

January 27, 1955

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER OF THE CITY HALL
ON THURSDAY, JANUARY 27, 1955 AT 9:00 A.M.

PRESENT: OLIVER, RUDELOFF, DILLASHAW, WHITE, LACY, BARRETT

ABSENT: SCHERLEN, RUSSELL, GONZALEZ (ALL ARRIVED LATER)

Mayor R. N. White presiding.

Invocation by Rev. Paul R. Servey

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

The following ordinance was passed and approved by the following vote: AYES, Oliver, Rudeloff, Dillashaw, White, Lacy, Barrett; NAYS, none; ABSENT, SCHERLEN, RUSSELL, GONZALEZ.

AN ORDINANCE 20,915

GRANTING EASEMENTS UNDER CERTAIN PUBLIC STREETS,
HIGHWAYS, ALLEYS, PUBLIC PLACES AND PROPERTY IN
THE CITY OF SAN ANTONIO TO SAN ANTONIO WATER SUPPLY
CORPORATION

(Full text in Ordinance Book AA page 512)

Mr. Russell arrived at this time.

The following ordinances were passed and approved by the following vote: AYES, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett; NAYS, none; ABSENT, Gonzalez, Scherlen.

AN ORDINANCE 20,916

REVISING AND ESTABLISHING ELECTION PRECINCTS
FOR THE CITY OF SAN ANTONIO AFTER JANUARY 1, 1955

(Full text in Ordinance Book AA page 513)

AN ORDINANCE 20,917

GRANTING THE PETITION OF LAKEVIEW BAPTIST CHURCH
FOR EXEMPTION FROM CITY TAXES ON LOTS 11 & 12,
BLOCK 52, NCB 3651, IN THE CITY OF SAN ANTONIO,
BEXAR COUNTY, TEXAS

(Full text in Ordinance Book AA page 514)

AN ORDINANCE 20,918

MAKING A LEASE BETWEEN THE CITY OF SAN ANTONIO
AND ARNOLD J. SIVEK, AN INDIVIDUAL, DBA AIRPORT
SERVICE STATION, SAN ANTONIO INTERNATIONAL AIRPORT,
SAN ANTONIO, TEXAS

(Full text in Ordinance Book AA page 514)

AN ORDINANCE 20,919

MAKING A LEASE BETWEEN THE CITY OF SAN ANTONIO
AND BURNICE RHEINER, AN INDIVIDUAL, AT THE SAN
ANTONIO INTERNATIONAL AIRPORT

(Full text in Ordinance Book AA page 518)

The following ordinance was passed by the following vote: AYES, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy; NAYS, none; ABSTAINING, Barrett; ABSENT, Scherlen & Gonzalez

AN ORDINANCE 20,920

MAKING A LEASE BETWEEN THE CITY OF SAN ANTONIO
AND W. B. OBBORN, AN INDIVIDUAL, OF THE COUNTY
OF BEXAR AND STATE OF TEXAS

(Full text in Ordinance Book AA page 521)

Mr. Scherlen arrived at this time.

The following ordinances were passed and approved by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett; ABSENT, Gonzalez; NAYS, none.

AN ORDINANCE 20,921

MAKING A LEASE BETWEEN THE CITY OF SAN ANTONIO AND TOBIN MAP COMPANY FOR SPACE AT STINSON MUNICIPAL AIRPORT

(Full text in Ordinance Book AA page 525)

AN ORDINANCE 20,922

AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE KERR LUMBER COMPANY AND THE OVERHEAD DOOR COMPANY A TOTAL OF \$660.00 FOR REPAIRS TO BASEMENT DOOR AT MUNICIPAL AUDITORIUM

(Full text in Ordinance Book AA page 529)

Mr. Gonzalez arrived at this time.

