

September 18, 1958

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 18, 1958 AT 8:30 A.M

PRESENT: DIETERT, PASSUR, MCMAHON, WINTON, GAYOSO, OLIVARES, PINSON, SAN MARTIN

ABSENT: KUYKENDALL

Mayor Pro-tem Mike Passur presiding.

Invocation by Rev. Darrell Gray, St. Andrews Methodist Church.

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

The following ordinances and resolutions were passed and approved as follows:

AYES, Dietert, Passur, McMahon, Winton, Gayoso, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Kuykendall.

AN ORDINANCE 26,915

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF DOBBINS METAL PRODUCTS TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH 1,000 STEEL SIGN BLANKS FOR A TOTAL OF \$1,170.00

(Full text in Ordinance Book HH page 1)

AN ORDINANCE 26,916

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF APPLEBAUM AND COMPANY TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT RADIO DIVISION WITH CERTAIN VIBRATORS FOR A TOTAL OF \$1,733.85

(Full text in Ordinance Book HH page 1)

AN ORDINANCE 26,917

ACCEPTING THE LOW QUALIFIED BIDS OF THE STECK COMPANY AND TRAVIS PRINTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO CIVIC ADVERTISING WITH CERTAIN RACK FOLDERS FOR A TOTAL OF \$6,056.15

(Full text in Ordinance Book HH Page 1)

AN ORDINANCE 26,918

ACCEPTING THE PROPOSAL OF LESLIE NEAL AND SONS, INC., TO FURNISH THE CITY WITH ANTI-FREEZE

(Full text in Ordinance Book HH page 2)

AN ORDINANCE 26,919

APPROPRIATING AND AUTHORIZING THE PAYMENT OF \$3,446.63 TO BERETTA, GREENSLADE AND ASSOCIATES AS ADDITIONAL ENGINEERING FEES ON BLANCO ROAD PROJECT

(Full text in Ordinance Book HH page 2)

AN ORDINANCE 26,920

APPROPRIATING \$4,873.98 TO W. F. COSTELLA AS AN ADDITIONAL FEE FOR ENGINEERING SERVICES IN CONNECTION WITH RESURFACING OF BROADWAY FROM NACOGDOCHES TO LOOP 13

(Full text in Ordinance Book HH page 2)

AN ORDINANCE 26,921

APPROVING AND ADOPTING THE ESTIMATE, STATEMENT AND REPORT OF THE CITY'S ENGINEERS WITH REFERENCE TO THE IMPROVING OF A CERTAIN STREET OR PORTIONS THEREOF IN THE CITY OF SAN ANTONIO, DETERMINING THE TYPE OF IMPROVEMENTS TO BE MADE, THE ESTIMATED AMOUNT PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE OWNERS OF ABUTTING PROPERTIES; THE ESTIMATED TOTAL COST OF THE IMPROVEMENTS WHICH IS PROPOSED SHALL BE ASSESSED AGAINST THE ABUTTING PROPERTIES AND THE REAL AND TRUE OWNERS THEREOF; APPROVING THE 100% PERFORMANCE BOND OF THE H. B. ZACHRY COMPANY; DETERMINING THE MANNER AND TERMS OF PAYMENT OF THE PROPOSED ASSESSMENTS; ORDERING THAT A HEARING SHALL BE GIVEN TO THE OWNERS AND TO ALL PERSONS OWNING OR CLAIMING ANY INTEREST IN OR LIEN UPON ANY PROPERTY ABUTTING THE STREET OR PORTIONS THEREOF TO BE IMPROVED; AND TO ALL OTHER INTERESTED PARTIES AND TO THEIR AGENTS AND ATTORNEYS, FIXING THE TIME AND PLACE FOR SUCH HEARING, DIRECTING THE MAYOR AND CITY CLERK TO GIVE NOTICE OF SAID HEARING, SPECIFYING THE TYPE AND THE MANNER IN WHICH SUCH NOTICE SHALL BE GIVEN; MAKING OTHER FINDINGS AND ENACTING OTHER PROVISIONS INCIDENT AND RELATING TO THE SUBJECT; PROVIDING THAT SHOULD ANY SECTION OF OR PART OF A SECTION OF THIS ORDINANCE BE HELD VOID, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

(Full text in Ordinance Book HH page 3)

A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR RECONSTRUCTION OF DIVISION AVENUE FROM PLEASANTON ROAD TO NOGALITOS STREET (BIDS TO BE OPENED OCTOBER 7, 1958)

