

DECEMBER 7, 1944

REGULAR MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBER OF THE CITY HALL, AT 10:00 O'CLOCK, A. M., ON THURSDAY, DECEMBER 7, 1944.

PRESENT: Callaghan, Hein, Steffler and Anderson; Absent, Mauermann. Commissioner Anderson, Mayor Pro Tem, presiding.

On motion of Commissioner Steffler, seconded by Commissioner Callaghan, and carried by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent), the minutes of the Regular Meeting of November 30, together with those of the Recessed Meeting of December 4, were approved as written.

The petition of Mrs. Juanita Trujillo to keep a cow at 1723 Van Ness Street was presented and referred to the Health Department.

Commissioner Callaghan introduced the following ordinances, which were read, passed and approved by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent).

APPRO. NO. 389

AN ORDINANCE (1603)

APPROPRIATING \$13,302.77 OUT OF U. S. GOV'T TAX ACCOUNT TO PAY WITHHOLDING TAXES FOR THE MONTH OF NOVEMBER 1944.

(For full text, see Ordinance Book "M", page 203.)

APPRO. NO. 390

AN ORDINANCE (1604)

APPROPRIATING \$377,715.61 OUT OF VARIOUS SINKING FUNDS TO PAY JANUARY 1, 1945, BOND AND INTEREST COUPON MATURITIES.

(For full text, see Ordinance Book "M", page 203.)

APPRO. NO. 391

AN ORDINANCE (1605)

APPROPRIATING \$472.14 OUT OF 1944 GENERAL FUND TO PAY EXCHANGE ON JANUARY 1, 1945 BOND AND INTEREST COUPON MATURITIES.

(For full text, see Ordinance Book "M", page 205.)

APPRO. NO. 392

AN ORDINANCE (1606)

APPROPRIATING \$31.63 OUT OF 1944 GENERAL FUND, VARIOUS DEPARTMENTS, TO PAY DAN QUILL, POSTMASTER, FOR POSTAGE STAMPS.

(For full text, see Ordinance Book "M", page 205.)

Commissioner Hein introduced the following ordinance, which was read, passed and approved by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent).

APPRO. NO. 393

AN ORDINANCE (1607)

APPROPRIATING \$738.00 OUT OF 1944 GENERAL FUND, SEWAGE PLANT DEPT., TO PAY FOR CARLOAD OF LIQUID CHLORINE AND FREIGHT CHARGES.

(For full text, see Ordinance Book "M", page 205.)

Commissioner Steffler introduced the following ordinances, which were read, passed and approved by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent).

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APPRO. NO. 394

AN ORDINANCE (1608)

APPROPRIATING \$171.00 OUT OF 1944 GENERAL FUND, STREET MAINTENANCE, TO PAY B. H. BUCH FOR GRAVEL.

(For full text, see Ordinance Book "M", page 206.)

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APPRO. NO. 395

AN ORDINANCE (1609)

APPROPRIATING \$65.00 OUT OF CITY OF SAN ANTONIO EXCAVATION TRUST ACCOUNT FOR REFUNDS AND REPAIRS.

(For full text, see Ordinance Book "M", page 206.)

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APPRO. NO. 396

AN ORDINANCE (1610)

AUTHORIZING JACK AMMANN TO MAKE TOPOGRAPHIC MAP, AND APPROPRIATING \$6600.00.

(For full text, see Ordinance Book "M", page 206.)

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AN ORDINANCE (1611)

TO USE THE CITY SANITARY SEWERS BY CONNECTION OUTSIDE THE CITY LIMITS ON THE PETITION OF MR. AND MRS. E. M. LEVY, 409 WILTSHIRE AVENUE, LOT 3, BLOCK 6, TERRELL HILLS ADDITION.

(For full text, see Ordinance Book "M", page 207.)

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Commissioner Anderson introduced the following ordinances, which were read, passed and approved by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent).

APPRO. NO. 397

AN ORDINANCE (1612)

APPROPRIATING \$160.00 OUT OF 1944 GENERAL FUND TO PAY RENT FOR CONTROL CENTER AND U. S. EMPLOYMENT SERVICE.

(For full text, see Ordinance Book "M", page 208.)

