

MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

THURSDAY, MARCH 1st, A.D. 1917, 4 P.M.

PRESENT: Honorable Clinton G. Brown, Mayor, presiding, and Commissioners Garland, Lambert, Kearny and Uhr.

Minutes of previous meeting were ordered approved.

----MEMORIALS AND PETITIONS----

Petition of citizens for water mains on Lambert Street was read and referred to Commissioner of Sanitation, Parks and Public Property.

Petition for arc light at Vine and S. Wolters Streets, was read and referred to Commissioner of Fire and Police.

Application of T.W. Massey for permit to operate a Jitney on Fort Sam Houston route, was read and referred to City Attorney, on motion of Commissioner Garland.

Petition for sewer in alley between Westfall Avenue and Essex Place, was read and referred to Commissioner of Streets and Public Improvements.

Proposition of the Standard Paving Company to purchase City Asphalt Plant for the sum of \$5100.00, same to apply on the City's portion of the paving on any class of construction awarded to them was read and referred to Commissioner Kearny to be considered with paving bids submitted this day.

Mr. R.L. Ball appeared before the Commissioners as the representative of property owners and tenants favorable to the operation of Jitneys on said street and submitted the following resolution;

RESOLVED:

That at this meeting of the owners and tenants of property on Commerce Street, it is the desire of said meeting, that if jitneys are to be allowed on any of the streets of San Antonio, that the Mayor and Commissioners pass an ordinance authorizing the operation of jitneys on Commerce Street, in that the traffic is not congested on said street and will not be congested by use of the jitneys, and that the owners of property and tenants on Commerce desire, and the said street needs, more traffic thereon, which will be beneficial both to property owners and tenants.

The matter was laid over pending future action to be taken by the Commissioners after consultation with the City Attorney.

Bids for street paving authorized under a resolution of February 15th, 1917, submitted by Babcock and Pryor, Standard Paving Company, Uvalde Rock Asphalt Company and Chapin Colglazier Company, were opened, read, and delivered to City Engineer for tabulation.

The following communication was submitted by the City Attorney, and was read and adopted.

March 1st, 1917.

HONORABLE Mayor and Commissioners,
City of San Antonio.
Gentlemen:

With reference to your resolution of February 19th directing the filing of

a motion to dissolve the temporary injunction in the case of C.L. McGinnis et al vs. City of San Antonio; this being an injunction prohibiting the enforcement of the recent jitney ordinance; I beg to advise you that after due consideration in this department of the suit and ordinance in question, both by Mr. McMillan and myself, we have come to the conclusion that the ordinance mentioned cannot be sustained on account of several defects in the ordinance and the manner of its passage.

Briefly stated the objections to this ordinance are that it defines the prohibited vehicles as automobiles for hire charging ten cents or less for fare, and this classification is unsound; also the ordinance contains no penal clause, was not passed by four-fifths vote of the Commissioners, and was not published for ten days as required by the charter for penal ordinances.

The ordinance also confuses the regulatory and prohibitory powers of the Board of Commissioners; and the ordinance contains no clear revocation of all licenses heretofore granted by ordinances including parts of the so-called business district.

The net result of all this is that we are of the opinion that the City could not prevail on the motion to dissolve the injunction in question. Recalling that this opinion is to the same effect as the opinion rendered to you by this department at the time when the ordinance in question was first referred to us, I beg to say that if the Commissioners so desire, we will file a motion to dissolve, though without hope that the motion would prevail.

On the other hand if the Commissioners desire that a new ordinance be drawn by this department, we will submit a form of ordinance which we might expect to have sustained by the courts.

Yours very truly,
George R. Gillette,
City Attorney.

Commissioner Garland recommended that petition of J.P. Rhodes for correction of assessment be granted. Adopted.

The report of the Health Division on inspections during February 1917 was adopted and ordered filed.

Petition of Pegues Memorial Baptist Church for permit to erect tent, was read and referred to Commissioner of Fire and Police.

Petition of P.W. Luckenbach, complaining of the Plumbing Inspector was returned by Commissioner Lambert with the statement that the matter has been adjusted.

Mr George B. Mayer addressed the Commissioners on behalf of the Coliseum League, protesting against the order issued for the removal of the Coliseum sign across Romana Street at what is known as the Coliseum site; no conclusion was reached by the Commissioners and the matter went over.