AN ORDINANCE 26,922

AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH OLIVER W. HOLDEN FOR PART OF THE SURPLUS RIGHT-OF-WAY IN NEW CITY BLOCK 9082

(Full text in Ordinance Book HH page 9)

AN ORDINANCE 26,923

APPROPRIATING THE SUM OF \$1,175.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, AS THE AWARD IN CONDEMNATION SUIT FILED IN THE COUNTY COURT, STYLED CITY OF SAN ANTONIO VS. MARTHA BRINKMAN, A FEME SOLE

(Full text in Ordinance Book HH page 10)

AN ORDINANCE 26,924

ACCEPTING THE LOW BID OF AUSTIN BRIDGE CO., IN THE AMOUNT OF \$97,268.90 FOR CONSTRUCTION OF STORM DRAINAGE PROJECT NO. 13; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND APPROPRIATING FUNDS TO PAY FOR SAME

(Full text in Ordinance Book HH page 10)

AN ORDINANCE 26,925

AUTHORIZING EXECUTION OF CONTRACTS WITH THE STATE OF TEXAS CONCERNING RELOCATION OF SANITARY SEWER LINES IN AND ADJACENT TO I. H. 35 FROM BROADWAY TO ARTESIA ROAD

(Full text in Ordinance Book HH page 10)

A RESOLUTION

APPROVING THE CLOSING OF PORTIONS OF VIEWRIDGE DRIVE, SAGEBRUSH LANE, ALLEGHENY AND DEVON AVENUE, PUBLIC STREETS, FROM SEPTEMBER 25, 1958 THROUGH OCTOBER 5, 1958

(Full text in Ordinance Book HH page

AN ORDINANCE 26,926

AN ORDINANCE AMENDING SECTION 2 OF AN ORDINANCE DATED THE 1ST DAY OF DECEMBER, 1921, ENTITLED "AN ORDINANCE FOR THE PURPOSE OF REGULATING LOCAL STREET TRANSPORTATION OF PERSONS BY JITNEYS, MOTOR BUSES AND OTHER VEHICLES, AND PROHIBITING THE USE OF JITNEYS, MOTOR BUSES AND OTHER VEHICLES FOR SUCH TRANSPORTATION ON THE STREETS OF THE CITY OF SAN ANTONIO, EXCEPT AS HEREIN PROVIDED FOR, AND PROVIDING PENALTIES" AS AMENDED BY AMENDING PARAGRAPH 20 THEREOF (PROSPECT HILL)

(Full text in Ordinance Book HH page 12)

AN ORDINANCE 26,927

AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY A LEASE OF OFFICE SPACE IN THE INTERNATIONAL AIRPORT TERMINAL BUILDING TO AAXICO AIRLINES, INC.

(Full text in Ordinance Book HH page 13)

A RESOLUTION

REJECTING ALL BIDS FOR THE PROPERTY AT 234 DELAWARE STREET PURSUANT TO THE RECOMMENDATION OF THE BOARD OF TRUSTEES FOR THE CITY WATER BOARD

AN ORDINANCE 26,928

GRANTING THE PETITIONS OF THE LATIN AMERICAN COUNCIL OF CHRISTIAN CHURCHES, PATTON HEIGHTS BAPTIST CHURCH, JACOB CHAPEL METHODIST CHURCH, WOODLAWN ASSEMBLY OF GOD CHURCH, THE MOST REV. ROBERT E. LUCEY, ARCHBISHOP OF SAN ANTONIO AND THE FIRST MEXICAN BAPTIST CHURCH FOR EXEMPTION FROM CITY TAXES ON VARIOUS CHURCH PROPERTIES

(Full text in Ordinance Book HH page 15)

AN ORDINANCE 26,929

AUTHORIZING PAYMENT OF \$2,854.98 TO JOHN L. BRADY AND \$4,067.11 TO CHARLES MCKNIGHT IN FULL PAYMENT OF JUDGMENT FOR BACK PAY RENDERED IN THEIR FAVOR BY CAUSE NO. F-83,863

(Full text in Ordinance Book HH page 16)

AN ORDINANCE 26,930

GRANTING PERMISSION TO THE NORTHEAST INDEPENDENT SCHOOL DISTRICT TO CONNECT THE CASTLE HILLS ELEMENTARY SCHOOL TO THE SAN ANTONIO SANITARY SEWER SYSTEM

(Full text in Ordinance Book HH page 17)

