

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, OCTOBER 17, 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.

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The invocation was given by Councilman Roland Bremer.

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The minutes of the previous meeting were approved.

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First item of business taken up was the hearing on Zoning Case No. 1995 to rezone Lot 7, NCB 12172, located on the south side of Austin Highway, 371' northeast of Holbrook Road, from "A" Residence District to "JJ" Commercial District.

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

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

AN ORDINANCE 31824

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 7, NCB 12172, FROM "A" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Next heard was Zoning Case No. 1969 to rezone Lot 2, Blk 1, NCB 11696, located between Harry Wurzbach Highway, and Lockhill Selma Road, from "A" Residence District to "F" Local Retail District.

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

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

AN ORDINANCE 31,825

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 2, BLK 1, NCB 11696 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Next heard was Case No. 1991 to rezone Lot 1, NCB 11140, located on the north side of Chavanaux Road, 147.8' west of Strech Avenue, from "B" Residence District to "D" Apartment District.

Planning Director Steve Taylor explained that this case had been previously heard by the City Council in 1962, and the change denied at that time. He stated the Zoning Commission recommends that the change to "D" Apartment District, which is required to build a meeting hall for the V. F. W. and other facilities, be denied.

Mr. Jack Leon, Judge Advocate for V. F. W. District 20, representing the applicant, Veterans of Foreign Wars, Post 4815, said that at the hearing before the Zoning Commission the objections were noted and they have tried to eliminate them. The dirt drive going into the property from Strech Road has been closed. This will eliminate the complaint concerning dust and traffic on this street. He showed photographs of the property in question and surrounding area. He explained that the objectives of the V. F. W. were to provide recreational and community services and fraternalism. They have cleared the property of brush and presently have a little league ball park on it. The next step is to build a meeting hall, or recreational building, which would include rest rooms and dressing rooms for the teams. Then a swimming pool and tennis courts would be built. This would require "D" Zoning, which if granted, would be helping the City to provide recreation facilities which are lacking in this area. He presented a petition signed by 400 people in the area in favor of the change in zone. He also showed a detailed plan of the proposed development of the property. He felt that granting of the request would not have an adverse effect or lower property values of the neighbors. He read a letter from Father Bernadine, Pastor of St. Leonards Church, stating that the ball park is used by children from his parish. He also read a letter from Mrs. Bonnie Kyle stating that 4-H Clubs have used the facilities in the past and hope to use them in the future. He said that even children of the people opposing the request have been using the ball park. As to the complaints that there is beer drinking at the games, Mr. Leon stated that no drinking is allowed during little league games. However, beer is drunk when adult games are played. When the club house is built there will always be someone on duty and drinking will be restricted to the hall. He asked the Council to consider the values that will be derived by the community by granting of the request.

Also speaking in favor of the change were Mr. Osmo Barnes, Commander of the V. F. W. Post; Mr. and Mrs. Cameron Ayres; Mrs. Beatrice Barnes and Mr. Ray Armstrong, 725 Linares Street.

The Planning Director was asked if the ball diamond was illegally constructed, Mr. Taylor felt that it was an illegal use and if the rezoning was denied, the V. F. W. would have to apply to the Board of Adjustment for a variance in order to keep it in operation.

Mr. Roger Walton, 869 Villaret, representing the group in opposition to the zoning change, said they objected on the grounds of what has been done in the past, and to grant the change would make the operation more of a nuisance. He said no organized Little League will be able to play on this property because it is prohibited at locations that sell beer. As to the signatures on the petitions presented, some of the people who signed live 20 miles away. Adjacent lots are standard building lots and 7 new homes with an average value of

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\$9,000 have been built. They have complained to the Texas Liquor Control Board concerning the beer drinking at the ball games and at V. F. W. parties. They closed the dirt road only after many protests. He said there are plenty of baseball recreation facilities in the area without this one.

Also speaking against the change were Mrs. Elmer G. Heimer, 910 W. Villaret; Mr. Ben Peterson, 930 Villaret; Mr. N. D. Flowers, 902 Villaret; W. M. McAllister, 927 Villaret; Mrs. Fred W. Schaefer; Mr. Nolan Flowers, 9607 Strech Road; A. R. Erlich, 922 W. Villaret; and Mrs. L. F. Wainscott.

Father Bernadine, Pastor of St. Leonards Church, stated that he had signed the letter referred to by Mr. Leon with the understanding that none of his parrishoners were involved in this matter. He felt that deceit had been used in getting him to sign the letter.

Mrs. Cockrell felt that the rights and feelings of the property owners who have built homes in the area and live there should take precedence in this matter and therefore moved that the recommendation of the Zoning Commission to deny the change in zone be upheld. The motion was seconded by Mr. Gatti.

On roll call the motion carried and the rezoning was denied, the vote being as follows: AYES: McAllister, de la Garza, Jones, Cockrell, Gatti, Parker abd Bremer; NAYS: Kaufman and Padilla; ABSENT: None.