Commissioner Kearny submitted deed by Albin Seidel and Alex Joske to certain property needed for the widening of Bowie Street, in connection with which the City Clerk was directed to draw an ordinance authorizing the acceptance and making the necessary appropriation.

Commissioner Kearny introduced the following ordinance, which was read and adopted by the following vote on roll call, to-wit: Ayes, Brown, Garland, Lambert, Kearny and Uhr.

MB-459 AN ORDINANCE

Ordering the laying of sidewalks, etc, on various streets, under the penalties for failure to comply with said order.

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

WHEREAS the City Commissioners in the exercise of the Police Power, finds and hereby declares a public necessity for the laying of sidewalks, etc., as herein-after ordered; and

WHEREAS by an ordinance heretofore on the 10th day of August, A.D. 1914, passed and approved this City Commissioners provided for such cases; said ordinance being entitled "An ordinance prescribing specifications for Sidewalks and Curbing for Public Streets and Places, and providing measures to compel the laying, Construction and repair of the same by owners of abutting property; requiring the cost thereof to be paid by the owners of such property and declaring such cost a personal liability of such owners, and a first and prior lien and charge against such property; and

prescribing the manner of ordering and compelling the construction of such work, and the punishment for failure to comply with such orders"

NOW THEREFORE BE IT FURTHER ORDAINED:

Section One. That the construction of cement sidewalks be and the same is hereby ordered along or in front of the entire extent of each parcel of the property and premises herein-after described, and that the owners of such premises hereinafter described, and that the owners of such premises proceed immediately to construct said improvements, or to cause same to be constructed at their cost and expense, on the streets and public places hereinafter named; the respective premises herein referred to, the owner or owners thereof to whom this order is addressed and each such respective street or public place being as follows, to-wit:

OWNER	LOT OR LOTS NO.	NEW CITY BLOCK NO.	LOCATION
H. Willenbrock	A-1	2579	Fest St.
R.L. Eschenbergen	A-3	2579	Fest St.
Wm. Armstrong	A-4 & 6	2579	Fest St.
Lena Schultz	5	2579	Fest St.
John Loustonau	7	2579	Fest St.
Ed Ruhnke	8	2579	Fest St.
S.A. Trades Council	9	2579	Fest St.
J.M. Guarjardo	10	2579	Fest St.
G. & W.B. Guajardo	11	2579	Fest St.
J.C. Applewhite	10-11	2573	Fest St.
Agnes Pace	9	2573	Fest St.
Wm. Armstrong	3-5-8	2573	Fest St.
L.J. Mumme	7	2573	Fest St.
Ed.H. Pfefferling	6	2573	Fest St.
Emily Michel	4	2573	Fest St.
W.A. McCoy	2	2573	Fest St.
G.H. & S.A. Ry Co.	strip	574	Crockett St.
Dr. L.W. Allen	17-18	574	Crockett St.
Mary Glover	19	574	Crockett St.
Annie Tengg	26-20	574	Crockett St.
E. Garrison	21	574	Crockett St.
Joe P. Parker	22	574	Crockett St.
J.B. & M. Griffin	23-24-30	574	Crockett St.
Nora Flannery	25	574	Crockett St.
Y. Coulter	27	574	Crockett St.
Ida Harvey	28	574	Crockett St.
Kate Thompson	29	574	Crockett St.
Mary Kane	11-12	1586	Aransas St.
Mrs M.B.C. Henry	13-14- 17 to 24	265	Commerce & Frio, Medina & Buena Vista Streets.
Gallagher	13-14	1632	Denver Blvd.

Section Two. That said improvements shall be constructed promptly in accordance with the specifications and other provisions contained in said ordinance of August 10, 1914, and that said work shall be commenced within thirty days after the service of notice on this order, and that said notices shall be given and all other things shall be done as therein provided; and that for failure to comply with or violation of this order, any person, any person, association of persons, or corporation found guilty of such offense shall be fined not less than Five (\$5.00) Dollars nor more than Two Hundred (\$200.00) Dollars, all under and as in said ordinance of August 10, 1914, provided.

On motion of the Mayor, duly seconded and carried, the meeting was adjourned until 2.30 P.M., Monday, March 5, 1917 to take up and fix the tax levy for the year 1917.

APPROVED

Anton Brown

ATTEST:

John J. Smith