

November 12, 1953

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER OF THE CITY HALL
ON THURSDAY, NOVEMBER 12, 1953, AT
10:00 A.M.

PRESENT: SCHERLEN, STEVENS, SHEARER, A. C. WHITE, RUSSELL, R. N. WHITE, EASLEY, LESTER,
GONZALEZ; CITY ATTORNEY JACK DAVIS AND CITY CLERK J. FRANK GALLAGHER

Mayor A. C. White presiding.

Invocation by Rev. Sherwood Davis, Alamo Methodist Church

On motion of Mrs. Stevens seconded by Mr. Scherlen the reading of the minutes
of the previous meeting was dispensed with.

The following resolution was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez;
Nays, none.

A RESOLUTION

AUTHORIZING AND DIRECTING THE ASSESSOR AND
COLLECTOR OF TAXES TO ENTER UPON THE TAX ROLLS
OF THE CITY OF SAN ANTONIO CORRECTIONS, AD-
JUSTMENTS, AND REMISSIONS OF TAXES IN CASES
WHEREIN TAX ERRORS HAVE BEEN FOUND UPON THE
TAX ROLLS

(Full text in Ordinance Book Z. page 358)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez;
Nays, none.

AN ORDINANCE 19,759

ACCEPTING AND APPROVING THE ASSIGNMENT OF
A MONTH TO MONTH CONTRACT TO OPERATE THE
CIGAR STAND IN THE HEALTH BUILDING FROM
LEONARD A. PILLANS TO VERNON FOSTER

(Full text in Ordinance Book Z. page 360)

The following ordinance was passed and approved by the following vote: Ayes,
Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez;
Nays, none.

AN ORDINANCE 19,760

APPROVING SETTLEMENT OF CAUSE NO. F-77, 479,
RAFAEL RAMIREZ, ET UX, VS. CITY OF SAN ANTONIO,
AND APPROPRIATING THE SUM OF \$1000.00 OUT OF
THE 1953 GENERAL FUND-NO. 56-02-01, SUITS, JUDGMENTS
AND CLAIMS, TO BE PAID TO CHARLES HANCOCK, RAFAEL
RAMIREZ AND WIFE, MARINA RAMIREZ, IN SETTLEMENT OF
THE ABOVE STYLED AND NUMBERED CAUSE PENDING IN 73RD
DISTRICT COURT OF BEXAR COUNTY, TEXAS

(Full text in Ordinance Book Z. page 361)

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The following resolution was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

A RESOLUTION

GIVING NOTICE OF A HEARING ON DECEMBER 3, 1953, OF A PROPOSED AMENDMENT OF THE ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS, ETC., PASSED AND APPROVED ON THE 3RD DAY OF NOVEMBER, 1938, FOR RE-ZONING OF: CASE NO. 336, PORTIONS OF NEW CITY BLOCKS 1772, 1773 AND 1774, FROM "B" RESIDENCE TO "J" COMMERCIAL DISTRICT; AND, CASE NO. 338, PORTION OF NEW CITY BLOCK 1773, FROM "B" RESIDENCE TO "J" COMMERCIAL DISTRICT

