

September 29, 1955

REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF SAN ANTONIO HELD IN THE COUNCIL
CHAMBER IN THE CITY HALL ON THURSDAY, SEPTEMBER
29, 1955 AT 9:00 A.M.

PRESENT: FRIEDRICH, BAINES, PASSUR, CRUMRINE, WINTON, KUYKENDALL, OLIVARES, DANIELS,
GONZALEZ

Mayor J. Edwin Kuykendall presiding.

Invocation by Rev. Martin Kniker, Evangelical and Reformed Bethany Church.

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

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By unanimous vote the council elected to hold the hearings scheduled for
today before the regular agenda.

The Clerk then read the following ordinance:

AN ORDINANCE 21,708

AMENDING ARTICLE 3, CHAPTER 60, OF THE CITY
CODE BY ADDING THERETO SECTION 53-A; DEFINING
"SCHOOL BUSES"; PRESCRIBING THE MANNER OF PASSING
SCHOOL BUSES DISCHARGING OR RECEIVING SCHOOL
CHILDREN; PROHIBITING THE OPERATION OF ANY FLASHING
"STOP" SIGNAL LIGHT ON SCHOOL BUSES EXCEPT WHEN
STOPPED OR BEING STOPPED TO RECEIVE OR DISCHARGE
SCHOOL CHILDREN; PRESCRIBING A PENALTY FOR VIOLATION
HEREOF; AND DECLARING AN EMERGENCY

(Full text in Ordinance Book BB page 403)

The Mayor asked if anyone wished to be heard, either for or against the pro-
posed ordinance. No one appearing to be heard, on motion of Mr. Winton, seconded by
Mr. Olivares, the ordinance was passed and approved by the following vote: AYES,
Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, Gonzalez;
NAYS, none;

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The next hearing was on Zoning Case #548 to rezone Tract B, NCB 10626, located
in the 3800 block of East Commerce from "A" TEMPORARY RESIDENCE to "J" COMMERCIAL DISTRICT.
No one appeared to be heard for or against the rezoning. On motion of Mr. Passur,
seconded by Mr. Gonzalez, the council approved the recommendation of the Planning Commission
to rezone and passed and approved the following ordinance by unanimous vote.

AN ORDINANCE 21,709

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.
548, TO REZONE TRACT "B" N.C.B. 10626, FROM "A"
TEMPORARY RESIDENCE TO "J" COMMERCIAL DISTRICT

(Full text in Ordinance Book BB page 404)

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Next called up for hearing was the proposed ordinance regulating automobile dealers. The Clerk read the following ordinance:

AN ORDINANCE

AN ORDINANCE REGULATING AND LICENSING CERTAIN PERSONS, FIRMS AND CORPORATIONS ENGAGED IN THE BUSINESS OF DEALING IN NEW OR USED MOTOR VEHICLES, OR BOTH, WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO; PROVIDING THE TIME, MANNER AND METHOD THEREOF; PROVIDING FOR THE INSPECTION AND SUPERVISION OF SUCH PERSONS, FIRMS, AND CORPORATIONS AND THEIR BUSINESSES; REQUIRING A RECORD TO BE KEPT BY LICENSEES; REQUIRING COMPLIANCE BY SUCH LICENSEES WITH TITLE 7, CHAPTER 2, OF THE REVISED CIVIL STATUTES OF TEXAS; PROVIDING FOR A BOND; PROVIDING CERTAIN REGULATIONS; PROVIDING FOR THE ISSUANCE AND DISPLAY OF LICENSES; PRESCRIBING OFFENSES AND PENALTIES; PROVIDING GENERALLY FOR THE ENFORCEMENT HEREOF; CREATING THE AUTOMOBILE ADVISORY COMMITTEE; PRESCRIBING ITS FUNCTIONS; CREATING THE POSITION OF _____; PROVIDING FOR REVOCATION, SUSPENSION AND APPEAL; CONTAINING A SEVERABILITY CLAUSE AND FIXING EFFECTIVE DATE

Mr. Frank Bitters, President of the San Antonio Automobile Dealers Association and in conjunction with the San Antonio Independent Automobile Dealers Association, asked that the ordinance be passed.

