

August 20, 1959

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 20, 1959 AT 8:30 A.M.

PRESENT: KUYKENDALL, DIETERT, JOHNSON, OLIVARES, PINSON, SAN MARTIN

ABSENT: PASSUR, MCMAHON, SIMPSON

Mayor J. Edwin Kuykendall presiding.

Invocation by Rev. Robert M. Pitzer, St. Matthews Methodist Church.

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

First item heard was Case 1009 to rezone Lot 31, NCB 8409 from "B" Residence and "F" Local Retail to "F" Local Retail District, the property being bounded by Renner Drive on the north, Gardina Street on the South and Fredericksburg on the South. Mr. Raymond Cherry, representing Mrs. William B. Taylor, owner of Lot 5, NCB 8410 opposed the change because it would depreciate her property. No one else appeared in opposition to the change. On motion of Mr. Olivares, seconded by Dr. Johnson, the recommendation of the Planning Commission was approved by passage of the following ordinance. The vote being, AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,878

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1009, TO REZONE LOT 31, NCB 8409, FROM "B" RESIDENCE DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book I.I. page 404)

Next heard was Case No. 1019 to rezone Lots 11 and 12, NCB 9664 from "B" Residence to "F" Local Retail and Lot 13, NCB 9664 from B Residence to "JJ" Commercial Property is located in the 2100 block of Basse Road. It was explained that non-conforming uses already exist on this property. No one appeared in opposition. On motion of Dr. Johnson, seconded by Mr. Olivares, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27879

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1019, TO REZONE LOTS 11 AND 12, NCB 9664 FROM "B" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT

(Full text in Ordinance Book I.I. page 44)

Case No. 1140 was next heard to rezone Lot V, NCB 8696, located on the Austin Highway from "B" Residence to "F" Local Retail District. No one appeared in opposition. On motion of Mr. Olivares, seconded by Mr. Pinson, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,880

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1140, TO REZONE LOT V, NCB 8696, FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book I.I. page 405)

Next heard was Case No. 1158 to rezone Lot 47, NCB 6557, located on Norwood Court 100' east of Howard from "B" Residence District to "D" Apartment District. No one appeared in opposition. On motion of Mr. Olivares, seconded by Dr. Johnson, the recommendation of the Planning Commission was approved by passage of the following ordinance, the vote being: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,881

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1158, TO REZONE LOT 47, NCB 6557, FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT

(Full text in Ordinance Book I.I. page 405)

Next heard was Case No. 1168 to rezone Lot 13, NCB 3137, from "C" Residence District to "JJ" Commercial District. The property being bounded by Stafford on the north, on the east by Tilden, on the south by U. S. 81 East and on the west by Calhoun. No one appeared in opposition. On motion of Dr. Johnson, seconded by Mr. Pinson, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,882

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1168, TO REZONE LOT 13, BLK. 5, NCB 3137 FROM "C" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT

(Full text in Ordinance Book I.I. page 406)

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Next heard was Case No. 1178 to rezone Lot 5, NCB 12180 located on the south side of Austin Highway 993' west of Bobby Lou Drive. No one appeared in opposition. On motion of Dr. Johnson, seconded by Mr. Dietert, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,883

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 REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 1178, TO REZONE LOT 5, NCB 12180 FROM "A" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT

(Full text in Ordinance Book I.I. page 406)

The following ordinance was passed and approved by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

AN ORDINANCE 27,884

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY AND CLAUDE ANIOL & ASSOCIATES PROVIDING FOR THE PREPARATION AND PLACEMENT OF ADVERTISING FOR THE CITY OF SAN ANTONIO

(Full text in Ordinance Book I.I. page 407)

The following resolution was read by the Clerk:

A RESOLUTION

AUTHORIZING THE CITY ATTORNEY TO TAKE SUCH ACTION, INCLUDING JUDICIAL PROCEEDINGS, AS MAY BE NECESSARY TO INSURE THAT THE BEXAR METROPOLITAN WATER DISTRICT COMPLIES WITH ALL PROVISIONS OF THE STATE LAW AND APPLICABLE CITY ORDINANCES

Mr. Harvey Hardy, representing Mr. Robert Sawtelle, legal counsel for the City Water Board stated the Bexar Metropolitan Water District is without securing a permit from the City Engineer or the City Council, and without agreement with the City Water Board, installed 4000 feet of water main, 2000 feet being on Blanco Road inside the city limits of San Antonio. He said they were out to preempt the whole northern section of the city. He stated the city went on record by resolution of May 28 that it was the intent of the city to serve all areas of the city. He gave a brief resume of the law on Home Rule.

He cited violations of Sections 52-152 and 52-175. He showed on a map the lines laid and said they were 8 inch feeder lines from which connections can be made. He spoke of negotiations with subdividers for water contracts. He said the lines were laid contrary to city ordinance and good engineering. He stated that if the City Water Board is to fulfill the policy laid out, the council must pass the resolution to enable it to litigate the matter to put a stop to this preemption.

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Mr. Thompson, General Manager of the Water Board, stated the Bexar Metropolitan Water District had gone into Castle Hills and supplies water to that city which is incorporated, but it has also extended its lines into the City of San Antonio.

