

August 6, 1959

REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF SAN
ANTONIO HELD IN THE COUNCIL
CHAMBER, CITY HALL, ON THURSDAY
AUGUST 6, 1959 AT 8:30 A.M.

PRESENT: KUYKENDALL, DIETERT, PASSUR, MCMAHON, JOHNSON, SIMPSON, OLIVARES, PINSON,
SAN MARTIN

Mayor J. Edwin Kuykendall presiding.

Invocation by Dr. Max Johnson, City Councilman.

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

First item head was Case No. 1015 to rezone Lot 10, NCB 7589, from "D" Apartment District to "F" Local Retail District, subject property being bounded by Ada Street, Dauchy Road, Gevers, and South New Braunfels, except portion owned by two churches on the southeast corner of Ada and New Braunfels. The Assistant Planning Director stated the Planning Commission recommended the change. Mr. S. E. McCreless, applicant, stated that this proposed shopping center had been held up on account of the Southeast Expressway but that an agreement had been reached on the matter. There would be substantial tenants in the center who will render a fine service to the area. He explained that the churches were in favor of the change.

Mr. Gerald Parker, a resident on Pamela Drive, spoke in opposition and asked that if the plans for a center did not materialize a provision be made for the property to revert to its original zoning.

Mrs. Clara Willet also opposed the change and stated when she purchased her property she was told that homes would be built on the property in question.

On motion of Dr. McMahan, seconded by Mr. Dietert, the recommendation of the Planning Commission was approved by passage of the following ordinance; the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahan, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,834

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. 1015
TO REZONE LOT 10, NCB 7589, FROM "D" APARTMENT DISTRICT
TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book I.I. page

August 6, 1959

Next heard was Case No. 1114 to rezone Lot 11, NCB 9143, from "A" Residence District to "D" Apartment District, located on the east side of Nacogdoches Road and 274.73 north of Nottingham Drive. Miss Pat Luke, Attorney for the petitioner, Mr. B. C. Wilson, stated the property was bought recently for the purpose of erecting apartment buildings and showed plans of the proposed structures. She stated the property was not suitable for residential purposes because of the school, tourist court and other businesses in the vicinity.

Mr. Ed Sarratt of 223 Nottingham place, objected to the change as his property backs up to the property in question. He stated that he would have no privacy if apartments are allowed. He stated most ^{of} the property owners were against the change. After consideration of the matter, Mr. Pinson moved that the request to rezone Lot 11, NCB 9143 be denied. Seconded by Dr. Johnson, the motion carried by the following vote: AYES, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, Kuykendall, Dietert, McMahon; ABSTAINING, Passur.

Case No. 1122 to rezone Lots 3, 4, and 5, NCB 11851, from "A" Residence District to "E" Apartment District, bounded by Urbancrest Road on the North, on the west by Robin Rest, on East by Military Drive and on the South by Dove Haven Lane. The Acting Planning Director stated the Planning Commission recommended the change. No one appeared in opposition. On motion of Dr. McMahon, seconded by Mr. Dietert, the recommendation of the Planning Commission was approved by passage of the following ordinance, the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,835

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. 1122, TO REZONE LOTS 3, 4, 5, NCB 11851 FROM "A" RESIDENCE DISTRICT TO "E" APARTMENT DISTRICT

(Full text in Ordinance Book I.I. page

Next heard was Case No. 1123 to rezone Lot 41, NCB 8675 from "A" Residence District to "JJ" Commercial District located on the south side of Halm Blvd, 629' east of Parkview. The Assistant Planning Director explained that this case had been referred back to the Planning Commission for further study of evidence presented. After hearing of the matter the Planning Commission reaffirmed its recommendation to rezone this property. 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, the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,836

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. 1123: TO REZONE LOT 41, BLK. 3, NCB 8675, FROM "A" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT

(Full text in Ordinance Book I.I. page

Next heard was Case No. 1137 to rezone Lot 58, NCB 10938, from "B" Residence District to "D" Apartment District, located at the southeast corner of Hillje Street and Hot Wells Blvd. The Acting Planning Director explained the case and stated the Planning Commission recommended the change. 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, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,837

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. 1137, TO REZONE LOT 58, NCB 10938, FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT

(Full text in Ordinance Book I.I. page

Zoning Case No. 1138 was next heard to rezone Lot 24, NCB 1766 from "D" Apartment District to "K" Commercial District, property being located on the East side of North Alamo between Carson and Casa Blanca. Mr. Paul Casseb, representing the Estate of Solomon Casseb Sr., read the minutes of the Planning Commission giving reasons why it recommended the change in zoning. He stated the property will be used for a motor parts warehouse. He showed a sketch of the proposed building and stated sufficient off-street parking will be provided. Mr. Edgar Winski, 131 W. Carson, stated he had not been notified and objected because he had purchased a home in the area recently and would like for the property to remain residential. After consideration, on motion of Dr. McMahon, seconded by Dr. San Martin, the recommendation of the Planning Commission was approved by passage of the following ordinance; the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,838

