

REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF SAN ANTONIO HELD IN THE CITY COUNCIL
CHAMBER, CITY HALL, ON WEDNESDAY, SEPTEMBER
6TH, 1961, AT 8:30 A.M.

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The regular meeting of the City Council was called to order by the Presiding Officer Mayor Walter W. McAllister with the following members present:

McALLISTER

DE LA GARZA

PASSUR

KAUFMAN

GUNSTREAM

GATTI

PADILLA

PARKER and

BREMER:

ABSENT: None.

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The invocation was given by Mayor Pro Tem Mike Passur.

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On motion of Mr. de la Garza, the minutes of the previous meeting were approved.

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The Mayor announced that zoning hearings were set for this time.

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First zoning case heard was Case No. 1546 to rezone Lots 25 and 26, NCB 11874 located southeast of the intersection of Gault Lane and Loop 13 (I.H. 410), from "A" Residence District to "F" Local Retail; Lots 22, 23 and 24, NCB 11874, located on the east side of Gault Lane approximately 156.73' south of the cutoff to Loop 13 (I.H. 410), from "A" Residence District to "JJ" Commercial District.

The Planning Director briefed the Council on the case, and stated that the Planning Commission recommended the change in zoning. No one appeared in opposition to the change.

On motion of Mr. de la Garza, seconded by Mr. Bremer, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote:

AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer;

NAYS: None; ABSENT: None.

September 6, 1961

AN ORDINANCE 29,812

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 AS LOTS 25 AND 26, NCB 11874 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT AND LOTS 22, 23 AND 24, NCB 11874 FROM "A" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Full text in Ordinance Book L L, Page 249

Next heard was Case 1488 to rezone Lots A, 1 and 2, Block 9, NCB 8340 located at the southeast corner of Craig Street and St. Cloud Road from "B" Residence District to "GG" Commercial District.

The Planning Director reviewed the case and stated that after the Council referred the case back to the Commission for further study the Commission again heard the case and recommended that the property be changed from "B" Residence to "E" Office as this represented a good transitional use and did not violate the policy that "F" zoning not be fronted on to school property.

Mr. Jay Sam Levy, Attorney for the applicants, Dr. W. A. Lawrence, stated that the last time the case was heard by the Council it voted to rezone 6 to 3 in favor but failed because 7 votes were needed to over rule the Commission. He stated both the Archbishop and the San Antonio Independent School District had withdrawn their objections in writing and had been filed with the Planning Department. The Planning Commission disapproved the change by 4 to 3 vote with 2 members absent. He stated this was business property and described the business surrounding the school on Bandera Road. He said that "E" zoning would not be satisfactory because if a clinic was developed a drug store would be necessary to its operation. He said an "F" zoning would be acceptable. The neighbors do not object, the school and church officials do not object and asked that the change to "F" Local Retail zone be granted.

At the request of Councilman Gunstream the report of the Traffic Engineer was read in which he stated that traffic would not be affected if the rezoning was granted.

Also asked to speak were Police Chief Bichsel who asked for time to make a report on the traffic situation, and Captain Palmer who was familiar with the problem stated he did not think the change would be detrimental to the safety of the children.

Mr. Levy was asked if he would comply with replatting requirements and he stated he would.

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After further discussion, Mr. Passur moved that the recommendation of the Planning Commission be overruled and the property be rezoned to "F" Local Retail District. The motion was seconded by Mr. Gunstream. The motion carrying with it the passage of the following ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 29,813

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 AS LOT A, 1 AND 2, BLK. 9, NCB 8340.

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Full text in Ordinance Book L L, Page 250

Next heard was Case 1513 to rezone Lot 2, Block 1, NCB 12897 located at the southwest corner of Rigsby Avenue (U.S. 87) and Tucker Drive from "A" Residence District to "F" Local Retail District.

The Planning Director briefed the Council on the change and stated that the Planning Commission recommended that the rezoning be denied.

Mr. Jack Simms, Attorney for the applicant, Mr. Charles Heyne, stated that the property was purchased in June of 1960 with the intention of construction^{ing} an automobile garage. A welding shop is on the adjacent lot. The owners obtained a building permit which would permit them to build what they wanted. When it was 75 percent complete it was ordered stopped by the Building Inspector. At that time application was made for rezoning and it was felt there would be no difficulty encountered as the welding shop was granted a Certificate of Occupancy in January of 1960. The application was denied and then it was asked that the property be zoned "F" to afford economic relief as a loan had been made and now had a building which could not be used. The Planning Commission recommended "E" Office but this was unsuitable because of the welding shop next door. He then showed a map and outlined the business on Rigsby Avenue some of which were rezoned by the City not too long ago.

Mr. McPhall, a realtor, spoke in favor of the change. He stated Mr. Heyne built the building in good faith. At one time he himself had an option on this property but couldn't get it rezoned. In his opinion he felt that the property on Rigsby was of a commercial nature.

