

MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:
THURSDAY FEBRUARY 15th, A.D. 1917 4 P.M.

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

Minutes of previous meeting were ordered approved.

----- MEMORIALS AND PETITIONS-----

The City Attorney submitted the following communication, which was read and ordered entered upon the minutes:

San Antonio, Texas, February 14, 1917
To the Board of Commissioners, City of San Antonio.

Gentlemen:

Reporting on the proposed ordinance intended to prohibit motor vehicles for hire within a "business district" as defined by an ordinance introduced on February 5th by Commissioner Uhr, I beg to advise that while, in my opinion, the City would be authorized to prohibit the jitney business in the public streets, or, on the other hand, is authorized to regulate that business, it is not clear as a matter of law whether or not the courts would sustain a half measure such as the proposed ordinance which is probably the same in effect as an absolute prohibition of the jitney business, but purports to leave the regulations in effect. Nothing short of a court decision could determine that question, and I can give no better opinion as to the legality of this particular ordinance as related to the jitney business.

Regulation is always based on reasonableness while the power to prohibit is absolute. Different District Courts have taken very different views of such ordinances in the different cities of Texas.

One thing, however, I am clear on, and that is that the ordinance now in effect is sound and has been sustained by the Supreme Court, while the jitney regulations of other cities are still in the injunction stage, and I would not desire to see our jitney regulations destroyed.

If the proposed ordinance is to be passed I would recommend several amendments. At the end of Section 2 should be added the words "charter or ordinance", at the end of Section 3 should be added the words "or any other streets"; and at the end of Section 4 should be added the words or clause, "but all ordinances of the City now in effect shall continue in effect as to all parts and streets of the City not included in the business district as herein defined, and shall not be in effect in said business district at any time or times when Section 3 of this ordinance may become operative, or shall be wholly applicable to this City, and all streets thereof, in case of any repeal of this ordinance, or in case the enforcement of this ordinance shall be at any time or for any reason suspended or enjoined".

Respectfully,
George R. Gillette,
City Attorney.

Commissioner Uhr submitted an ordinance prohibiting the operation of motor vehicles for hire, other than those operated on tracks and rails within the specified business district in the City of San Antonio, and moved its adoption. Whereupon Commissioner Kearny offered a substitute excluding such vehicles from Houston Street only.

Messrs A.P. Barrett, and D.A. McAskill then addressed the Commissioners against and for the adoption of the ordinances offered.

A vote was taken on Commissioner Kearny's substitute ordinance which was lost by the following vote on roll call, to-wit: Ayes, Brown, Kearny; Nays, Garland, Lambert and Uhr.

Commissioner Uhr now again moved the adoption of the ordinance introduced by him, which was carried by the following vote on roll call, to-wit: Ayes, Garland, Lambert and Uhr; Nays Brown and Kearny, said ordinance being as follows, to-wit:

MB-436 AN ORDINANCE

Prohibiting the operation of motor vehicles for hire other than those operated on tracks and rails within the specified business district in the City of San Antonio;

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

Section 1. In order that the safety of the public may be adequately protected, and to relieve the congested condition of street traffic now existing within the hereinafter specified business district, no motor vehicle operated for hire otherwise than on rails or tracks, when the fare per person does not exceed ten cents, shall hereafter be operated within the following specified business district, to-wit:

Beginning at the intersection of South Alamo and Nueva Streets;
 Thence West on Nueva Street to the intersection of South Laredo and Nueva Streets;
 Thence North on South Laredo Street to its intersection with West Travis Street;
 Thence East on Travis Street to its intersection with Avenue "D";
 Thence North on Avenue D to its intersection with Fourth Street;
 Thence East on Fourth Street to its intersection with Bowie Street;
 Thence South on Bowie Street to its intersection with East Commerce and Bowie Streets;
 Thence across East Commerce Street to its intersection with and at the corner of Rusk Streets;
 Thence from said intersection of Commerce and Rusk Streets south to the intersection of Rusk and North Streets;
 Thence West on North Street to the intersection of North and South Alamo Streets; and
 Thence South on South Alamo Street to its intersection with and at the corner of Nueva Street, the place of beginning.

Provided this district shall be construed not to include the streets constituting the boundaries of such business district.

