

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 4, 1967 AT 8:30 A.M.

* * *

The meeting was called to order by the City Clerk with the following members present: McALLISTER, CALDERON, JONES, JAMES, GATTI, TREVINO, PARKER and TORRES; Absent: COCKRELL.

67-272 The invocation was given by Right Reverend Everett H. Jones, Bishop of the Episcopal Diocese of West Texas.

67-272 The Honorable Charles W. Barrow, Chief Justice, Court of Civil Appeals, Fourth Supreme Judicial District of Texas, administered the Oath of Office to the duly elected Members of the City Council.

67-272 Councilman Felix Trevino introduced the following resolution and moved for 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.

* * *

Seconded by Mr. Jones, the resolution was passed and approved by the following vote: AYES: Calderon, Jones, James, Gatti, Trevino, Parker; NAYS: None; ABSTAINING: McAllister and Torres; ABSENT: Cockrell.

67-272 Judge Charles W. Barrow administered the Oath of Office of Mayor to Walter W. McAllister.

Mayor McAllister took the gavel and presided.

67-272 Councilman Felix Trevino introduced the following resolution and moved for 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.

* * *

Seconded by Dr. Parker, the resolution was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino and Parker; NAYS: None; ABSTAINING: Gatti, Torres; ABSENT: Cockrell.

67-272 Judge Charles W. Barrow administered the Oath of Office of the Mayor Pro-Tem to Mr. John Gatti.

67-272 The Mayor recognized Mr. Mike Passur, Chairman of the Good Government League.

Mr. Passur thanked the Members of the Good Government League Council for all they have done in the past, the time served on the job to make San Antonio a progressive and growing City, and wished them every success in the future.

He also wished Mr. Torres success and hoped and thought that he will serve the community well.

The Mayor thanked Mr. Passur and those who had come to the meeting. He stated that the City Council is well aware of its' responsibility to the citizens and did not believe at any time had a vote been taken or action been taken by any member of the Council in which selfish interests had guided their decisions, anymore so than a selfish interest guides all of the decisions in doing the things that they think are best for San Antonio. He stated the Council, as constituted today, will endeavor to uphold that high ideal for the citizens and for itself.

67-272 The Mayor recognized Mr. Billy Levine.

Mr. Levine congratulated the Mayor and Council Members on their re-election and Mr. Torres on his election.

He then stated that the City has a 50% Police Department which is short six or seven hundred policeman. The reason for his interest in this matter is because he has personally been robbed seven or eight times this year and commented that the Insurance Companies don't want to cover him anymore.

He added that he would be back next week with a prepared statement on this matter. He asked that when he comes back next week that he have the answer to three questions. One; Have the City Manager give his reasons for not wanting to meet with the Police Association to discuss grievances? Two; How much money the City takes in in fines? Three; How many Councilmen will volunteer to ride on the night patrol with a Policeman for a few hours each night for a week?

MAY 4 1967

67-229 First zoning case heard was case 2952 to rezone Lot 11, NCB 3682 from "B" Residence District to "B-3" Business District located between Shore Drive, Buena Vista Street and S. W. 20th Street; having 101.10' on Shore Drive, 70.65' on Buena Vista and 72.32' on S. W. 20th Street.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

He stated that this case was continued from the April 20, 1967 meeting, so that the Traffic Engineer and the Police Department could study whether the proposed billboard on this property would create a possible safety hazard.

He reported that there was no objection to the zoning change in that the billboard will not cause a traffic hazard providing it is at least six feet above the ground, which he understood it would be.

Mr. Bernard Lifshutz, representing the applicant, Texas Home Improvement, Inc., gave details concerning the billboard.

No one spoke in opposition

On motion of Dr. Calderon, seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35385

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 11, NCB 3682 FROM "B" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

67-273 Next heard was zoning case 2924 to rezone Lot 149, NCB 11178, from "B" Residence District and "JJ" Commercial District to "B-3" Business District located between S. E. Military Drive, Harding Boulevard, and Roosevelt Avenue, having 1,856.37' on S. E. Military Drive, 1,248' on Harding and 30.03' on Roosevelt.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

Mr. Elwood Cluck, the Applicant, described on the map the location of the fence to be constructed to protect the adjacent property owners, as well as the non-access easement which is to run along the entire fence line.