The following ordinances and resolutions were passed and approved by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, none;

AN ORDINANCE 20,923

AMENDING SEC. 60-49, PAR. 1 OF THE SAN ANTONIO CITY CODE PASSED AND APPROVED 27TH DAY OCTOBER, 1953, AS AMENDED NOVEMBER 19, 1953, FEBRUARY 18, 1954, APRIL 15, 1954, JULY 29, 1954, AND OCTOBER 28, 1954, WHICH PROVIDED FOR AND DESIGNATES STREET INTERSECTIONS WHERE A FULL STOP IS REQUIRED AND REGULATING VEHICULAR TRAFFIC AT OFFICIAL STOP SIGN LOCATIONS BY ADDING TO THE INTERSECTIONS THEREIN PROVIDED BY DESIGNATING OTHER INTERSECTIONS AS OFFICIAL STOP SIGN TRAFFIC CONTROL LOCATIONS WHERE A FULL STOP IS REQUIRED

(Full text in Ordinance Book AA page 529)

AN ORDINANCE 20,924

AMENDING SEC. 60-49.1 OF THE SAN ANTONIO CITY CODE PASSED AND APPROVED AUGUST 19, 1954, AND AS AMENDED OCTOBER 28, 1954, WHICH PROVIDES FOR "YIELD RIGHT OF WAY" TRAFFIC SIGN DEVICES AND DESIGNATING LOCATIONS FOR THEIR USE, BY ADDING ADDITIONAL LOCATIONS FOR THE USE OF "YIELD RIGHT OF WAY" TRAFFIC SIGN DEVICES.

(Full text in Ordinance Book AA page 530)

AN ORDINANCE 20,925

AMENDING SEC. 60-41, PAR. 1, AS AMENDED FEBRUARY 25, 1954, APRIL 15, 1954, JULY 22, 1954 AND OCTOBER 28, 1954, OF THE SAN ANTONIO CITY CODE; ESTABLISHING OFFICIAL ELECTRIC TRAFFIC CONTROL SIGNAL LOCATIONS; REGULATING VEHICULAR AND PEDESTRIAN TRAFFIC IN CONFORMANCE WITH SUCH SIGNALS; BY ADDING AND INCLUDING OTHER ELECTRIC TRAFFIC CONTROL SIGNAL LOCATIONS AND PROVIDING A MAXIMUM PENALTY OF \$200.00 FOR VIOLATIONS THEREOF

(Full text in Ordinance Book AA page 531)

A RESOLUTION

AUTHORIZING AND DIRECTING THE CITY TAX ASSESSOR AND COLLECTOR TO CORRECT THE 1953 TAX ROLL BY REMOVING THEREFROM CERTAIN ASSESSMENTS MADE AGAINST VARIOUS PROPERTIES FOR SCHOOL TAX PURPOSES FOR THE REASON THAT AN INVESTIGATION REVEALS SAID PROPERTIES ARE NOT LOCATED WITHIN THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT: LEGAL DESCRIPTIONS OF THE PROPERTIES INVOLVED AND THE OWNERS' NAMES ARE LISTED HEREIN

(Full text in Ordinance Book AA page 531)

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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. 420, HILDEBRAND AVENUE

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. 418

AN ORDINANCE 20,926

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF HUMPHREY R. PRICE AT 824 CANTERBURY HILL

(Full text in Ordinance Book AA page 537)

AN ORDINANCE 20,927

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF HUMPHREY R. PRICE AT 828 CANTERBURY HILL

(Full text in Ordinance Book AA page 538)

AN ORDINANCE 20,928

AMENDING SECTION 60-75 OF THE SAN ANTONIO CITY CODE ENTITLED "STREETS WHERE PARKING PROHIBITED AT CERTAIN PERIODS" BY ADDING A PORTION OF SOUTH ALAMO STREET PROHIBITING PARKING AT CERTAIN PERIODS

(Full text in Ordinance Book AA page 538)