Mr. Otis Tindall, a member of independent dealers association, recommended the adoption of the ordinance. He stated it would hurt no one.

Mr. Gunn, President of Gunn Oldsmobile Company, spoke in behalf of new car dealers and stated that everybody likes the way the Houston and Dallas ordinance is working out. He asked that in the interest of the public, the ordinance be passed, and that it would not cost the taxpayers anything.

Mr. Bill Heil stated that he took a poll of independent dealers. That out of 161 questionnaires sent out, he got 61 replies. 45 "for" the ordinance and 16 "against". He read a story in a local paper of September 21, in which church groups urged Sunday closing.

Mr. Pat Legan, attorney for the proponents then spoke on the question of enforcement. He said that license fees collected would provide enough funds for at least three inspectors.

Mr. Winton at this time stated that he was disqualifying himself from voting on this ordinance because he worked for Ormsby Chevrolet Company.

Mr. G. H. Russell, attorney representing group in opposition, stated that it was an attempt by a certain group to regulate the automobile industry. He said he represented the small dealers. He stated he had suggestions, and that all objections could be worked out with Mr. Legan except the Sunday closing, because his group had to stay open on Sunday to stay in business. He further stated that it was unconstitutional because it discriminated against the small car dealers. He filed a petition bearing 25 signatures in opposition to the ordinance and stated he had other petitions out. Mr. Russell further stated that they are making an investigation on the Houston and Dallas ordinance and asked the council to pass the matter for the time being and that he would make a report in writing of the investigation to the council.

Mr. George de la Garza, a used car dealer spoke against the ordinance. He said it would put them out of business. That all the proponents wanted was the Sunday closing. He said deals are hardly ever closed on the same day the contracts are signed. That Sunday affords the public an opportunity to look at cars, that they made their contracts on Sunday which they could follow up at a later date.

Mr. Ben Sanford, President of San Antonio Independent Automobile Dealers Association spoke against closing on Sunday. He said he believed they represented 75 dealers, forty of which are dues paying members. He stated that the Houston dealers

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in their ads state "main locations not open on Sunday and have a location outside the city limits that stays open on Sunday".

Mike Connor, salesman for Smith Motor Sales, representing retail salesmen, said the ordinance was an opportunity to clean up a bad situation in their industry. That most dealers stay open from 8:00 A.M. to 9:00 p.m. and employees are entitled to ask that they have one day of rest. He urged the adoption of the ordinance.

Mr. O. L. "Bill" Ezell, stated that he was loyal to the industry and asked the council to pass or reject the ordinance on its merits alone.

Mr. A. E. Martin, 943 S. Alamo, spoke against the ordinance.

Mr. Charles Bradley, salesman, spoke for the adoption of the ordinance.

Mr. Legan then again addressed the council and said that if all dealers close on Sunday they all would have the same shot at the business the other six days of the week; that the delay urged by the opponents was not justified; that the ordinance had first been proposed two and one half years ago and that they are still making an investigation and asked that the council make a decision at this time.

Mr. Russell again stated his opposition to the ordinance and said that employees are not made to work on Sunday, that it was all done on a voluntary basis. He said other businesses stay open on Sunday; that people look at houses but the deals are not usually closed on Sunday. He asked the council ^{to} use judgment and judgment alone in making a decision, and that passing the ordinance was an injustice to small dealers and small dealers alone, and that if they were going to close one industry they should close them all on Sunday. He further stated he did not think you could enforce it.

City Manager Matthews was asked what he thought about the ordinance. He stated he always felt that the Sunday law was passed by the legislature and any violation should be enforced by the Sheriff. He said the ordinance had been studied by the legal department but that in a few days the could verify the problems of enforcement and report to the council. He further stated that this was a policy and legislative matter, and was up to the council to pass on it. That if passed then his staff would be obligated to enforce it.

