

September 17, 1953

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER OF THE CITY HALL
ON THURSDAY, SEPTEMBER 17, 1953 AT
10:00 A. M.

PRESENT: SCHERLEN, STEVENS, SHEARER, A. C. WHITE, RUSSELL, R.N. WHITE, EASLEY,
LESTER, AND CITY ATTORNEY JACK DAVIS AND CITY CLERK J. FRANK GALLAGHER

ABSENT: GONZALEZ

Mayor A. C. White presiding.

Invocation by Rev. W. E. Smith.

On motion of Mr. Russell seconded by Mr. Easley the reading of the minutes
of the previous meeting was dispensed with.

A letter was read by the Clerk from Rev. W. S. McBirnie of Trinity Baptist
Church asking for the use of Landa Library for Sunday mornings for Men's meetings.

The Mayor advised Mr. McBirnie, who was present, that the matter should
be taken up with the Library Board since the matter was in its hands.

A committee of women from the Rittiman Road area protested the removal of
the shuttle bus line which had operated there. Mrs. E. W. Fisk first appeared and
gave statistics. She was followed by other members of the group, all asking for better
service.

Mr. Castle of the San Antonio Transit Company next appeared and gave
statistics on the 60 day trial period. He was closely questioned by all the group
and by the members of the council.

After discussion it was moved by Mr. Russell, seconded by Mr. Shearer, that
the matter of attempting to extend the existing lines to Rittiman Road be taken up
by the City Manager, the City Attorney and Mr. Castle to report back next week.
The motion was unanimously approved by the City Council.

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez.

AN ORDINANCE 19,563-A

CREATING AND ESTABLISHING THE INSURANCE ADVISORY
COMMITTEE OF THE CITY OF SAN ANTONIO; AND RATIFYING
AND CONFIRMING THE APPOINTMENT OF MEMBERS THERETO

(Full text in Ordinance Book Z. page 228)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez.

AN ORDINANCE 19,563

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY
A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE
PETITION OF MILTON A. RYAN AND MRS. MILTON A. RYAN
AT 805 RIDGEMONT

(Full text in Ordinance Book Z. page 229)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,564

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF H. MACK LOVE JR. AND HELEN H. LOVE AT 801 CANTERBURY HILL

(Full text in Ordinance Book Z. page 229)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,565

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF J. E. RUBOTTOM AT 636 RITTIMAN ROAD

(Full text in Ordinance Book Z. page 229)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,566

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF EARNEST A. WILLIAMS AT 908 MORNINGSIDE DRIVE

(Full text in Ordinance Book Z. page 230)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,567

APPROPRIATING \$2.00 OUT OF 1953 GENERAL FUND-UNPLEDGED, CLAIMS AND REFUNDS ACCOUNT NO. 56-02-02 FOR A REFUND PAYABLE TO PENNY WALTER FOR A FOOD ESTABLISHMENT LICENSE IMPROPERLY CHARGED TO HIM

(Full text in Ordinance Book Z. page 230)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,568

ACCEPTING THE ATTACHED BID OF FERD STAFFEL COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION WITH 18,000 POUNDS OF ITALIAN RYE GRASS SEED FOR THE SUM OF \$2426.40

(Full text in Ordinance Book Z. page 230)

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The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,569

ACCEPTING THE ATTACHED BID OF KAR-TROL SIGNAL COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS, TRAFFIC ENGINEER WITH CERTAIN ITEMS OF SIGNAL EQUIPMENT FOR A TOTAL OF \$9,984.92

(Full text in Ordinance Book Z. page 231)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,570

ACCEPTING THE ATTACHED BID OF THE SEAGRAVE CORPORATION TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH ONE PUMPER FOR NET TOTAL OF \$17,161.00

(Full text in Ordinance Book Z. page 231)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,571

MAKING AND MANIFESTING BILL OF SALE TO SOUTHWEST RESEARCH INSTITUTE OF OBSOLETE FIRE PUMPER

(Full text in Ordinance Book Z. page 231)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,572