AN ORDINANCE 26,931

ACCEPTING A DEED AND EASEMENT FROM MAUDE HAGELSTEIN, A WIDOW, ACTING BY AND THROUGH G. C. HAGELSTEIN, HER AGENT AND ATTORNEY IN FACT, CONVEYING TO THE CITY OF SAN ANTONIO A PORTION OF LOTS 56 AND 56-A, BLOCK "H" NEW CITY BLOCK 8399, AND APPROPRIATING THE SUM OF \$450.00 OUT OF STORM DRAINAGE IMPROVEMENT BOND FUND, SERIES 1957, ACCOUNT NO. 479-13, IN CONNECTION WITH STORM DRAINAGE PROJECT 71-K, TO PAY FOR SAME

(Full text in Ordinance Book HH page 17)

The Mayor Pro-tem then announced they would continue with the hearing on the application of C. A. Talley and Rafael Ramon to transfer ten taxicab permits from Black Cat Cab Company to Red Ball Taxicab Company. The Mayor asked the City Attorney for his opinion of the matter as it now stands. The City Attorney stated that he had received the brief filed by Brown & Brown, Attorneys for Mr. King Fisher, who is protesting the transfer, and it was his opinion that the permits were still valid. Mr. Robert Strickland, Attorney for Mr. Talley, gave a brief explanation of the application and stated the protest was without foundation. He said he felt two companies should be operating in the public interest as competition is healthy. Mr. Archie Brown

stated that there is no monopoly as there are twenty five other permits outstanding in addition to these ten. Dr. San Martin asked Mr. Brown, the Taxicab Inspector, for a list of outstanding permits. Mr. Brown stated there are 405 outstanding, as follows:

Yellow Cab	135	
Checker Cab	100	
Bell Taxi	135	
Bellinger	11	
Texas Taxi	7	
Red Top	7	
Black Cat	10;	There are 211 operating, with the Fisher

Bros. operating 195.

The Council then asked Mr. Brown many questions about the procedure in the past for transfer of cabs; procedure in obtaining new permits or Certificates of Necessity; why so many cab permits are not in operation; why something had not been done about cancelling these ten permits that had been inoperative for over a year; enforcement of the taxicab ordinance, etc. After answering these questions, it was the consensus of the Council that a study of the taxicab ordinance should be made and a workable ordinance presented to take care of such matters in the future. After closing remarks by Mr. Brown, Mr. Strickland and Mr. Randle Taylor, Mr. Winton moved that the application for transfer of the ten permits to Mr. Talley be denied. The motion failed by the following vote: AYES, Passur, Winton, Gayoso; NAYS, Dietert, McMahon, Olivares, Pinson, San Martin; ABSENT, Kuykendall. Dr. McMahon moved that the application for transfer of the ten permits be granted. The motion passed by the following vote: AYES, Dietert, McMahon, Olivares, Pinson, San Martin; NAYS, Passur, Winton, Gayoso; ABSENT, Kuykendall.

Mr. Winton then moved that the administrative staff make a study of the taxicab ordinance and come back with a workable ordinance so that the Council and administrative staff will have control of these matters. On roll call, the motion carried by the following vote: AYES, Dietert, Passur, McMahon, Winton, Olivares, Pinson, San Martin, Gayoso; NAYS, None; ABSENT, Kuykendall.

Called for hearing at this time was the matter of special benefits to be received, from street improvements, levying of assessments, etc.

The Mayor Pro-tem announced that the hearing was open. All of those in attendance at the meeting were then requested to state their names and addresses.

The City Council thereupon, with all of the above named members of the City Council present, proceeded to hear all persons desiring to be heard and to receive all protests. The following persons made statements and gave testimony as follows:

Mr. Raymond R. Parker stated that he was a Senior Right-of-Way Agent with the City Land Division. His job consists of appraising property for acquisition for drainage, streets and highways. He has been in his present position for two and one-half years and was formerly with the City Public Service Board for eight years in a similar capacity. Mr. Parker stated that he was generally familiar with the proposed assessment program and the properties involved in Project "B". He further

stated that in his opinion, generally speaking, the property in each instance will be enhanced in value as a result of the proposed paving and curbing, at least to the extent of the amount of the assessment, and in most cases the property value increase will be at least double the cost of the assessment. He based this conclusion on his experience in appraising similar property on nearby streets--some of which are paved and curbed and some of which are graveled. In each instance the value of property on the graveled street was approximately 25% less than the property on the paved street. As an example, a lot on which acquisition cost would be \$1,000 on a graveled street, the cost would be \$1,250 on a paved street, or a difference of around \$5.00 per front foot. The paving assessment is \$2.65 per front foot.

