

REGULAR MEETING OF THE CITY COUNCIL
HELD IN THE COUNCIL CHAMBER IN THE
CITY HALL ON THURSDAY, OCTOBER 16, 1952
AT 9:00 A.M.

PRESENT: WHITE, LOZANO, SCHMIDT, KELLER, TUCKER, GERHARDT, CASSIDY, GREEMAN, STEVES

ABSENT: NONE

Mayor Sam Bell Steves presiding.

Invocation by Rev. Walter E. Purcell

On motion of Mr. Lozano seconded by Mr. Keller the reading of the minutes of the previous meeting was dispensed with.

A letter from the City Manager was read recommending that the following ordinances be passed and the recommendation was ^{unanimously} approved by the council.

AN ORDINANCE 18,421

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF C. C. CALVERT 605 GARRITY ROAD

(Full text in Ordinance Book Y. page 219)

AN ORDINANCE 18,422

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF GUY FREDET SPENCER AT 214 GENESEO

(Full text in Ordinance Book Y. page 220)

AN ORDINANCE 18,423

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS OF THE PETITION OF JOHN FLOURNOY AT 1075 WILTSHIRE

(Full text in Ordinance Book Y. page 220)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

APPRO. NO. 1914

AN ORDINANCE 18,424

APPROPRIATING THE SUM OF \$872.00 OUT OF THE STATE OR STATE AID HIGHWAY A-49 BOND FUND TO DEPOSIT IN THE COUNTY COURT, CITY OF SAN ANTONIO VS. LAMAR SIDES, ET AL NO. 769, IN CONDEMNATION, PAYABLE TO FRED HUNTRESS, COUNTY CLERK OF BEXAR COUNTY, SUBJECT TO THE ORDER OF LAMAR SIDES, HARRIET SIDES, W. K. EWING COMPANY, NEW YORK LIFE INSURANCE AS THEIR INTERESTS MAY APPEAR

(Full text in Ordinance Book Y. page 220)

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

ACCEPTING FROM HAROLD OLSEN A TEMPORARY WORKING EASEMENT NECESSARY IN THE CONSTRUCTION OF THE SOUTH SIDE ARTERY OF THE URBAN EXPRESSWAY PROJECT UPON LOT A-9 BLOCK A-17, FULLY EXECUTED AND HERETO ATTACHED

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,425

AUTHORIZING THE CITY MANAGER TO EXECUTE IN THE NAME OF THE CITY OF SAN ANTONIO A CONVEYANCE TO THE SAN ANTONIO BOARD OF EDUCATION, THE UNUSED PORTION OF LAND IN N.C.B. 390 AND N.C.B. 826, LYING AND BEING BETWEEN THE NEW EASTERN BOUNDARY LINE OF MCCULLOUGH AVE. AND THE PROPERTY OWNED BY THE SAID BOARD OF EDUCATION IN SAID CITY BLOCKS

(Full text in Ordinance Book Y. page 220)

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PROPERTY TAXES AGAINST RUTH D. TINNIN

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST FADAL CLEANERS

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST JOHN MLYNARCZYK

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST W. H. BARNES

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST C. W. IRWIN

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

DIRECTING THE CITY ATTORNEY TO BIND THE CITY BY AN AGREED JUDGMENT FOR DELINQUENT PERSONAL PROPERTY TAXES AGAINST RALPH E. CADWALLADER

- - -
A letter from the City Manager was read regarding petition of R. G. Teniente requesting repairs in the 3000 block of Monterey Street. The petitioner was advised that repairs will be made within a very short time.

- - -
A letter from the City Manager was read regarding petition of Mr. A. Martinez, et al, requesting the paving of 600 block of E. Huisache.

- - -
A letter from the City Manager was read regarding petition of Mr. Vicente Padilla, et al, for paving Kenrick Avenue between Calaveras and Zarzamora.

- - -
A letter from the City Manager was read regarding petition of Mrs. R. E. Bengston, et al, to pave Wellington Street.

- - -
A letter from the City Manager was read regarding petition of Mr. Christian Samsoe, et al, to pave 100 and 200 blocks of Southolme Avenue.