And provided further, that in said business district, as such vehicles are operated back and forth into Camp Wilson and to the Post Office, they may be operated on Avenue D, and Avenue E, and on Houston Street in front of the Post Office, solely for the purpose of passing from Avenue E to Avenue D; and such vehicles shall approach the Post Office by Avenue E and depart by Avenue D.

Section 2. It being intended that motor vehicles operating for hire, as above provided, cannot be operated for carrying passengers within the foregoing business district, but that licenses, franchises, privileges or permits for the operation of any motor vehicle operated for hire outside of the foregoing business district, may be granted as provided by law, charter or ordinance.

Section 3; Provided, however, that in the event street cars, in such numbers as are generally used and are necessary to handle the usual crowds patronizing the street cars, shall at any time fail to be operated for a period of twenty four consecutive hours, or more, upon any of the streets within said business district on which they are now operated, the Commissioners shall, upon written application, grant to holders of licenses, authorizing the operation of motor vehicles operated otherwise than on rails or tracks, or to others, temporary permits to operate any transportation vehicles on all streets within said business district, but when the street cars are being operated regularly motor vehicles for hire shall be allowed to run on streets outside the business district where there are street cars, as well as on all other streets outside the business district.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby expressly repealed.

Section 5; The fact that there is now no adequate ordinance providing for the safety of the public within the district enumerated and the crowded condition of said district due to the congestion of automobile and other traffic, and the fact that the execution of the police powers of the City of San Antonio, and the keeping clear of said district from congestion, are hindered and cannot be properly enforced without some adequate relief in said district such as is herein proposed, creates an emergency and an imperative public necessity that this ordinance take effect from and after its passage, and that rule requiring ordinances to be read on three several days be and the same is hereby suspended, and it is so ordained.

THE STATE OF TEXAS
COUNTY OF BEXAR.

We, Charles F.A.Hummel City Auditor, and Fred Fries, City Clerk of the City of San Antonio in the State and County aforesaid, do hereby certify that we have compared the signatures of the Mayor, City Clerk and City Treasurer affixed to the Street Improvement Bonds issued by said City on July 1st, 1889, with the signatures of said officials of record in our respective offices, and hereby declare that the signatures of Bryan Callaghan, Mayor, E.P.Claudon, City Clerk and Ferd Herff, Jr., City Treasurer, are the genuine autographic signatures of said officials as they appear upon the bonds hereinbefore mentioned, said bonds being of the denominations of One Thousand (\$1000.00) Dollars each, numbered from One Hundred and One (101) to One Hundred and Twenty Five (125) inclusive, and heretofore held as an investment in the General Sinking Fund.

Witness our hands and the Seal of the City of San Antonio this 15th day of February A.D.1917.

Chas F.A.Hummel
City Auditor

Fred Fries,
City Clerk.

Whereupon the Commissioners after satisfying themselves as to the identity of the bonds enumerated in the foregoing certificate, cancelled said bonds by stencilling the word PAID not less than twice upon each bond, and once on each interest coupon attached thereto.

Commissioner Garland 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 -437 AN ORDINANCE

WHEREAS the City of San Antonio has heretofore held as an investment in its General Sinking Fund twenty five (25) Street Improvement Bonds of said City dated July 1, 1889, of the denomination of One Thousand (\$1000.00) dollars each, numbered from one hundred and one (101) to one hundred and twenty five (125) inclusive, which bonds have this day been cancelled together with all interest coupons thereto attached, and

WHEREAS said General Sinking Fund, which owns said bonds, is also the fund provided for paying the interest on said bonds and for redeeming the same, and all other bonds of said issue have called in and most of them paid and cancelled, and it is also desired to cancel said twenty five bonds, and no appropriation is necessary because the same identical fund would receive payment thereof;

WHEREAS, it is desired to make the cancellation of said bonds a matter of record, therefore

BE IT ORDAINED by the Commissioners of the City of San Antonio, that, each and all of said bonds together with interest coupons attached, be and they are hereby ordered to be cancelled as provided by ordinance, and delivered to the City Auditor to be by him pasted in the books provided for that purpose, and safely kept by him as records of his office, all as provided by the Finance Ordinances of this City.

Petition of L.E.Perry, for permit to stretch a temporary sign over Houston Street, was read and referred to Commissioner of Fire and Police.