Mrs. Caroline Graham then made a statement. She stated she had been a realtor for ten years in San Antonio and was familiar with property being discussed. The extent of her investigation included driving around and looking at all of the properties in the areas to be paved. She said that after the recent rains it was evident that street paving, in addition to the ordinary benefits, would aid in the drainage problem in the area. She said that property on paved streets is more salable than equal property on unpaved streets and that, in her opinion, as a result of the proposed street improvements, the value of the property to be improved would be increased at least the amount of the assessment in every case.

Mr. J. D. Rusmiser next made a statement. He gave his occupation as being Right-of-Way Agent with the City Land Division, having held this position for two years. Since 1936 he has been in Real Estate business, and for the past ten years has dealt in San Antonio property. He has also been in the lumber business and has been associated with subdividers and builders. He stated that he was generally familiar with the properties involved, most of which are on the West side and practically all have drainage problems. He said his experience in purchasing property has been that prices of property on unpaved streets is lower. That on vacant lots on unpaved streets, the market value per front foot runs at least \$5.00 per front foot less than the market value per front foot of vacant lots abutting paved streets. That on improved lots the differential is even greater. That it is much easier to rent property on paved streets. For instance, he believes that houses on these streets will rent for as much as \$10.00 per month more after the street has been paved than they would prior to the paving and curbing.

Councilman Pinson asked how much per front foot the City was asked to pay as its part of the costs, payable from bond proceeds. Director Granata answered that the low bids thus far received resulted in a total cost of slightly over \$11.00 per front foot, which results in the City paying approximately \$6.00 per front foot.

The chair asked if there was anyone in the audience who wanted to be heard concerning the question of the Assessment Paving Program, Project "B", to appear. None asked to be heard.

The ordinance was then read in full, and it was moved and seconded that the ordinance be finally passed and enacted. Thereupon, the question being called for, the motion was carried by the following vote:

AYES: Melvin Gayoso, Mike Passur, Dr. J. L. McMahon, Ralph H. Winton, Joe Olivares, Ted Pinson, Jose San Martin, Reuben Dietert.

NAYS: None.

Mayor Pro-tem Mike Passur approved said ordinance and said ordinance was enacted. The ordinance as passed, enacted and approved is as follows:

September 18, 1958

AN ORDINANCE 26,932

CLOSING THE HEARING ON SPECIAL BENEFITS TO BE RECEIVED FROM PROPOSED STREET IMPROVEMENTS, AND ON OTHER MATTERS WITH REFERENCE THERETO, ORDERED TO BE MADE PURSUANT TO AN ORDINANCE DULY PASSED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, ON THE 1ST DAY OF MAY, 1958, AND PURSUANT TO SUBSEQUENT PROCEEDINGS OF SAID CITY COUNCIL; LEVYING SPECIAL ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF ASSESSMENT CERTIFICATES; RATIFYING AND CONFIRMING ALL PROCEEDINGS HERETOFORE TAKEN BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO IN CONNECTION WITH SUCH STREET IMPROVEMENTS AND THE ASSESSMENTS WITH REFERENCE THERETO; MAKING OTHER FINDINGS AND ENACTING OTHER PROVISIONS INCIDENT AND RELATING TO THE SUBJECT; PROVIDING THAT SHOULD ANY SECTION OF OR PART OF ANY SECTION OF THIS ORDINANCE BE HELD VOID, THE REMAINING PORTION SHALL NOT BE AFFECTED; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

(Full text in Ordinance Book HH page 18)

Mr. Passur then stated that Mr. Elmer Dittmar, Civic leader and backer of the Administration, had passed away, and called for a five minute recess in his memory.

On reconvening the meeting, the first zoning case heard was Case No. 995 to rezone property from "M" MANUFACTURING DISTRICT to "LL" MANUFACTURING , "JJ" COMMERCIAL and "B" RESIDENCE DISTRICT, the property being bounded on the north by Frio City Road, on the east by Humble and Maner Avenue, on the South by Illg Street and on the west by the city limits line of 1940. Mr. Burt Lawrence, acting planning director, explained the Planning Commission recommended the change.

