

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, AUGUST 10, 1972.

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The meeting was called to order at 9:30 A. M. by Mayor Pro Tem Gilbert Garza, in the temporary absence of Mayor John Gatti, with the following members present: HABERMAN, HILL, BECKER, HILLIARD, MENDOZA, GARZA, NAYLOR, PADILLA, GATTI; Absent: None.

72-35 The invocation was given by Reverend Thomas Cockerham, MacArthur Park Church of God.

72-35 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

72-35 The minutes of the meeting of August 3, 1972 were approved.

72-35 The following Ordinances were read by the Clerk and explained by members of the Administrative Staff and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla; NAYS: None; ABSENT: Becker, Gatti.

AN ORDINANCE 41,036

AUTHORIZING PAYMENT OF \$26,000.00  
TO CAN-TEX INDUSTRIES FOR THE PURCHASE  
OF ONE PORTABLE SEWAGE TREATMENT PLANT  
IN ACCORDANCE WITH CURRENT CONTRACT.

\* \* \* \*

AN ORDINANCE 41,037

ACCEPTING THE LOW BIDS OF AMERICAN  
SPORTING GOODS, C & S SPORTING GOODS  
AND WRIGHT'S SPORTING GOODS, TO  
FURNISH THE CITY OF SAN ANTONIO WITH  
CERTAIN SPORTING GOODS EQUIPMENT FOR  
A TOTAL SUM OF \$10,308.96.

\* \* \* \*

AN ORDINANCE 41,038

GRANTING PERMISSION TO THE CITY PUBLIC  
SERVICE BOARD TO INSTALL A GAS SERVICE  
PIPE UPON CERTAIN PROPERTY AT SAN  
ANTONIO INTERNATIONAL AIRPORT.

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## AN ORDINANCE 41,039

AUTHORIZING PAYMENT OF \$10,764.00  
TO THE TEXAS MUNICIPAL LEAGUE FOR  
SERVICES TO BE RENDERED DURING THE  
1972-73 FISCAL YEAR.

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## AN ORDINANCE 41,040

AUTHORIZING THE CITY OF SAN ANTONIO  
TO BORROW FUNDS TO PAY CURRENT  
EXPENSES OF CITY-COUNTY TUBERCULOSIS  
FUND DURING THE FISCAL YEAR 1972-73.

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## AN ORDINANCE 41,041

MAKING AND MANIFESTING A CONTRACT  
BETWEEN THE FROST NATIONAL BANK OF  
SAN ANTONIO AND THE CITY OF SAN  
ANTONIO, TEXAS, RELATING TO THE  
MAKING OF LOANS, BY SAID BANK TO  
SAID CITY DURING THE PERIOD  
BEGINNING AUGUST 1, 1972, AND  
ENDING JULY 31, 1973, AND TO PAY  
INTEREST ON DEPOSITS TO SAID CITY  
FOR SAID FISCAL YEAR.

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## AN ORDINANCE 41,042

AUTHORIZING THE CITY MANAGER TO  
EXECUTE AN AGREEMENT WITH THE CITY  
OF BALCONES HEIGHTS PROVIDING FOR  
THE CITY OF SAN ANTONIO TO TRANSPORT  
AND TREAT SEWAGE GENERATED WITHIN  
BALCONES HEIGHTS IN EXCHANGE FOR  
PAYMENT OF THE ENTITY SEWER SERVICE  
RATE AS SET BY CITY COUNCIL.

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## AN ORDINANCE 41,043

APPROVING THREE PROJECTS UNDER THE  
CITY'S PERSONNEL DEVELOPMENT PROGRAM,  
APPROVING OPERATING BUDGETS FOR SAID  
PROJECTS AND APPROPRIATING FUNDS  
THEREFOR, ALSO ACCEPTING A GRANT FROM  
THE U. S. CIVIL SERVICE COMMISSION  
IN THE AMOUNT OF \$69,079 TO IMPLEMENT  
SAID PROGRAM.