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. 1138 TO REZONE LOT 24, NCB 1766, FROM "D" APARTMENT DISTRICT TO "K" COMMERCIAL DISTRICT

(Full text in Ordinance Book I.I. page

August 6, 1959

Next heard was Case No. 1166 to rezone Lot 37, NCB 11875, located on the East side of Broadway and 171 ft. north of Flamingo Road from "A" Residence District to "JJ" Commercial District. It was explained that the Planning Commission recommended the change. No one appeared in opposition. On motion of Dr. Johnson, seconded by Dr. San Martin, the recommendation of the Planning Commission was approved by passage of the following ordinance; the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None;

AN ORDINANCE 27,839

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. 1166, TO REZONE LOT 37, NCB 11875 FROM "A" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT

(Full text in Ordinance Book LI. page

Case No. 1175 to rezone Tract 2, NCB 8349 from "B" Residence District to "F" Local Retail District. Subject property is located on the northeast corner of Bandera Road and Woodlawn. No one appeared in opposition to the change. On motion of Dr. McMahon, 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, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, San Martin; NAYS, None.

AN ORDINANCE 27,840

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. 1175, TO REZONE TRACT 2, NCB 8349 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book I.I. page

Next heard was Case No. 1176 to rezone Tracts 3 and 4, NCB 8349 from "B" Residence District to "E" Apartment District, property being located south of alley in rear of lots 9 thru 27, NCB 8106. Mr. Gordon Davis, Attorney, representing Mr. Ed Sweeney, stated this was a companion case to Tract 2, considered previously. He stated that the properties were bought from the Protestant Orphans Home. That on Tract 2 a community Model Market was planned and that apartments were planned to be constructed on Tracts 3 and 4. This would provide a buffer zone between the commercial property and the homes on Placid Drive. He stated streets had been platted in accordance with the recommendation of the Traffic Engineer. No one appeared in opposition. On motion of Mr. Olivares, seconded by Dr. San Martin, the recommendation of the Planning Commission was approved by passage of the following ordinance; the vote being as follows: AYES, Kuykendall, Dietert, Passur, McMahon, Johnson, Simpson, Olivares, Pinson, SanMartin; NAYS, None.

August 6, 1959

AN ORDINANCE 27,841

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. 1176 TO REZONE TRACTS 3 AND 4, NCB 8349 FROM "B" RESIDENCE DISTRICT TO "E" APARTMENT DISTRICT

(Full text in Ordinance Book I.I. page

Dr. Max Johnson was obliged to leave the meeting at this time.

The hearing on Case No. 1171 to rezone the N. 70 feet of the S. 140' of Tract B, NCB 10737 located on W. W. White Road, from "A" Residence District to "F" Local Retail District, was recessed to September 3, 1959.

Next heard was Case No. 1151 to rezone Lot 88, NCB 11544 located on Wildflower and Bandera Road from "A" Residence District to "E" Apartment District. Mr. DiStefano, applicant in the case, on an aerial map showed the business development on Bandera Road from Culebra to the city limits. He stated the property had been platted in accordance with the recommendation of the Planning Commission; that most of the people within 200' of the property were in favor of the change; provisions had been made for off-street parking; there would be a 50' set-back and a 100' non-access restriction on Wildflower. Dr. J. C. Beisner, stated he owned property adjacent to the property and was in favor of the change. Mr. Kyle Seale, 1619 Bandera, stated that due to traffic and noise property was not suitable for residence purposes. He said property values were prohibitive for residential use, and it was practically impossible to finance a home on Bandera Road. He stated it was not in the best interest of the city to have large vacant areas and property should be developed to type it is best suited.

Col. Arthur Hamilton stated an "E" Apartment District would make a good buffer zone on this property and would be in the best interest of the residents on both sides of Bandera Road. Mr. Ernest Raba, Dean of St. Mary's Law School, representing the applicants, spoke on the zoning ordinance and its police powers. He said Bandera Road is designated as a primary artery and will be a six lane highway carrying 30,000 vehicles a day. He read a letter from the FHA stating that property was not suitable for residences. He stated no one has a vested right in zoning and asked that the change be approved. Mr. Adrian Spears, representing Mr. and Mrs. H. Riegel, et al, opponents in this case, stated he had filed with the City Clerk in writing a protest against such a change in zoning. He read the protest to the council and gave in detail reasons why the property should not be rezoned. He also read excerpts of past court cases. Mrs. Roberts quoted from a newspaper article regarding planned communities.