AN ORDINANCE 20,929

ACCEPTING THE ATTACHED LOW BIDS OF SANANTEX OIL COMPANY AND BENITEAU'S TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN TIRES AND TUBES FOR A TOTAL OF \$1,149.00

(Full text in Ordinance Book AA page 538)

AN ORDINANCE 20,930

ACCEPTING THE ATTACHED LOW BID OF SEAL-PRESS, INC., TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH TWO COMPACT REFUSE COLLECTING BODIES FOR A TOTAL OF \$5,066.80

(Full text in Ordinance Book AA page 539)

AN ORDINANCE 20,931

AUTHORIZING A CONTRACT BETWEEN THE CITY AND IRVING S. SELIGMANN FOR ENGINEERING SERVICES ON SEWAGE PLANT IMPROVEMENTS

(Full text in Ordinance Book AA page 540)

AN ORDINANCE 20,932

DECLARING THAT PUBLIC NECESSITY REQUIRES THAT THE CITY OF SAN ANTONIO ACQUIRE CERTAIN PRIVATE PROPERTY LOCATED IN N.C.B. 7672, FULLY DESCRIBED HEREINBELOW OWNED AND CLAIMED BY WARNER H. BLALOCK AND WIFE, BERNICE BLALOCK, BERT ENGLISH AND WIFE, DOROTHY ENGLISH, NATIONAL BANK OF COMMERCE, CLAYTON D. WHITE AND WIFE, MABYL LILLIAN WHITE, AND AUTHORIZING THE CITY ATTORNEY TO CONDEMN SAID PROPERTY

(Full text in Ordinance Book AA page 541)

AN ORDINANCE 20,933

ACCEPTING THE ATTACHED BID OF LES FERGUSON COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF FINANCE WITH CERTAIN WINDOW ENVELOPES FOR A TOTAL OF \$2,455.00

(Full text in Ordinance Book AA page 542)

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 Dr. George W. Rice, City Manager, for his recommendation or action.

1-14-55 Petition of Harlandale Masonic Lodge requesting the City to close the alley west of and adjoining Lot 24, Block 35, NCB 7821, and quit claim same to the petitioner.

1-17-55 Petition of Capt. Bruce Eyttinge, et al, requesting the City to authorize the Sanitation Department to continue disposal of and coverage of the City's refuse and trash in the gravel pit southeast of San Jose Mission.

1-17-55 Petitions of Missionary Society of the Oblate Fathers of Texas requesting tax exemption of Lot 3 and 3 1/2, New City Block 11695.

1-20-55 Petition of J. B. and Emma Hunt requesting the City to close and abandon part of an alley located at the rear of 302 Helena Street, and quit claim same to petitioner.

Yours very truly,

J. Frank Gallagher
City Clerk

Mr. Russell brought up the danger of fire in the annexed areas and asked the City Manager to see if arrangements could be made to have the telephone company put booths at convenient locations so that fire alarms could be given.

Mr. Russell then asked the City Manager to have all departments receiving complaints of chug holes to report them and have action taken to fill them.

Mr. Dillashaw moved that the Planning Department draw an ordinance covering the fill back after streets are cut and to prevent cutting where possible. The motion passed unanimously.

At this time the matter of making the Houston Street Parking ban permanent was discussed. Mr. Fisher, Traffic Engineer, gave the background of the parking ban and asked that ordinance be amended by limiting parking on north side of Houston Street and be limited to loading and unloading from 12 midnight and 4 P.M. and on the south side from 12 midnight and 12 noon and to give Chief of Police power to grant permission to load and unload under unusual circumstances.

Mr. Howard Yates of the Chamber of Commerce Traffic Committee made a report on result of a survey made by it on request of Traffic Engineer. He made no recommendation one way or another.

Mr. Castle of San Antonio Transit Company also appeared and stated his interest was to have the traffic lanes open during the rush hours.