APPROPRIATING \$25.00 OUT OF ACCOUNT NO. 56-02-02 CLAIMS AND REFUNDS, PAYABLE TO JACK FLAHERTY, CLERK CORPORATION COURT, CASH BOND FORFEITED IN ERROR

(Full text in Ordinance Book Z. page 232)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,573

APPROPRIATING \$15.00 OUT OF ACCOUNT NO. 56-02-02 CLAIMS AND REFUNDS, PAYABLE IN REFUND TO CORPORATION PETTY CASH FUND IN EDWARD SHADDOCK CASE #43601FF

(Full text in Ordinance Book Z. page 232)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,574

ACCEPTING THE ATTACHED BID OF GENERAL ELECTRIC SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERS WITH 10,000 FEET TRAFFIC CABLE IN THE AMOUNT OF \$1299.00

(Full text in Ordinance Book Z. page 232)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,575

ACCEPTING THE ATTACHED BID OF PRASSELASH AND DOOR COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH CERTAIN ITEMS OF LUMBER FOR THE SUM OF \$1450.04

(Full text in Ordinance Book Z. page 233)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,576

ACCEPTING THE ATTACHED BID OF ALAMO LUMBER COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH CERTAIN ITEMS OF LUMBER FOR THE SUM OF \$5,346.25

(Full text in Ordinance Book Z. page 233)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,577

ESTABLISHING A SPECIAL ACCOUNT ENTITLED "H. E. BUTT SWIMMING POOL ACCOUNT"

(Full text in Ordinance Book Z. page 233)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

APPRO. NO. 2087

AN ORDINANCE 19,578

APPROPRIATING THE SUM OF \$3,219.00 OUT OF "H. E. BUTT SWIMMING POOL ACCOUNT", AND AUTHORIZING PAYMENT OF SAME TO W. E. SIMPSON COMPANY, ENGINEERS

(Full text in Ordinance Book Z. page 234)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen,

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R. N. White
Stevens, Shearer, A. C. White, Russell, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,579

ACCEPTING PROPOSAL OF MONTEREY IRON & METAL
CO. TO PURCHASE TRACTOR, TRUCKS AND SCRAP IRON
AND AUTHORIZING THE CITY MANAGER TO EXECUTE BILL
OF SALE THEREFOR

(Full text in Ordinance Book Z. page 234)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez.

AN ORDINANCE 19,580

LINE
GRANTING EASEMENT TO THE UNITED GAS PIPE CO.
TO CONSTRUCT PIPE LINE OVER AND ACROSS THE SEWAGE
CANAL LEADING FROM THE SEWAGE TREATMENT PLANT TO
MITCHELL LAKE; AND AUTHORIZING THE CITY MANAGER TO
EXECUTE SAID EASEMENT

(Full text in Ordinance Book Z. page 234)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez:

AN ORDINANCE 19,581

APPROPRIATING THE SUM OF \$40.00 TO BE REFUNDED
TO VARIOUS PERSONS, ON ACCOUNT OF BOARD OF ADJUSTMENT
FEE AND ZONING BOARD FEE (MARY TAYLOR, M. C. SLEDGE &
C. W. A. HOFFMAN)

(Full text in Ordinance Book Z. page 235)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez.

AN ORDINANCE 19,582

ACCEPTING PROPOSAL OF G. W. ANDERSON TO PURCHASE
PECAN CROP IN THE CITY PARKS; AND AUTHORIZING THE
CITY MANAGER TO EXECUTE CONTRACT THEREFOR

(Full text in Ordinance Book Z. page 235)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none;
Absent, Gonzalez.

AN ORDINANCE 19,583

AUTHORIZING A \$3,075.62 PURCHASE OF STREET
SWEEPER REPAIR PARTS FROM DULANEY SERVICE
COMPANY

(Full text in Ordinance Book Z. page 235)

The following resolution was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

A RESOLUTION

REJECTING ALL BIDS RECEIVED FOR THE LEASE OF CERTAIN PROPERTY IN THE OLMOS DETENTION BASIN, FOR GRAZING PURPOSES; AND DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE LEASE OF SAID PROPERTY, FOR GRAZING PURPOSES

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester; Nays, none; Absent, Gonzalez.

