

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE CITY COUNCIL CHAMBER, CITY HALL,
WEDNESDAY, OCTOBER 17, 1962, 8:30 AM.

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The regular meeting of the City Council was called to order by the Presiding Officer, Mayor Walter W. McAllister, with the following members present: McALLISTER, DE LA GARZA, ROHLFS, KAUFMAN, GUNSTREAM, GATTI, PADILLA, PARKER and BREMER.

Councilman Roland Bremer gave the invocation.

The minutes of the previous meeting were approved.

Mayor McAllister asked the City Manager to make a report of his study as to what could be done to solve the garbage disposal problem.

City Manager Shelley stated much study had been given by the Staff to the problem and much public information has been given to the various means of garbage disposal. He felt it not necessary to call in outside experts to study the matter as the City employees are themselves experts. He cited the long record on public health service of the Director of Public Health, and the numerous qualified engineers in the Public Works Department with many years of experience in sanitary land fill operations.

He showed pictures of the three types of disposal systems in use in this country. The compost system being the newest, which has been operated for six months in California with reasonable success, but he was not sure that this was the solution as there is not enough data available at this time to properly evaluate it. He then explained the operation of the incinerator and sanitary land fill methods. He discussed the more modern incineration method which would require a great deal of capital outlay. On a map he showed the location of the present garbage disposal locations and informed the Council that if the Southeast dump was closed, all the trucks would have to go to the Medina Road site which meant that the City would need more equipment to make the run and more equipment and men to maintain the present pickup schedule or it will have to curtail the pickup schedule. To maintain the schedule would also mean a longer working day and spending more time in travel to the sites. At the present time 16 yard trucks are being used and difficulty is being experienced with trucks going through the alleys. If larger trucks are used it will create a greater problem.

He then discussed the use of transfer trucks where garbage is dumped into a hopper as a transfer station and transferred to larger trucks. These stations and larger trucks are expensive and he stated in order to use this system it would require some capital. In addition, to transfer the garbage further away from the City would be expensive.

Mr. Shelley discussed the funds allotted in the budget and the present cost per ton to dispose of garbage.

He concluded by stating that the Administrative Staff felt the sanitary land fill method is most economical, but consideration must be given to the longer hauling costs.

After discussion, it was the consensus of the Council that something must be done about the problem and the Manager was asked to prepare a plan for garbage disposal and proceed with

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all reasonable haste so that the Southeast Sanitary Land Fill could be discontinued. The Council, without binding itself to time, instructed the City Manager to plan on 30 days and certainly not in excess of 60 days to put his plan into operation.

City Manager Shelley stated that he hoped to have the plan ready today but would have it in a short time and would certainly expedite it, but it would be necessary to have further sessions with the Council on the matter.

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The Council then proceeded to hear scheduled Zoning Cases:

First heard was Case No. 1691, to rezone that portion of Lot 21, NCB 1755 presently zoned "D" Apartment, located on the south side of E. Park Avenue, 157.8' east of N. St. Mary's Street, from "D" Apartment District to "JJ" Commercial District.

Planning Director Steve Taylor explained 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. Gatti, the recommendation of the Zoning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Rohlf, Kaufman, Gunstream, Gatti, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 30,820

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 21, BLK 2, NCB 1755 PRESENTLY ZONED "D" APARTMENT FROM "D" APARTMENT TO "JJ" COMMERCIAL DISTRICT.

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Full text in Ordinance Book MM , page 370

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Next heard was Case No. 1739, to rezone Lots 25 and 26, NCB 7902, located on the south side of Division Avenue, 115' east of the City^{cut} off to I. H. 35 Expressway from "B" Residence District to "D" Apartment District; and Lot 24, NCB 7902, located southeast of the intersection of Division Avenue and I. H. 35 Expressway from "B" Residence District to "F" Local Retail District.

The Planning Director briefed the proposed change which was recommended by the Zoning Commission. The recommendation for approval was made because it was located at the intersection of two major thoroughfares, and the property is large enough to make provision for off-street parking.