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

AN ORDINANCE 19,761

AN ORDINANCE AMENDING AN ORDINANCE PASSED AND APPROVED 3 NOVEMBER, 1938, ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND STRUCTURES; PER CENT OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OPEN SPACES; DENSITY OF POPULATION; LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; DIVIDING THE CITY OF SAN ANTONIO INTO DISTRICTS, REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RE-CONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICT; PROVIDING THE UNIFORM REGULATIONS FOR CLASSES OR KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE RESTRICTED DISTRICT; ADOPTING ZONING MAP DISCLOSING VARIOUS DISTRICTS, USE, AREAS, RESTRICTIONS, LIMITATIONS AND PROVISIONS APPLICABLE TO DISTRICTS AND AREAS; PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS THEREOF; TO RE-ZONE: CASE NO. 307, PROPERTY ON THE NORTH SIDE OF MILITARY DRIVE BETWEEN OPPENHEIMER AVENUE AND CLAMP AVENUE, FROM "E" APARTMENT TO "F" LOCAL RETAIL DISTRICT; ANY PERSON WHO VIOLATES THIS ORDINANCE OR THE OWNER OF ANY BUILDING OR PREMISES OR PART THEREOF WHERE ANYTHING IN VIOLATION OF THIS ORDINANCE SHALL BE FACED OR SHALL EXIST, AND ANY ARCHITECT, BUILDER, CONTRACTOR, AGENT, PERSON OR CORPORATION EMPLOYED IN CONNECTION THEREWITH, WHO MAY HAVE ASSISTED IN THE COMMISSION OF ANY SUCH VIOLATION SHALL BE GUILTY OF A SEPARATE OFFENSE AND UPON CONVICTION MAY BE FINED NOT MORE THAN \$100.00 AND EACH DAY SUCH VIOLATION EXISTS SHALL CONSTITUTE A SEPARATE OFFENSE.

(Full text in Ordinance Book Z. page 361)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

AN ORDINANCE 19,762

ACCEPTING THE ATTACHED BID OF THE H. R. HUNTTING COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH CERTAIN BOOKS AS PER LIST ATTACHED FOR A TOTAL OF \$9,942.53

(Full text in Ordinance Book Z. page 362)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

AN ORDINANCE 19,763

AN ORDINANCE AMENDING SECTION 2 OF AN ORDINANCE DATED THE 1ST DAY OF DECEMBER 1921, ENTITLED "AN ORDINANCE FOR THE PURPOSE OF REGULATING LOCAL STREET TRANSPORTATION OF PERSONS BY JITNEYS, MOTOR BUSES AND OTHER VEHICLES FOR SUCH TRANSPORTATION ON THE STREETS OF THE CITY OF SAN ANTONIO, EXCEPT AS HEREIN PROVIDED FOR, AND PROVIDING PENALTIES", AS AMENDED BY AMENDING PARAGRAPH 30 THEREOF (WOODLAWN)

(Full text in Ordinance Book Z. page 362)

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The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

AN ORDINANCE 19,764

AN ORDINANCE AMENDING SECTION 2 OF AN ORDINANCE DATED THE 1ST DAY OF DECEMBER, 1921, ENTITLED "AN ORDINANCE FOR THE PURPOSE OF REGULATING LOCAL STREET TRANSPORTATION OF PERSONS BY JITNEYS, MOTOR BUSES AND OTHER VEHICLES, AND PROHIBITING THE USE OF JITNEYS, MOTOR BUSES AND OTHER VEHICLES FOR SUCH TRANSPORTATION ON THE STREETS OF THE CITY OF SAN ANTONIO, EXCEPT AS HEREIN PROVIDED FOR, AND PROVIDING PENALTIES", AS AMENDED BY AMENDING PARAGRAPH 17 THEREOF. (NOGALITOS)

(Full text in Ordinance Book Z. page 363)

The following ordinance was passed and approved by the following vote: Ayes, Scherlen, Stevens, Shearer, A. C. White, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none.

AN ORDINANCE 19,765

ACCEPTING DEED OF H. B. ZACHRY PROPERTIES, INC., A CORPORATION, TO THE CITY OF SAN ANTONIO, CONVEYING A TRACT OF LAND 50 FEET WIDE OUT OF THE G. RODRIGUEZ SURVEY NO. 131 IN BEXAR COUNTY, TEXAS, AS DESCRIBED IN SAID DEED, FOR THE PURPOSE OF CREATING AND DEDICATING A PUBLIC STREET THROUGH THE PROPERTY OF GRANTOR FROM NORTHWOOD ESTATES, UNIT ONE TO MILITARY HIGHWAY, LOOP 13

(Full text in Ordinance Book Z. page 364)

