

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, DECEMBER 5, 1963, 8:30 A.M.

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The regular meeting of the City Council was called to order by the Presiding Officer, Mayor W. W. McAllister, with the following members present: McALLISTER, DE LA GARZA, JONES, KAUFMAN, COCKRELL, GATTI, PADILLA, PARKER and BREMER; ABSENT: None.

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The invocation was given by Councilwoman Mrs. S. E. Cockrell.

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Minutes of the previous meeting were approved.

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First item of business was hearing of Zoning Case No. 1841, to rezone Lot 7, NCB 12058, located on the north side of Heimer Road (Maltsberger Lane) approximately 713' east of San Pedro Avenue (U. S. Highway 281), from "A" Residential District to "F" Local Retail District.

Planning Director Steve Taylor explained this property is adjacent to the proposed right of way for U. S. Highway 281 Expressway. The property owned by the applicant, Mr. Max G. Logsdon, within the right of way is not to be rezoned. He said the Planning Commission recommended the proposed change.

The Council questioned whether the rezoning of the property under consideration would enhance the value of the property in the R-O-W and the City would have to pay more for the land at a later date.

Mr. Logsdon assured the Council that he had no intention of making any profit from the City. All he wanted/<sup>was</sup>to be able to use the land which has been under protection for four years. He offered to sign an agreement with the city to this effect.

Mr. Logsdon was asked to contact Mr. W. S. Clark, Land Division Chief, to negotiate an agreement or option. After which the Council would again consider the application.

No one spoke in opposition to the change.

On motion of Mr. de la Garza, seconded by Dr. Parker, the hearing was continued two weeks to December 19th. The motion carried by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

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Next heard was Case No. 2027, to rezone Lot 19, NCB 1860, located on the north side of Craig Place, 147.8' west of Main Avenue, from "B" Residence District to "F" Local Retail District.

The Planning Director explained the proposed change which was recommended by the Planning Commission.

No one spoke in opposition.

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

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AN ORDINANCE 31,934

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 19, NCB 1860, FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 583

Next heard was Case No. 2028, to rezone that portion of Lot 32, Block 5, NCB 8674, not presently zoned "F" Local Retail, located on the north side of Halm Boulevard, 420.3' east of Western Avenue, from "A" Residence District to "F" Local Retail District.

The Planning Director explained the proposed change which was recommended by the Planning Commission. No one spoke in opposition.

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

AN ORDINANCE 31,935

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 THAT PORTION OF LOT 32, BLOCK 5, NCB 8674 NOT PRESENTLY ZONED "F" LOCAL RETAIL, FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 584

Next heard was Case No. 2032, to rezone the east 75' of Tract 7-B, NCB 11147, located on the north side of Chaveneaux Road, 220' east of Moursund Blvd., from "B" Residence District to "E" Office District; and the west 220' of Tract 7-B, NCB 11147, located northeast of the intersection of Chaveneaux Road and Moursund Boulevard, from "B" Residence District to "F" Local Retail District.

The Planning Director explained the proposed change. No one spoke in opposition.

On motion of Mr. de la Garza, seconded by Mr. Gatti, the recommendation of the Planning Commission to grant the change in zone was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 31,936

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 THE EAST 75' OF TRACT 7-B, NCB 11147 FROM "B" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT; AND THE WEST 220' OF TRACT 7-B, NCB 11147 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 584

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Next heard was Case No. 2042, to rezone that part of Lot 20, NCB 7586, not taken for the I. H. 37 Expressway, located on the south side of Dauchy Road, 309' west of South Gevers Street, From "D" Apartment District to "F" Local Retail District.

The Planning Director briefed the Council on the proposed change which was recommended by the Planning Commission. 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, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 31,937

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 THAT PART OF LOT 20, NCB 7586 NOT TAKEN FOR THE I. H. 37 EXPRESSWAY FROM "D" APARTMENT DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 585

Next heard was Case No. 2045, to rezone that portion of Lot 17, Block 7, NCB 1505, not presently zoned "J" Commercial, located on the east side of Gevers Street, from "C" Residence District to "J" Commercial District.

