WHEREAS, a full and fair hearing was duly held at the time and place mentioned in said resolution and notices, to-wit, on the 11 day of July, A.D. 1918, in the Council Chamber at the City Hall of said City at 4 o'clock p.m.; and

WHEREAS, at said hearing all persons desiring to contest said proposed assessment or personal liability, or the regularity of the proceedings with reference to said improvements, or in any manner to be heard concerning benefits of said improvements to their said property, or any other matter with reference thereto were duly heard and their claims duly considered, as well as the evidence concerning frontage and the benefits of said improvements to said property, and being of the opinion that the assessment hereinafter levied and assessed and the personal liability hereby declared are just and equitable, and that such assessment against said lot or parcel of property is not in excess of the actual benefit to the owners thereof in the enhanced value of their property by means of such improvement. Now Therefore, Be It Ordained by the Commissioners of the City of San Antonio:

Section 1. That the sum of \$147.34 being less than two thirds of the proportionate cost of said improvements, and the further sum of \$25.32 being the cost of curbing in front of said property, shall be and the same is hereby levied, re-charged, re-apportioned and re-assessed on the "front foot plan" against said abutting property, known and described as lot No. 16, in City Block 673, fronting 55.70 feet on South Hackberry Street, in the City of San Antonio, Bexar County, Texas, and against each of the several owners thereof, viz., Mamie Heathcock and husband, Thomas Heathcock, Gertrude Taylor and husband _____ Taylor, Sam Clark, Roy Clark, Claude Clark and Zillman Clark, Ruth Clark and George Clark.

Sec. 2. That the aggregate amount levied and assessed against said property and the owners thereof as provided in Section 1 of this ordinance, to-wit: the sum of \$172.96, together with interest thereon payable annually at the rate of eight per cent from this date, and together with the cost of collection of said sum including reasonable attorneys fees, if incurred, are hereby declared and ordained to be a good and lawful lien upon said property and a personal liability of the owners thereof to be paid and collected as provided by said procedure ordinance and amendments thereof; and said assessment and lien shall be superior to all liens and claims, except state, County and Municipal taxes.

Sec. 3. That an assignable assessment certificate evidencing said sum payable by said owners of said abutting property shall be issued in the name of the City and made payable to Rushmore & Gowdy, Contractors, which assessment certificate shall be in such form as may have been adopted by ordinance and shall contain an adequate description of said property, together with the names of the owners thereof, and all other terms, recitals and requisites.

Sec. 4. That all other matters and proceedings shall be regulated and conducted as provided by said procedure ordinance and that full correction of any mistake or irregularity in any of said proceedings, and re-assessments, if necessary, shall be made in any case where the Commissioners may deem the same necessary or proper; the Commissioners reserving the right to exercise all such powers as provided by the street improvement law and said procedure ordinance.

Sec. 5. That this ordinance being of urgent importance for reasons apparent ~~xx~~ herefrom shall take effect from and after its passage.

Commissioner Heuermann introduced the following ordinances, which were read and adopted by the following vote on roll call, to-wit: Ayes, Bell, Coy, Lambert, Heuermann Wright.

No. 134 **MC-499** AN ORDINANCE

Appropriating \$1900.00 to pay W.M.Reilly for curbing built along parks on New Braunfels Avenue.

BE IT ORDAINED by the Commissioners of the City of San Antonio, that, the sum of One thousand nine hundred dollars (\$1900.00) be and is hereby appropriated out of the 1918 General Fund, to pay W.M. Reilly for curbing constructed along parkways on New Braunfels Avenue.

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No. 135 **- 500** AN ORDINANCE

Appropriating the sum of \$5295.35 for pay rolls for the week ending August 10, 1918.

BE IT ORDAINED by the Commissioners of the City of San Antonio, that, the sum of \$5295.35 be and is hereby appropriated out of the 1918 General Fund for the purpose of meeting pay rolls for the week ending August 10, 1918.

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Commissioner Heuermann introduced the following resolutions, which were read and adopted:

RESOLUTION

BE IT RESOLVED by the Commissioners of the City of San Antonio, that, the City Clerk be and he is hereby directed to advertize for bids for the construction of Storm Water sewers in Hays street between Crockett Street and Cherry Street said bids to be received by him until 4 O'clock p.m. on August 22, 1918.

EWSOLUTION

Accepting paving on Kings Highway from McCullough Ave to San Pedro Ave, by the Uvalde Rock Asphalt Co.