AN ORDINANCE 19,584

AMENDING AN ORDINANCE PASSED AND APPROVED 3 NOVEMBER, 1938, ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND STRUCTURES; PERCENT OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OPEN SPACES; DENSITY OF POPULATION; LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; DIVIDING THE CITY OF SAN ANTONIO INTO DISTRICTS, REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RE-CONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICT, PROVIDING THE UNIFORM REGULATIONS FOR CLASSES OR KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE RESTRICTED DISTRICT; ADOPTING ZONING MAP DISCLOSING VARIOUS DISTRICTS, USE, AREAS, RESTRICTIONS, LIMITATIONS AND PROVISIONS APPLICABLE TO DISTRICTS AND AREAS; PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS THEREOF; TO RE-ZONE: CASE 304, PROPERTY IN THE 400 BLOCK OF BARRERA STREET, FROM "C" RESIDENTIAL DISTRICT TO "F" LOCAL RETAIL DISTRICT; CASE 307, PROPERTY IN THE 800 BLOCK OF MILITARY DRIVE, FROM "E" APARTMENT DISTRICT TO "F" LOCAL RETAIL DISTRICT; CASE 309, PROPERTY IN THE 500 BLOCK OF SAN BERNARDO STREET, FROM "C" RESIDENTIAL DISTRICT TO "F" LOCAL RETAIL DISTRICT; AND CASE 311, PROPERTY IN THE 300 BLOCK OF MASCOTA STREET, FROM "C" RESIDENTIAL DISTRICT TO "F" LOCAL RETAIL DISTRICT. ANY PERSON, WHO VIOLATES THIS ORDINANCE OR THE OWNER OF ANY BUILDING OR PREMISES OR PART THEREOF WHERE ANYTHING IN VIOLATION OF THIS ORDINANCE SHALL BE PLACED OR SHALL EXIST, AND ANY ARCHITECT, BUILDER, CONTRACTOR, AGENT, PERSON OR CORPORATION EMPLOYED IN CONNECTION THEREWITH, WHO MAY HAVE ASSISTED IN THE COMMISSION OF ANY VIOLATION SHALL BE GUILTY OF A SEPARATE OFFENSE AND UPON CONVICTION MAY BE FINED NOT MORE THAN \$100.00 AND EACH DAY SUCH VIOLATION EXISTS SHALL CONSTITUTE A SEPARATE OFFENSE

(Full text in Ordinance Book Z. page 236)

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 the City Manager, Mr. Ralph H. Winton, for his recommendation or action.

- 9-8-53 Petition of Mr. John Mahalia and City Transportation Co. for approval of transfer of seven taxicab permits
- 9-8-53 Petition of Mr. John Mahalia giving notice of withdrawal of petition for sale of seven taxicab permits filed 8-28-53
- 9-8-53 Petition of Miguel Martinez, et al, requesting the opening of 28th and 29th Street between Ruiz and Menchaca Streets
- 9-10-53 Petition of Mrs. E. W. Fisk regarding the bus situation in the vicinity of Rittiman Road
- 9-11-53 Petition of Fred L. Henson, et al, requesting street repair and correction of drainage in the 600 block of Rudolph Street and 1100 block of N. Gevers St.
- 9-11-53 Petition of South San Antonio Baptist Church requesting tax exemption, NCB 8732 8901 and 8732.
- 9-11-53 Petition of Angel Salas, et al, requesting repair of retaining wall of creek running along the 500 block of Eldorado Street.
- 9-11-53 Petition of Louis Bustamente, et al, requesting that Lyon Street be opened between N. Hamilton and NW 19th Street.
- 9-14-53 Petition of Ignacio M. Hernandez, et al, requesting repair of the 600 block of Fitch Avenue

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9-14-53 Petition of Mr. M. Jacobs, et al, requesting installation of a traffic light at the intersection of Nogalitos and Drake Avenue.

