

February 10, 1955

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN THE
COUNCIL CHAMBER OF THE CITY HALL ON
THURSDAY, FEBRUARY 10, 1955 AT 9:00 A.M.

PRESENT: SCHERLEN, OLIVER, RUDELOFF, DILLASHAW, RUSSELL, WHITE, LACY, BARRETT, GONZALEZ

Mayor R. N. White, presiding.

Invocation by Rabbi Sidney Guthman

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

The Clerk read the resignation of Mr. Tanner Freeman as a Member of the Library Board of Trustees. On motion of Mr. Scherlen it was accepted by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett; NAYS, none; NOT VOTING, Gonzalez.

A resolution was presented to advertise zoning Cases #424, 425 and 427 for hearing on March 3rd. Mr. Martin, Director of Planning, requested that inasmuch as certain notices due on Case #425 were not sent out that case be referred back to the Planning Commission for further hearing. The change was made in the resolution and it was passed as follows: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, none.

A RESOLUTION

GIVING NOTICE OF A PUBLIC HEARING OF A PROPOSED AMENDMENT TO THE ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS, ETC., PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION DESCRIBED HEREIN: CASE NO. 424, OLMOS AND SAN PEDRO; CASE NO. 427, W. W. WHITE ROAD (HEARING MARCH 3, 1955)

The following ordinances and resolutions were passed and approved by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Lacy, Barrett, Gonzalez; NAYS, none.

AN ORDINANCE 20,956

AMENDING THE ORDINANCE AGREEMENT OF OCTOBER 17, 1940 (NUMBER 2,444), WITH THE HOUSING AUTHORITY OF SAN ANTONIO TO PROVIDE FOR PAYMENTS IN LIEU OF TAXES AT A PERCENTAGE OF SHELTER RENTS CHARGED AND COLLECTED

(Full text in Ordinance Book AA page 557)

AN ORDINANCE 20,957

AMENDING THE ORDINANCE AGREEMENT OF DECEMBER 17, 1949, NUMBER 11,109, WITH THE HOUSING AUTHORITY OF SAN ANTONIO TO PROVIDE FOR PAYMENTS IN LIEU OF TAXES AT A PERCENTAGE OF SHELTER RENTS CHARGED AND COLLECTED

(Full text in Ordinance Book AA page 558)

AN ORDINANCE 20,958

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF PHILIP ADELMAN AND SELMA ADELMAN AT 409 GENESEO ROAD

(Full text in Ordinance Book AA page 559)

AN ORDINANCE 20,959

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND MAINTENANCE OF THE PORTION OF U. S. HIGHWAY NO. 81 IN THE CITY OF SAN ANTONIO TEXAS HEREINABOVE REFERRED TO AS "THE STREET PROJECT" AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE AND THE CITY SECRETARY TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, RECONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF THE SAID STREET PROJECT: FOR THE INDEMNIFICATION OF THE STATE OF TEXAS, BY THE CITY AGAINST ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY, AND FOR EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF: AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE

(Full text in Ordinance Book AA page 560)

AN ORDINANCE 20,960

AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS PROVIDING FOR THE CONSTRUCTION OF A CERTAIN SECTION OF U. S. HIGHWAY 81 EXPRESSWAY ACROSS THE TRACKS AND PROPERTIES OF THE SAN ANTONIO UVALDE AND GULF RAILROAD COMPANY IN THE VICINITY OF ZARZAMORA STREET WITHIN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS PREPARED BY THE TEXAS HIGHWAY DEPARTMENT, PROVIDING FOR THE SEPARATION OF GRADES BY OVERPASS OF THE EXPRESSWAY LANES, AND GRADE CROSSINGS OF THE ADJACENT FRONTAGE ROADS; FOR INDEMNIFICATION OF THE STATE AND OF THE RAILROAD COMPANY BY THE CITY FOR ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY AND BUSINESS AND TO TENTANT OR OCCUPANT THEREOF, AND FOR ALL EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREFOR: AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, CERTAIN CONTRACTS BETWEEN THE CITY, THE STATE, AND THE SAID RAILROAD COMPANY CONCERNING THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE AND MAINTENANCE OF SAID HIGHWAY FACILITIES

(Full text in Ordinance Book AA page 561)

AN ORDINANCE 20,961

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF THE PORTION OF HIGHWAY NO. U.S. 81 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS BETWEEN THE FOLLOWING LIMITS, TO-WIT: FROM PRESENT LOOP 13 SOUTHWEST TO THE SOUTH CITY LIMITS INCLUDING INTERCHANGE WITH STATE HIGHWAY NO. 346 AND CONNECTIONS THERETO AS A FREEWAY AND AS A STREET, HEREINAFTER REFERRED TO AS "THE PROJECT" AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF SAID PROJECT AS A FREEWAY AND AS A STREET, AND DETERMINING THE LIABILITIES AND RESPONSIBILITIES OF THE CITY AND THE STATE OF TEXAS WITH REFERENCE THERETO; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE

(Full text in Ordinance Book AA page 562)

A RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, A MUNICIPAL CORPORATION OF THE STATE OF TEXAS, THAT GEORGE W. RICE, SAID CORPORATION'S CITY MANAGER BE AND HE IS HEREBY DULY AUTHORIZED AND FULLY EMPOWERED TO ENTER INTO AND EXECUTE, FOR AND IN THE NAME OF SAID CORPORATION, ONE CERTAIN WRITTEN AGREEMENT, DATED JANUARY 21, 1955 BETWEEN SAID CORPORATION AND GUY A. THOMPSON, TRUSTEE, SAN ANTONIO, UVALDE & GULF RAILROAD COMPANY, DEBTOR, HEREIN CALLED CARRIER RESPECTING AMONG CERTAIN THINGS THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND USE OF ONE CERTAIN 18-INCH SEWER LINE CROSSING CARRIER'S PREMISES AT ENGINEER'S CHAINING STATION 312/35.5, AT OR NEAR SAN ANTONIO, BEXAR COUNTY, TEXAS

AN ORDINANCE 20,962

EXTENDING THE TERMS OF THE MEMBERS OF THE EQUALIZATION BOARD TO FEBRUARY 25, 1955

(Full text in Ordinance Book AA page 562)

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AN ORDINANCE 20,963

ACCEPTING THE ATTACHED BID OF COKESBURY BOOK STORE TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH CERTAIN BOOKS AS PER THE TWO LISTS ATTACHED FOR A TOTAL OF \$2,699.10.

(Full text in Ordinance Book AA page 563)

Councilman Dillashaw introduced the following ordinance, and made a motion that it be passed. The motion was seconded by Councilman Rudeloff. The ordinance was read in full by the City Clerk. The motion carrying with it the passage of the ordinance prevailed by the following vote: AYES, Councilmen, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, Lacy, Barrett, and Mayor White. NAYS, None; NOT VOTING, Gonzalez.

AN ORDINANCE 20,964

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS PROVIDING FOR THE ISSUANCE OF CITY OF SAN ANTONIO, TEXAS EXPRESSWAY AND STREET IMPROVEMENT BONDS, SERIES, 1955, IN THE AGGREGATE AMOUNT OF \$6,000,000.00; BEARING INTEREST AT THE RATES HEREINAFTER SET FORTH, AND PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A TAX SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR THE REDEMPTION THEREOF AT MATURITY AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

(Full text in Ordinance Book AA page 563)

The following letter from the City Clerk was read:

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

The following petitions were received by this office and then referred to Dr. George W. Rice, City Manager, for his recommendation or action.

- 1-28-55 Petition of R. H. Stence, Trustee for First Christian Church, requesting tax exemption of the west 10' of Lot 10, Block 35, New City Block 6278.
- 1-28-55 Petition of Trinity Baptist Church requesting tax exemption of Lot 9, Block 10, New City Block 3094.
- 1-31-55 Petition of State Association of Texas Pioneers, Old Trail Drivers and Ex-Texas Rangers, requesting the fixing of the boundaries of the grounds of the Memorial Building.
- 2-1-55 Petition of Grace Methodist Church requesting tax exemption of Lot 7, Block 2, Eastwood Village, 371 Readwell Drive.
- 2-2-55 Petition of Highland Hills Philadelphia Church requesting tax exemption of Lot 4, Block 8, Ardenwood Addition.
- 2-2-55 Petition of Bernard Lumber and Building Corp. requesting refund of \$13.00 building permit fee.
- 2-3-55 Petition of L. B. Lopez, et al, requesting a traffic light at the intersection of Hamilton & West Commerce Streets.
- 2-3-55 Petition of Edgewood Baptist Church requesting tax exemption of Lot 5, Block 2, New City Block 6776.

Yours very truly,

J. Frank Gallagher
City Clerk

Mr. Oliver brought up the question of hazard zones at airports. He said that the Airport Zoning Board had met only once and was not functioning properly. He moved that a committee be appointed to study the order of the Joint Airport Zoning Board and report its finding back to the council. The motion was approved by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Barrett, Gonzalez; ABSENT, Lacy; NAYS, none.