Petition of property owners requesting that certain lots in the 600 Block on Porter Street be filled and drained; also petition of Mrs. D.P.Barr complaining of an alley in rear of her premises, were read and referred to Commissioner of Streets and Public Improvement.

Commissioner Kearny, reporting on the petition of C.A.Davies for the improvement of Bandera Avenue, recommended that the sewer be laid when funds for the purpose are available. The brush complained of should be cut and I recommend the City prisoners be put on this work in the near future. Adopted.

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.

No. 268.

MB-438 AN ORDINANCE

Appropriating \$203.10 to pay J.F.McGill.

BE IT ORDAINED by the Commissioners of the City of San Antonio, that, the sum of Two Hundred and Three and 10/100 (\$203.10) Dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of the 1916 General Fund to pay J.F.McGill, for repairs to Cincinnati Ave., this sum having been paid into the City Treasurer by the Texas Fidelity and Bonding Company, surety on maintenance bond of Beebe Construction Co. contractors.

This ordinance is hereby declared to be of urgent importance for reasons of public welfare apparent herefrom, and the same shall take effect at once.

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.

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AN ORDINANCE

Granting permit to W.A.Beaty to construct sanitary sewer in Wickes Street.

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

Section 1. That permission is hereby granted W.A.Beaty to construct an 8" sanitary sewer beginning at City M.H. center of Temple and Wicks Streets, and extending to station 4x80 north of Temple St. near Barber, according to plat, line and grade made by the City Engineer hereto attached; the cost of said sewer being estimated about Three Hundred Dollars (\$300.00) Dollars to be paid by the said W.A.Beaty. The final actual cost to be filed with the City Engineer within ten (10) days after the completion of the sewer.

Section 2. Said sewer when completed to become the property of the City of San Antonio and part of its public sewer system.

Section 3. The City engineer is hereby directed to collect the sum of Twenty Five Dollars (\$25.00) for each and every connection made with said sewer main or house service going into said main and pay the same over to said W.A.Beaty, not later than the 10th day of each month following the month in which said connection is made until the actual cost has been paid, being the actual cost of said sewer shall have been collected and paid over as aforesaid, when no further connection fee of Twenty five Dollars \$25 shall be collected.

This ordinance is hereby declared to be of urgent importance for reasons of public

welfare apparent herefrom, and the same shall take effect at once.

Commissioner Kearny introduced the following resolution, which was read and adopted by the unanimous vote of the Commissioners:

THE STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

A RESOLUTION

ORDERING STREET IMPROVEMENTS and inviting bids for such work on the streets hereinafter named. (9 streets, 10 alleys)

(For full text of this resolution see Record Book 6, page 285)

Commissioner Lambert recommended that petition for water mains in the district bounded by Walnut Street, Cherry Street, Indiana Street and Cash Alley, be ~~referred to~~ granted. Adopted.

Commissioner Uhr made the following recommendations:

Western Unio Tel Co. for permit to erect electric sign, 425 Navarro St., granted.

International Rubber Sales Company, for permit to erect gasoline station 528 Main Avenue, granted.

S.W.Repair Co., for permit to erect electric sign at 605 Main Ave., granted.

Jacob Grewe, to intall gasoline tank 812 N.San Marcos Street, granted.

Aug. Beckmann, for permit to install gasoline tank, 621 E. Commerce Street., granted.

Goodman Auto Repair, to install gasoline tank 1908 Garden Street, granted.

Sunset System, to erect electric sign 3236 E.Houston Street, granted.

" " " " " " 215 Alamo Plaza, granted.

" " " " " " 506 E.Houston St, granted. ADOPTED.

Commissioner Uhr recommended that the petition of "The Vogue" and others, protesting against the unloading of coal in rear of 225 E.Houston Street, be referred to City Attorney for an opinion.

Commissioner of Taxation, Garland, reported that the S.A. School Board had certified to him a levy of taxes in the sum of 40c on the one hundred dollars for the fiscal year 1916.

On motion of Mayor Brown, Jitney owners were given until Monday, February 19, 1917 to re-arrange their respective routes in confoemity with the ordinance previously passed at the meeting.

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

ATTEST:


CITY CLERK

APPROVED


MAYOR