The following ordinance was read for the first time and ordered published:

AN ORDINANCE

PROVIDING FOR THE EXTENSION OF THE LIMITS OF THE CITY OF SAN ANTONIO AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY LYING ADJACENT TO THE CITY OF SAN ANTONIO, SAID ADDITIONAL TERRITORY BEING 4.6 ACRES MORE OR LESS SITUATED IN BEXAR COUNTY, TEXAS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE (4.6 ACRES KNOWN AS THE ELIZABETH COOK TRACT IN BEXAR COUNTY)

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The following letter from the City Clerk was read:

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

Gentlemen:

The following petitions were received by this office and then referred to Mr. Ralph H. Winton, City Manager, for his recommendation or action.

- 11-5-53 Petition of Los Angeles Heights Methodist Church requesting tax exemption of Lots 18, 19, and 20, Block 42, NCB 7149
- 11-6-53 Petition of Mrs. Fred W. Reichert, et al, requesting the repair of Cunningham Avenue from Broadway to the entrance to the Army Post.
- 11-6-53 Petition of Willow Springs Golf Association requesting extension of bus service to the Willow Springs Golf Course.

Yours very truly,

J. Frank Gallagher
City Clerk

A hearing set at this time on an ordinance as follows was called.

AN ORDINANCE

AN ORDINANCE REGULATING AND LICENSING CERTAIN PERSONS, FIRMS AND CORPORATIONS ENGAGED IN THE BUSINESS OF DEALING IN NEW OR USED MOTOR VEHICLES, OR BOTH, WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO; PROVIDING THE TIME, MANNER AND METHOD THEREOF; PROVIDING FOR THE INSPECTION AND SUPERVISION OF SUCH PERSONS, FIRMS, AND CORPORATIONS AND THEIR BUSINESSES; REQUIRING A RECORD TO BE KEPT BY LICENSEES; REQUIRING COMPLIANCE BY SUCH LICENSEES WITH TITLE 7, CHAPTER 2, OF THE REVISED CIVIL STATUTES OF TEXAS; PROVIDING FOR A BOND; PROVIDING CERTAIN REGULATIONS; PROVIDING FOR THE ISSUANCE AND DISPLAY OF LICENSES; PRESCRIBING OFFENSES AND PENALTIES; PROVIDING GENERALLY FOR THE ENFORCEMENT HEREOF; CREATING THE AUTOMOBILE ADVISORY COMMITTEE; PRESCRIBING ITS FUNCTIONS; CREATING THE POSITION OF _____ IN THE POLICE DEPARTMENT; PROVIDING FOR REVOCATION, SUSPENSION AND APPEAL; CONTAINING A SEVERABILITY CLAUSE AND FIXING EFFECTIVE DATE

Mr. Pat Legan, Attorney for New Car Dealers Association, went over the salient parts of the ordinance and explained their intended effect on the auto sales business and on the public. He asked to be allowed to introduce Mr. Walter Wolff Jr., Attorney for the Used Cars Dealers Association; Mr. Frank Gillespie, Sr., President of New Car Dealers Association and Mr. Leslie Heil, President of Used Car Dealers Association.

Before calling on these men he was questioned closely by the members of the council on many points of the ordinance.

Mr. Walter Wolff Jr. then explained how the two Car Dealer Associations got together and worked out details of the ordinance for the good of all.

Mr. Frank Gillespie Sr. then talked for the ordinance and expressed the hope the council would adopt it.

Mr. G. H. Russell, Attorney for a number of independent used car dealers then addressed the council in opposition, stating that it would work a hardship on the small dealers. He introduced Mr. J. B. Martin, an independent, who stated that he thought regulations of any industry should be by the State Legislature.

A consultation was held to see if the opposing interests might not be able to get together on an amended ordinance if a delay was made in voting on the ordinance. After several attempts at setting a delayed vote the ordinance was finally called up for voting thereon.