The Planning Director stated that in a conference with the Building Inspector and the applicant it was apparent that it was to be a commercial building and the permit was granted with the understanding that the building was not to be used for commercial purposes.

Further discussion developed that due to the zoning violation a District Court order had been issued enjoining the property from being used for commercial purposes. It was Mr. Simm's opinion that if the property was rezoned and used for commercial purposes the order would not be violated. The City Attorney agreed.

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After further discussion, Mr. Gatti moved that the recommendation of the Planning Commission be overruled and the property be rezoned "F" Local Retail District. The motion was seconded by Dr. Parker. The motion carrying with it the passage of the following ordinance was approved by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 29,814

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLK. 1, NCB 12897 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book L L, Page 250

At this time Mr. Abbe Strunk introduced Mr. John Selwood, who read a letter from Mr. Gordon G. Machin, Mayor of the City of Orange, New South Wales, Australia conveying greetings from that City. He then presented Mayor McAllister with a toy gift of a teddy bear from Mayor Machin as an expression of goodwill. Mayor McAllister welcomed Mr. Selwood and then made him an Alcalde (Honorary Mayor) of La Villita. He expressed appreciation for the gift by the Mayor of Orange, South Wales and hoped that Mr. Selwood would have a successful trip in the U. S.

Mr. Ed Castillo, Secretary of the Committee of Mexican-American Friendship, introduced Mr. Angel Cano del Castillo, Consul General of Mexico, Dr. Robert T. Brinsmade, Publisher of La Prensa, and Henry Guerra of W.O.A.I. T.V. who are Co-Chairmen of the Committee. Mr. Castillo then asked that the week of September 11 through 17th be proclaimed "Mexican-American Friendship Week". During this week Mr. Humberto Romero, Executive Assistant to the Mexican President, and Mr. deLesseps S. Morrison, Ambassador from the United States to the Organization of American States would make principal addresses.

On motion duly made and seconded, the week of September 11th to 17th was designated as "Mexican American Friendship Week" by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

Next heard was Case 1520 to rezone Lots 101 and 102, NCB 11178 located on the northeast corner of Roosevelt and E. Harding from "B" Residence District to "JJ" Commercial.

The Planning Director briefed the Council on the case. No one spoke in opposition.

On motion of Mr. de la Garza, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

September 6, 1961

AN ORDINANCE 29,815

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 AS LOTS 101 AND 102, NCB 11178.

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Full text in Ordinance Book L L, Page 251

Next heard was Case 1522 to rezone Lots 1 through 8, NCB 7361, located south of Rosemont Drive, north of Haverhill and west of Dickinson, from "D" Apartment District to "A" Residence District.

The Planning Director briefed the Council on the change. No one appeared in opposition.

On motion of Mr. Passur, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 29,816

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 AS LOTS 1 THROUGH 8, NCB 7361.

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Full text in Ordinance Book L L, Page 251

The following ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 29,817

AMENDING ORDINANCE NO. 29706, PASSED AND APPROVED ON JULY 19, 1961; AND CHANGING THE DATES THAT THE BOARD OF EQUALIZATION SHALL MEET.

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Full text in Ordinance Book L L, Page 252

The Clerk read a petition of Charles Tips requesting the City to cancel a judgment for taxes owed which he alleged was taken in error. City Attorney Crawford Reeder explained the circumstances of the case stating the City had in good faith taken the judgment but that it could have been corrected if Mr. Tips had got in touch with the City about it instead of ignoring notices. He said the City has a good judgment and felt it would take Council action to correct the situation.

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After discussion on motion of Mr. Kaufman, seconded by Mr. de la Garza, the following resolution was passed and approved by the following vote: AYES: McAllister, de la Garza, Passur, Kaufman, Gunstream, Padilla, Parker and Bremer; NAYS: Gatti; ABSENT: None.

A RESOLUTION

AUTHORIZING THE CITY ATTORNEY TO EXECUTE A
RELEASE PERTAINING TO A PERSONAL PROPERTY TAX
JUDGMENT ERRONEOUSLY OBTAINED AGAINST CHARLES
H. TIPS.

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Full text in Ordinance Book L L, Page 252

The Clerk then read the following letter:

September 6, 1961

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

Gentlemen:

The following petitions were received by this office and forwarded to the proper department for any indicated action:

- 8-29-61 Petition filed by William A. Miller requesting that the sign located on City property in the 2900 block of Broadway which advertises his lodge be allowed to remain in the same location, was referred to the Director of Housing and Inspections.
- 8-30-61 Petition filed by Joseph S. Lambert and 36 others asking for the correction of drainage conditions at Claremont Avenue and Mahncke Park, was referred to the Director of Public Works.
- 8-31-61 Petition filed by Petrich-Saur Lumber Company for a permit for construction of a fence over six feet in height, was referred to the Director of Housing and Inspections.

Yours very truly,

J. Frank Gallagher
City Clerk

A P P R O V E D :



M A Y O R

A T T E S T :



City Clerk