

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER OF THE CITY HALL
ON THURSDAY, APRIL 28, 1955 AT 9:00 A.M.

PRESENT: SCHERLEN, OLIVER, RUDELOFF, DILLASHAW, RUSSELL, WHITE, LACY, BARRETT, GONZALEZ

Mayor R. N. White, presiding.

Invocation by Rev. Welch, Palm Heights Methodist Church

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

Mr. Edward G. Conroy, Executive Secretary of Research and Planning Council of San Antonio, was invited to address the council on the subject of a report and recommendation which his organization has made to the City Council with regard to solving the financial difficulties involved in refinancing and obtaining more finances for Water Board operation. Mr. Conroy read the following letter:

Honorable Mayor and City Council
City of San Antonio
City Hall
San Antonio, Texas

Gentlemen:

Pursuant to the resolution adopted by your honorable body requesting this organization to make a study of the proposed water system refinancing plan, as submitted to you by the Board of Trustees of the San Antonio Waterworks System, we are pleased to submit to you, for your consideration, an alternate enabling act to effect the refinancing of the outstanding water system revenue bonds.

You will note that the enabling Act submitted herewith differs from the proposed act submitted by the aforesaid Board of Trustees in a number of respects. Basically, it affords enabling legislation to accomplish refinancing, either by means of the issuance of general obligation bonds, or by means of water system revenue refunding bonds, either with or without the issuance of the so-called "incentive" bonds.

If general obligation bonds should be issued, the city would be authorized, under the act herewith submitted, to be repaid, through its general fund, from water system revenues, for the debt service requirements of the general obligation issue.

The enclosed proposed act also differs from the act proposed by the aforesaid Board of Trustees with respect to the issuance of additional water system revenue bonds, beyond those issued for refunding outstanding water system bonds, in that no such bonds may be issued without an election. The issuance of refunding water system bonds may be authorized by the City Council with or without an election.

A further provision of the enclosed act would authorize a bond holder of any of the bonds now outstanding to secure payment in full of all interest to maturity if he should elect to do so.

A final provision of this act provides for the validation of any water system revenue bond which might have been reissued after having been cancelled, through error or otherwise.

The Research and Planning Council does not, at this time, undertake to submit specific recommendations regarding the final refinancing plan which should be adopted by the City Council. Such recommendations will be issued at a later time, if they should be desired.

Cordially yours,

RESEARCH AND PLANNING COUNCIL

By: /s/ B. B. McGimsey
President

After the reading, Mr. Conroy responded to a few questions by council members regarding the recommended plans. On motion of Mr. Scherlen, Mr. Conroy and the Research and Planning Council were given a vote of thanks for valuable services rendered in the public interest.

Mr. Charles W. Carroll, Chairman of the Water Resources Committee appointed by the Council, addressed the council on the matter above referred to and submitted a final

April 28, 1955

report which follows:

To the Mayor and City Council
San Antonio, Texas

Gentlemen:

There has been proposed a new law within the last 24 hours for the refinancing, refunding and issuance of new bonds concerning the water system of the City of San Antonio.

We, your Committee, have not been furnished a copy of such proposed legislation and, if same is difference from and contrary to the report heretofore made to you by the Committee, and particularly with reference to the continued existence of a self-perpetuating board for the management and control of the water system, we oppose same.

Heretofore, you have employed counsel who have studied the question and made a report in writing to you concerning this suggestion and we respectfully suggest that their opinion be followed.

We, therefore, suggest that the Senator from this district and the legislators from this county be furnished copies of the attorneys' opinion and the reports of this Committee.

Respectfully submitted,

/s/ C. W. Carroll
/s/ Herbert Oliver
/s/ W. F. Castella
/s/ Gus B. Mauermann
/s/ Louis Le Flore
/s/ Park Street

-

-

-

In connection with the above matter, Mayor Elect J. Edwin Kuykendall filed with the Clerk the following letters for the record:

Mayor-elect J. Ed Kuykendall and
Members-elect of the
Council of the City of San Antonio
San Antonio, Texas

Gentlemen:

This is to advise that at a meeting yesterday afternoon the Water Works Board of Trustees of the City of San Antonio considered and approved the bill prepared by the Research & Planning Council of the City of San Antonio, as a substitute for the bill prepared by McCall, Parkhurst & Crowe.

