

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
WEDNESDAY, MAY 1, 1963, AT 8:30 A.M.

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The invocation was given by Reverend C. Don Baugh, Executive Director of the Council of Churches of Metropolitan San Antonio.

Chief Justice W. O. Murray, Court of Civil Appeals, Fourth Judicial District, then administered the Oath of Office to the Councilmen-Elect.

The regular meeting of the City Council was called to order by the City Clerk. The following members were present: McALLISTER, DE LA GARZA, ROHLFS, KAUFMAN, COCKRELL, JR., GATTI, PADILLA, PARKER and BREMER; ABSENT: None.

A quorum being present, the City Clerk advised the Council that a motion to designate a Mayor and Presiding Officer was in order.

The following Resolution was introduced by Mr. Bremer, who then moved its adoption.

A RESOLUTION

DESIGNATING WALTER W. McALLISTER, SR. AS THE PRESIDING OFFICER OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO AND CONFERRING UPON HIM THE TITLE OF MAYOR AND PROVIDING THAT HE SHALL SERVE AS SUCH DURING THE PLEASURE OF THE SAID CITY COUNCIL.

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Full text in Ordinance Book NN, Page 124

The motion was seconded by Mr. Gatti, and was passed and approved by the following vote: AYES: de la Garza, Rohlfis, Kaufman, Cockrell, Jr., Gatti, Padilla, Parker and Bremer; NAYS: None; ABSTAINED: McAllister; ABSENT: None.

Chief Justice W. O. Murray administered the Oath of Office to Mayor Walter W. McAllister. Mr. McAllister then took the chair and presided over the meeting.

The following Resolution was introduced by Mr. de la Garza, who then moved its adoption.

A RESOLUTION

DESIGNATING JOHN GATTI AS MAYOR PRO-TEM OF THE CITY OF SAN ANTONIO TO SERVE DURING THE PLEASURE OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO.

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Full text in Ordinance Book NN, Page 128

The motion was seconded by Mr. Rohlfis and was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlfis, Kaufman, Cockrell, Jr., Padilla, Parker and Bremer; NAYS: None; ABSENT: None; ABSTAINED: Gatti.

Chief Justice W. O. Murray then administered the Oath of Office to Mayor Pro-Tem elect Mr. John Gatti.

The minutes of the previous meeting were approved.

Mr. James Gaines, President of the Chamber of Commerce, congratulated the City for its outstanding leadership through the members of the City Council.

May 1, 1963

Zoning Case No. 1901 was first heard, to recone Lot 147, NCB 11178, located southeast of the intersection of East Harding Boulevard and Roosevelt Avenue (U. S. Highway 281), from "B" Residence District to "JJ" Commercial District.

Mr. Steve Taylor, Planning Director, explained the recommendation of the Zoning Commission. No one spoke in opposition.

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

## AN ORDINANCE 31,308

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 147, NCB 11178 FROM "B" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Full text in Ordinance Book NN, Page 125

Case No. 1878 was next heard to rezone Lot 29, NCB 7586, located on the south side of Dauchy Road, 199.5' west of South Gevers Street, from "D" Apartment District to "F" Local Retail District.

Mr. Taylor briefed the Council on the recommendation of the Zoning Commission on the proposed change. No one spoke in opposition.

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

## AN ORDINANCE 31,309

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 29, NCB 7586 FROM "D" APARTMENT DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 125

Next heard was Case No. 1891 to rezone Lot 1, NCB 12100 located northeast of the intersection of Loop 410 and Broadway, from "B" Residence District to "F" Local Retail District.

The Planning Director explained the recommendation of the Zoning Commission to the Council. No one spoke in opposition.

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

## AN ORDINANCE 31,310

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

May 1, 1963

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 1, NCB 12100, FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 126

Zoning Case No. 1870 was next heard to rezone Lot 40, NCB 10939, located southeast of the intersection of Grecian Drive and Clark Avenue from "B" Residence District to "E" Office District; and Lots 42 and 43, NCB 10939 located on the south side of Grecian Drive, 115' east of Clark Avenue, from "B" Residence to "F" Local Retail District.

The Planning Director briefed the Council on the proposed change in zone as recommended by the Zoning Commission. No one spoke in opposition.

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

AN ORDINANCE 31,311

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 OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 40, NCB 10939, FROM "B" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT; LOTS 42 AND 43, NCB 10939 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 126

Case No. 1884 was next heard to rezone Lot 8, NCB 10375, located northeast of the intersection of the I. H. 10 Expressway and Vance Jackson Road, from "A" Residence District to "F" Local Retail District.

Mr. Taylor briefed the Council on the proposed change, which was recommended by the Zoning Commission.

Mr. Charles Duke, Attorney for the applicants, stated the change was needed in order to erect a high class service station and it was planned to do everything possible to maintain it properly. He said Robertson Brothers, owners of the property, felt that this service station, bounded on the east by the Westfall Library, and on the north by the proposed new fire station, would not be objectional. He felt the property, because of its location, was not suitable for residential purposes. Screening would be in the form of a cyclone fence covered with vines.