- - -
A letter from the City Manager was read regarding petition of Mrs. Susie Gonzales, et al, requesting repair of 1000 and 1100 blocks of Leal Street. The petitioner was advised that repairs will be made within a short time.

- - -
A letter from the City Manager was read regarding petition of Klein Appliance Company, et al, for traffic light at the corner of Convent and Navarro Streets. The petitioner was advised that this intersection is a part of the traffic improvement plan for Auditorium Circle.

- - -
A letter from the City Manager was read regarding petition of Mrs. R. L. Stewart requesting removal of a hatchery at 928 Pasadena and inspection of premises to see if connection to City sewer line has been made.

- - -
A letter from the City Manager was read with regard to proposed Fire Hydrant installations.

- - -
A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was ^{unanimously} approved by the Council.

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AN ORDINANCE 18,426

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF SAN ANTONIO WITH THE TOWN OF TERRELL HILLS, TEXAS, PROVIDING TO TERRELL HILLS FIRE PROTECTION FROM DATE OF EXECUTION TO SEPTEMBER 30, 1953, IN CONSIDERATION OF THE SUM OF \$10,000; AND REPEALING ORDINANCE NO. 18,250, PASSED AND APPROVED ON THE 4TH DAY OF SEPTEMBER, A. D. 1952 ON THE SAME SUBJECT

(Full text in Ordinance Book Y. page 221)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,427

PLACING THE CONTROL OF THE TAXICAB INSPECTION DIVISION UNDER THE SUPERVISOR OF PUBLIC UTILITIES AND TRANSFERRING FUNDS FOR OPERATION THEREOF

(Full text in Ordinance Book Y. page 221)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,428

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 OF APRIL 19 THROUGH APRIL 25, 1953

(Full text in Ordinance Book Y. page 222)

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PROCEED WITH PLANS FOR THE CONSTRUCTION OF A BRIDGE OVER CONCEPTION CREEK

A letter from the City Manager was read recommending that the following resolution be passed and the recommendation was unanimously approved by the Council.

A RESOLUTION

AUTHORIZING AND DIRECTING THE CITY MANAGER TO REMOVE OR CAUSE TO BE REMOVED AN OBSTRUCTION AND ENCROACHMENT IN AN ALLEY IN NEW CITY BLOCK 7304

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,429

ACCEPTING THE ATTACHED BID OF R. W. GIMPEL PIPE ORGAN BUILDER TO OVERHAUL AND REPAIR THE PIPE ORGAN AT THE MUNICIPAL AUDITORIUM AND TRANSFERRING \$4750. FROM THE 1952 GENERAL FUND-OPERATING RESERVE TO THE 1952 GENERAL FUND-MUNICIPAL AUDITORIUM TO PROVIDE FUNDS FOR PAYMENT

(Full text in Ordinance Book Y. page 222)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,430

GRANTING TO SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY THE RIGHT AND PRIVILEGE TO CONSTRUCT, OPERATE AND MAINTAIN A LEAD TRACK IN, OVER, ACROSS AND UPON HIGHWAY NO. 213 (COLISEUM ROAD) IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND TO OPERATE ITS TRAINS, ENGINES AND CARS THEREON AND THEREOVER

(Full text in Ordinance Book Y. page 223)

A letter from the City Manager was read giving a summary of the budget appropriation position at the end of September and accumulative figures for the year to date.

A letter from the City Manager was read recommending that the following ordinances be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,431

appo. 1955

TRANSFERRING THE SUM OF \$34,286.24 OUT OF THE AIRPORT ADMINISTRATION BUILDING B-45 BOND FUND TO FEDERAL AID PROJECT #9-41-080-005 FUND AND APPROPRIATING FROM FEDERAL AID PROJECT, #9-41-080-005 FUND THE SUM OF \$34,286.24 PAYABLE TO G. W. MITCHELL FOR PROJECT CHANGE ORDERS AUTHORIZED BY THE CIVIL AERONAUTICS ADMINISTRATION.