Yours very truly,

J. Frank Gallagher
City Clerk

Mr. R. N. White then introduced an ordinance captioned as follows:

AN ORDINANCE FIXING THE BASE SALARIES
IN THE FIRE AND POLICE DEPARTMENTS
OF THE CITY OF SAN ANTONIO

which was read in full by the Clerk and the provisions therein would give raises in pay to a large number of policemen and firemen.

City Manager Winton stated that he had no advance notice of this ordinance and had never seen it. He stated that he and the council had heretofore had an agreement with the officers and fire personnel involved that the proposed raises would be mad on February 1st, 1954. He further stated that he was in sympathy with increased pay for these men but that no provision had been in the budget to take care of the expense involved. He also said that the matter of passage of the ordinance was the prerogative of the council and if it were passed he would endeavor to raise the funds to meet the increased payroll. He said he would have preferred to have discussed the matter in advance of its introduction.

Mr. Scherlen stated that he thought the agreement was that the raises would be made on February 1st.

Mr. Russell objected to the ordinance being brought up out of a clear sky without prior discussion by the members of the council. He moved that the matter be laid on the table for one week so that it might be considered and reported on by the City Manager. Mrs. Stevens said she thought the raise should be given if possible. Mr. R. N. White agreed to the motion by Mr. Russell and it was unanimously voted to lay the ordinance on the table for one week.

Mr. Charles Biery, Attorney for American Family Life Insurance Co., appeared before the council and asked the council to permit the Controller to deduct from the pay checks of Firemen and Policemen, the amount due for insurance premiums for the benefit of his company.

The legal status of his right to get this service was questioned and the city Attorney ruled that the Company was not in compliance with the law necessary to have the city to act in this capacity. Mr. Biery asked that the stop order on collections in this manner, which had been the custom since March, be held up a week or so until he and the City Attorney could work the matter out.

Mr. Scherlen protested against the city acting in a collecting capacity and incurring this added expense.

On motion by Mrs. Stevens the matter was referred to the City Attorney.

The Mayor now called up certain zoning petitions for consideration as follows:
Case #310 to rezone lot A3 NCB 8416, on Babock Road from "A" Residential to "F" Local Retail.

The Planning Board recommendation to deny the change "F" Local Retail but to rezone as "D" Apartment was discussed by Mr. Raymond Williams, Attorney for the petitioner, Mr. Marvin Dodge, Mr. Luther Itz, Mr. F. F. Hardy, Mr. T. J. Krause and Councilmen R. N. White

and Lester. Also Mr. James W. Brannon the petition, and also Mr. Scherlen.

On motion by Mr. Lester, seconded by Mr. R. N. White the recommendations of the Planning Board were approved by the following vote: Ayes, Shearer, Stevens, A. C. White, Russell, R. N. White, Easley and Lester; Nays, Scherlen. Absent Gonzalez.

Case #312: A petition by Stella Carter to zone Lot 30A Block 2, NCB 8417 west of West Avenue "J" Commercial instead of its present "A" Residential.

The matter was discussed by Mr. P. B. Thompson, and adjoining property owner who objected and by Mrs. Carter and Councilman Shearer.

The council then voted unanimously to approve the recommendation of the Planning Board to deny the petition.

Case #313: A petition by C. Dalkowitz to change the zoning on Lots 19 and 20, NCB 2998 from "D" Apartment to "F" Local Retail which Planning Board had recommended be denied.

Mr. Jack Ridgeway, Attorney for the petitioner, asked the council to refer it back to the Planning Board since he thought the recommendation to deny^{was made} because of a misunderstanding.

After much discussion and a plea for upholding the recommendation by Miss Minnie Stein owner of the adjoining lot the motion of Mr. Scherlen seconded by Mr. Shearer to approve the recommendation of the Planning Board was approved unanimously. Mrs. Stevens, Mr. Lester and Mr. Gonzalez being absent.

Mr. T. Vallejo Jr., President of the Westlawn Taxpayers Association, then addressed the council and read a letter which was directed to the City Manager as follows.

San Antonio, Texas
September 16, 1953

Mr. Ralph Winton
Manager- City of San Antonio

Dear Sir:

The Westlawn Taxpayers Assn. would like to make the following comments on our feeling in regards to a Bond Issue.

