

JULY 6, 1944

REGULAR MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBER OF THE CITY HALL, SAN ANTONIO, TEXAS,
AT 10:00 O'CLOCK, A.M., ON THURSDAY, JULY 6th, 1944.

PRESENT: Mauermann, Callaghan, Hein and Anderson. ABSENT: Steffler. Mayor Mauermann presiding.

The City Clerk read the minutes of the Regular Meeting of June 29th, 1944, and the Mayor asked the wishes of the Commissioners regarding them. Commissioner Anderson suggested the addition of the words: "and to attend to such City business as might be necessary in the course of this trip", to the motion granting Mayor Mauermann a leave of absence to go to Chicago. Commissioner Anderson stated these words had been in the original oral motion as he had offered it at the meeting of June 29th. Commissioner Hein moved that the correction be made and the minutes be approved as corrected, which motion was seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent).

The City Clerk read the minutes of the Special Meeting of June 30th, 1944, which minutes were approved, as read, on the motion of Commissioner Hein, seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent).

The petition of Helen D. Young asking exemption of City taxes on property at 118 East Summit was presented and referred to the Commissioner of Taxation for action.

The petitions of Meadowview Development Corporation asking approval of a plat of Meadowview Addition and of Mr. Ben Nathan asking approval of a plat of the South Part of City Block 6788 were presented and referred to the City Engineer for his recommendation.

The petition of Roberda Hosey for permission to construct a barbecue pit in back yard at 214 Potomac Street was presented and referred to the Commissioner of Fire and Police for action.

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

APPRO. NO. 63

AN ORDINANCE (1182)

APPROPRIATING \$1,018.22 OUT OF 1944 GENERAL FUND - RECREATION DEPARTMENT - PAYABLE TO THE MITCHELLITE LABORATORIES, FOR 10% SOLUTION HYPOCHLORIDE FOR THE MONTH OF JUNE.

(For full text of this Ordinance, see Ordinance Book "L", p. 618.)

APPRO. NO. 64

AN ORDINANCE (1183)

APPROPRIATING \$4,750.00 OUT OF 1944 GENERAL FUND - PARKS & PLAZAS - PAYABLE TO U. S. TREASURY DEPARTMENT, PROPERTY UTILITIES DIVISION, FORT WORTH 2, TEXAS, FOR 8 MOTOR VEHICLES.

(For full text of this Ordinance, see Ordinance Book "L", p. 618.)

City Attorney Cobbs explained that this action was necessary as the vehicles to be bought were strictly government property and the City had been unable to obtain bids from civilian dealers on its advertisements seeking such vehicles.

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

APPRO. NO. 65

AN ORDINANCE (1184)

APPROPRIATING \$3,100.00 OUT OF 1944 GENERAL FUND - POLICE & FIRE DEPARTMENTS - PAYABLE TO U. S. TREASURY DEPARTMENT, FORT WORTH 2, TEXAS, FOR SIX USED TRUCKS.

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City Attorney Cobbs made the same statement about this ordinance as he had made about the previous ordinance introduced by Commissioner Hein.

(For full text of this Ordinance, see Ordinance Book "L", p. 619.)

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APPRO. NO. 66 AN ORDINANCE (1185)

APPROPRIATING \$172.00 OUT OF 1944 GENERAL FUND FOR EMERGENCY EXPENDITURES IN THE POLICE DEPARTMENT.

(For full text of this Ordinance, see Ordinance Book "L", p. 619.)

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APPRO. NO. 67 AN ORDINANCE (1186)

APPROPRIATING \$349.38 OUT OF 1944 GENERAL FUND TO PAY CITY'S SHARE OF GROUP INSURANCE FOR JUNE 1944 COVERING VARIOUS EMPLOYEES IN THE POLICE & FIRE DEPARTMENTS.

(For full text of this Ordinance, see Ordinance Book "L", p. 620.)

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APPRO. NO. 68 AN ORDINANCE (1187)

APPROPRIATING \$202.80 OUT OF 1944 GENERAL FUND - STREET MAINTENANCE - TO PAY B. H. BUCH FOR GRAVEL.