Mr. Paul Zappe, President of the Southwest Civic League spoke at length on nuisance created by the rendering plant last year. He stated they were all in favor of the change in order to prevent a recurrence of the present situation and to curb further expansion of objectionable industries in the area such as stockyards. That this rezoning was the result of much study of the problem which was created by the building of the rendering plant. Mr. R. E. Pullen, Mr. Phillip Guthrie, Mr. Morris and others spoke in favor of the change. Mr. James W. Knight spoke in favor of the change, but asked that his tract of land be zoned "J" Commercial instead of "JJ" as this would allow him to have a 15 ft. setback instead of a 25 ft. setback and he could make better use of the property. Mr. George Scruggs, owner of some of the property that is being rezoned objected heatedly to the proposed change and stated that it would hurt him financially. He asked that the change be turned down. After discussion of the matter by the councilmen, Dr. McMahon made the motion that the recommendation of the Planning Commission be approved, except that NCB 6995 being 4.908 acres be "J" Commercial instead of "JJ" Commercial. The motion was approved by passage of the following ordinance by the following vote: AYES, Dietert, Passur, McMahon, Winton, Gayoso, Olivares, San Martin; NAYS, Pinson; ABSENT, Kuykendall.

AN ORDINANCE 26,933

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 995, TO REZONE PROPERTY FROM "M" MANUFACTURING DISTRICT TO "LL" MANUFACTURING DISTRICT, "JJ" COMMERCIAL DISTRICT AND "B" RESIDENCE DISTRICT

(Full text in Ordinance Book HH page 95)

Hearing on Zoning Case No. 921 which was continued from last week was continued for one more week because there were only eight members of the council present.

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 department concerned for any necessary action.

- 9-11-58 Petition of Fred Clark, Electrical Contractor, to install a 100 gallon gasoline storage tank at the San Antonio Osteopath Hospital 210 W. Ashby Place was referred to the Director of Housing and Inspections and the Fire Marshal.
- 9-11-58 Petition of Southwest San Antonio Citizens Civic Group, Inc. proposing that the City open Bessie Mae Street from Humble to Frio City Road, was referred to the Land Division.
- 9-12-58 Petition of Cupples Corporation, requesting refund of fee in the amount of \$19.00 which was paid for Building Permit No. D 1661 was referred to the Director of Housing and Inspections.

Yours very truly,

J. Frank Gallagher
City Clerk

Mrs. Stone, Secretary of Southwest Civic League, complained of the condition of Niemier Street which is under construction near the Junior High School on Thompson Place. She asked for school markers, and Mama Patrol for this school. The matter was referred to the Assistant City Manager.

Mr. Passur at this time read the following letter of Mr. Gayoso resigning as member of Council.

To the Honorable Mayor and City Councilmen
of the City of San Antonio, Texas

Dear Sirs:

On July 24 of this year I gave public notice of my intention to resign from my office as councilman place six because of some difficulty with my health and the necessity of reducing my activities. I did this with much regret and with a willingness to serve until a replacement has been selected by the Council.

This has been accomplished, and I wish to compliment the Council on its wisdom and good fortune in having Mr. Wayne Simpson as a prospect and securing his consent to serve. Mr. Simpson is a man of proven business ability and by his service in community affairs in Harlandale has established his civic interest and pride. I was privileged to serve on the Harlandale School Board with him and can personally testify to his ability and sincerity.

In parting may I say that, except for the officers and members of the Good Government League and a local press that is dedicated to the same principle of good, honest and efficient government, by and for the people, it would never be possible for an obscure member of the masses such as I, to have a part with these dedicated and honest men of this Council in their unselfish efforts to bring to the citizens of our fair city the services to which they are entitled and need. It is with deepest regrets that I am forced to part official company with you, but this I pray you to accept as my official resignation, and request that you make it effective on this date.

Your friend in community service,

Melvin L. Gayoso

Dr. McMahon moved that it be accepted with deepest regret. Mr. Passur then stated that no councilman had discharged his duties more diligently and felt a personal loss at his departure, as well as the loss the council will feel in losing his services.

Mr. Gayoso stated he was going to have a void in his life not being with the Council for he has enjoyed serving with the Council and offered to help and assist the council in the future in his limited capacity. The resignation was accepted by the following vote: AYES, Dietert, Passur, McMahon, Winton, Olivares, Pinson, San Martin; NOT VOTING, Gayoso; ABSENT, Kuykendall.

Mr. Winton then proposed Mr. Wayne Simpson to fill the vacancy. The Clerk then read the following ordinance.

AN ORDINANCE 26,934

APPOINTING WAYNE C. SIMPSON AS A MEMBER OF THE
CITY COUNCIL

(Full text in Ordinance Book HH page 96)

On motion of Mr. Pinson, seconded by Mr. Olivares, the ordinance was passed and approved by the following vote: AYES, Dietert, Passur, McMahon, Winton, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Kuykendall.

The City Clerk then administered the oath of office to Mr. Simpson.

There being no further business, the meeting adjourned.

APPROVED:

Mike Passur
MAYOR *Pro Tem*

ATTEST:

Frank Galloper
City Clerk