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Mr. Paul Casseb appeared in behalf of the Majestic Building and Texas Theatre Building and objected to the proposed amendment as written and recommended that the time for parking for loading and unloading on south side be changed to 6:00 or 6:30 P.M. to noon the succeeding day. Mr. Castle suggested the ban be from 6:30 P.M. to 10:00 A.M.

Mr. Russell then moved that the ordinance be adopted as set forth with exception that parking on south side be limited from 6:30 P.M. to 12 noon and to strike out Paragraph 6 giving authorization to grant permission to park under unusual circumstances. The motion was seconded by Mr. Scherlen which was lost by the following vote: AYES, Scherlen, Russell, Lacy and Gonzalez; NAYS, Rudeloff, Dillashaw, White and Barrett; NOT VOTING, Oliver.

Mr. Dillashaw then moved, seconded by Mr. Lacy, that the parking hours be set from 7:00 P.M. to 10:00 A.M. and strike out Paragraph 6. On roll call the motion lost by the following vote: AYES, Dillashaw, Russell, White, Lacy; NAYS, Scherlen, Barrett, Gonzalez; NOT VOTING, Oliver, Rudeloff.

Mr. Gonzalez then moved that the ordinance be adopted as originally drawn, seconded by Mr. Barrett, the motion failed to carry by the following vote: AYES, Rudeloff, Barrett, Gonzalez; NAYS, Scherlen, Dillashaw, Russell, White, Lacy; ABSTAINING, Oliver.

Mr. Lacy then moved that the time be set from 6:30 P.M. to 10:00 A.M. and strike out Paragraph 6. After some discussion, he amended the motion to set the time for parking to be limited on the south side of Houston Street from 7:00 P.M. to 10:00 A.M.; seconded by Mr. Dillashaw, the following ordinance was passed and approved by the following vote: AYES, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, Scherlen.

AN ORDINANCE 20,934

AMENDING ORDINANCE NO. 20,840, PASSED AND APPROVED DECEMBER 23, 1954, AND ADDING A NEW PARAGRAPH, PARAGRAPH 1, SUB-PARAGRAPH 6

(Full text in Ordinance Book AA page 542)

Frank D. Calmore, Chairman of Legal Redress Committee, San Antonio Branch of N.A.A.C.P. presented and read the following petition regarding segregation ordinance of June 19, 1954.

TO: The Honorable George W. Rice, City Manager and,
The Members of the City Council
San Antonio, Bexar County, Texas

Gentlemen:

WHEREAS, the Supreme Court of the United States declared on May 17, 1954 that racial segregation is unconstitutional; and,

WHEREAS, the enactment of a segregation ordinance pertaining to the use of municipal swimming pools was enacted by the City Council of San Antonio, Bexar County, Texas subsequent to this decision on June 19, 1954; and,

WHEREAS, no other city governing body in the history of the City of San Antonio has seen fit to enact such an ordinance; and,

WHEREAS, the enactment of such an ordinance is a disgrace to our American Democracy; and,

WHEREAS, the City of San Antonio is a military center where men and women are trained to defend the cause of American democracy;

WE, the members of the San Antonio Branch of the National Association For The Advancement of Colored People, hereby petition the City Council of San Antonio, Bexar County, Texas to repeal said segregation ordinance; and,

WE, further, respectfully petition the City Council to abolish the policy of racial segregation in the use of all municipal facilities where said policy is presently employed and all signs indicated such to be removed.

Respectfully submitted,

/s/ Emerson Marcee

EMERSON MARCEE
President
San Antonio Branch N.A.A.C.P.

Dated January 18, 1955

/s/ F. D. Calmore

F. D. CALMORE
Chairman of the Legal Redress
Committee
San Antonio Branch N.A.A.C.P.

Mr. Calmore asked repeal of the ordinance for the reason that (1). there was a constitutional question involved; (2). that such an ordinance supports race hatred; (3). retards rather than promote welfare of his people; (4) their record as a group of colored citizens does not warrant such an ordinance; (5) this council has a right to repeal this ordinance.