(Full text in Ordinance Book Y. page 224)

AN ORDINANCE 18,432

appo 1916

TRANSFERRING THE SUM OF \$539.55 OUT OF THE AIRPORT ADMINISTRATION BUILDING B-45 BOND FUND TO FEDERAL AID PROJECT #9-41-080-206 FUND AND APPROPRIATING FROM FEDERAL AID PROJECT #9-21-080-206 FUND THE SUM OF \$539.55 PAYABLE TO MCKENZIE CONSTRUCTION COMPANY FOR PROJECT CHANGE ORDERS AUTHORIZED BY THE CIVIL AERONAUTICS ADMINISTRATION

(Full text in Ordinance Book Y. page 224)

A letter from the City Manager was read recommending that the following ordinance be passed and the recommendation was unanimously approved by the Council.

AN ORDINANCE 18,433

ESTABLISHING A UNIT VALUATION SCHEDULE BOARD

(Full text in Ordinance Book Y. page 224)

The following resolution was presented and was unanimously approved by the Council.

A RESOLUTION

INVITING REPRESENTATIVES OF THE SAN ANTONIO CHAMBER OF COMMERCE, SAN ANTONIO JUNIOR CHAMBER OF COMMERCE, SAN ANTONIO MEXICAN CHAMBER OF COMMERCE AND OTHER CIVIC ORGANIZATIONS TO OPENING CEREMONIES OF THE SOUTHERN SECTION OF THE URBAN EXPRESSWAY

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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 then referred to Mr. C. A. Harrell, City Manager, for his attention or recommendation.

- 10-10-52 Petition of Mr. Leroy Alex requesting refund of \$90.00 paid on application for rezoning.
- 10-10-52 Petition of Mrs. Ruby Alsbury requesting refund of \$10.00 paid on application for a permit to operate a beauty parlor
- 10-10-52 Petition of Stonewall Jackson Post #336 requesting tax exemption at 3525-27 Roosevelt Avenue
- 10-10-52 Petition of Mr. M. F. Dibrell requesting permit to establish a funeral home at 1320 N. Zarzamora
- 10-13-52 Petition of Albert Fuentes, et al, requesting repair of Rivas Street.
- 10-13-52 Petition of Albert Fuentes, et al requesting a street light at Rivas and 25th Street.
- 10-13-52 Petition of Mrs. Vada M. Schulz requesting extension of sanitary sewer line on Rosaline Drive.
- 10-14-52 Petition of Most Rev. Robert E. Lucey requesting tax exemption at 2202 Hicks Avenue.

Yours very truly,
/s/ J. Frank Gallagher
City Clerk

The Clerk then read a letter from the City Manager relative to the taking of bids for preferred parking space cab stand and office space at the Municipal Airport for taxi or limousine service in which he recommended the adoption of a resolution calling for bids as follows:

A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR CERTAIN DESIGNATED SPACE AT THE MUNICIPAL AIRPORT, TO BE LEASED FOR TAXICAB SERVICE

After lengthy discussion by Mr. H. Gordon Davis, Attorney for the Yellow Cab Company and representing also certain Airlines Companies, Mr. Archie Brown representing four other taxicab companies and various members of the council, the resolution to ask for bids was defeated by the following vote: Ayes, Tucker and Gerhardt; Nays, White, Lozano, Schmidt, Keller, Cassidy, Greeman and Steves.

The question then arose as to the invoking of the right to impose a gross receipts charge against carriers operating with airline companies.

The following resolution was read:

A RESOLUTION

GIVING NOTICE THAT THE CITY ELECTS TO INVOKE ITS RIGHT TO IMPOSE A GROSS RECEIPTS CHARGE ON CARRIERS TRANSPORTING AIRLINE PASSENGERS TO OR FROM THE MUNICIPAL AIRPORT AND DIRECTING THE CITY MANAGER TO NOTIFY SAID AIRLINES' DESIGNATED GROUND CARRIERS OF SUCH ACTION

The resolution was adopted by a unanimous vote.

When the time came to take up the vote on the rezoning of Part of Lot 6, all of Lot 7 and 8, N.C.B. 6144, Lot 8 & 8A, N.C.B. 6145 and Lot 7, N.C.B. 6570, Mr. Green from Planning and Zoning Department explained the situation to the council and pointed out that no action pro or con had been taken by the School Board since

they did not want to be involved.