The Planning Director briefed the Council on the proposed change which was recommended by the Planning Commission. No one spoke in opposition.

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

AN ORDINANCE 31,938

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 THAT PORTION OF LOT 17, BLOCK 7, NCB 1505 NOT PRESENTLY ZONED "J" COMMERCIAL, FROM "C" RESIDENCE DISTRICT TO "J" COMMERCIAL DISTRICT.

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Full text in Ordinance Book NN, Page 585

Next heard was Case No. 2044, to rezone Lot C, Block 9, NCB 8672, located on the north side of I. H. 410, approximately 292' east of the cut-off to Jones Maltzberger Road, from "A" Residence District to "F" Local Retail District.

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

On motion of Mr. de la Garza, seconded by Dr. Parker, the recommendation of the Planning Commission to grant the change in zone was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 31,939

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING

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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 C, BLOCK 9, NCB 8672 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 586

Next heard was Case No. 2046, to rezone Lot 35, NCB 9221, located southeast of the intersection of Mandalay Drive and Blanco Road, from "B" Residence District to "D" Apartment District.

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

On motion of Mr. de la Garza, seconded by Dr. Parker, the recommendation of the Planning Commission to grant the change in zone was approved by passage of the following ordinance by the following vote: AYES: de la Garza, Jones, Kaufman, Gatti, Cockrell, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 31,940

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 35, NCB 9221, FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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Full text in Ordinance Book NN, Page 586

The following ordinance was explained by Assistant City Manager Dave Harner, and on motion of Mr. Bremer, seconded by Mr. Kaufman, was passed and approved by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla and Bremer; NAYS: None; ABSENT: McAllister; ABSTAINING: Parker.

AN ORDINANCE 31,941

AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND SOUTHERN PACIFIC COMPANY WHEREIN THE SOUTHERN PACIFIC COMPANY WILL PAY THE SUM OF \$11,000.00 TO THE CITY IN CONSIDERATION OF THE CONSTRUCTION OF THE GUADALUPE STREET GRADE SEPARATION, ALSO KNOWN AS GUADALUPE OVERPASS PROJECT, AND FOR OTHER CONSIDERATION BETWEEN THE PARTIES.

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Full text in Ordinance Book NN, Page 587

At this time Mayor McAllister recognized Mrs. Paul Clark, Jr., President of the League of Women' Voters and other members of the League, who were in attendance at the meeting, and who are to visit City offices.

Next heard was Case No. 2014, to rezone Lot 4, NCB 619, located on the south side of Wyoming Street, 160.35' east of South Olive Street, from "D" Apartment District to "F" Local Retail District.

The Planning Director briefed the Council on the proposed change, which the Planning Commission recommended be denied by the City Council.

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Mr. Robert Mack, owner and applicant, stated he wanted to convert one room in his residence so that his wife can operate a beauty shop. He explained that it would be a one operator shop in the nature of a home occupation.

After discussion of the request, the Mayor stated that while the Council seemed unwilling to rezone the property to "F" Local Retail District, it was sympathetic to the request and suggested that it might consider making an adjustment to the ordinance governing home occupation to include one-operator beauty shops.

On motion of Mr. Bremer, seconded by Mr. Padilla, the hearing on Case No. 2014 was continued for two weeks to December 19th. The motion carried by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

Next heard was Case No 2030, to rezone Lots 12, and 24, NCB 10257, located on the west side of Amanda Street between Nebraska Street and Sterling Drive, from "B" Residence District to "J" Commercial District.

The Planning Director briefed the Council on the proposed change, which the Planning Commission recommended be denied by the Council.

Mr. A. Hartfield stated he operates an auto repair garage on the property on a non-conforming basis. He said the building is in a state of disrepair and wanted to improve the building. He also wants to add gas tanks for a filling station. He explained that he could not do this unless the property was rezoned to "J" Commercial.

After discussion of the request it was found that he could continue his present operation on a non-conforming basis and on motion of Mr. Bremer, seconded by Mr. Kaufman, the recommendation of the Planning Commission to deny the change in zone was approved by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

The Clerk read an ordinance accepting the bid of Alvarado Brothers and making a contract for wrecker service to tow wrecked or disabled, abandoned and illegally parked vehicles on city streets.