1. This Administration pledged itself to be against issuing any bonds.
2. We do not believe the Western section of the city has ever received any benefits from previous issues.
3. From the time Bonds are planned, voted and sold and actual work is begun, prices of labor and materials have so increased that we believe that no Bond Issue so far has ever accomplished more than one half what was originally intended.

May we respectfully urge a part participation plan for all sections of the City, it may cost the Citizen concerned a little more but he can be sure of value received.

Our organization is pledged against and will work against any bond issues at this time.

Respectfully yours,

T. Vallejo President
Westlawn Taxpayers Assn.
439 San Agustin Ave.

into
He then entered a discussion with the Mayor and council members relative to a capital improvement Bond Issue.

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Mr. Hector Diaz also addressed the council regarding sewers on the West Side.

Mr. Joe Menchaca also discussed Capital Improvement Bonds and improvements.

The following proclamation was read by the clerk and approved by unanimous vote of the council.

WHEREAS, San Antonio has been the site of military activity for more than 200 years, during which time soldiers of Spain, Mexico, the Republic of Texas, the Confederate States of America, and especially the great United States of America with its most famous infantry divisions, have served their nation with valor from quarters in the city; and

WHEREAS these men of arms have been valued citizens of the community during their period of sojourn here and have contributed to the growth and development of the nation's fastest growing major city during their citizenship; and

WHEREAS many distinguished soldiers have honored the city by choosing it as their home upon retirement from active service, many finding time even then to work even more diligently for our city; and

WHEREAS, the United States Fourth Army and the San Antonio Chamber of Commerce will, with the cooperation of Metro-Goldwyn-Mayer, present a premiere performance of "Take the High Ground", a realistic movie dedicated to such soldiers, and will feature the visit of producer Dore Schary, who has done so much to portray the gallantry of these soldiers; now

BE IT THEREFORE RESOLVED that Wednesday, September 23, 1953, be designated as Ground Forces day in San Antonio, at which time citizens of the community will join together in paying tribute to all the soldier neighbors of the past especially the valiant infantryment of this age.

A. C. White
Mayor

On motion of Mr. Shearer the council then adjourned until 2:00 P.M. this date.

RECESSED MEETING OF THE CITY COUNCIL
OF THE CITY COUNCIL OF THE CITY OF SAN
ANTONIO HELD IN THE COUNCIL CHAMBER OF
THE CITY HALL ON THURSDAY, SEPTEMBER 17,
1953, AT 2:00 P.M.

PRESENT: SCHERLEN, STEVENS, SHEARER, A. C. WHITE, RUSSELL, R. N. WHITE, EASLEY,
GONZALEZ; CITY ATTORNEY JACK DAVIS AND CITY CLERK J. FRANK GALLAGHER

ABSENT: LESTER

After the roll call, the clerk read the resolution calling for this meeting and the Mayor then stated the business at hand was that outlined in the resolution. He called upon Mr. Gonzalez as the author of the resolution for a statement.

Mr. Gonzalez stated that he was motivated by the fact that he did not believe that the council had been provided with enough information upon which to give the approval, which it had, of the 26% rate increase in water rates now in effect. He stated that he now sees the Water Board Members and officials present and he feels that it is up to the Board to show that the new rates are not excessive.

Mr. John Wheeler, attorney for the City Water Board of Trustees, asked that he be allowed to make a preliminary statement; Permission being granted he made the following statement.

September 17, 1953

TO THE HONORABLE CITY COUNCIL OF THE
CITY OF SAN ANTONIO:

This preliminary statement is made in behalf of the Water Works Board of Trustees, it being deemed necessary to state the conditions upon which said Board is appearing at this hearing.