Mr. Olivares then moved that the matter be passed until next week's meeting. Mr. Gonzalez seconded the motion. Mr. Daniels then moved that Mr. Olivares' motion be amended to read "That no action be taken at this time". Seconded by Mr. Crumrine, the motion to amend was approved by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Olivares, Daniels, Gonzalez; NAYS, Kuykendall; DISQUALIFIED, Winton.

Mr. Daniels then moved that no action be taken at this time. Seconded by Mr. Crumrine, the motion was approved by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Kuykendall, Olivares, Daniels, Gonzalez; NAYS, none; DISQUALIFIED, Winton.

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The following ordinances were passed and approved by the following vote:
 AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, Gonzalez;
 NAYS, none.

AN ORDINANCE 21,710

REPEALING ORDINANCE NO. 17,405, PASSED AND APPROVED ON MARCH 20, 1952; CREATING AN ADVERTISING COMMITTEE CONSISTING OF SEVEN MEMBERS; AND PRESCRIBING THE METHOD OF APPOINTMENT AND TERMS OF OFFICE OF SAID MEMBERS

(Full text in Ordinance Book BB page 404)

AN ORDINANCE 21,711

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF SAN ANTONIO WITH THE TOWN OF TERRELL HILLS, TEXAS, PROVIDING FOR FIRE PROTECTION TO THE TOWN OF TERRELL HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 1955 AND ENDING SEPTEMBER 30, 1956.

(Full text in Ordinance Book BB page 404)

AN ORDINANCE 21,712

CREATING THE CLASSIFICATIONS AND POSITIONS OF TRAFFIC ENGINEER, ASSISTANT TRAFFIC ENGINEER AND TRAFFIC INVESTIGATOR IN THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING PAY RANGES THEREFOR

(Full text in Ordinance Book BB page 405)

AN ORDINANCE 21,713

AUTHORIZING PAYMENT OF THE TOTAL SUM OF \$895.48 IN SATISFACTION OF JUDGMENT RENDERED IN CAUSE NO. F-90,838, STYLED W. F. HOWARD, ET AL, VS. CITY OF SAN ANTONIO, SAID SUM BEING PAYABLE TO PLAINTIFFS THEREIN AS ADDITIONAL COMPENSATION TO WHICH THEY ARE ENTITLED UNDER THE LAWS OF THE STATE OF TEXAS

(Full text in Ordinance Book BB page 406)

AN ORDINANCE 21,714

ACCEPTING THE LOW BIDS OF THE VENDORS AS LISTED BELOW TO FURNISH THE CITY OF SAN ANTONIO TRAFFIC ENGINEERS WITH CERTAIN BLANK STREET SIGN PLATES AND BRACKETS AT A TOTAL OF \$10,244.24

(Full text in Ordinance Book BB page 406)

AN ORDINANCE 21,715

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF ROBERT K. WINN AT 128 AUBURN

(Full text in Ordinance Book BB page 407)

AN ORDINANCE 21,716

AUTHORIZING THE PAYMENT OF FIVE DOLLARS AS A REFUND TO G. L. WILLIAMS, THE SAME BEING A CHARGE FOR A SEPTIC TANK WHICH WAS NOT INSTALLED

(Full text in Ordinance Book BB page 407)

AN ORDINANCE 21,717

ACCEPTING THE ATTACHED LOW BIDS OF VENDORS AS LISTED BELOW TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH CERTAIN BOOKS FOR A TOTAL OF \$6,406.18

(Full text in Ordinance Book BB page 408)

The City Clerk read the following ordinance:

AN ORDINANCE

GRANTING THE PETITION OF THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS AS TRUSTEE OF THE HOGG FOUNDATION -- W. C. HOGG MEMORIAL FUND, OF AUSTIN, TEXAS, FOR EXEMPTION FROM CITY TAXES ON CERTAIN PROPERTIES LOCATED IN NEW CITY BLOCKS 108, 406, AND 416, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

On motion by Mr. Gonzalez that the petition be denied, seconded by Mr. Olivares, the petition was denied unanimously.