Mr. Burt Joiner, Applicant, stated he had owned the property four or five months. He planned to construct a service station at this location as there were only two or three points along I. H. 35 Expressway where traffic can be serviced. He said enough property had been acquired to provide a buffer zone. The present houses on the property were not standard and he would be upgrading the property by putting apartments on lot requested to be zoned "D" Apartment District.

After consideration, Mr. Gunstream, moved that the recommendation of the Zoning Commission to grant the change in zone be approved. The motion was seconded by Mr. Gatti. On roll call the motion failed and the rezoning was denied, the vote being as follows: AYES: Rohlf, Kaufman,

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Gunstream, and Gatti; NAYS: McAllister, de la Garza, Padilla, Parker and Bremer; ABSENT: None.

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After the Zoning Hearings were concluded, Mr. William Ferguson, Attorney for Mr. Burt Joiner, whose request for rezoning in Case No. 1739 had been denied by the Council, asked the Council to grant him a re-hearing so that he could present the plans that are proposed for the area so that the Council could better consider the request. After consideration, on motion of Dr. Parker, seconded by Mr. Rohlfs, the previous action in denying the rezoning was vacated and rescinded in order to give the applicant an opportunity to present new evidence at the next Zoning Hearing Meeting on November 7th. The motion prevailed by the following vote: AYES: de la Garza, Rohlfs, Kaufman, Gunstream, Gatti, Parker and Bremer; NAYS: McAllister and Padilla; ABSENT: None.

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Next heard was Case No. 1767 to rezone Lot 13, NCB 6227 located on the north side of E. Hildebrand St. 150' east of Broadway, from "B" Residence District to "E" Office District.

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

The Applicant, Rubye B. Traylor, was not present to present her case.

Speaking against the change in zone were Mr. W. T. Burke, Trust Officer for the Groos Bank, in behalf of the Jerry Able Trust and Mr. Earl Able. Mr Burke opposed the change because the property in question is not large enough for parking and would impede traffic. Mr. Able also felt the property was too small and people would be using his drive-in lot for parking.

After consideration, Mr. Rohlfs, moved that Case No. 1767 be referred back to the Zoning Commission for restudy of the off-street parking problem. Seconded by Mr. de la Garza, the motion prevailed by the following vote: AYES: McAllister, de la Garza, Rohlfs, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

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Planning Director Taylor reported that the proposed new Zoning ordinance had been reviewed by Mr. Springer, Consultant, and he had made several suggestions for changes which would require another meeting of Zoning Commission to see that the ordinance is in order. This would be done in the next few weeks and then the ordinance would be ready to submit to the Council for a public hearing. The presentation of the ordinance would be conducted primarily by the Zoning Commission.

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See May 5, 1963 Ord 31334 for Correction of Case 1642

Next heard was the continued hearing on Case No. 1642 to rezone Lot 20, NCB 2768 located on the north side of Rosewood Avenue approximately 84' east of Fredericksburg Road, from "B" Residence District to "F" Local Retail District.

The Planning Director explained that original application was for "F" Local Retail, but the Zoning Commission had denied the request and instead recommended "E" Office District. This was not satisfactory to the Applicant and the case was appealed to the City Council.

Mr. James Onion, Attorney representing the Applicant, Mrs. Della Stanley, stated the only reason the case was appealed was in order to continue the operation of a beauty shop which had

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been doing business at this location for twelve years. He then gave a history of the case in which several hearings were held before the Zoning Commission and Board of Adjustment. He asked the Council to rezone the property to "F" Local Retail District so that the use of the property as a beauty shop could be continued and unless approved, the business would have to be discontinued.

Mr. Willard Zumberg, 1631 West Rosewood, opposed the change because there was no parking available and felt that a cafe was the use intended for this location. Also speaking against the change was Mrs. Cathryn Stewart, 1627 Rosewood, who stated that petitions had been filed with the City Clerk, which contained the signatures of more than 50% of the property owners within 200 feet, protesting the change to both "F" Local Retail and "E" Office District. She asked that the change be denied. Others speaking against the change were Mr. Homer Whittle, 1611 West Rosewood, Mrs. Ruth Weber, 1650 West Hollywood and Mrs. Hilda Mueller, 1646 West Hollywood.