The only question in the minds of the Board is as to whether the paragraph having the effect of validating the sale of the \$700,000 in bonds could under legislative rules be included as a part of this proposed bill. While this Board is of the opinion that the validation of such sale is unnecessary, the Board has no objection to its being included in the bill. We understand that if, when you confer with the members of the Legislature, you are advised that the validating paragraph cannot properly be included in the bill, that this will not affect in any way your approval of such bill.

Your timely action in this matter is sincerely appreciated.

Very truly yours,

/s/ Martin C. Giesecke
Chairman

Honorable Stanley Banks, Jr.
Texas House of Representatives
Austin, Texas

Dear Sir:

You are advised that we, the council-elect of the City of San Antonio, give our approval to and urge passage of the enclosed bill which broadens the choices the council may elect to adopt in refunding or retiring outstanding water system revenue bonds and providing for public election in the issuance of additional water system bonds in accordance with the city charter. This bill is to substitute for the bill introduced heretofore by the Honorable Stanley Banks, Jr. in the House and the Honorable O. E. Latimer in the Senate.

Very truly yours,

cc:
Maury Maverick, Jr.
R. L. Strickland
Marshal O. Bell
Ed Sheridan
Charles J. Lieck, Jr.
~~Francis Seeligson~~
Texas House of Representatives
Austin, Texas

George Friedrich
Roy Baines
Mike Passur
Elmer Crumrine
Ralph Winton
J. Ed Kuykendall
Joe Olivares
John A. Daniels

April 28, 1955

Honorable O. E. Latimer
Texas Senate
Austin, Texas

Dear Sir:

You are advised that we, the council-elect of the City of San Antonio, give our approval to and urge passage of the enclosed bill which broadens the choices the council may elect to adopt in refunding or retiring outstanding water system revenue bonds and providing for public election in the issuance of additional water system bonds in accordance with the city charter. This bill is to substitute for the bill introduced heretofore by the Honorable Stanley Banks, Jr. in the House and the Honorable O. E. Latimer in the Senate.

Very truly yours,

George Friedrich
Roy Baines
Mike Passur
Elmer Crumrine
Ralph Winton
J. Ed Kuykendall
Joe Olivares
John A. Daniels

- - -
which
Mr. Barrett then made the following motion, was unanimously adopted. "I wish to make a motion to express the deep appreciation of the City Council to the Carroll Committee, the Research and Planning Council and Dobbins and Howard for the work which they have done in relation to financial problems of the water system."

- - -
Mr. Russell then moved that recommendations of the various parties be sent to the Legislative delegation in Austin. The motion was carried by the following vote: AYES, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, Scherlen.

- - -
Mr. John Oliver filed with the Clerk a report with regard to the operation of the dog pound for the record.

- - -
Mr. N. A. Quintanilla, representing the Order of Alhambra, addressed the council on the letter his organization had written in which an offer was made to present the City with a statue of San Antonio de Padua on Main Plaza. The following ordinance was passed as follows: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, none.

AN ORDINANCE 21,180

ACCEPTING THE GIFT FROM BEJAR CARAVAN NO. 56 OF THE ORDER OF THE ALHAMBRA TO THE CITY OF SAN ANTONIO OF A STATUE OF SAN ANTONIO DE PADUA, AND GRANTING PERMISSION FOR SAID STATUE TO BE PLACED ON MAIN PLAZA ACROSS FROM SAN FERNANDO UPON A SPOT OR PLOT THEREON TO BE SELECTED BY THE MEMBERS OF THE DONOR ORGANIZATION HEREINABOVE NAMED

(Full text in Ordinance Book BB page 106)

- - -
Mr. Russell moved that the Council thank the Bexar Caravan #56 of the Order of Alhambra and that a letter be written them by the Clerk. The motion was unanimously passed.