The following ordinance was explained by condemnation attorney Raymond Weber, and on motion of Mr. Kaufman, seconded by Dr. Parker, was passed and approved by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 31,826

RESCINDING ORDINANCE #31,733 DATED SEPTEMBER 5, 1963 AND APPROPRIATING \$250.00 OUT OF GUADALUPE STREET SEPARATION BOND FUND #479-17 PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, SUBJECT TO THE ORDER OF TANNERS HIDES, INC., A CORPORATION, OWNER, FROST NATIONAL BANK OF SAN ANTONIO, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF NEW BRAUNFELS, TEXAS, AND JOSEPHINE STEIN, LIENHOLDERS OF RECORD; SAID AMOUNT BEING THE AMOUNT OF SPECIAL COMMISSIONERS IN CONDEMNATION CAUSE NO. C-1, COUNTY CIVIL COURT AT LAW OF BEXAR COUNTY, TEXAS FOR THE PURCHASE OF A TEMPORARY WORKING EASEMENT AT 908 S. MEDINA STREET, SAN ANTONIO, BEXAR COUNTY, TEXAS.

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

A RESOLUTION

AUTHORIZING THE CITY MANAGER TO SUBMIT A REQUEST FOR RE-CERTIFICATION OF THE CITY'S WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT.

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The following ordinances were explained by Mr. Winston Martin, Director of Urban Renewal, and on motion of Mr. Bremer, seconded by Mr. Gatti, were passed and approved by the following vote: AYES: McAllister, Jones, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None; ABSTAINED: de la Garza.

AN ORDINANCE 31,827

REPEALING ORDINANCE NO. 31,786, VIZ. AN ORDINANCE APPROVING THE UNDERTAKING OF SUVERYS AND PLANS FOR URBAN RENEWAL PROJECT NO. III AND APPROVING THE SUBMISSION OF THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF AN APPLICATION FOR AN ADVANCE OF FEDERAL FUNDS FOR SAID PURPOSE.

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AN ORDINANCE 31,828

APPROVING THE PREPARATION OF A GENERAL NEIGHBORHOOD RENEWAL PLAN, PROJECT NO. 4, (DEL ALAMO), AND THE FILING OF AN APPLICATION BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO FOR AN ADVANCE OF FEDERAL FUNDS FOR SAID PURPOSE.

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AN ORDINANCE 31,829

APPROVING THE UNDERTAKING OF SURVEYS AND PLANS FOR URBAN RENEWAL PROJECT NO. 5 (CIVIC CENTER PROJECT) AND APPROVING THE SUBMISSION BY THE URBAN RENEWAL AGENCY FOR THE CITY OF SAN ANTONIO OF AN APPLICATION FOR AN ADVANCE OF FEDERAL FUNDS FOR SAID PURPOSE.

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The City Council considered the petition of Miss Virginia M. Alford, 146 Harrigan Court, requesting permission to display oil paintings on LaVillita Street at the time the Trade Fair is held on October 24 - 26.

The City Manager recommended against approving the request as granting permission to an individual artist to display paintings on a City street or sidewalk would seem to be starting a dangerous precedent.

After discussion, on motion of Mr. Gatti, seconded by Mr. de la Garza, the request of Miss Alford was denied. The motion prevailed by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker, and Bremer; NAYS: None; ABSENT: None.

Councilman Bob Jones brought up the matter of the alley problem at the rear of the 100 block of Andricks Drive on which the City has placed temporary barriers to prevent through traffic.

After discussion, the Council decided to hold a hearing on the matter on October 24, 1963. Abutting property owners are to be notified and invited to present their views on alternate solutions to this problem.

Mr. Stephan Harvasty, Chairman of the Citizens Against Fluoridation, stated that in the feasibility report of the Water Board, the cost figures were not correct and felt the

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figures gave the wrong impression as to cost of the program.

Councilman Kaufman suggested that instead of his appearing every week on the question of fluoridation of the water supply, that he wait until a public hearing is held.

To a question by Mayor McAllister, Mr. Harvasty stated that he was an accountant employed by the Bexar County Auditor.

Mayor McAllister then asked for Mr. Harvasty's cooperation in keeping his supporters from harassing the Council with late telephone calls on the matter. The Mayor felt that it was the wrong way to pursue their cause. He said he has a public telephone number and wants to keep it that way.

Mr. A. A. Worthy, Attorney representing residents in the area of Barchester Drive, west to Dorset, formally requested the Council to stop an obvious zoning violation by enforcing the zoning law. He explained that Barchester is not a through street into San Pedro. Mr. Morris Kallison owns the property between San Pedro and Dorset and asked the Zoning Commission for a change in zone in order to open a street from San Pedro to Barchester. Mr. Kallison stated he would not do this because of objections of neighbors, however, work has continued on the road and pavement laid. He asked the City to join in an injunction to stop this violation.

Assistant City Manager Harner stated that the City has issued a "Stop Work Order" but that this may not be effective. He said that if no city employee is involved, (Mr. Steve Taylor, Planning Director, lives on Barchester) the City would proceed with regular action.

After consideration, the Council felt the City has no recourse but to enforce the zoning law and the City Manager was authorized to take any action necessary to abate the violation.

Mr. Rector A. Hoyle, a Negro citizen, reported to the Council that he had been refused service at Hulda and Kuno's Cafe, located in the 900 block of N. New Braunfels Avenue.

There being no further business to come before the Council, the meeting adjourned.

A P P R O V E D :

*McAllister*  
MAYOR

A T T E S T :

*J. H. Luseman*  
CITY CLERK