

September 2, 1954

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER OF THE CITY HALL
ON THURSDAY, SEPTEMBER 2, 1954 AT
10:00 A.M.

PRESENT: SCHERLEN, STEVENS, SCHENKER, RUSSELL, R. N. WHITE, LESTER, GONZALEZ

ABSENT: A. C. WHITE, EASLEY

Mayor R. L. Lester presiding.

Invocation by Rev. Wallace Kornegay.

On motion of Mrs. Stevens, seconded by Mr. Schenker, the reading of the minutes of the previous meeting was dispensed with.

The Mayor called upon Mr. Kellis Dibrell who read the following statement:

San Antonio, Texas
September 1, 1954

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL, SAN ANTONIO, TEXAS:

In reply to the resolution passed by you on the 12th day of August, A. D. 1954 stating your intention to remove me as City Manager of the City of San Antonio and giving as your reasons for my removal as follows,

"The majority of this Council is dissatisfied with the execution and administration of its policies by the said Ralph H. Winton, and is dissatisfied with his insubordination and continued obstruction of the acts and policies of the City Council, and other reasons."

I wish to state the following:

I began the duties of City Manager for the City of San Antonio on July 16, 1953. I have performed the duties of my employment honestly and efficiently. I have held the expenses of the City to the lowest amount possible for the services required of the City Government as is evidenced by the good financial condition of the City at this time as compared with its financial condition at the time I went into office.

I am proud of the accomplishments that have been made by the City of San Antonio in the short time I was City Manager. I am particularly proud of the selection made by me for the appointments to the Public Housing Board, Director of Personnel, Finance Director, Chief of Police, City Attorney, and Fire and Police Commission.

During my tenure of office I closely followed the provisions of the City Charter and conscientiously carried out the duties prescribed for the City Manager in the Charter. Conversely I have not attempted at any time to interfere with or impose my opinions on policy matters which are the duties and responsibilities of the City Council under the Charter. Whenever the Council decided upon a policy matter and instructed me, as City Manager, to carry out their decision, I endeavored to do so at all times. My duties were purely administrative and I am not responsible for the policy decisions made by the City Council while I was in office.

In consulting with my attorney I have been advised by him that there is no provision in the State Statutes or City Charter wherein subpoenas could be issued to produce witnesses, other than City employees, before the City Council for a public hearing. For that reason it would seem to be useless to have such a hearing.

Under the City Charter, the decision of whether or not to discharge me as City Manager is the privilege of the City Council acting by a majority of its members. Should you, by vote of majority of your members, discharge me as is indicated in your resolution above referred to, I will leave this position with the satisfaction of knowing that I have honestly, fairly and efficiently performed the duties of this office. I have no malice toward anyone.

Respectfully submitted,

/s/ Ralph H. Winton

Mr. Dibrell filed the above statement with the City Clerk.

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,490

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MR. AND MRS. E. H. JAROSZEWSKI AT 122 ROLLING GREEN DRIVE

(Full text in Ordinance Book AA page 222)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,491

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MR. AND MRS. GOLDEN B. HOLLAND AT 207 ROLLING GREEN

(Full text in Ordinance Book AA page 222)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,492

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF MR. AND MRS. MAX W. STECKLY AT 769 AVONDALE

(Full text in Ordinance Book AA page 222)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,493

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF THORNTON H. & MARY IVA KILLOUGH AT 1229 QUINTANA RD.

(Full text in Ordinance Book AA page 223)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,494

ACCEPTING A DEED FROM MATTIE MAE SHARP, A WIDOW, CONVEYING TO THE CITY OF SAN ANTONIO LOTS 5 AND 6, BLOCK 77, N.C.B. 7109, AND APPROPRIATING THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) TO PAY FOR SAME

(Full text in Ordinance Book AA page 223)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,495

CHANGING THE NAMES OF CERTAIN STREETS LOCATED WITHIN THE CITY OF SAN ANTONIO

(Full text in Ordinance Book AA page 223)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,496

GRANTING THE PETITION OF MANOR BAPTIST CHURCH FOR EXEMPTION FROM CITY TAXES ON LOT 1, BLOCK 14, N.C.B. 7022, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

(Full text in Ordinance Book AA page 224)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, None; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,497

GRANTING THE PETITION OF THE DELLVIEW BAPTIST CHURCH (FORMERLY MONTICELLO BAPTIST CHURCH) FOR EXEMPTION FROM CITY TAXES ON TR. B, BLOCK 45, NCB 10540, AND LOT 10, BLOCK 30, NCB 10226, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

(Full text in Ordinance Book AA page 224)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,498

DECLARING VOID TAX ASSESSMENT AGAINST LOTS 9 TO 11, BLOCK 13, NCB 8970, OWNED BY MOST REV. ROBERT E. LUCEY, ARCHBISHOP, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