Assistant City Manager Harner explained the ordinance and stated it sets out the schedule of prices for service which would eliminate overcharging and by having one company responsible for towing of vehicles also eliminate the reckless driving of wreckers to the scene of an accident.

Mr. Buddy Offinger, President of the local Wrecker Association, protested passage of the ordinance claiming the contract under consideration did not have any legal grounds to stand on; was illegal under the constitution to pass this type of ordinance delegating police powers to a private concern. He said the Association wanted to solve the reckless driving and overcharging problem. He suggested the Council pass an ordinance providing for permits to operate wreckers and firm prices for wrecker service, with the enforcement of the ordinance to be handled by the Taxicab Inspector.

Also speaking against the ordinance was Mr. Robert Elmer, representative of Capitol Wrecker Company.

Speaking in favor of the ordinance under consideration and giving examples of the overcharging done by wrecker companies were the following: Mr. Seth Temple, President of the Local Finance Companies Association; Mr. Martin Marcos, Standard Finance Corporation; Mr. Harry Chalkley, Security Finance Company; Mr. Buddy Hamilton, Ranger Finance Corporation; and Mr. George Allen, Milam Finance Company.

Mayor McAllister stated the Council wanted to make the streets safe against reckless driving and eliminate overcharging for wrecker service, but before taking a vote the Council wanted to study the matter further.

Acting City Attorney Sam Wolf was instructed to give the Council a legal opinion on this ordinance.

On motion of Mr. de la Garza, seconded by Mr. Padilla, action on the wrecker ordinance was postponed for one week by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Padilla, Parker and Bremer; NAYS: None; ABSENT: Gatti.

The Mayor asked Mr. Oeffinger and Mr. Elmer to submit to Assistant City Manager Henckel any specific proposals they may have to solve this problem.

Mr. Gene Johnson presented a Tourist Development Project titled "Texas Under Six Flags." The project calls for widening and deepening of the San Antonio River between Brackenridge Park and the beautified section of the river in the central business area. He asked the Council to add \$2,000,000 to the proposed bond issue for this project.

After a short recess, the meeting reconvened.

The Mayor made the following statement concerning the voluntary desegregation program.

"The Committee on Voluntary Desegregation, appointed by this City Council, has made significant progress in erasing segregation barriers in privately owned but publicly operated establishments in San Antonio. Continued progress has been reported each month. Best figures available indicate that all bowling alleys, all theatres, and all but a mere handful of restaurants, motels and hotels have agreed to serve all persons without regard to race or ethnic origin. This progress is all the more significant in that San Antonio has accomplished this progress on a voluntary basis, without violent incident and in an unbelievably short period of time.

The Committee, which has worked tirelessly to finish the job, now reports that there are still a very few establishments who have refused to join with the overwhelming majority in the voluntary process of desegregation which has been universally accepted by our community. Also, it has been reported that several who have signed voluntary desegregation pledges have now refused to honor their word. This mere handful of restaurants and motel owners who, by their inability to place total community welfare ahead of their personal or business reasons, are endangering the successful completion of the voluntary plan.

Because of this, the City Council unanimously urges these few to seriously reconsider their position in the interest of our entire community to insure the universality of the

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Council's policy to which the community has subscribed."

On motion of Mr. Kaufman, seconded by Dr. Parker, it was adopted as a statement of the City Council by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Padilla, Parker, and Bremer; NAYS: None; ABSENT: Cockrell and Gatti.

The Clerk read the following letter:

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

Gentlemen and Madam:

The following petition was received and forwarded to the office of the City Manager for investigation and report to the City Council.

12-2-63 Petition of Mrs. C. A. Morley, 238 Rockhill Drive, requesting the City to grant a permit to construct a seven-foot cedar fence two hundred feet in length along the side property line of Lot 6, Blk 4, NCB 11863, located at 238 Rockhill Drive.

Sincerely,

/s/ J. H. Inselmann  
City Clerk

There being no further business, the meeting adjourned.

A P P R O V E D :

*W. McAllister*  
MAYOR

ATTEST *J. H. Inselmann*  
City Clerk