\* \* \* \*

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AN ORDINANCE 41,044

AUTHORIZING AMENDMENT OF THE COMMUNITY DEVELOPMENT STATEMENT--HUD ANNUAL ARRANGEMENT, 1973, BY INCLUDING THEREIN TWO ADDITIONAL PROJECTS; APPROVING SAID STATEMENT AS AMENDED; AUTHORIZING SUBMISSION OF SUCH AMENDED STATEMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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AN ORDINANCE 41,045

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY IN SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR PUBLIC PURPOSES, TO WIT: THE LOCATION, CONSTRUCTION, OPERATION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF THE MISSION ROAD STORM WATER CLARIFIER; AND DIRECTING THE CITY ATTORNEY TO INSTITUTE AND PROSECUTE TO CONCLUSION CONDEMNATION PROCEEDINGS TO ACQUIRE SO MUCH THEREOF AS CANNOT BE ACQUIRED THROUGH NEGOTIATION.

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AN ORDINANCE 41,046

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF EASEMENTS ACROSS CERTAIN PRIVATELY OWNED REAL PROPERTY IN SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR PUBLIC PURPOSES, TO WIT: THE LOCATION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF LEON CREEK SANITARY SEWER OUTFALL PHASE C; AND DIRECTING THE CITY ATTORNEY TO INSTITUTE AND PROSECUTE TO CONCLUSION CONDEMNATION PROCEEDINGS TO ACQUIRE SO MUCH THEREOF AS CANNOT BE ACQUIRED THROUGH NEGOTIATION.

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AN ORDINANCE 41,047

APPOINTING MR. ART ABBOTT AS A MEMBER OF THE CONVENTION AND VISITOR'S BUREAU ADVISORY COMMITTEE, TO FILL A VACANCY.

\* \* \* \*

Mr. Art Abbott is replacing Mr. Herbert Wilson.

AN ORDINANCE 41,048

APPOINTING MR. ROBERT H. H. HUGMAN AS A MEMBER OF THE BOARD OF REVIEW FOR HISTORIC DISTRICTS, TO FILL A VACANCY.

\* \* \* \*

Mr. Robert H. H. Hugman is replacing Mr. Larry Travis.

AN ORDINANCE 41,049

REAPPOINTING MR. RUBEN SALAZAR TO THE  
FIREMEN'S AND POLICEMEN'S CIVIL SERVICE  
COMMISSION.

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AN ORDINANCE 41,050

APPOINTING MR. FRED T. GOETTING, JR. AS  
A MEMBER OF THE HEATING, AIR CONDITIONING  
AND REFRIGERATION CODE BOARD OF APPEALS;  
AND REAPPOINTING MR. DURWARD L. NICHOLS  
AS A MEMBER OF SAID BOARD.

\* \* \* \*

Mr. Fred T. Goetting, Jr. is replacing Mr. Sam Madrid, Jr.

AN ORDINANCE 41,051

APPOINTING MR. RAUL FERNANDEZ AND  
MR. TOM SANDOVAL AS MEMBERS OF THE  
ELECTRICAL EXAMINING AND SUPERVISING  
BOARD, TO FILL VACANCIES; AND  
REAPPOINTING MR. LORIS SCARBROUGH,  
MR. GEORGE AHLSTROM, MR. JOHN SPECIA,  
AND MR. ROBERT BOUBEL TO SAID BOARD.

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Mr. Raul Fernandez is appointed to replace Mr. Floyd Covington,  
and Mr. Tom Sandoval is appointed to replace Mr. Lloyd W. Booth.

AN ORDINANCE 41,052

APPOINTING ALBERT WHITESIDE, JR. AND  
MR. C. B. SKIPPER AS MEMBERS OF THE  
AIRPORT ADVISORY BOARD FOR TERMS ENDING  
JULY 31, 1974; AND REAPPOINTING MR.  
PAUL D. STRAW, MR. WALLACE CRAIN, AND  
DR. DAVID BERCHELMANN AS MEMBERS OF  
SAID BOARD FOR TERMS ENDING JULY 31,  
1974.