(Full text in Ordinance Book AA page 224)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. white, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,499

GRANTING THE PETITION OF WESLEY COMMUNITY HOUSE BOARD OF SAN ANTONIO FOR EXEMPTION FROM CITY TAXES ON N. IRR. 49.5 FT. OF 4, BLOCK 1, NCB 309, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

(Full text in Ordinance Book AA page 225)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,500

DESIGNATING CERTAIN PAYMENTS TO BE MADE TO THE FIREMEN, POLICEMEN AND FIRE ALARM OPERATORS' PENSION FUND, AND AMENDING ORDINANCE NO. 20547, PASSED AND APPROVED ON AUGUST 19, 1954

(Full text in Ordinance Book AA page 225)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,501

MAKING AND MANIFESTING A DEED FROM THE CITY OF SAN ANTONIO TO JAMES L. PRICE CONVEYING TO SAID JAMES L. PRICE A PORTION OF LOTS 7 AND 9, NEW CITY BLOCK 112, SAN ANTONIO, BEXAR COUNTY, TEXAS, SAID PORTION OF LAND BEING FULLY DESCRIBED BY METES AND BOUNDS HEREINBELOW; AND ACCEPTING AS CONSIDERATION FOR SAID DEED THE SUM OF TWO THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$2,250.00)

(Full text in Ordinance Book AA page 225)

The following ordinance was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

AN ORDINANCE 20,502

APPROPRIATING \$5,00 OUT OF THE 1954 GENERAL FUND, ACCOUNT NO. 55-01-01, SETTLEMENTS, CLAIMS AND REFUNDS, IN PAYMENT TO PEACOCK MILITARY ACADEMY OF REFUND OF IMPOUNDING FEE IMPROPERLY ASSESSED AND COLLECTED

(Full text in Ordinance Book AA page 226)

The following resolution was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none; ABSENT, A. C. White, Easley.

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. 389, NCB 8687, AUSTIN HWY)

The following resolution was passed and approved by the following vote: AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NYAS, none; ABSENT, A. C. White, Easley.

A RESOLUTION

FIXING AND ESTABLISHING A BOUNDARY LINE BETWEEN WITTE MUSEUM AND MEMORIAL BUILDING

(Full text in Ordinance Book AA page 268)

September 2, 1954

The following ordinance was passed and approved by the following vote:
 AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none;
 ABSENT, A. C. White, Easley.

AN ORDINANCE 20,503

AMENDING CHAPTER 36 OF THE SAN ANTONIO CITY CODE, DEFINING - ESTABLISHMENT, MEAT CARCASS, MEAT FOOD PRODUCT, ETC; REQUIRING PERMITS FOR THE OPERATION OF ESTABLISHMENTS: PROHIBITING SALE OF UN-INSPECTED MEAT AND MEAT FOOD PRODUCTS, ETC., PROVIDING FOR THE IDENTIFICATION OF CARCASSES, OFFICIAL STAMPS, ANTEMORTEM AND POST-MORTEM INSPECTION, DISPOSITION OF DISEASED ANIMALS, CARCASSES AND PRIMAL PARTS, SANITARY REGULATIONS AND STANDARDS, CONSTRUCTION OF FUTURE ESTABLISHMENTS, ENFORCEMENT OF THIS CHAPTER AND FIXING PENALTY FOR VIOLATION OF ANY SECTION BY FINE NOT LESS THAN \$25.00 AND NOT MORE THAN \$200.

(Full text in Ordinance Book AA page 227)

The following ordinance was passed and approved by the following vote:
 AYES, Scherlen, Stevens, Schenker, Russell, R. N. White, Lester, Gonzalez; NAYS, none;
 ABSENT, A. C. White, Easley.

AN ORDINANCE 20,504

ACCEPTING TWO DEEDS, ONE FROM ARTURO ZOROLA AND ONE FROM PETRA R. ZOROLA, EACH CONVEYING TO THE CITY OF SAN ANTONIO AN UNDIVIDED ONE-HALF INTEREST IN AND TO LOT 14, BLOCK 58, NCB 3656, AND APPROPRIATING THE SUM OF \$900.00 TO PAY FOR SAME

(Full text in Ordinance Book AA page 268)

The following letter from the City Clerk was read:

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

Gentlemen:

The following petition was received by this office and referred to the City Manager for his recommendation or action.

8-27-54 Petition of Harlandale Baptist Church requesting tax exemption of property located at Rayborn Drive and Ascott Street.

Yours very truly,

J. Frank Gallagher
 City Clerk

The Clerk read the following report to the council:

Sep. 2, 1954

SUBJECT: A fair honest and impartial report to the City Council of the City of San Antonio in regard to the reason behind the chaos and confusion in the Tax Office.