Chapter 33 of the General Laws of the 39th Legislature of the State of Texas, approved March 5, 1925, while a general law was presented to the Legislature and passed specifically to cover the purchase of the Water Works plant by the City of San Antonio, Section 4 of said Act provides among other things:

"The management and control of any such system or systems during the time same are encumbered, may by the terms of such encumbrance be placed in the hands of the City Council of such city; but if deemed advisable may be placed in the hands of a Board of Trustees to be named in such encumbrance, consisting of not more than five members, one of whom shall always be the Mayor of such City; the terms of office of such Board of Trustees, their powers and duties, the manner of exercising same, the election of their successors, and all matter pertaining to their organization and duties may be specified in such contract of encumbrance; but in all matters where such contract is silent, the laws and rules governing the Council of such city shall govern said Board of Trustees so far as applicable. Said City Council or Board of Trustees having such management and control shall have the power to make rules and regulations governing the furnishing of service to patrons and for the payment for same, and providing for discontinuance of such service to those failing to pay therefor when due until payment is made."

The contract of encumbrance referred to in said statute was executed as of the first day of May, 1925, by the City of San Antonio through its Mayor, John W. Tobin, attested by its Clerk, by the Water Works Board of Trustees, by its members, A. W. Seeligson, Otto Wahrmond, Sam B. Weller, Conrad A. Goeth, and John W. Tobin, and by St. Louis Union Trust Company.

By the act hereinabove referred to the Legislature provided for the management and control of such system delegating to the governing body of the City of San Antonio the option to manage and control said system or to place the management and control in a board of trustees, the terms of the contract of encumbrance to be evidence of the exercise of such option.

Article 1 of said contract of encumbrance provides among other things:

"The City covenants and agrees that so long as any one of the bonds herein described remains outstanding and unpaid, the possession, management and control of said mortgaged property and all of its income and profits, except as hereinafter provided in case of any default, shall be and is hereby placed in the hands of a Board of Trustees to be known as the 'Water Works Board of Trustees'.

"Said Board shall also have the possession, control and management, of all extensions, additions and equipment hereinafter made, or acquired, in addition to the plant, equipment, additions and extensions hereinbefore described, from whatever source of funds and in whatever manner, when the same is connected with or attached to said plant or any extensions thereof or additions thereto, and all the income and profits thereof; said possession, control and management to continue until all the indebtedness hereby secured, shall have been paid and satisfied."

Said contract of encumbrance further named as the first Board of Trustees A. W. Seeligson, Chairman, John W. Tobin, Mayor, and his successors in office, Conrad A. Goeth, S. B. Weller and Otto Wahrmond. Said Article further provided:

"In the event of a vacancy in the Board such vacancy shall be filled within fifteen days by the remaining members of said Board, other than the Mayor, selecting from the citizenship of San Antonio some male citizen of recognized integrity - one one who does not seek the office nor is attracted thereto on account of the salary but because of civic pride, and the fact that he does receive some compensation, he will conscientiously devote the necessary time and his very best efforts in the interest of the Water-Works System."

Said Article further provides:

"Each member of the Board, other than the Mayor, shall execute a bond payable to the City of San Antonio in the sum of \$25,000.00 with some solvent fidelity company authorized to and doing business in the State of Texas, as surety guaranteeing the faithful performance of his duties as a member of said Board."

Said Article further provides:

"The Board may act by a majority vote (except as herein otherwise provided) and may make such rules and regulations with reference to its meetings and conduct of the affairs of the Water-works System as may be desired."

The resolution of the City Council of the City of San Antonio calling this hearing states that the call is pursuant to Section 135 of the City Charter. Section 135 of the City Charter. Section 135 of the City Charter relates solely to hearings in reference to franchise holders. The Water Works Board of Trustees is in no sense a franchise holder, but it is a Board of Trustees duly constituted by the Act of the Legislature above referred to, and its powers and duties in managing and controlling the system were directly delegated to it by the State of Texas.

The option was given to the governing body of the City of San Antonio to retain the management and control of the system if it so desired, and if the interested parties to the contract of encumbrance agreed thereto, but by the contract of May 1, 1925, above referred to, the option was exercised to vest the Water Works Board of Trustees with such management and control, and the obligations of such contract cannot be impaired.

As stated by the court in the case of San Antonio Independent School District vs Water Works Board of Trustees, 120 S.W (2) 861, writ of error refused by the Supreme Court;

"It was the evident purpose of the people of the City, in creating the special Board, to remove the operation of the Water Works System entirely from the influence and control of the city governing body, and to free its operations from the vicissitudes of political control or manipulation. It may be that the creation of the new agency rather than entrusting the operation of the Water System to existing agencies was unusual, but, nevertheless, we have no doubt it was within the powers conferred by law."