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The following ordinances and resolutions were passed and approved by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, Gonzalez; NAYS, none;

AN ORDINANCE 21,719

AUTHORIZING THE TAX ASSESSOR AND COLLECTOR TO DELETE FROM THE DELINQUENT TAX ROLLS ALL PERSONAL PROPERTY ITEMS THAT HAVE BECOME BARRED BY THE FOUR YEAR STATUTE OF LIMITATIONS

(Full text in Ordinance Book BB page 408)

AN ORDINANCE 21,720

AUTHORIZING THE TAX ASSESSOR AND COLLECTOR TO CORRECT CERTAIN MECHANICAL AND CLERICAL ERRORS IN ASSESSMENTS APPEARING ON THE CITY TAX ROLLS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE TAX ERROR BOARD OF REVIEW AND AUTHORIZING NECESSARY REFUNDS (Names appear below)

(Full text in Ordinance Book BB page 409)

L. W. & Stella Adams
James M. Anderson
A. A. & Sharon Ankrom
Marvin S. Bassett
Thurman J. & Goldia L. Beene
Charles Blank
Magdalene Couloheras
M. & Stell Duran
Stapper Ernest
Miss Emogene Faulkner
Blanche Fehrenbach
Aurora C. Garza
Henley Trailer Sales
Margarita Rivas Huanter
Dick Jones
E. J. Kneupper
W. H. Lawson
Gardner and Maggie Lewis
Sam B. Lifshutz
212-220 Losoya Corp.
Marcos and Josefa Morin
Ben Nathan
F. De Los Santos
Sam H. Schaefer
Peter B. Thornton & Ike Meader & Mozelle Mann
Samuel C. & Alice L. West
Mary Mildred Whalen
Dr. Joe Williams
Edward and Howard Yturri

AN ORDINANCE 21,721

AUTHORIZING PAYMENT OF \$2,053.90 FROM 1955 EXPRESSWAY AND STREET IMPROVEMENT BOND FUND FOR SALARIES INCURRED IN ACQUIRING PROPERTY FOR EXPRESSWAY RIGHT OF WAY

(Full text in Ordinance Book BB page 412)

AN ORDINANCE 21,722

AUTHORIZING PAYMENT OF \$236.00 FROM 1955 EXPRESSWAY AND STREET IMPROVEMENT BOND FUND FOR COURT REPORTER IN CASE OF MARCUS, ET AL, IN ACQUIRING PROPERTY FOR EXPRESSWAY RIGHT OF WAY

(Full text in Ordinance Book BB page 413)

AN ORDINANCE 21,723

APPROPRIATING \$509.10 OUT OF THE 1955 EXPRESSWAY & STREET IMPROVEMENT BOND FUND NO. 4-78 TO PAY HOWARD STICH, CONTRACTOR, FINAL PAYMENT FOR WORKDONE IN CONNECTION WITH CONSTRUCTION OF 8" SANITARY SEWER ON SOUTH SAN SABA STREET IN ACCORDANCE WITH CONTRACT

(Full text in Ordinance Book BB page 413)

AN ORDINANCE 21,724

REDUCING CURRENT SERVICE DEPOSITS BY THE MUNICIPAL EMPLOYEES OF THE CITY OF SAN ANTONIO TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM FROM 5% OF EARNINGS TO 3% OF EARNINGS, WITH RESULTING REDUCTIONS IN RETIREMENT BENEFITS ALLOWABLE TO EMPLOYEES BY REASON OF MEMBERSHIP OF SUCH SYSTEM, SPECIFYING THE TIME WHEN SUCH REDUCTION SHALL BECOME EFFECTIVE