No objection was made to their going into Castle Hills because it would not interfere with the City Water Boards Expansion to the north. He stated if these lines are allowed to put in a wedge, the City Water Board would have to lay lines in the same area but only to move water and not to sell. He said it had been agreed that no expansion would be made until a report was made of a survey to be made by Black and Veach, Consulting Engineers. He said the City Water Board is in a position to service all the area to the north.

Mr. Arley Knight representing Bexar Metropolitan Water District gave a brief history of the creation of the District. That since 1946 the district has been furnishing water to areas where the Water Board was not able to service. He said the Bexar Metropolitan District had never laid a water main without a permit from the city and had never solicited water contracts. He stated the line laid was for the purpose of making a loop to increase water pressure. The line was a temporary one until Blanco Road is widened. He said the only interest of the district is to supply water to people and not to compete with the Water Board. He asked for a permit on a temporary basis so that people could get water.

Mr. Henry Riemer, Manager of the Bexar Metropolitan Water Board, also discussed the matter and stated the District only wanted to provide proper service to its customers.

Mr. Irving Seligmann, Consulting Engineer for the Bexar Metropolitan District told of the reason for designing the line as he did to boost water pressure. He asked the council to settle the matter so that he could know what was necessary to do in laying these mains.

After discussion between the council members and the City Attorney and parties concerned, Dr. San Martin moved the adoption of the resolution. Seconded by Dr. Johnson, the resolution was passed and approved by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

Dr. San Martin then moved that it was the expressed desire of the council that these problems be resolved in the best interest of the people of San Antonio by cooperation between the City Water Board and the Bexar Metropolitan Water District. The motion was lost for lack of a second.

Dr. Johnson then moved that the request of the Bexar Metropolitan Water District for a permit for a temporary water line from a point north of the intersection of Haltown Road and Blanco Road and continued in a northerly direction to a point near the intersection of Blanco Road and Ramsey, and thence continued in a westerly and southerly direction toward Bexar Metropolitan Water District's Storage Tank No. 5, be denied. Seconded by Dr. San Martin, the motion carried by the following vote: AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None; ABSENT, Passur, McMahon, Simpson.

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Mr. Reimer then asked who to come to for permits to lay water mains. He was told all permits must be approved by the Council.

The following ordinances were passed and approved by the following vote:
AYES, Kuykendall, Dietert, Johnson, Olivares, Pinson, San Martin; NAYS, None;
ABSENT, Passur, McMahon, Simpson.

A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF DONALDSON AVENUE FROM WILSON BOULEVARD TO ST. COULD ROAD (BIDS TO BE OPENED SEPTEMBER 14, 1959)

AN ORDINANCE 27,885

CLOSING AND ABANDONING A CERTAIN PORTION OF BUENA VISTA STREET AND A CERTAIN PORTION OF MONTERREY STREET, SAID CLOSING NECESSITATED BY THE CONSTRUCTION OF CERTAIN OVERPASSES ON BUENA VISTA AND WEST COMMERCE STREETS AND DECLARING AN EMERGENCY

(Full text in Ordinance Book I.I. page 409)

AN ORDINANCE 27,886

REPEALING ORDINANCE NO. 27,847, PASSED AND APPROVED AUGUST 6, 1959, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING TO BEXAR COUNTY CERTAIN PROPERTY REQUIRED FOR THE WIDENING OF LOOP 13

(Full text in Ordinance Book I.I. page 409)

AN ORDINANCE 27,887

REPEALING ORDINANCE NO. 27,859, PASSED ON AUGUST 13, 1959; AND APPROPRIATING SUM OF \$1606.52 PAYABLE TO E. J. COLLINS D/B/A ED COLLINS LUMBER COMPANY AND HIS ATTORNEY, W. W. PALMER; SAID SUM BEING THE JURY'S AWARD IN CONDEMNATION CAUSE NO. F-117,328.

(Full text in Ordinance Book I.I. page 410)

Mr. Clyde Johnson and Mr. Arthur Mueller representing the San Antonio Development Company asked the council to act on its petition to close Charles Street and Kloonan Street. He was told the council will in all probability act on the matter next week.

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 forwarded to the department concerned for any necessary action.

- 8-12-59 Petition of Norbert McKay, and others, asking for remedial action in an area of Olmos Creek, Blanco Road, Weizmann and Brookview Drive to eliminate hazards to life and health, was referred to the Director of Public Health.
- 8-12-59 Letter from Fiesta San Jacinto Association requesting the usual and customary support be extended by the City to assist in staging the Fiesta San Jacinto Celebration in April 1960 was referred to the City Council.
- 8-12-59 Letter from Fiesta San Jacinto Association requesting a miscellaneous license from the city for the exclusive rights and uses of certain downtown streets and plazas during the week of April 17-23, 1960 for Fiesta and Carnival purposes, was referred to the City Council.
- 8-14-59 Petition of Henry Gutierrez, and others, requesting a stop sign at the intersection of Sabinas and Lombrano Street was referred to the Traffic Engineer.

Yours very truly,

J. Frank Gallagher
City Clerk

Mr. L. T. Sherrill spoke to the council about a new street material that will eliminate creeping of pavement and passed out literature on the subject.

There being no further business, the meeting adjourned.

APPROVED:

Julian Keyser
MAYOR

ATTEST:

J. Frank Gallagher
City Clerk