Hearing was called to order on Case 412 to rezone from Temporary "A" to "J" Commercial District, property bounded on the north by another property, on the south by Walzem Road, on the east by MKT RR and on west by Austin Highway. Planning Director Martin explained the action of the Planning Commission in recommending the change. Mr. Henry B. Dielmann, owner of the property stated they bought the land in 1948 for the purpose of building an industrial plant. When it was annexed by the City, they could not do anything about it because it was Temporary "A" so they waited until the matter of the city limits question was settled and then made application for the rezoning. He stated there was a gas pipe line running through the property and the property could not be used for residential purposes but was suited for industrial property. He said application was made for "J" Commercial to restrict the property as best they could. He said they would ^{not} put anything there which would ruin residential values. He said a buffer zone had been provided to protect people on Walzem Road. Mr. Michael J. Kaine, Attorney for persons objecting to the rezoning stated that these people had not been properly notified. He said the reason for "J" Commercial District was to put an outdoor theatre on the property and enumerated reasons why it could be a nuisance. He stated the Planning Commission passed on a so called compromise but with the exception of two or three persons the people he represented do not compromise on the matter and asked that it not be rezoned.

Mr. & Mrs. Kohnitz, June Dale and Mrs. Howard Johnson spoke against the rezoning and gave their reason.

Mrs. Harper agreed to the rezoning providing a buffer zone was provided.

Mr. Scherlen asked Mr. Dielmann if he planned to put a theatre there. Mr. Dielmann said he had an interested party to purchase part of the land adjoining the Austin Highway. After further discussion, Mr. Scherlen moved that the recommendation of the Planning Commission be approved. Seconded by Mr. Rudeloff, the motion passed by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Barrett, Gonzalez; NAYS, none; ABSENT, Lacy.

The following ordinance was then passed and approved by the following vote: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Barrett, Gonzalez; ABSENT, Lacy.

AN ORDINANCE 20,965

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: CASE NO. 412 PROPERTY BOUNDED ON NORTH BY ANOTHER PROPERTY LINE, ON SOUTH BY WALZEM ROAD, ON EAST BY THE M. K. & T RR. AND ON WEST BY AUSTIN HIGHWAY, FROM "A" TEMPORARY RESIDENCE DISTRICT TO "J" COMMERCIAL DISTRICT

(Full text in Ordinance Book AA page 566)

Judge Matthews, Assistant City Attorney, appeared before the council to ask its desires with regard to settlement of a case which has been pending against the City, and filed by Polk Palmer, a detective. He gave the history of the case and the story of what has happened in the courts and its present status. He recommended that a compromise be made and that the city pay \$7500.00 in full and final settlement. Mr. Oliver moved that the City settle the case for \$7500.00 as recommended provided that said Polk Palmer agree and actually does resign as a member of the Police force. The motion, seconded by Dillashaw, carried as follows: AYES, Scherlen, Oliver, Rudeloff, Dillashaw, Russell, White, Barrett, Gonzalez; NAYS, none; ABSENT, Lacy.

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Mr. Oliver called up the matter of a complaint made to the council on January 27th. by one Lonnie Greer, he having claimed that the police department had mistreated him.

Mr. Oliver stated that the committee appointed to investigate the charge had, with the assistance of the City Manager, made a thorough investigation and a report on the matter made by Mr. Mannuppelli, the Personnel Director and Mr. Nick Masters, the investigating officer, was now before each council member. He stated that Sgt. Farley who was charged with mistreatment of this man was in no way to be censured but was to be entirely exonerated from the charges made by Greer. Mr. Gonzalez, also a member of the investigating committee of the council, stated the committee was convinced that Lonnie Greer had deliberately attempted to cause trouble for Sgt. Farley of the Police Department. Mr. Oliver then moved that the City Manager be requested to have Sgt. Farley's record show that the case is closed. To further show that this officer in no way was guilty of the accusations by this man Greer and that he furthermore was to be complimented on his handling of the Greer matter. He further moved that the City Clerk have his minutes show the complete exoneration of Sgt. Farley and the decision of the council that the charges against Sgt. Farley were baseless and entirely unfounded. Mr. Gonzalez seconded the motion. Roll call showed the following results: AYES, Oliver, Dillashaw, Russell, White, Barrett, and Gonzalez; ABSENT, Rudeloff, Lacy; NOT VOTING, Scherlen.

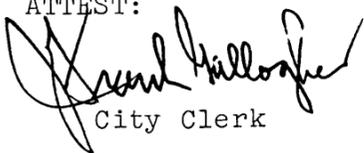
On motion of Mr. Barrett, seconded by Mr. Russell, the meeting adjourned.

APPROVED:



MAYOR

ATTEST:



City Clerk