Mr. Henry Lee Taylor introduced Mrs. Lozano, whose property adjoins these lots on the south, Mr. Cecil Lipscomb and Mr. Covey all of whom protested against the proposed change of zoning .

Mr. Karcher, the petitioner, appeared and renewed his request and reasons for the proposed change.

After thorough discussion a vote was taken as follows:

FOR the change: Lozano, Keller, Tucker, Cassidy, Greeman, Steves

AGAINST: Schmidt

NOT VOTING: White and Gerhardt

The Mayor then recognized Councilmen Tucker who read and delivered to the Mayor the following letter--

The press has repeatedly reported, in the past several months, that I desired to relinquish my office as a member of the City Council. These reports have been entirely true; As a matter of fact I told the Mayor last May that I would like to resign on June 30th. About that time the recall movement was started and I publicly announced that I had already planned to resign at an early date.

My service to the City of San Antonio has taken far more^{time} than I can afford to give. However, despite the fact that personal financial reasons now compel me to finally give up the office with which the people honored me, I can truthfully say that I am proud of the fact that I have had a part in establishing Council-Manager Government in San Antonio.

However, I wish that I could step out under happier circumstances. No matter what the enemies of good government may say, my decision finally to resign from the city council has nothing whatsoever to do with the recall movement.

The whole recall plan is a scheme by frustrated former city job-holders to destroy the foundations of good government which have been constructed in San Antonio. They seem to be aiming for an election in December, at a minimum cost of \$20,000.00 to the taxpayers. That is ridiculous, inasmuch as the regular city election will be held four months later, anyway.

In bowing out of political life, I would like to have a word or two to say in comment on the slanderous and vicious attack on the five gentlemen and the lady sitting on this council. I want to say that no finer group of public-spirited citizens has ever served the City of San Antonio than Mrs. Gerhardt, Mayor Steves and Councilmen Cassidy, Keller, Greeman and Lozano. The people of San Antonio owe them a debt of gratitude. I am proud of them and proud to have been associated with them.

Mr. Mayor, I hereby submit my resignation as a member of the City Council of San Antonio, effective immediately.

/s/ T. N. Tucker

Before the Mayor could put the question on the acceptance or rejection Mr. White asked to be allowed to talk. He hotly protested the acceptance of the resignation since in his opinion it was political and not in the spirit of the charter.

Mr. Lozano then asked to be allowed to make a statement which he did as follows --

Fellow Councilmen:

On the 8th day of May, 1951, a charter writing commission of fifteen citizens of this historical city was elected, by a great majority of the voters. Walter McAllister was elected chairman, Jack Locke vice chairman, and yours truly was elected Secretary, by the same commission as you know its purpose was to write, a suitable Charter for the workings of the council manager form of government. Every one of those men and women devoted much time and work, making financial sacrifices and giving of the best of their skill. I considered it a privilege to have been chosen with that group.

Almost simultaneous with this, a master plan for improvements of the city was being worked out by another group of citizens, and this too took much time and sacrifice, I also had the honor of working with these men, and this group was also made up of civic spirited citizens.

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On the 2nd day of October 1951, the new Charter was adopted, and in compliance with its provisions Nine men were elected to form the first council of the city, since then one has been replaced by a lady. In order to insure the carrying out of the Charter these citizens agreed to give their services to the new government for the nominal compensation of TWENTY DOLLARS per official weekly meeting, and no compensation at all for other meetings.

Between Pre Council meetings and meetings for hearings as prescribed by the new charter we have had many more unofficial meetings than official meetings, in other words most of the time given by the council to the city's business is DONATED by its members. The attendance record of the majority of this council is almost perfect with the exception perhaps of Councilman Jack White, who for reasons of his own has only attended nineteen out of the forty two official meetings of the council and not too many of the unofficial ones. I myself have missed only one meeting since the first of the year and that was on account of death in my family. The attendance record of the entire council does not only show willingness to serve but sincerity and honesty in belief.

I agreed to run for the post of councilman on the same ticket with the rest of you, with the understanding and the expectation of this demonstrated sincerity and with the foremost thought in mind of following the dictates of what my conscience thought to be right, as God gave me the light to see such right and I hope I have done just that.