Mr. Russell moved its adoption and a roll call showed the following results: Ayes, A. C. White, Russell; Nays, Scherlen, Stevens, Shearer, R. N. White, Easley, Lester, Gonzalez.

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At this time Mayor White was obliged to leave the meeting and was excused.

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Next was called up a Zoning Case #315 to rezone at W. Kings Highway and Fredericksburg Road, Lots 14, 15, 16, 17 and part 13 NCB 7938 from "B" and "D" to "F" Local Retail. Mr. Bond Davis, attorney for the owner, stated that it is desired to rezone this property to locate a post office thereon and that only one property owner thereabout objects. He introduced Mr. S. E. McCreless the owner of the property and also Mr. Joe Sheldon also appeared to cite the need for a postoffice site in this vicinity.

Mr. Herbert Schenker, attorney for certain opponents, stated that the property was covered by restrictions running with the land and the proper procedure would be to get the courts to set aside these before anything can be done about rezoning. Mr. Lester, seconded by Shearer, moved that the recommendation of the Planning Commission to grant the rezoning be approved. The motion was adopted by the following vote: Ayes, Scherlen, Stevens, Shearer, Easley, Lester, Gonzalez; Nay, Russell; Not voting, R. N. White; absent, A. C. White.

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Zoning Case #316 to rezone Lots 9 to 16, NCB 1890 on W. Ashby Street was next heard. Mr. Neil Bailey, President of the Community Life Insurance Company, appeared to request the change. After discussion, Mr. Russell, seconded by Shearer, moved to approve the recommendation of the Planning Commission to deny the request for a change. The motion was carried by the following vote: Ayes, Shearer, Russell, R. N. White, Easley, Gonzalez; Nays, Scherlen, Stevens, Lester; Absent, A. C. White.

Zoning Case #319 was called next. To rezone Lots 14, 15, 16, 17, 18, NCB 3096 on Stadium Drive from "B" Residential to "F" Local Retail. Gus B. Maurermann, owner, appeared in favor and stated he was almost surrounded by business. He was followed by George Evers who backed him up.

Mr. Solomon Casseb, attorney for objectors, appeared and presented a petition signed by adjoining owners against any change. After discussion, Mr. Gonzalez moved to disapprove the recommendation of the Planning Commission. The motion to disapprove was adopted by the following vote: Ayes, Scherlen, Shearer, Russell, R. N. White, Gonzalez; Nays, Stevens, Easley, Lester; Absent, A. C. White;

Zoning case #328 was next called to rezone Lots 14, 15, Block 16, NCB 2025 from "B" Res. to "F" Local Retail on Cincinnati and Elmendorf. The recommendation of the Planning Commission to rezone was approved by the following vote: Ayes, Scherlen, Stevens, Shearer, Russell, R. N. White, Easley, Lester, Gonzalez; Nays, none; Absent, A. C. White.

Zoning Case #333 to rezone NCB 11926 from Temp. "A" to Permanent "F" Local Retail at Broadway and Nacogdoches and to zone NCB 11924, 11925 and 11927 as Permanent "A" Residential on Nottingham, Hiler, Knibbe, and Lorenz, was next called. The recommendation of the Planning Commission as above outlined was unanimously approved.

Mr. Hector Diaz, representing residents in the vicinity of Ivanhoe School and Castroville Road appeared and orally presented a petition for improvement of the area and for drainage and lights. Mr. Easley moved that Mr. Winton, City Manager, and Mr. Marceau, Director of Public Works, get with Mr. Diaz and see what can be done immediately. The motion was unanimously approved.

Mr. Trinidad Vallejo then took up the matter of the service at the end of Prospect Hill Bus Line and extension. He was told to get with the City Manager and present a plan to present to the Transit Company.

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On motion of Mr. Scherlen, seconded by Mrs. Stevens, the meeting adjourned.

APPROVED:

AM Scherlen
MAYOR.

ATTEST:

Frank Gallogher
City Clerk