Mr. Robertson showed pictures of the proposed service station and explained the plans for lighting the area and screening of the property. He said he would be personally responsible for adequate screening.

Dr. A. G. Guido, 2208 LaManda, spoke in opposition stating that most homes in this area were so constructed that a great part of their living area was at the rear of the houses and that the filling station would disrupt their manner of living. This was strictly a residential neighborhood and he would object to any type of commercial business except a small office building or duplex type apartment. He felt a gas station would definitely lower property values and that there were sufficient stations on Vance Jackson now.

May 1, 1963

Mr. A. Helmke, 2220 LaManda, stated that the residents purchased these homes from Robertson Brothers and were led to believe that the entire area would be residential. He could not understand why they are now insisting on this zoning change as a gas station is not in keeping with this neighborhood, and if allowed to be built, it will become an eyesore.

Mrs. Jesse Akers, Jr., 2221 LaManda, also voiced her opposition to the proposed zoning change.

Planning Director Taylor, was asked what the Staff had recommended. He stated the Planning Staff felt that the recommended change was the best use for this property.

After further consideration of the merits of the case, Mr. de la Garza, moved that the recommendation of the Zoning Commission be upheld and the property rezoned. Seconded by Mr. Padilla, the motion, carrying with it the passage of the following ordinance, was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlfis, Kaufman, Cockrell, Jr., Padilla and Bremer; NAYS: Gatti and Parker; ABSENT: None.

## AN ORDINANCE 31,312

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 8, NCB 10375 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book NN, Page 126

Mayor McAllister recognized Mrs. A. A. Speert, Teacher at Ridgeview Elementary School who was accompanied by her entire Sixth Grade Class. Mr. John Reeder, spokesman for his class, and son of City Attorney Crawford Reeder, said his class was studying law and government and thanked the Council for letting the class attend the Council meeting.

Mr. Schaeffer, Vice President of the Missouri Pacific Railroad, presented the Mayor with a check for \$100,000 as a portion of its share of the cost of construction of the Guadalupe Overpass. He stated that the City would receive another \$100,000 upon completion of the work as per agreement.

Miss Ruth Lozano and Mr. Bill Denton, representatives of San Antonio College, invited the Council to attend the school's production of Finian's Rainbow.

Mrs. Hamlin, outgoing president of the Conservation Society, expressed appreciation to the City Council for its splendid work and leadership. Mrs. Hamlin also introduced Mrs. James Padgitt, the incoming president.

Zoning Case No. 1887 was heard next to rezone Lots 15 and 16, NCB 7194 located on the north side of Olmos Drive 200' west of Michigan Avenue, from "B" Residence District to "E" Office District.

Mr. Taylor briefed the Council on the proposed change which the Zoning Commission recommended be denied.

May 1, 1963

Mr. J. Mack Ausburn, attorney for the applicant, Powell and Roberts, Inc., explained that while this was considered as spot zoning, consideration should be given because, due to the widening of Olmos Drive, the front yards of the homes on this street would be reduced to 7½' frontage plus the right of way. He felt it would only be a short time before the street would contain all businesses and no residences. Mr. Ausburn presented a petition signed by three property owners adjacent to his clients property who were all in favor of the requested change.

Mr. Frank Bradly, owner of property at 1109 Olmos, spoke in favor of the change. He also represented the owner of 1115 Olmos who also favors the proposed change.

Mr. Jeff Roberts, one of the applicants, stated all the property owners favored the change as they realized that with the widening of Olmos completed the nature of the property changed, and now is ready for commercial zoning.

Mr. Ausburn also displayed a detailed map and explained why this property would not be suitable for residential purposes.

Councilman Gatti stated that this was a difficult area to consider and the City was actually at fault because it spends money to widen a street in order to expedite traffic and then rezones the area for business which is bound to slow down traffic again.

Mr. Roberts stated that this property would have off street parking and that their business was such that it created very little traffic.

Mr. Gatti stated with off-street parking on this property this would be an isolated case, and other businesses such as drive-inns, beer parlors, etc., would definitely add to traffic congestion and defeat the effect of the street widening.

Mr. Roberts answered this is correct, but in effect, he was asking the Council to grant this change which he felt would be a buffer zone for this area.

Mr. Gatti stated that he was not criticizing the applicant, but felt that the Traffic Department should restudy this situation more deeply and try to evolve an answer.

Assistant City Manager, Mr. Harner, explained that the City pays substantial amounts for severance damages when it buys right of way and the property is damaged by taking land from the residential yards.

After further discussion, Dr. Parker made a motion to overrule the Zoning Commission and grant the requested rezoning. Seconded by Mr. de la Garza, the motion which required seven (7) affirmative votes, failed by the following vote: AYES: McAllister, de la Garza, Rohlf, Padilla, Parker and Bremer; NAYS: Cockrell, Jr., and Gatti; ABSENT: Kaufman.