I believe that I have expressed the courage of my convictions, without influences from within or without this council and feel that you have done likewise.

I cannot agree that any one here has shown cowardice, or as it is referred to in the language of the street a "yellow streak". I cannot agree that any one here would have the weakness of using another person to shield him from any utterances which he would desire to make himself, I feel that no one here lacks the manhood to dare.

I cannot agree that all the recommendations of the city manager are accepted without study, or deliberation, and without the usual approval by all department heads affected and the minutes of this council I believe will bear me out that the number of disapprovals are not few.

It is still my thought and only my thought, that the goal of the better citizens of San Antonio, is, to bring about fair equalization terms, to tax evaders; to keep the city breathing for greater growth and not permit the cutting off of its respiration to suit the whim of some wealthy oil man whose mansion has been annexed before he could cause incorporation of its surroundings;

It is also my thought that the good citizens will come to the aid of this council, when they find out the truth of its present operation, and how ineffective it would be if the Mayor would control the Council and the City Manager. Then you would have a dictator.

I have been told that there are some petitions being circulated for the recall of some of us and that they are headed and financed by powerful tycoons, some offering to spend as much as fifty thousand dollars for the so called much needed re-call. There must be some reason for the offering of these important sums, Is it for patriotism to the city, or could it be because it is a profitable investment to regain some lost prerogative. If it is for patriotism to the city, I would gladly resign in his favor if he will give the share to be spent on me to the City of San Antonio. I only took the post of councilman to do what I thought was my bit in the direction of the best interest of the City, and I still feel that way and I have not yet been convinced that this recall movement is not being brought about by disgruntled discharged former employees of the city; by angry millionaires affected by the late annexation ordinance; by tax evaders; lame duck politicians; and ne'er-dowells, it would only be logical to expect just that.

I firmly believe in the integrity and good faith of every member of this council; and only have respect for their disagreements and arguments, for, as long as there are human beings there will be diversity of opinion, but I do resent the name of Benedict Arnold coming into play in any argument. If I recollect my history correctly, Benedict Arnold was one of Washington's Generals who expoused a cause and then deserted it to fight against it.

Councils may come and Councils may go but like all new things the first council will have to bear the brunt of battle. Christ was crucified for changing the old order of things.

In conclusion I will remind some of our citizens that the regular council election is just six months off, wouldn't it be logical for some of our friends, if they are in good faith, and advocating economy to wait just that short time to express their wishes and save the city's money.

Mrs. Gerhardt and Mr. Keller then made statements and they were responded to by Mr. White.

A vote was then taken on acceptance of Mr. Tuckers resignation with the following result:

Ayes: Lozano, Keller, Gerhardt, Cassidy, Greeman and Steves

Nays: White, Schmidt

Not Voting: Tucker

Mayor Steves then nominated Mr. W. H. Spivey to the post vacated by Mr. Tucker. His name was seconded by Mrs. Gerhardt and Mr. Spivey was elected by the following vote:

Ayes: Lozano, Keller, Gerhardt, Cassidy, Greeman and Steves

Nays: Schmidt

Not Voting: White

Mr. Albert Pena Jr. then appeared and asked the council to consider as a site for the new Health Center, a plat of ground 1/2 block south of the Arsenal on South Flores Street and Sheridian Street with a 50 ft outlet on South Main Avenue. He offered the tract in a letter from the agent to the City Manager for \$137,500.00 and gave a 60 day option thereon.

He was followed by Mr. Walter Logan who advocated a site near the Robert B. Green Hospital.

Mr. William Maldonado also spoke saying he had no special tract in view but was very anxious to see this improvement made on the west or southwest side of the city.

Mrs. Pearl Mason then addressed the council in protest against a fine of \$15.00 imposed upon her by the Corporation Court for contempt. After a detailed recital of events she was told that the council would investigate and get a report on the matter.

On motion of Mrs. Gerhardt seconded by Mr. Greeman the meeting adjourned.

APPROVED:

James H. Steves
MAYOR

ATTEST:

Paul Gallozzi
City Clerk