April 28, 1955

Mr. Roy Pope who has, with his associates, just completed an independent audit of the finances, was called on for a few remarks. He gave some facts about what his report, which he is filing today, contains and about his recommendations. On motion of Mr. Gonzalez, Mr. Pope was thanked for a "wonderful job".

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

AN ORDINANCE 21,181

ACCEPTING THE ATTACHED LOW BID OF INTERNATIONAL HARVESTER COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION - STINSON HOMES WITH ONE PICKUP TRUCK FOR A NET TOTAL OF \$1,260.23

(Full text in Ordinance Book BB page 106)

AN ORDINANCE 21,182

ACCEPTING THE ATTACHED LOW BID OF O'KRENT FLOOR COVERING COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION - MUNICIPAL ENTERPRISE - WILLOW SPRINGS GOLF COURSE WITH FLOOR COVERING INSTALLED FOR A NET OF \$1,412.00

(Full text in Ordinance Book BB page 106)

A RESOLUTION

DEDICATING A PARCEL OF LAND ON SOUTHCROSS BOULEVARD AS A PUBLIC PARK

(Full text in Ordinance Book BB page 107)

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

A RESOLUTION

AUTHORIZING AND DIRECTING THE CITY TAX ASSESSOR AND COLLECTOR TO CORRECT AND ADJUST THE CITY TAX ROLLS DUE TO CERTAIN ERRORS APPEARING IN THE ASSESSMENT OF PROPERTY OWNED BY JOE AMBERSON, JR.

(Full text in Ordinance Book BB page 107)

Alfonso and Carolina Armenante

The Bear's Den - 1110 West Avenue

Benito & Domitila Cardenas

Julian Castillo

Jesse & Margarita Colunga

J. O. Conner

Cowan Lumber Company

A. H. Fenstermaker

Eugene & Josephine Flores

Helen B. Foraker

Gaskin Bros. Inc.

C. E. & Hattie Hall

Pedro C. Lares

Bonifacio Lerma

Dr. E. R. Lochte

Marvel Manufacturing Company

Quintin H. Zaragosa, et ux

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.

A RESOLUTION

AUTHORIZING EXTENSION OF WEIR AVENUE AND
DIRECTING THAT THE RIGHT-OF-WAY BE OBTAINED

(Full text in Ordinance Book BB page 110)

AN ORDINANCE 21,183

GRANTING THE UNITED STATES OF AMERICA A
LICENSE TO CONSTRUCT A WATER LINE UNDER AND
ACROSS QUINTANA ROAD AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE NECESSARY CONTRACT

(Full text in Ordinance Book BB page 110)

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. 479: 100 BLOCK EL MIO DRIVE
AND ON THE 100 BLOCK OF BREEDEN AVENUE FROM "B" RES.
TO "J" COMMERCIAL DISTRICT - NCB 10111, 10112

AN ORDINANCE 21,184

APPROPRIATING THE SUM OF \$1500.00 OUT OF GENERAL
FUND UNALLOTTED APPROPRIATIONS PAYABLE TO THE LAW
FIRM OF DOBBINS & HOWARD FOR LEGAL SERVICES RENDERED
TO THE CITY OF SAN ANTONIO PURSUANT TO CONTRACT
ORDINANCE 21130, RELATING TO CITY WATER WORKS SYSTEM
FINANCE

(Full text in Ordinance Book BB page 110)

Mr. Adrian Spears, Attorney for Claimants against the City for various sums aggregating \$41,259.17, next asked the council to pass an ordinance settling the claims as finally determined by the Texas Supreme Court action in refusing rehearing. The matter was discussed by the City Attorney and Finance Director and the following ordinance was passed by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, Lacy, Barrett, Gonzalez; NAYS, None; ABSENT, White.