(Full text in Ordinance Book BB page 413)

A RESOLUTION

GIVING NOTICE OF A PUBLIC HEARING OF A PROPOSED AMENDMENT TO THE ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS, ETC., PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION DESCRIBED HEREIN: CASE NO. 540, NCB 11102; CASE NO. 553, NCB 1435; CASE NO. 558, NCB 12188, 12117 (HEARING TO BE OCTOBER 20, 1955)

AN ORDINANCE 21,725

ACCEPTING THE BID OF MARSHALL WRECKING COMPANY IN THE SUM OF \$2400.00 FOR WRECKING AND REMOVING PARCEL NUMBER 53 LOCATED AT 122 SOUTH PECOS STREET IN AND ON THE EXPRESSWAY RIGHT OF WAY; ACCEPTING THE BID OF AAA HOUSE MOVERS IN THE SUM OF \$6450.00 FOR WRECKING AND REMOVING PARCEL NUMBER 56, LOCATED AT 116 SOUTH PECOS AND 922-26 WEST HOUSTON STREET AT AND ON THE EXPRESSWAY RIGHT OF WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SAID BIDDERS EMBODYING THE TERMS OF THE BID PROPOSAL INCLUDING PERFORMANCE BOND AND INDEMNITY INSURANCE; AND APPROPRIATING THE ABOVE SUMS TO PAY FOR SAID WORK

(Full text in Ordinance Book BB page 414)

AN ORDINANCE 21,726

EXECUTING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS HIGHWAY DEPARTMENT CONCERNING CONSTRUCTION OF AN EXPRESSWAY LIGHTING SYSTEM ON U.S. HIGHWAY NUMBER 81 FROM BROADWAY TO TRAVIS STREETS

(Full text in Ordinance Book BB page 414)

AN ORDINANCE 21,727

APPROPRIATING THE TOTAL SUM OF \$4,707.25 OUT OF 1955 EXPRESSWAY AND STREET IMPROVEMENT BOND FUND TO PAY APPRAISER'S FEES EARNED IN AUGUST 1955 IN EXPRESSWAY RIGHT OF WAY ACQUISITION AND TO REMIBURSE R. C. BOOTON FOR OFFICE EXPENSES PAID BY HIM PERSONALLY IN MAY, JUNE, JULY, AND AUGUST 1955

(Full text in Ordinance Book BB page 415)

AN ORDINANCE 21,728

ACCEPTING THE BID OF DONALD SHEPPARD IN THE SUM OF \$25.00 FOR THE PURCHASE OF PARCEL NUMBER 9, HOUSE OR HOUSES LOCATED IN THE EXPRESSWAY RIGHT OF WAY AT 724-26-28 SOUTH PECOS STREET, AND THE BID OF BUSBY THE BUILDER IN THE SUM OF \$57.00 FOR THE PURCHASE OF PARCEL NUMBER 55, LOCATED AT 108 SOUTH PECOS STREET, AND 1123 W. COMMERCE STREET AND MAKING AND MANIFESTING A BILL OF SALE TO SAID SUCCESSFUL BIDDERS OF THE RESPECTIVE HOUSES ON WHICH THEY WERE THE SUCCESSFUL BIDDERS AS ABOVE ACCEPTED, AND REJECTING ALL OTHER BIDS

(Full text in Ordinance Book BB page 415)

AN ORDINANCE 21,729

ACCEPTING A DEED FROM RUFUS DAVIS AND WIFE, ADELIA DAVIS, CONVEYING TO THE CITY OF SAN ANTONIO LOTS 28 AND 29, IN BLOCK 17, NEW CITY BLOCK 3920, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND APPROPRIATING THE SUM OF \$7,000. TO PAY FOR SAME

(Full text in Ordinance Book BB page 416)