\* \* \* \*

Mr. Albert Whiteside, Jr. is appointed to replace Mr. Charles  
Wm. Pope, and Mr. C. B. Skipper is appointed to replace Mr. Rowland Martin.

72-35

CITY MANAGER REPORTS

City Manager Loyd Hunt reported that as part of the effort to  
upgrade the E. E. O. Program, arrangements have been made with Mr. Gus  
Gonzales, Director of the Equal Employment Opportunities Office, to  
conduct a seminar on the Civil Rights Act of 1972. The seminar is to  
be held Wednesday, August 16, 1972.

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City Manager Hunt also announced that on August 23 and 30, 1972 two programs will be put on by Michael Walters from the University of Texas. These programs will relate to management techniques for programming and scheduling.

Mr. Hunt stated that in an effort to increase employee capacity to speak Spanish, arrangements have been made through the Public Service Career Program to provide opportunity for a number of employees to learn Spanish.

City Manager Hunt advised the Council that next Thursday, prior to the regular Council Meeting, there will be a Modular Ambulance on display in the City Hall parking lot.

Mrs. Haberman stated that a joint meeting with AACOG is desired in regard to meeting with the National Railway Association. The purpose of such a meeting would be to discuss possible relocation of some of the railroads.

Mrs. Haberman inquired as to whether the Mobile Home Dealers Association has provided information which was requested regarding safeguards for mobile homes.

Mr. Hill stated that he has been in close touch with various groups and should have a proposed ordinance ready next week.

72-35 Mayor Gatti entered the meeting and presided.

72-35 Mayor Gatti recognized Mr. Evo Mini, representative of the Houston Rockets Basketball Team.

Mr. Mini spoke to the Council and reminded them that 14 professional basketball games are scheduled to be played in San Antonio this fall. This could be a breakthrough which would lead to a major league franchise being awarded to San Antonio. In honor of the occasion, Mr. Mini presented Mayor Gatti with tickets to the first game.

72-35      ZONING HEARINGS

A.      CASE 4656 - to rezone Lots 15 through 39, NCB 11681, 500 and 600 Block of Freiling Drive, from "R-2" Two Family Residential District to "B-1" Business District; located on the south side of Freiling Drive, being 100' east of the intersection of I. H. 10 Expressway and Freiling Drive. Having 1884.79' on Freiling Drive and a maximum depth of 113'.

Mr. Gene Camargo, Planning Administrator, stated that a petition had been submitted representing 25 properties situated along the North side of Freiling Drive which states that they would agree to the change in zoning provided certain conditions were stipulated in the Ordinance. These conditions were:

1. That there be no entrance or exit on Freiling Drive.

2. That a brick wall be constructed on the property line along Freiling Drive which must be at least six feet high by the contractor as he develops this land.

3. That the property may only be rezoned "B-1" and a non-access line be conditioned by zoning ordinance at the property line.

Mr. Jack Kaufman, an attorney representing the applicant, spoke to the Council in favor of the requested zoning. Mr. Kaufman said that his client, Mr. Max Kaplan, has agreed to all of the conditions set by the aforementioned petition. He said that additionally Mr. Kaplan has executed a restrictive covenant which will be officially filed provided that this property is rezoned "B-1" and that the non-access easement is removed from the South edge of the property and placed along the North edge of the property. The covenant states that:

1. No public or private street entering or exiting this property from or to Freiling Drive shall be permitted.

2. It is agreed to construct a brick masonry wall at least six feet in height along the North property line in stages as the property is developed.

At the end of a ten year period, the restrictive covenant would die.

The following persons spoke in opposition to the proposed rezoning:

Mr. and Mrs. John Biegert, 643 Freiling Drive.  
Mr. George Sheldon, 507 Freiling Drive.  
Mrs. Angelina Sheldon, 507 Freiling Drive.