AN ORDINANCE 21,185

APPROPRIATING THE SUM OF \$41,259.17 FOR PAYMENT
OF THE JUDGMENT IN FAVOR OF CORDIE HAHN, MRS. GEORGE
L. KIRKPATRICK, H. R. STRIBLING, CLARENCE J. CARR,
AMALIO SOLIS, RUBY VOLLMER, MARY HART SAUNDERS, AND
ROBERT A. WEYEL IN CAUSE NUMBER F-80,094, IN THE
73RD JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS,
STYLED CORDIE HAHN, ET AL, VS. THE CITY OF SAN ANTONIO,
ET AL, TOGETHER WITH BACK PAY DUE AND OWING TO SAID
PERSONS BY VIRTUE OF SAID JUDGMENT

(Full text in Ordinance Book BB page 111)

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

AN ORDINANCE 21,186

AN ORDINANCE TRANSFERRING THE SUM OF \$41,500.00
FROM THE 1954 GENERAL FUND UNALLOTTED APPROPRIATION
TO 1954 GENERAL FUND UNPLEDGED, GENERAL SUITS ACCOUNT
NO. 55-01-00

(Full text in Ordinance Book BB page 111)

April 28, 1955

Honorable Mayor and Members of Council
City of San Antonio, Texas

Gentlemen:

The following petitions were received and forwarded to Dr. George W. Rice, City Manager, for his recommendation or action.

- 4-15-55 Petition of Van Henry Archer requesting the City to close an alley running North from Guadalupe Street to El Paso Street and between Leona Street and Pecos Street.
- 4-19-55 Petition of Henry P. Emory requesting refund of \$10.00 paid for Building Permit on April 1, 1955.
- 4-21-55 Petition of Juanita B. Reyes, et al, requesting that the Culebra Bus Line be extended beyond its present terminus at 22nd Street to two blocks west of General McMullen Drive.

Yours very truly,

J. Frank Gallagher
City Clerk

Zoning Case #463 to rezone property in Tract A, New City Block 11186 and Tracts 12 and 13 in New City Block 11185 from "A" TEMPORARY to "MM" MANUFACTURING was next called for a hearing. Mr. Ed Penshorn, representing Mr. Joe Amberson, Jr., protested that his client who owns property within 200 feet of the proposed change had received no notice of the hearing before the Planning Commission. Maps were sent for and it was stated by the Planning Director that Mr. Amberson's property was not within 200 feet of the property involved. Mr. Thurman Barrett, the petitioner, gave his reasons for requesting the change and called on Mr. W. E. Babel of the Missouri Pacific Railway to verify statements that additional manufacturing areas are needed. After discussion the following ordinance approving the change was introduced and passed by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Lacy, Barrett; ABSENT, Russell, White, Gonzalez.

AN ORDINANCE 21,187

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN
CASE NO. 463: TO REZONE FROM "A" TEMPORARY RESIDENCE TO "MM" MANUFACTURING DISTRICT, TRACT 2A, NCB 11186, TRACTS 12 AND 13, NCB 11185;

(Full text in Ordinance Book BB page 111)

Zoning Case #454 to rezone lots 41 and 53, Block G, New City Block 8356 on Bandera Road was next called for hearing. Mr. Martin, the Planning Director, notified the council that his attention had been called to the fact that certain interested parties to this zoning change had failed to be notified and he recommended that the case be referred back to the Planning Commission. The motion to refer was unanimously adopted.

April 28, 1955

Next called for hearing was Zoning Case #487 to rezone 2400' x 2400' or 132.21 acres in Lot 11, New City Block 11186 off of Hutchins Avenue from "A" Temporary Residence to "H" Local Retail. After a statement by the Planning Director that this tract was not within 200 ft. of the property of Mr. Joe Amberson, Jr., the following ordinance approving the recommendation of the Planning Commission was passed. AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Lacy, Barrett; NAYS, none; ABSENT, White, Russell, Gonzalez.