(For full text of this Ordinance, see Ordinance Book "L", p. 620.)

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AN ORDINANCE (1188)

AMENDING AN ORDINANCE ABOLISHING CERTAIN POSITIONS OR PLACES OF EMPLOYMENT IN THE POLICE DEPARTMENT OF THE CITY OF SAN ANTONIO, PASSED AND APPROVED ON THE 27TH DAY OF MAY, A. D. 1943.

(For full text of this Ordinance, see Ordinance Book "L", p. 620.)

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

APPRO. NO. 69 AN ORDINANCE (1189)

APPROPRIATING \$750.00 OUT OF 1944 GENERAL FUND - HEALTH DEPARTMENT - PAYABLE TO U. S. TREASURY DEPARTMENT, FORT WORTH 2, TEXAS, FOR ONE USED PICKUP TRUCK.

City Attorney Cobbs explained this ordinance was necessary for the same reasons given in reference to the two previous ordinances for purchase of vehicles from the U. S. Government.

(For full text of this Ordinance, see Ordinance Book "L", p. 621.)

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APPRO. NO. 70 AN ORDINANCE (1190)

APPROPRIATING \$47.00 OUT OF 1944 GENERAL FUND - SAN ANTONIO AIRPORT - PAYABLE TO ALAMO IRON WORKS FOR RENTAL ON PORTABLE AIR COMPRESSOR.

(For full text of this Ordinance, see Ordinance Book "L", p. 621.)

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APPRO. NO. 71 AN ORDINANCE (1191)

APPROPRIATING \$20.00 OUT OF 1944 GENERAL FUND - HEALTH DEPARTMENT - PAYABLE TO W. T. QUILLIN, CASHIER OF THE HEALTH DEPARTMENT, FOR INCIDENTAL EXPENDITURES.

(For full text of this Ordinance, see Ordinance Book "L", p. 621.)

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APPRO. NO. 72 AN ORDINANCE (1192)

APPROPRIATING \$70.00 OUT OF THE 1944 GENERAL FUND FOR SUPPLEMENTAL WITTE MUSEUM PAYROLL.

(For full text of this Ordinance, see Ordinance Book "L", p. 621.)

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APPRO. NO. 73

AN ORDINANCE (1193)

APPROPRIATING \$40.30 IN REFUND TO T. D. COBBS, JR., CITY ATTORNEY, FOR EXPENSES.

(For full text of this Ordinance, see Ordinance Book "L", p. 622.)

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APPRO. NO. 74

AN ORDINANCE (1194)

FIXING THE STATUS AND COMPENSATION OF CERTAIN EMPLOYEES OF THE HEALTH DEPARTMENT.

(For full text of this Ordinance, see Ordinance Book "L", p. 622.)

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AN ORDINANCE (1195)

DESIGNATING BAUMBERGER PLAZA.

(For full text of this Ordinance, see Ordinance Book "L", p. 623.)

On motion of Commissioner Anderson, seconded by Commissioner Hein and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent), the Council ordered a copy of this ordinance sent to Mr. Baumberger.

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AN ORDINANCE (1196)

EXTENDING TERM OF LEASE OF LAND OUT OF THE SEWER FARM TO THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR SOIL CONSERVATION NURSERY.

(For full text of this Ordinance, see Ordinance Book "L", p. 623.)

City Attorney Cobbs explained that this ordinance makes an automatic renewal of the lease of 10 acres of the sewer farm property, which has been used by the Department of Agriculture for a number of years.

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Only one bid being received in answer to the advertisement for one tractor bulldozer for the Street Department, acceptance of which bid was recommended by City Engineer Coghill, Commissioner Hein moved that the proposal be accepted and the necessary ordinance be drawn. After a second by Commissioner Callaghan, the motion and ordinance carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent). The ordinance follows:

APPRO. NO. 75

AN ORDINANCE (1197)

ACCEPTING PROPOSAL, CREATING CONTRACT AND MAKING AN APPROPRIATION FOR MATERIALS AND SUPPLIES WITH JESS McNEEL MACHINERY CO. TO FURNISH THE STREET MAINTENANCE DEPARTMENT WITH ONE TRACTOR BULLDOZER FOR A NET TOTAL SUM OF \$4,340.15.