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APPRO. NO. 398

AN ORDINANCE (1613)

APPROPRIATING \$55.00 OUT OF ADVERTISING FUND PAYABLE TO THE GUARDSMAN FOR MUNICIPAL ADVERTISING.

(For full text, see Ordinance Book "M", page 208.)

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APPRO. NO. 399

AN ORDINANCE (1614)

ACCEPTING PROPOSAL, CREATING CONTRACT AND MAKING APPROPRIATION FOR EQUIPMENT WITH UNDERWOOD-ELLIOTT-FISHER CO. TO FURNISH HEALTH DEPARTMENT WITH THREE STANDARD UNDERWOOD TYPEWRITERS AND APPROPRIATING \$280.68 OUT OF 1944 GENERAL FUND, HEALTH DEPARTMENT, IN PAYMENT.

(For full text, see Ordinance Book "M", page 208.)

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APPRO. NO. 400

AN ORDINANCE (1615)

APPROPRIATING \$12.70 IN PAYMENT TO HUGH R. ROBERTSON, ASSISTANT CITY ATTORNEY, OF EXPENSES OF TRIP TO AUSTIN ON CITY BUSINESS.

(For full text, see Ordinance Book "M", page 209.)

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One bid to furnish the Fire Alarm Department with Fire Alarm equipment was opened and publicly read. This being the only bid submitted, it was accepted on motion of Commissioner Hein, seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent), and the ordinance was ordered drawn, as follows:

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APPRO. NO. 401

## AN ORDINANCE (1616)

ACCEPTING PROPOSAL, CREATING CONTRACT AND MAKING APPROPRIATION FOR EQUIPMENT, MATERIALS AND SUPPLIES WITH THE GAMEWELL CO. TO FURNISH FIRE ALARM DEPT. WITH CERTAIN EQUIPMENT AND APPROPRIATING \$300.84 OUT OF 1944 GENERAL FUND, FIRE ALARM DEPT., IN PAYMENT.

(For full text, see Ordinance Book "M", page 209.)

In reference to the petition of Mr. Walter L. Geyer for the closing of a portion of Melrose Place, which had been referred to him at the meeting of November 30, Commissioner Steffler introduced a letter from Land Appraiser J. Frank Gallagher placing a value of \$125 on the land under discussion and a letter from City Engineer Thomas H. Coghill recommending that the Council consider an offer in that amount if proffered by Mr. Geyer.

Mr. Geyer, in attendance at the meeting, offered the City \$125 for the portion of street. On motion of Commissioner Steffler, seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent), the Council accepted this offer and ordered the necessary ordinance drawn.

Commissioner Anderson presented to the Council Maj. Harry W. Roberson, new provost marshal of the City of San Antonio, and Major Roberson responded to the introduction.

The Council heard Mr. Solomon Casseb, speaking in protest to the blocking of a public street by a man who has built a house at the intersection of Comal, Salado and Vera Cruz Sts. Commissioner Steffler asked City Attorney Cobbs for an opinion on what action could be taken to remove this obstruction.

On motion of Commissioner Steffler, seconded by Commissioner Hein and carried by the following vote on roll call, to-wit: Ayes, Callaghan, Hein, Steffler and Anderson; Nay, Mauermann (absent), the meeting was recessed to Saturday, December 9, 1944, at 11:00 A. M.

PURSUANT TO THE RECESS of the meeting of December 7, the Council reconvened in the Council Chamber of the City Hall at 11:00 o'clock, A. M., on Saturday, December 9, 1944.

Present: Mauermann, Callaghan, Hein, Steffler and Anderson. Mayor Mauermann presiding.

Commissioner Anderson introduced the following ordinance, which was read, passed and approved by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein, Steffler and Anderson.

APPRO. NO. 402

## AN ORDINANCE (1617)

APPROPRIATING \$343.17 OUT OF 1944 GENERAL FUND TO PAY CITY'S SHARE OF GROUP INSURANCE FOR NOVEMBER 1944 COVERING VARIOUS EMPLOYEES IN THE POLICE AND FIRE DEPARTMENTS.

(For full text, see Ordinance Book "M", page 210.)

Commissioner Steffler introduced the following ordinance, which was read, passed and approved by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein, Steffler and Anderson.