The above named persons expressed opposition to any change in the present zoning which, they claimed, was agreed to by the applicant. They felt that "R-2" zoning would provide a better buffer zone.

Mr. Frank Lombardino discussed the petition which had been presented and said that he felt that the covenants proposed by Mr. Kaufman would adequately protect the neighborhood.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be overruled and that the property be rezoned to "B-1" Business District provided that no public or private street entering or exiting this property from or to Freiling Drive shall be permitted; and further provided that a brick masonry wall at least six feet in height shall be constructed along the South property line of said property adjacent to the property as it is developed, said wall to be completed when all of the property is developed. The non-access provision contained in Ordinance 39266 is hereby repealed. The motion was seconded by Mr. Hill and on roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote:  
AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Naylor, Padilla, Gatti;  
NAYS: Garza; ABSENT: None.

#### AN ORDINANCE 41,053

AMENDING CHAPTER 42 OF THE CITY CODE  
THAT CONSTITUTES THE COMPREHENSIVE  
ZONING ORDINANCE OF THE CITY OF SAN  
ANTONIO BY CHANGING THE CLASSIFICATION  
AND REZONING OF CERTAIN PROPERTY  
DESCRIBED HEREIN AS LOTS 15 THROUGH  
39, NCB 11681, 500 & 600 BLOCK OF

FREILING DRIVE, FROM "R-2" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT NO PUBLIC OR PRIVATE STREET ENTERING OR EXITING THIS PROPERTY FROM OR TO FREILING DRIVE SHALL BE PERMITTED; AND FURTHER PROVIDED THAT A BRICK MASONRY WALL AT LEAST SIX FEET IN HEIGHT SHALL BE CONSTRUCTED ALONG THE NORTH PROPERTY LINE OF SAID PROPERTY ADJACENT TO THE PROPERTY AS IT IS DEVELOPED, SAID WALL TO BE COMPLETED WHEN ALL OF THE PROPERTY IS DEVELOPED. THE NON-ACCESS PROVISION CONTAINED IN ORD.39266 IS HEREBY REPEALED.

\* \* \* \*

B. CASE 4536 - to rezone 1.232 acres of land out of Tract 6, NCB 12167, 2633 Austin Highway, being further described by field notes filed in the office of the City Clerk, from "A" Single Family Residential District to "B-3" Business District; located on the Northwest side of Austin Highway approximately 926' Northeast of the intersection of Perrin-Beitel Road and Austin Highway. Having 94.9' on Austin Highway and a maximum depth of 588.38'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Marvin Miller, representing opponents to the proposed rezoning said that both the applicant and the opponents would like to have additional time to discuss this case and requested that the hearing be postponed for two weeks.

After consideration, the request for postponement was granted.

C. CASE 4662 - to rezone Lots 16 through 21 and the West 45' of Lot 22, NCB 13056, 1000 Block of Folett Drive, from "B" Two Family Residential District to "R-3" Multiple Family Residential District; located on the East side of Folett Drive 150' South of Renner Drive having 359.6' on Folett Drive and a depth of 150'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Doug Newton, representing the applicant, spoke to the Council in favor of the proposed rezoning. At the time the adjoining property was zoned "R-3", the property under consideration had a title problem so it was not considered at the same time. Mr. Newton asked that the one foot non-access easement on the West property line of Lot 22 be removed and that a similar easement be imposed along the West and North property lines. This would prevent occupants of the apartments to use either Renner or Folett Streets.

The following persons spoke in opposition to the proposed rezoning:

Mr. Marvin Pfeiffer, 126 Renner Street.  
Mr. Thomas Burnette, 203 Newson Street.  
Mr. Frank Carvajal, 202 Newson Street.

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The opponents expressed fear of increased traffic and congestion in the neighborhood as well as overloading of the sewer system in the area.