AN ORDINANCE 21,188

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 487, TO REZONE A TRACT OF LAND OUT OF LOT 11, N.C.B. 11186, FROM "A" TEMPORARY RESIDENCE DISTRICT TO "H" LOCAL RETAIL DISTRICT as follows: A SQUARE TRACT OF LAND 2400' by 2400' BEING 132.2134 ACRES

(Full text in Ordinance Book BB page 112)

Zoning Case #465 was next called for hearing to rezone Lot 1, Block 1, New City Block 12309 and Lot 25, Block 8, New City Block 12306 from "A" ^{TEMP. RES.} to "F" LOCAL RETAIL was next called for hearing. No one appeared to be heard and the following ordinance approving the recommendation of the Planning Commission was approved: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Lacy, Barrett; NAYS, none; ABSENT, White, Russell, Gonzalez.

AN ORDINANCE 21,189

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 465, RE-ZONING OF LOT 1, NCB 12306, FROM "A" TEMPORARY RESIDENCE DISTRICT to "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book BB page 113)

Zoning Case #264 to rezone Lots 1 through 6, New City Block 1584 from "B" Residence to "F" LOCAL RETAIL was next called up for hearing. No one appearing to be heard, the council adopted the following ordinance to approve the change. AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, Lacy, Barrett, Gonzalez; NAYS, none; ABSENT, White.

AN ORDINANCE 21,190

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 264, REZONING OF LOTS 1 THROUGH 6, NCB 1584, FROM "B" RESIDENCE DISTRICT to "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book BB page 113)

April 28, 1955

Zoning Case No. 464 to rezone Lots 1 through 13, Block 14, New City Block 11293 Las Palmas Addition from "B" Res. to "J" Commercial. The Planning Commission recommended that the change be made to "F" Local Retail. No one appearing to be heard, the following ordinance approving the recommendation of the Planning Commission was passed by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Lacy, Barrett; ABSENT, Russell, White, Gonzalez. NAYS, none.

AN ORDINANCE 21,191

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 464, REZONING OF LOTS 1 THROUGH 13, BLOCK 14, NCB 11293, (LAS PALMAS ADDITION) FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book BB page 114)

The Clerk then read a recommendation from the City Manager with regard to the matter of a retaining wall erected by Abe San Miguel at Magnolia and McCullough in which he recommended that immediate action be taken to have the wall removed. The Council unanimously approved the recommendation of the City Manager.

The Clerk then read a letter from the City Manager written in response to council request of last week for recommendations as to the request of Attorney's for Powers & Sollock for a compromise settlement of the amount due by them on their concession contract. After reciting the history of the case, the Manager gave \$3,220.28 as the amount due by this firm and recommended that the City Attorney take the necessary legal action to collect that amount.

The City Manager and Finance Director next presented the following ordinance:

AN ORDINANCE

AMENDING AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1954-1955, ESTIMATING THE REVENUES FOR SAID FISCAL YEAR, AND APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF VARIOUS DEPARTMENTS, PAYMENT OF JUST CLAIMS, AND FOR VARIOUS IMPROVEMENTS OF THE CITY

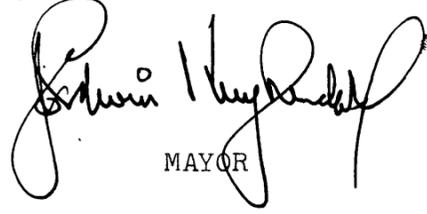
Mr. Aldridge, the Finance Director, was called upon to explain the matter fully but before his detailed statement was taken Mr. Gonzalez expressed his opinion that the proposed action was illegal and unconstitutional. He challenged the statement that the proposed additional expenditures were not foreseeable and stated that no due necessity has been shown. His contention is that this is not an amendment of the budget but an upward revision. He further contends that if the changes are otherwise legal there should be a public hearing.

The City Attorney was asked for his opinion and he stated he thought that the courts would uphold the changes as emergencies.

Mr. Russell then moved that the proposed budget changes be referred to the incoming council for careful consideration. The motion unanimously carried.

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

APPROVED:


MAYOR

ATTEST:


City Clerk