AN ORDINANCE (1618)  
TO CLOSE PART OF MELROSE PLACE AND MAKING A QUIT CLAIM TO WALTER L. GEYER.

(For full text, see Ordinance Book "M", page 210.)

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Mayor Mauermann called on City Attorney Cobbs for a report on his investigation into the various water companies serving San Antonio.

City Attorney Cobbs reported he is preparing a street rental ordinance to apply to all water companies operating within the city limits. He said he is also preparing a statement on the state law requiring that certain reports be made by water companies, in order to provide the City with data necessary for rate-fixing purposes. He suggested that the City never permit private, co-operative or subdivision water companies to use the public streets. He said water supplied by private companies should comply with all standards required by <sup>the</sup> State and City Health Departments, pointing out that if such water is not up to state requirements it operates to the disadvantage of the City's general water record. He advocated a requirement that all water companies install standard fire plugs and mains large enough to meet the pressure and volume standards of the City fire department.

Commissioner Anderson stated he was having Fire Chief Hart make a survey to determine where additional and improved fire hydrants are needed.

In reply to a question from Commissioner Steffler, Judge Cobbs stated the supplying of water for public health and safety is a governmental function, and no private water company can claim any right to the use of streets by reason of a grant given them in a subdivision dedication. He said the subdividers had no legal right to put such a clause in the dedication. He stated none of the private water companies operating here has a franchise. Answering a question from Mayor Mauermann, Judge Cobbs held that the City Water Board is subject to the authority of the city government. He said the courts have held it is merely a department of the City and not a legal entity.

Mayor Mauermann asked if an ordinance is necessary to order the City Water Board to make necessary improvements and extensions.

Judge Cobbs replied that, if they have the money, it is the Board's duty to make such improvements and extensions. If they refuse to do their duty, it becomes the obligation of the City Council to order them to do it. An ordinance might be passed, he stated, to give dignity to this order and define the specific improvements and extensions to be made.

In reply to a question put by Mayor Mauermann, Judge Cobbs said it would be proper for the City Health Department to make a survey and recommend that the Water Board make extensions and improvements necessary for reasons of public health. He said such recommendations need not be based solely on public necessity, but that extensions and improvements could be asked wherever they would serve public convenience.

Commissioner Anderson asked if the \$500,000 originally turned over to the Water Board by the City when it purchased the water system had been expended. Judge Cobbs replied that it had been used, as provided, for various improvements.

Answering Commissioner Anderson again, Judge Cobbs stated the \$1,500,000 which the Water Board admittedly has accumulated in its Surplus Fund can be used for improvements and extensions.

Commissioner Anderson suggested that it be made the stated policy of the Council to discourage any further private ownership of water companies in this City. He pointed out that the independent water companies have obtained the best of materials and made improvements within the past year, while the City Water Board has contended it could not get materials. He suggested the Council go into the plan of incorporating all San Antonio water companies into one City-operated company, set up a new board, and finance it with bonds bearing an interest rate of  $1\frac{1}{2}$  to  $2\frac{1}{2}$  per cent.

Judge Cobbs estimated that, when completed and fully paid for, the City Water Board is contemplated to be worth about \$15,000,000, while, by that time, the City will have paid about \$20,000,000 for it.

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Commissioner Anderson stated the Health Department has laid the blame for San Antonio's infant mortality rate, one of the highest, at the door of the Water ~~Board~~ supply.\*

Mayor Mauermann suggested the Council appoint a committee composed of the City Engineer, Health Officer and Fire Chief to survey the needs for water system improvements and extensions, their report to be made to the Council and then referred by the Council to the Water Board with an order for action.

City Attorney Cobbs suggested that the report of this committee be divided into three parts, namely: 1. Main extensions absolutely and immediately necessary and vital, 2. Expedient improvements, and 3. Anticipatory improvements.

On motion of Commissioner Steffler, seconded by Commissioner Anderson and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein, Steffler and Anderson, such committee was appointed and ordered to survey and report as outlined above.

On motion of Commissioner Hein, seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein, Steffler and Anderson, the meeting was adjourned Saturday, December 9, 1944.

APPROVED: (as corrected)\*

Wm. B. Mauermann

M A Y O R

ATTEST:

Frank Brady  
City Clerk

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\*CORRECTION: Commissioner Anderson requested the word "Board" be changed to "supply".