He then introduced Hugh Simpson Tate of Dallas, Texas, Attorney for N.A.A.C.P., who briefed the council on the legal aspects of the matter. He stated they agreed with the law that no state shall enact any law that will deprive any citizen of the equal protection of the law, and that had been done by the ordinance of June 19, 1954. He said they were against signs in the auditorium which segregated people. He said trained and skilled colored doctors were denied the right to practice in hospitals and were against the renting or leasing of public property to private people who will discriminate against their people. He stated that if the state cannot legally have separate schools or maintain segregation in schools then it is against the constitution to segregate recreational facilities, parks, etc. He cited court cases in the matter and in conclusion asked repeal of the ordinance.

Rev. C. William Black, representing the Baptist Minister's Union, asked the council to do something about the ordinance. He said, however, the real issue was freedom. That as taxpaying citizens they feel the weight of the restrictions placed on them by the ordinance, and it affected their children because they have an ordinance that restricts and segregates them. He stated that the ordinance was a violation of the rights of 30,000 persons in our community. He asked the council ^{to} repeal the ordinance and to ask for an opinion from the City Attorney on the ordinance.

Mr. Calmore then stated he was ready for the council to vote on the matter.

Mr. Scherlen gave reason why he was against the ordinance and thought it was unconstitutional and moved that it be repealed. His motion was seconded by Mr. Gonzalez. Mr. Dillashaw immediately moved that the motion be tabled. He stated the Supreme Court has not told the states how to handle the segregation question; the Supreme Court has not enacted the order to tell you what to do nor has the State told you what to do. He said if they were to repeal the ordinance, they may find themselves in conflict with some state or federal law. He cautioned the council against doing something on which they may have to back up. After further remarks by Mr. Scherlen, Mr. Gonzalez gave a history of his position on the matter and urged that the ordinance be repealed. He also stated that by resolution on June 19, 1954 they gave negroes the right to use tennis courts and golf courses and asked to let them use all recreational facilities. After further discussion by Mr. Oliver, Mr. Gonzalez and Mr. Tate, Mr. Dillashaw asked if he would be a party to

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denying him the right to study the question and he replied that he could not deny such a request. The vote was then taken on Mr. Dillashaw's motion to table Mr. Scherlen's motion and to repeal the ordinance, was approved by the following vote: AYES, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett; NAYS, Scherlen, Gonzalez;

The question of setting time for further hearing arose and Mr. Dillashaw asked it be set for April 15. Mr. Emerson Marcee requested action be taken before the election. Mr. Scherlen moved that the matter be taken up on February 24, seconded by Mr. Gonzalez, the motion passed by the following vote: AYES, Scherlen, Oliver, Rudeloff, Russell, White, Lacy, Barrett, Gonzalez; NAYS, Dillashaw.

At this time Lonnie Greer of 115 Connally, Operator of the Mellow Bar & Cafe at 1922 Wyoming, asked the council for protection because he feared his life was in danger due to remarks made to him by Police Officer Tom Farley of the vice squad. On motion of Mr. Oliver, seconded by Mr. Rudeloff, that the old police committee of Oliver, Gonzalez and Rudeloff be appointed to investigate the vice division of the police department to study this specific case; the motion was adopted by the following vote: Oliver, Rudeloff, Russell, White, Lacy, Barrett, Gonzalez; NAYS, Scherlen and Dillashaw.

Mr. Trinidad Vallejos, President of Westlawn Taxpayer's League, protested against the passage of the Minimum Standards Housing Ordinance and asked the council to make it a practice to hear both sides of the story before acting on any such matter. He stated the public was not notified that the ordinance was to be considered last Thursday.

On motion of Mr. Lacy, seconded by Mr. Rudeloff, the meeting adjourned.

APPROVED:

H. W. White
MAYOR

ATTEST:

Frank Gullone
City Clerk