BE IT RESOLVED by the Commissioners of the City of San Antonio, that, the City of San Antonio does hereby accept the pavement constructed by the Uvalde Rock Asphalt Co. from McCullough Avenue to San Pedro Avenue, on Kings highway, with one omission, opposite lot No. 6 and part of lot No. 5, Block 3260, and that part of street inter-

section opposite sidewalk space along Lot No. 6, the date of acceptance being hereby fixed on the 12th day of August, 1918, in accordance with report of the City Engineer filed with the Board of Commissioners August 12, 1918.

San Antonio, Texas, August 12, 1918.

Honorable Mayor and Board of Commissioners,
San Antonio, Texas.

Gentlemen:

This is to certify that the paving of Kings Highway, between McCullough and San Pedro Avenue, has been completed with one omission opposite lot No. 6; and part of 5, Block 3260, and that part of street intersection opposite sidewalk space along lot 6, by the Uvalde Rock Asphalt Company, as per petition of property owners granted by the Board of Commissioners on June 24, 1918, and same has been accepted by me on the 12th day of August, 1918.

Yours truly,
Hans Helland, City Engineer.

Commissioner Wright recommended that petition of E.M.Hetzfelder, for permit to install gasoline tank at 624 N.San Marcos; also petition of Cantor and Gossen to install gasoline tank New Braunfels Ave. and Sandmeyer Street, be granted. Adopted.

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On recommendation of Commissioner Wright, duly seconded and carried, the following petitions were granted:

Oblates of Mary Immaculate, for special building permit.

R.V.Ketchum, " " " "

The following charges were filed by Commissioner Wright, and hearing of same ordered for 10 o'clock a.m. August 15, 1918.

To the Honorable Board of Commissioners,

of the City of San Antonio, Texas.

Gentlemen:

I hereby charge that J.R.Wheeler, a duly commissioned policeman of the City of San Antonio, regularly appointed and confirmed as a detective, and acting as such employe of the Police Department of the City of San Antonio, is inefficient and incompetent to properly perform the duties required of him as such employe of said department and that he has been guilty of conduct unbecoming an officer in his relations to the public and to citizens of the City of San Antonio, against the good order, efficiency and discipline of said Police Department; and further charge that, on or about the 8th day of August, 1918, after having responded to a call or report made to Police Headquarters that a certain stolen automobile had been found or located, and after having examined said automobile and having ascertained that the same belonged to one Ross W.Davis (who had previously reported to the Police Department the theft of his said automobile) the said H.R.Wheeler, being then and there on duty as such city detective and police officer, made a proposition to the said Ross W.Davis and attempted to collect exact and coerce from said Davis a reward or sum of money for himself, or for himself and others, or for others, as a reward or payment for the recovery of said stolen automobile, by which said acts and conduct the said J.R.Wheeler violated his oath of office and the code of ethics of reputable society; and for said acts and conduct, if true, the said J.R.Wheeler should be discharged from further service as an employe of said Police Department, and of the City of San Antonio, and the above and foregoing statement is presented as charges for your consideration, in accordance with the provisions of Section 17 of the Charter of the City of San Antonio.

Respectfully submitted this 12th day of August, 1918.

Phil Wright,

Commissioner of Fire and Police.

Commissioner Lambert introduced the following ordinance, which was read and adopted by the following vote on roll call, to-wit: Ayes, Bell, Coy, Lambert, Heuermann and Wright.

No. 136 **MC-501** AN ORDINANCE

BE IT ORDAINED by the Commissioners of the City of San Antonio, that, the sum of \$168.00 be and the same is hereby appropriated out of the Zoo Fund for the purpose of paying for Band Concerts in Koehler Park on August 8, and 11, 1918.

Bids of McGill Construction Co. and Chas F.Parker, for repairing Denver Boulevard paving were opened and referred to the City Engineer for recommendation.

Commissioner Heuermann introduced the following resolution, which was read and adopted:

A RESOLUTION

Ordering street improvements and inviting bids for the construction and completion of curb on certain public streets and public places of this City.