After consideration of the case, Dr. Parker moved that the request for rezoning be denied at this time because of insufficient parking and traffic congestion. Seconded by Mr. Padilla, the motion failed to pass by the following vote: AYES: McAllister, Gunstream, Padilla and Parker; NAYS: de la Garza, Kaufman, Gatti; ABSTAINING: Rohlfs and Bremer; ABSENT: None.

Mr. Kaufman then stated that it seemed obvious that the property was not suitable for a residence and could appreciate the concern of the adjacent property owners, but felt the owner of this property was entitled to some zoning relief and that "E" Office would be a good compromise. He then made a motion that the recommendation of the Zoning Commission to rezone the property to "E" Office be reheard. The motion was seconded by Mr. Gatti. City Attorney Crawford Reeder informed the Council that in view of the fact that a protest petition had been filed, it would require seven affirmative votes to rezone the property. On roll call the motion failed and the rezoning denied by the following vote: AYES: de la Garza, Rohlfs, Kaufman, Gunstream, Gatti; NAYS: McAllister, Padilla, Parker and Bremer; ABSENT: None.

Next taken up was the continued hearing on Case No. 1674, to rezone Lots 35, 36 and W. 9.5' of 34, NCB 6849 located northeast of the intersection of Fair Avenue and Palmetto Street, from "B" Residence District to "D" Apartment District.

The Planning Director briefed the proposed change which the Zoning Commission recommended be denied.

Mr. James O. Herrington, Attorney for the applicant Mr. Richard Jenkins, stated that at the time the application was made they were operating a boarding house for elderly people. He felt there was a need for such a rest home and the application was submitted in order for the State to approve a state license for a rest home. He felt this would provide a much needed facility for the aged.

Mr. Jack Butterfield stated that he and his wife both lived at the boarding house and was well pleased with it, and asked approval of the request. Mrs. Richard Jenkins explained the operation and stated that she made the application in order to continue it, and at the same time protect herself by being licensed by the State.

Speaking against the rezoning were Mr. Jack Anderson, 831 Fair Avenue, Mr. Edward B.

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Northcutt, 826 Halliday, Mr. John A. Summerville, 817 Fair Avenue, Mrs. Elizabeth R. Marr, 809 Fair Avenue. They all opposed the "D" and stated a petition had been filed protesting the change.

After consideration of the case, Dr. Parker moved that the recommendation of the Zoning Commission be upheld and the rezoning denied. The motion was seconded by Mr. de la Garza, and prevailed by the following vote: AYES: McAllister, de la Garza, Rohlf, Kaufman, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Gunstream.

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

AN ORDINANCE 30,821

AUTHORIZING EXECUTION OF AN AGREEMENT CONSENTING TO ASSIGNMENT OF TWO LEASES AT INTERNATIONAL AIRPORT TO BUSINESS AIRCRAFT CORPORATION.

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Full text in Ordinance Book MM , page 371

The following ordinance was read:

AN ORDINANCE 30,822

AMENDING CHAPTER 36, "SUBDIVISIONS" OF THE CITY CODE WITH RESPECT TO SECURITY FOR SITE IMPROVEMENTS.

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Full text in Ordinance Book MM , page 371

The Planning Director explained the proposed amendment which would insure getting 100% performance bond compliance in construction of site improvements in subdivisions. Mr Charles Garrett, President of the San Antonio Home Builders Association stated the Association felt it was a good ordinance for the building industry and the City and recommended its adoption.

On motion of Mr. Gatti, seconded by Mr. Rohlf, the ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlf, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Kaufman.

The following ordinance was explained by Parks Director Grazer, and on motion of Mr. Padilla, seconded by Mr. Rohlf, was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlf, Gunstream, Gatti, Padilla and Parker; NAYS: None; ABSENT: Kaufman and Bremer.

AN ORDINANCE 30,823

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF ASGROW SEED COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS DEPARTMENT WITH CERTAIN RED TOP GRASS SEED FOR A TOTAL OF \$1200.00.