After consideration, Councilman Hill moved that the recommendation of the Planning Commission be approved and that the request for rezoning be granted provided that proper replatting is accomplished and that a one foot non-access easement is provided along the West and North property lines; and provided further that there be a 50 foot building set back line along the North side of the property and that a six foot solid screen fence be erected along the West and North property lines. The motion was seconded by Mr. Becker. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Gatti, Becker; NAYS: Mendoza, Garza, Naylor, Padilla; ABSENT: None.

AN ORDINANCE 41,054

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 16 THROUGH 21 AND THE WEST 45' OF LOT 22, NCB 13056, 1000 BLOCK OF FOLETT DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A ONE FOOT NON-ACCESS EASEMENT IS PROVIDED ALONG THE WEST AND NORTH PROPERTY LINES; AND PROVIDED FURTHER THAT THERE BE A 50 FOOT BUILDING SET BACK LINE ALONG THE NORTH SIDE OF THE PROPERTY AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ALONG THE WEST AND NORTH PROPERTY LINES.

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D. CASE 4557 - to rezone Lots 33 and 34, NCB 6909, 901 and 903 Canton, from "B" Two Family Residential District to "R-3" Multiple Family Residential District for a day care center with over 20 children; located Northeast of the intersection of North Rio Grande Avenue and Canton Street, having 100' on Canton Street and 127' on North Rio Grande.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Becker, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 41,055

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE

ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 33 AND 34, NCB 6909, 901 AND 903 CANTON STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT FOR A DAY CARE CENTER WITH OVER 20 CHILDREN.

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E. CASE 4657 - to rezone Lot 12, NCB 10852, 5011 S. W. Loop 410, from "A" Single Family Residential District to "I-1" Light Industry District, located on the Northwest side of Southeast Loop 410, 856.77' Northeast of the intersection of Southcross Boulevard and Southeast Loop 410. Having 225.0' on Loop 410 and a maximum depth of 609.83'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Hill made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Becker seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Padilla, Gatti; NAYS: None; ABSTAIN: Naylor; ABSENT: None.

AN ORDINANCE 41,056

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, NCB 10852, 5011 S. W. LOOP 410, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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72-35

CITIZENS TO BE HEARD

MR. BENTON DAVIES

Mr. Benton Davies, 7118 Westborough, representing some 300 residents of the Oak Hills area, spoke to the Council with reference to a recently passed Ordinance authorizing Planned Unit Developments. Mr. Davies stated that in his opinion the Ordinance is illegal and that unless amendments to the Ordinance are made his group will challenge its legality in court.

Mayor Gatti advised Mr. Davies that the matter will be carefully reviewed and that he will be kept advised.

(A copy of the prepared statement which was read by Mr. Davies is included in the papers of this meeting.)

Mrs. Saul Rosenthal also spoke to the Council in opposition to this Ordinance.

MRS. HELEN DUTMER

Mrs. Helen Dutmer said that she attended the dedication of Mission Conception last Sunday which was a beautiful service. She expressed the hope that beautification of Mission Parkway will be started soon.

Mrs. Dutmer also called the Council's attention to the rundown condition of Mission Stadium and asked that something be done about it.

72-35 The Clerk read the following letter:

August 4, 1972

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

Gentlemen and Madam:

The following petitions were received by my office and forwarded to the City Manager for investigation and report to the City Council.

July 21, 1972

Petition of Archbishop Francis J. Furey, requesting release of 20 acres of land from the extra-territorial jurisdiction of the City of San Antonio to the City of Kirby.

July 31, 1972

Petition of Artem Corporation, Inc., Elkin McGaughty, President, requesting annexation of a 51.238 acre tract known as Thousand Oaks, Unit 1.

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/s/ J. H. INSELMANN  
City Clerk

There being no further business to come before the Council, the meeting adjourned at 11:10 A. M.

A P P R O V E D

*John Nantz*  
M A Y O R

ATTEST:

*J. H. Inselmann*  
C i t y C l e r k

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