(For full text of this Ordinance, see Ordinance Book "L", p. 624.)

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On motion of Commissioner Anderson, seconded by Commissioner Hein and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent), the petition of Mr. C. K. Morris to install another gasoline storage tank at 237 Nacogdoches Street was granted.

In a similar motion and by the same vote, the petition of Magnolia Petroleum Company for permission to replace one old 10-gallon visible gasoline pump with one electric computing pump at the Crockett Garage, 111 West Crockett Street, was not granted.

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The Council then proceeded to hear the appeal of Mr. Rex May, driver for the Yellow Cab Company, who had appealed to the Council for a review of the decision of City Taxicab Inspector Frank Vogler, who, following a hearing on June 20, 1944, had ordered May's license to operate taxicabs in the City of San Antonio suspended until further notice.

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City Attorney Cobbs read the following charge:

San Antonio, Texas,
June 19, 1944.To THE INSPECTOR OF TAXICABS
Of the City of San Antonio, Texas
City Hall
City.

I, the undersigned, solemnly state that Rex May on or about the 19th day of June, A. D. 1944, and before making and filing this complaint, within the corporate limits of the City of San Antonio, in the County of Bexar, State of Texas, did then and there threaten to strike me with some part of heavy object wrapped in newspaper, did also use extremely vile and abusive language toward my superior officer (who was present) and myself, and did attempt to overcharge -- contrary to and in violation of the provisions of an Ordinance passed and approved by the Board of City Commissioners of the City of San Antonio, Bexar County, Texas, on the 19th day of December, A. D. 1938, regulating taxicabs, etc.

Wherefore, I, the undersigned, pray that notice be served upon the said Rex May, to show cause why the license to operate taxicabs issued to Rex May should not be revoked or suspended.

/s/ Alvin S. Parker
2nd Lieut., Air Corps
Kelly Field

/s/ Stuart A. Marshall
Captain
Ordnance Corps
Kelly Field

Filed:
19th day of June, 1944
/s/ F. C. Vogler
Inspector of Taxicabs.

Appellant Rex May addressed the Council and requested a continuance of the hearing, stating that one of his witnesses was out of the city, attending a Baptist Convention, and the other was prevented by illness from attending the hearing on this date.

The Council denied the request for continuance when the two army officers who had filed the charge explained that they could not remain longer in San Antonio as they had received transfer orders. The Council decided to hear the testimony of the two army officers and then re-open the question of granting a continuance.

Proceeding with the hearing, the City Attorney sought a plea from Defendant May. May refused to enter a plea, so the City Attorney stated to the Council that this refusal constituted an automatic plea of not guilty.

Captain Marshall and Lieutenant Parker were sworn and testified, their testimony being substantially the same as given in their written depositions filed with Inspector Vogler. Appellant May did not cross-question the witnesses.

In discussion with Commissioner Anderson, Captain Marshall stated that the cab driver was cruising when they hailed ~~them~~ ^{him}. Appellant May then requested that he be permitted to make a statement and was accordingly sworn. He stated that he was not cruising when he picked up Captain Marshall and Lieutenant Parker. He denied the charges made against him.

On motion of Commissioner Anderson, seconded by Commissioner Hein, and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein and Anderson; Nay, Steffler (Absent), the hearing was recessed until the next regular Council Meeting, July 13th, 1944, to permit Appellant May to present his additional witness or witnesses.

On motion of Commissioner Hein, seconded by Commissioner Callaghan and carried by the following vote on roll call, to-wit: Ayes, Mauermann, Callaghan, Hein, and Anderson; Nay, Steffler (Absent), the meeting adjourned July 6th, 1944.

APPROVED:

Ernest Mauermann
M A Y O R

ATTEST:

Frank Brady
City Clerk