Mrs. Cockrell explained she voted no because she felt this would be granting an opening wedge for this area whereas the whole block should be rezoned and this case should be referred back to the Zoning Commission for such action.

The attorney for the applicant requested the Council to reconsider this action due to the absence of Councilman Kaufman.

Since the motion to overrule the recommendation of the Zoning Commission required seven (7) affirmative votes, and had received six (6) votes in favor with two against, Mr. Kaufman's vote could be a deciding factor. After discussion of this point, Mr. Rohlf, made a motion to rescind the previous action by the Council and rehear this case at the next zoning meeting.

May 1, 1963

Seconded by Mr. de la Garza, the motion carried by the following vote: AYES: McAllister, de la Garza, Rohlfis, Cockrell, Jr., Padilla, Parker and Bremer; NAYS: Gatti; ABSENT: Kaufman.

Last heard was Case No, 1873 to rezone Lots 14, 15, 16 and 17, NCB 8034, located north-east of the intersection of Whitman Avenue and Zarzamora Street from "B" Residence District to "F" Local Retail District.

Mr. Taylor explained the recommendation of the Zoning Commission to deny this request for rezoning.

Mr. Louis Matusoff, applicant, explained that only four members of the Commission were present to hear his case and felt that denial was an injustice since the Commission's vote was two in favor and two against his application for rezoning.

After discussion by the Council, Mr. Padilla made a motion to refer this case back to the Zoning Commission for rehearing when all five members of the Commission are present. Mr. Gatti seconded the motion and it was approved by the following vote: AYES: McAllister, de la Garza, Cockrell, Jr., Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Rohlfis and Kaufman.

The following ordinances were explained by members of the Administrative Staff and on motion made and duly seconded were passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlfis, Cockrell, Jr., Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Kaufman.

AN ORDINANCE 31,313

ACCEPTING THE LOW BID OF HOWARD STICH, INC., FOR THE CONSTRUCTION OF STORM DRAINAGE PROJECT #55, 55-A; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; APPROPRIATING THE SUM OF \$877,777.77 PAYABLE TO HOWARD STICH, INC. FOR THIS WORK; THE SUM OF \$20,000.00 AS A CONSTRUCTION CONTINGENCY ACCOUNT ON THIS PROJECT; THE SUM OF \$6,714.33 PAYABLE TO GULLATT, LODAL, AND SUELTFENFUSS, INC. TO COVER THEIR ENGINEERING FEE ON THIS PROJECT; AND THE SUM OF \$2,950.00 PAYABLE TO SOUTHERN PACIFIC RAILROAD COMPANY (TEXAS AND NEW ORLEANS LINES) TO COVER ADJUSTMENTS TO THEIR LINES MADE NECESSARY BY THIS PROJECT; ALL PAYABLE OUT OF FUND #479-13, STORM DRAINAGE IMPROVEMENT BOND FUND, 1957 SERIES.

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Full text in Ordinance Book NN, Page 127

AN ORDINANCE 31,314

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF WATSON DISTRIBUTING COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH THREE TRUCKSTERS FOR A NET TOTAL OF \$3,258.32.

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Full text in Ordinance Book NN, Page 127

Mrs. Myrtle Hance protested the U. N. representatives of five communist countries riding in the Fiesta Parade and showed numerous pamphlets to the Council on Communism. The Mayor thanked her for her comments and stated he had not been advised of their coming and that he was not familiar with the details except for what he read in the papers and learned through news media.

May 1, 1963

The Clerk read the following letter:

May 1, 1963

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

Gentlemen:

The following petition was received and forwarded to the proper department for any indicated action.

4-22-63 Petition filed by Mr. Henry Gutierrez, and other citizens, requesting the City to install "No Parking" signs near the intersection of Lombrano and Zarzamora Streets to eliminate traffic jams that occur when cars are parked on both sides of the street near the intersection.

Sincerely,

/s/ J. H. Inselmann  
City Clerk

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The Mayor asked if anyone wished to be heard on any matter. No one requested to speak and there being no further business to come before the Council the meeting adjourned.

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After the meeting had adjourned a group of citizens asked to be heard in opposition to the rezoning of property in Case No. 1642 and protesting the Council's intent to correct an error made at the hearing on October 17, 1962 at which the property was in fact rezoned but which the records show as being denied.

The meeting then reconvened and heard the protests of the group which also filed a petition in opposition to any change in the original zoning.

City Attorney Crawford Reeder explained the letter he sent each of the persons protesting. (Copy of the letter filed with original minutes of this meeting.)

The Mayor thanked the group for expressing its feelings in the matter. Although no action was taken, the Mayor informed the group the Council had no alternative but to correct the records to show that the property had been rezoned to "E" Office District.

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There being no further business, the meeting then adjourned.

A P P R O V E D :



M A Y O R

A T T E S T :

*J. H. Inselmann*  
City Clerk