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Full text in Ordinance Book MM , page 373

City Manager Shelley explained the following ordinance which regulates the use of streets

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and sidewalks during Fiesta Week and recommended its adoption. On motion of Mr. Kaufman, seconded by Mr. de la Garza, the ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlf, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 30,824

DEFINING AND LIMITING THE AUTHORITY OF THE FIESTA SAN ANTONIO COMMISSION, INC, AS OFFICIAL CO-ORDINATING AGENCY AND IN CONNECTION WITH THE CIVIC CELEBRATION KNOWN AS "FIESTA WEEK" BEING APRIL 21, 1963, AND ENDING APRIL 27, 1963, TO USE AND PERMIT THE USE OF CERTAIN PUBLIC STREETS, PLAZAS AND ADJACENT SIDEWALKS FOR THE CONDUCTING OF A CARNIVAL AND TO USE AND PERMIT THE USE OF CERTAIN PUBLIC STREETS, NOT INCLUDING SIDEWALKS, FOR THE PLACING OF SEATS ALONG PARADE ROUTES; FIXING THE TERMS AND CONDITIONS OF SUCH LICENSES; PROHIBITING ANY OTHER USE OF PUBLIC PROPERTY FOR THE CONDUCT OF A CARNIVAL AND PROHIBITING ANY OTHER USE OF THE PUBLIC STREETS OR SIDEWALKS FOR THE SALE, HIRE OR RENT OF PARADE SEATS.

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Full text in Ordinance Book MM , page 373

City Manager Shelley explained the following ordinance would authorize him to sign the construction contract for the Kelly AFB Defense Access Road and also authorize payment of the City's share of the cost in the amount of \$600,000.00 to the State of Texas. With adoption of this ordinance he felt construction could start in about 12 months. On motion of Mr. Rohlf, seconded by Mr. Gatti, the ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Rohlf, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 30,825

AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE CONSTRUCTION OF KELLY AIR FORCE BASE DEFENSE ACCESS ROAD AND APPROPRIATING THE SUM OF \$600,000.00 FROM U. S. HIGHWAY 90 WEST EXPRESSWAY BOND FUND #479-16 PAYABLE TO THE STATE TREASURER FOR THE CITY'S SHARE OF THE CONSTRUCTION COSTS.

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Full text in Ordinance Book MM , page 376

Mrs. Jack Fahy thanked the City Council for the steps taken today to have the Southeast Sanitary Land Fill closed as soon as possible.

Mrs. Elton Burkhart, a resident on Chandler Road reported that a fire had been started at the Southeast Sanitary Land Fill. The City Manager stated he had a report on it and it had been extinguished by the Fire Department. He explained that it was not started by the City.

After a short recess, the meeting reconvened.

Councilman Rohlf discussed the matter of juvenile delinquency. Due to lack of federal appropriations the City would not be able to participate in the program set up by the President's Committee on Juvenile Delinquency. He suggested that two representatives of the School Board, two Councilmen, and two County Commissioners meet and discuss, on a joint basis, the problem of juvenile delinquency. This would be done on a local basis and he felt a lot could be done without going to Washington. He said this approach should be followed and then it would be up

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to the elected representatives to determine the scope of the work to be done.

The Mayor commented that he saw no reason why the Council should disagree with the suggestion. However, no action was taken on the matter.

The Clerk read the following letter:

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

Gentlemen:

The following petitions were received and forwarded to the proper departments for any indicated action.

10-13-62 Petition filed by Mr. Andres Pastrano and other residents of the 100 block of Dokes Drive, requesting a street light in the middle of the block because of the great distance between intersecting streets where the lights are presently located.

10-15-62 Petition of L & L Properties, W. Earl Rowe and William B. Matthews requesting the City to close all alleys platted in NCB 8672, Hirschfield Subdivisions.

Yours very truly,

/s/ J. H. Inselmann
J. H. INSELMANN
City Clerk

There being no further business, the meeting adjourned.

A P P R O V E D :


M A Y O R

A T T E S T :


C I T Y C L E R K