It must be understood, therefore, that the appearance of the Water Works Board of Trustees at this hearing, and the furnishing of information desired by the City Council, shall not constitute any waiver of the position which has been maintained by said Board during the period of more than twenty-eight years that it has been in existence, and without prejudice to its power and duty to exercise such management and control.

This being understood, the members of the Board and its officials and employees wish to assure your Honorable Body that it is with wholehearted willingness and pleasure that there be made available to the City Council, and the public generally, all of the information pertinent to the operation of the water system in the past, its present operation and the Board's plans for its future operation. The Board welcomes the opportunity afforded by this hearing to make available to the City Council, and to the public generally, all of these facts and is now ready to answer any questions or to furnish any information which may be requested.

In reference to the last paragraph of the resolution requesting the Water Board to take steps to ascertain the feasibility and possibility of a revenue bond issue for the purpose of extension of the lines and services, the Board wishes to state that for some time, and long prior to the passage of the resolution calling this hearing, this most important matter has been included in various studies now being made by the Board, and in its behalf.

All will agree that no bond issue, whether of revenue bonds or of tax supported bonds, should be submitted until careful studies have been concluded as to the essential need for the bonds, the soundness of the projects upon which the proceeds of such bonds would be spent, and particularly inasmuch as such revenue bonds could be secured only by a second lien on the assets and revenues, that a careful and complete inventory and appraisal of the present fair value of such assets, and careful and complete estimate of the revenues available must be first made by a nationally recognized concern acceptable to purchasers of the bonds so that such bonds when issued will be salable at a reasonable rate of interest. All of the necessary studies are now being diligently made but they must be completed before the Board would be in a position to comply intelligently with the request set out in the last paragraph of the resolution.

This preliminary statement is tendered for filing with the City Clerk in order that a record of the Board's position may be preserved.

WATER WORKS BOARD OF TRUSTEES

By Martin A. Giesecke
Chairman

Mr. Gonzalez asked questions regarding the statement and stated he had not seen a copy of the indenture under which the Board operates. He was given a copy. He asked about the question of a franchise mentioned and was told that that was a proviso effective only in the event of a default in the bonds.

The legal status of the Board's rights was discussed slightly but it was agreed that the meeting should be confined to rate making and the legalities as to who has power to fix the rates be left out of the discussions.

Mr. Martin Giesecke, Chairman of the Water Board, was then recognized and he introduced the members of his Board who were present as follows:

James A. Gallagher, Trustee	Harry M. Koester, Controller
John O. Meusebach, Trustee	John D. Wheeler, Attorney
John R. Locke, Trustee	F. G. Rodgers, Independent Auditor
Martin C. Giesecke, Chairman	Walter H. Mangold, Assistant Purchasing Agent
Robert A. Thompson, Jr., Manager	Del Weffing, Assistant to the Manager
J. P. Newcomb, Secretary	

Mr. Giesecke then called upon the Council members to ask questions which his staff would answer.

Mr. R. N. White stated that what the council wants is facts and figures to justify the present rates for water.

Mr. Russell then asked several questions pertaining to the operation of the Board. Mr. Robert A. Thompson, Manager of the Water Plant then stated that he would show by graphs and charts facts which would probably answer in advance many questions which were in the

minds of the Council members. He then showed these illuminated charts and pointed out the salient facts contained therein after which he answered individual questions by members. Mr. Frank R. Rodgers, Auditor for the Board, also gave a talk and answered questions.

The meeting proceeded some three hours and many questions were answered.

When the 5:15 hour was reached the Mayor called the councils attention and asked if any further questions were to be asked the water officials.

Mr. Gonzalez stated that in his opinion the surface had only been scratched, he wanted more facts pertaining to the finances and wanted the council to recess until 9:00 A.M. September 18th to proceed with the hearing.