BE IT RESOLVED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

1. That a public necessity exists for the construction of permanent curb on certain public streets and public places of this City, along or in front of certain lots or parcels of real property abutting thereon, said streets or public places and said lots or parcels of land being as follows, to-wit:

STREETS	NEW CITY BLOCKS	LOTS.
H.E.Hinds	2965	12
J.H.Green	2998	3
J.F.Carl	2998	18

11. All of said curb shall be constructed and completed in conformity with the specifications and requirements of this City relating to the construction of curb in public streets and public places, as contained in Section 1 of a certain ordinance of this City, passed and approved on September 18, 1916, and entitled "An Ordinance amending an ordinance of this City passed on August 10, 1914, relating to the construction of curb". All of said sidewalks shall be four (4) feet in width, unless specially required to be wider by any specification made in these proceedings in connection with any particular parcel or parcels of said property. Wire ~~and~~ or steel reinforcing materials, and any other special materials authorized by ordinance to be used at the option of property owners, will be used only where special arrangements are made by property owners for paying the additional cost thereof.

11. As provided by law and the ordinance of this City, the entire cost of ~~and~~ such work shall be assessed against said respective parcels of abutting property and the owners thereof, and the assessment certificate shall be issued to and received by contractor in payment for said work. If in any case it shall appear that any part of said work has been, in good faith and prior to the date of the contract of the City, contracted for by the owner of the abutting property for immediate construction, then if so required by written demand of such owner, the City Engineer shall be authorized to direct by his written order or orders that contract shall omit the work along or in front of such parcel or parcels of property, and such work shall thereupon be so omitted and contractor shall not be entitled to any assessment or payment on account of any such omitted work; and no omissions of any part of said work shall affect any other part of said contract or any assessment for any other part of said work.

1V. Bids are hereby invited from all persons desiring to bid on said improvements; and each such bidder shall file with his bid a guaranty deposit in the form of a certified check or cashiers check on a San Antonio bank, made payable unconditionally to the "City Treasurer of the City of San Antonio", in the sum of the nearest even hundreds of dollars approximateing two and one-half (2½) per cent of the estimated maximum contract price of the work included in such bid. All bids and checks shall be filed with the City Clerk on or before the 26th day of August A.D. 1918 at 4 p.m. at which date and hour such bids will be opened at a public meeting of the City Council.

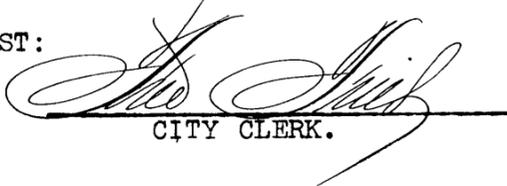
V. Proposal blanks should be obtained from the City Engineer, and all bids made on such forms. Bids should always state unit prices. The City Council reserves the right to reject any or all bids. The nature of the proposal and the date for opening bids and the full name and place of residence of each bidder must appear on the envelope containing bids. All checks will be returned upon rejection of bid or upon execution and approval of contract and bonds.

VI. Said improvements and the bids, arrangements, contract and bonds in connection with said work, and payment for said work, shall be made under and governed by the provisions of an ordinance of the City Council of the City of San Antonio, known as the "Procedure Ordinance", passed and approved on December 18, 1913 entitled "An Ordinance establishing a uniform plan under which all permanent paving and certain other certain street improvements in this City shall be made and be paid for wholly or partly by special assessments: defining the procedure with reference to such improvements and assessments; and prescribing certain rights and liabilities of property owners, contractors and others, and for other purposes", together with all amendments to said ordinance in effect at this date; provided however, that in conformity with the ordinances specially governing sidewalk construction, a(a) the bond guaranteeing said work shall cover a period of two years; and (b) the assessment certificates shall be payable in two installments, the first in thirty days and the second in one year, from and after the date of the ~~acceptance~~ certificate of acceptance by the City of the work executed under said contract; and (c) the improve-

ments so ordered shall constitute separate and distinct improvements for each parcel of such real property, neither affecting nor affected by any other such improvement included in the same proceedings or contract; and provided further, that in the event the bid accepted is the bid of any contractor licensed and bonded in accordance with the provisions of Section Two of said ordinance entitled "An Ordinance amending an ordinance of this City passed on August 10th, 1914, relating to the construction of sidewalks, passed and approved on September 18th, 1916", the guarantee and maintenance of said work shall be governed by the provisions of paragraph (h) of said section Two thereof, and governed by the general contractors bond in the sum of Two Thousand (\$2000.00) Dollars, executed in accordance with the requirements of said ordinance; said bond being made applicable to the work performed under City contracts by virtue of the provisions of paragraph (k) of said Section Two.

On motion, duly seconded and carried, the meeting adjourned.

ATTEST:


CITY CLERK.

APPROVED


MAYOR