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AN ORDINANCE 21,730

ACCEPTING A DEED FROM ERNESTO ROBLES AND WIFE, AMELIA P. ROBLES CONVEYING TO THE CITY OF SAN ANTONIO LOTS 13 AND 14, BLOCK 8, NEW CITY BLOCK 3911, WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND APPROPRIATING THE SUM OF \$7500.00 TO PAY FOR SAME

(Full text in Ordinance Book BB page 416)

AN ORDINANCE 21,731

APPROVING AND ACCEPTING A PROPOSED CONTRACT TENDERED BY THE STATE OF TEXAS HIGHWAY COMMISSION AUTHORIZED BY HIGHWAY COMMISSION MINUTE NO. 38773, PASSED SEPTEMBER 20, 1955 PROVIDING FOR ORIGIN AND DESTINATION SURVEY BY THE CITY OF SAN ANTONIO AND THE TEXAS HIGHWAY COMMISSION

(Full text in Ordinance Book BB page 416)

AN ORDINANCE 21,732

MAKING AND MANIFESTING A CONTRACT BY AND BETWEEN THE CITY OF SAN ANTONIO AND THE FIESTA SAN JACINTO ASSOCIATION, GRANTING THE USE OF CERTAIN STREETS AND PLAZAS DURING THE WEEK BEGINNING APRIL 15, AND ENDING APRIL 21, 1956, INCLUSIVE.

(Full text in Ordinance Book BB page 418)

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 forwarded to the proper department for recommendation or action.

- 9-16-55 Petition of Mrs. Sarah Phillips, et al, requesting extension of water mains to Homestake Addition, was referred to the City Water Board.
- 9-19-55 Petition of Mrs. Natalia R. Luna, et al, requesting a street light at the corner of Buffalo Street and Crystal Street was referred to the traffic engineer.
- 9-19-55 Petition of Very Rev. Walter J. Buehler, St. Mary's University, protesting against the University Garage Service located at Woodlawn and Camino Santa Maria was referred to the Director of Planning.

Yours very truly,

J. H. INSELMANN
Assistant City Clerk

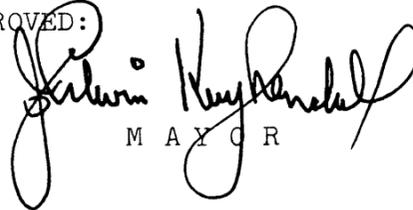
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Mr. Kristjen Bredvad then addressed the council and expressed great appreciation for passing the school bus ordinance.

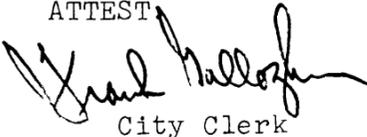
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On motion of Mr. Friedrich, seconded by Mr. Passur, the meeting adjourned.

APPROVED:


MAYOR

ATTEST


City Clerk

At an informal meeting in the Manager's office, before the regular council meeting, the Clerk read an invitation from the Junior Chamber of Commerce to ride in a parade on Saturday October 1st. to kick off drive for sale of new poll taxes.

The Clerk read a letter of resignation by Mrs. Georgia McNemer as member of the Advisory Committee on Surplus Commodities. The council accepted the resignation with regret.

The Clerk then read a petition signed by 29 property owners on the Fredricksburg Road asking that they consider changing the location of the route of US 87 Expressway. It was brought out that when the council approved the location, that in the event the Texas Highway Department wished to recommend a modification it could do so subject to council approval. It was then decided that the petition be referred to the Planning Commission for study and to notify petitioners that if they wanted immediate action they should apply to the Texas Highway Department for approval of their proposed route by the Highway Commission.

Also, discussed was the ordinance granting the petition of the Board of Regents of the University of Texas, Trustees of Hogg Foundation, for tax exemption of certain downtown property. The Manager stated that he could not recommend passage of the ordinance. That it was too valuable property to exempt and that if he were to do something against the best interests of citizens he would rather be told by the courts to do it. The council then by voice voted to deny the petition, official action to be taken at the council meeting.