The Mayor stated that he believed more could be accomplished if Mr. Gonzalez would go to the Water Plant and get what facts he wants and then take them up with the council. To this Mr. Gonzalez agreed. Mr. Wheeler also agreed, and stated the Board would furnish anything possible.

The Council then recessed until 10:00 A.M. Monday, September 21, 1953.

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September 21, 1953

RECESSED MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN THE
COUNCIL CHAMBER OF THE CITY HALL ON
MONDAY, SEPTEMBER 21, 1953, AT 10:00 A.M.

PRESENT: SCHERLEN, STEVENS, A. C. WHITE, RUSSELL, R. N. WHITE, EASLEY, LESTER, GONZALEZ
ABSENT: SHEARER

The Mayor stated that the meeting was a continuation of the meeting which was recessed on Thursday, September 17, 1953, in order to allow Mr. Gonzalez to get additional information which he required from the Water Board. That being the case he called upon Mr. Gonzalez to present such matters as he desired before the council.

Mr. Gonzalez gave a talk on his desires and plans and questions and went into great detail regarding questions which remained unanswered in the hearing. He had not gone to the Water Board during the recess period but there were many matters not cleared up yet. He concluded with a suggestion that a recess of the hearing be taken for about two months during which time the facts could be ascertained and the council could then act.

Mr. Wheeler, the attorney for the water board, stated that the Board and management of the Water System had stood by Friday and Saturday to give any further information but none had been sought. He did not see any good in wasting and holding the matter in abeyance any further. They are here now ready and willing to answer questions.

Mr. Gonzalez stated that some of the questions were the following: "Why has not the Water Board presented a rate analyst", "Could he see a copy of their budget for the last ten years"; Could they explain how group discounts are arrived at"; What kind of inventory procedure is followed and is it a perpetual inventory";

He hinted at "Gingerbread" work costing about \$15,000.00 a year. He wanted to know about gas and oil allowance to employees who drive city cars home. "He understands that ^{METER} water readers only work parts of days". "Is there a time record kept of their work". "What figures are used in setting 500 cu. ft. minimum for billing purposes." "Why were some rates ⁱⁿ⁻creased 27% and others only 7%." "What about chain store discounts?"

Mr. Wheeler then made a statement. He was joined by Mr. Giesecke.

Mr. Thompson answered those questions asked by Mr. Gonzalez which were pertinent and said he considered some of them as mere details not to be thrust upon the council. He stated regardless of size of pipe all consumers of water pay the same rate. Mr. Scherlen asked about the cost of laying mains. Mr. Thompson answered him.

Mr. Russell asked about revenue bonds and was told that they could only be a second lien under the present indenture; that it would take about \$800,000.00 to take care of present needs for immediate water service. He feels sure when the surveys they are making are complete they will be able to give the city the needed services.

Mr. Giesecke stated that the Engineers are already at work but the details will take a lot of time and it may be a year before the survey is complete.

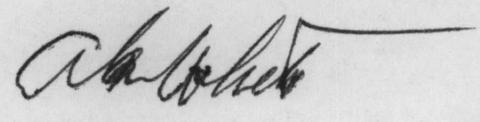
Mr. Newcomb, the Board Secretary, then answered all questions on billing and discounts and group rates.

Mr. Herman Ochs speaking for Grace Sanatorium gave his views and he was followed by V. E. Carlton who warned the council to watch its moves carefully. Mr. Wallace Cook also spoke and criticized the Board for not preparing the public for the raises in rates.

September 21, 1953

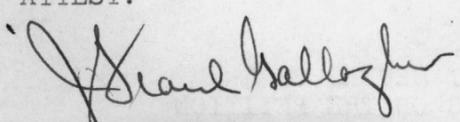
Mr. Scherlen said he did not think the council should hold the hearing open any longer. Mayor White agreed and after further discussion Mr. Scherlen moved that the council adjourn and leave the matter of further research be left to Mr. Gonzalez who would report to the council at a later date. Seconded by Mr. Russell the motion carried; Ayes, Scherlen, Stevens, A. C. White, Russell, R. N. White, Easley, Gonzalez; Absent, Lester and Shearer.

APPROVED:



MAYOR.

ATTEST:


City Clerk

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