Mr. Walter Behrens, 303 Oakknoll Drive, also opposed the change. Mr. Spears then asked the council not to rezone property in this area until such time as it is shown that it would be in the public interest.

Mr. Raba then stated that the office structure planned was permitted in "E" Apartment District. He asked the change be approved. After consideration of the matter, Dr. San Martin moved that the recommendation of the Planning Commission be overruled. The motion failed for lack of a second. Dr. McMahon then moved that the recommendation of the Planning Commission be approved. The motion was seconded by Mr. Dietert. The motion failed by the following vote: AYES, Dietert, Passur, McMahon, Olivares, Pinson; NAYS, Kuykendall, Simpson, San Martin; ABSENT, Johnson.

The City Attorney stated that since a protest had been filed it would require three-fourths vote of the Council to rezone the property and if the protest was in order the motion had failed and the rezoning denied.

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

AN ORDINANCE 27,842

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE UNITED STATES OF AMERICA ACTING THROUGH THE ADMINISTRATOR OF FEDERAL AVIATION AGENCY FOR THE PURPOSE OF ACCEPTING THE GRANT OFFER OF SAID AGENCY FOR CAPITAL GRANT FUNDS FOR THE DEVELOPMENT OF THE SAN ANTONIO INTERNATIONAL AIRPORT, AND RATIFYING THE STATEMENTS MADE IN THE PROJECT APPLICATION DATED MAY 4, 1959 ATTACHED TO SAID GRANT OFFER

(Full text in Ordinance Book I.I. page

AN ORDINANCE 27,843

APPROPRIATING AN ADDITIONAL \$8,556.75 OUT OF INTERNATIONAL AIRPORT BOND CONSTRUCTION FUND 803-4 FEDERAL AIRPORT AID PROJECT NO. 9-41-080-5911, PAYABLE TO ATLEE B. AND ROBERT M. AYRES FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE ENLARGEMENT OF THE TERMINAL BUILDING AT INTERNATIONAL AIRPORT

(Full text in Ordinance Book I.I. page

AN ORDINANCE 27,844

APPROPRIATING A TOTAL OF \$11,950.45 PAYABLE TO FRANK T. DROUGHT, CONSULTING ENGINEER, FOR SERVICES IN CONNECTION WITH VARIOUS PROJECTS AT INTERNATIONAL AIRPORT, \$6,035.45 TO BE APPROPRIATED OUT OF INTERNATIONAL AIRPORT BOND AND CONSTRUCTION FUND NO. 803-04 F.A.A. PROJECT NO. 9-41-080-5911 AND \$5,915.00 TO BE APPROPRIATED OUT OF INTERNATIONAL AIRPORT BOND AND CONSTRUCTION FUND NO. 803-04 F.A.A. PROJECT 9-41-080-5911; AND APPROPRIATING LIKE AMOUNTS OUT OF THE STATED FUNDS TO BE USED AS MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNTS

(Full text in Ordinance Book I.I. page

A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE EXTENSION OF RUNWAY 12-30 AT SAN ANTONIO INTERNATIONAL AIRPORT - FEDERAL AIRPORT AID PROJECT #9-41-080-5911, PART ONE (BIDS TO BE OPENED AUGUST 25, 1959)

August 6, 1959

AN ORDINANCE 27,845

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF MOTOR TRUCK SALES TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH ONE TRUCK (CAB & CHASSIS) FOR A TOTAL OF \$3,162.88

(Full text in Ordinance Book I.I. Page

AN ORDINANCE 27,846

AUTHORIZING THE HIRING OF TWO ADDITIONAL PERSONNEL FOR THE LIBRARY DEPARTMENT

(Full text in Ordinance Book I.I. page

AN ORDINANCE 27,847

AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING TO THE STATE OF TEXAS CERTAIN PROPERTY REQUIRED FOR THE WIDENING OF LOOP 13 BETWEEN AIRPORT BOULEVARD AND WETMORE ROAD

(Full text in Ordinance Book I.I. page

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 forwarded to the department concerned for any necessary action.

7-29-59 Petition of Manor Baptist, requesting the city to close an alley situated within Block 14, New City Block 7022, and quitclaim same to petitioner, was referred to the Land Division.

Yours very truly,

J. FRANK GALLAGHER
City Clerk

August 6, 1959

There being no further business, the meeting adjourned.

APPROVED:

John King Randal
MAYOR

ATTEST:

Paul G. Kelly
City Clerk