PURPOSE: To expose^{to} the Council and the taxpayers of the City of San Antonio the facts and gross irregularities in their present tax office.

The City Charter of the City of San Antonio adopted October 2, 1951, provides in part, "Sec. 95. All city taxes shall be levied, assessed and collected in the same manner as may be provided by the laws of Texas for the levy, assessment and collection of state and county taxes, unless otherwise provided by the Charter, or by ordinance; provided, however, that no discounts may be granted for the advance payment of taxes. All powers conferred by the general laws of Texas as they now or hereafter may exist for the assessment, levy and collection of taxes by county

and city assessors and collectors are hereby adopted and made applicable to the City and shall be in addition to and cumulative of the powers herein expressly granted, including without limitation, those granted to county and city assessors and collectors of taxes, to boards of equalization and to all other persons, bodies or agencies concerned with the assessment and collection of taxes."

On May 29, 1952, the City of San Antonio passed Ordinance No. 17704, prescribing a tax system for the City. The ordinance was repealed June 26, 1953. Therefore, as provided in the Charter, the tax assessor and collector, and the method of assessing taxes, come by operation of law directly under the provisions of Article 7041 through and including Article 7359 of the Revised Civil Statutes of the State of Texas pertaining to the county tax system. The City Attorney and his staff advised the City Manager, Ralph Winton, and the Tax Department, headed by V. E. Ballard, that the City was under the general provisions of the state law for the assessment and collection of taxes and should use the same system the county used. This notice by the City Attorney was flagrantly ignored by both parties.

At the present time, and for the period since June 26, 1953, the existing system and the Tax Department has operated outside the law and state statutes and has set up its own, or some individual's, system, with no lawful authorities to support it. There are many procedures, functions, policies and arbitrary actions that are wholly and completely outside the law and are supported by neither city ordinances, the City Charter, the state statutes nor the Constitution of the State of Texas.

This is the basis of future reports setting out specific and evidentiary acts constituting gross irregularities, which will account for the confusion and chaos presently existing. If the law had not been ignored and had been followed, the taxpayers would have had the protection of a lawful and approved system.

/s/ John Oliver

I, Jack Davis, a practicing attorney in the City of San Antonio, do sincerely and honestly state that when I was City Attorney for the City of San Antonio, and immediately after the repeal of the City Ordinance No. 17704, personally, along with my staff, informed the City Manager, Ralph Winton, and the Tax Assessor, V. E. Ballard, that the system for assessment and collection of taxes was now wholly and completely governed by the Constitution of the State of Texas and that the same system should be adopted as is used by the County Assessor and Collector.

/s/ Jack Davis

After the reading of the report, Mr. Russell questioned the propriety of having such a paper introduced in the council meeting without previous discussion in the pre-council meeting.

A heated discussion by members of the council and Mr. Thurman Barrett ensued with regard to the conduct of the Tax Department. No action was taken on the report.

Hearing was now held on Zoning Case No. 385 to rezone property in NCB 10234, said property being bounded on the north by St. Hedwig Road, on the south by US Hwy 90, on the west by Coliseum Drive and on the east by city limits line of August 11, 1953, from Temporary "B" Res. to Perm. "L" Manufacturing District. No one opposed and the change was unanimously approved.

Hearing was held on Case No. 387 to rezone property in NCB 1890, said property being bounded on the north by West French Place, on the south by West Ashby Place, and on the east by San Pedro Avenue, from "E" Apartment to "F" Local Retail. No one opposed and the change was unanimously approved.

Mrs. Mattie Lou Williams then addressed the council.

On motion of Mr. Schenker, seconded by Mrs. Stevens, the meeting adjourned.

APPROVED:

P. L. Lester
MAYOR

ATTEST:

Frank Ballough
City Clerk

ADDENDUM

The council members met in the office of the City Manager before the regular council meeting. The Clerk discussed the matter of mailing out copies of the proposed charter amendments and was instructed to proceed to make all preparations in advance of the passage of the ordinance.

The matter of arranging for the sale of \$5,000,000. of the recently passed \$11,000,000 Right of Way Bonds was discussed and action deferred until a special meeting to be held Tuesday, September 7th. at 8:00 A.M.

Mr. Fritz Knust representing a client, Chester Jones, appeared before the council on behalf of a petition heretofore filed setting forth a claim of \$1056.05 for damage claimed as a result of a collision with a police car.

Having no legal claim against the city, he made a plea for moral duty on the part of the city. Mr. Schenker questioned the right of the city to make any payment for which the city is not legally bound. The matter was laid over for study.

A letter from Carlos Sandoval regarding special sewer main extension fund was read and it was referred to the City Manager for his attention.