He stated that the replatting will establish the non-access easement as requested by the Planning Commission and agreed to same.

No one spoke in opposition.

On motion of Mr. Jones, seconded by Mr. James, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35386

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 149, NCB 11178 FROM "B" RESIDENCE AND "JJ" COMMERCIAL DISTRICTS TO "B-3" BUSINESS DISTRICT AND AS CONDITIONS PRECEDENT TO SAID CHANGES IN ZONING THE APPLICANT, ELWOOD CLUCK, WILL CONSTRUCT A 6' SOLID SCREEN FENCE ALONG THE REAR OF LOTS 105, 106, AND 107, A PART OF WHICH IS PRESENTLY OCCUPIED BY NICE RESIDENCES; THIS FENCE ALSO TO BE ERECTED ALONG THE COMMON LOT LINES OF LOTS 107 AND 108 EXTENDING TO THE PROPERTY LINE AND ALONG THE FRONT (SOUTH) PROPERTY LINE OF LOTS 108 AND 109, WHICH WILL SCREEN THIS PROPERTY FROM THE RESIDENCES ACROSS THE STREET AT 334 AND 338 HARDING BLVD. RE-PLATting WILL ESTABLISH A NON-ACCESS EASEMENT ALONG THE ENTIRE FENCE LINE AS REQUIRED ABOVE. THIS WILL SUPERCEDE ANY ORDINANCE PREVIOUSLY PASSED WHICH IS IN CONFLICT HEREWITH.

* * * *

67-274 Next heard was zoning case 2932 to rezone Lot 42, Blk. 14, NCB 10251 from "B" Residence and "F" Local Retail Districts to "B-3" Business District located northeast of the intersection of Nebraska Street and Bellinger Street; having 145.26' on Nebraska Street and 170' on Bellinger Street.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

On motion of Dr. Parker, seconded by Mr. Gatti, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35387

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 42, BLK. 14, NCB 10251 FROM "B" RESIDENCE AND "F" LOCAL RETAIL DISTRICTS TO "B-3" BUSINESS DISTRICT.

* * *

67-275 Next heard was case 2948 to rezone Lot 13, Blk. 25, NCB 10100 from "D" Apartment District to "B-2" Business District, located on the west side of S. New Braunfels Avenue between E. Southcross Blvd. and Kathy Drive; having 122.58' on S. New Braunfels, 167.61' on E. Southcross Blvd. and 168.17' on Kathy Drive.

Mr. Burt Lawrence explained the proposed change recommended by the Planning Commission to be approved by the City Council.

To questions as to the direction of access to the property and if it conformed to specifications of the Traffic Department, Mr. Lawrence advised that the curb cuts would be checked by the Traffic Engineer at the time the building permit is required. However, on the plat, at the request of the Planning Commission, and with the agreement of the applicant, there is a non-access easement along Kathy Drive, thereby eliminating entrances or exits immediately opposite residences to the north.

No one spoke in opposition.

On motion of Mr. Jones, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35388

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 13, BLK. 25, NCB 10100 FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

67-276 The next case heard was case 2965 to rezone Lot 17 and that portion of Lot 18 not presently zoned "J" Commercial, NCB 7676 from "B" Residence District to "I-1" Light Industry District located on the south side of Huizar Road, 175.27' east of Roosevelt Avenue; having 210.36' on Huizar Road and a maximum depth of 348.67'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition,

On motion of Dr. Calderon, seconded by Mr. Jones, the recommendation of the Planning Commission was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35389

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 17, AND THAT PORTION OF LOT 18 NOT PRESENTLY ZONED "J" COMMERICAIL, NCB 7676.

* * *

67-277 Next heard was zoning case 2973 to rezone Lots 11 and 12, Blk. 7, NCB 6178 from "B" Residence District to "B-3" Business District located northwest of the intersection of West Avenue and Ridgewood Court; having 125' on West Avenue and 100' on W. Ridgewood Ct.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

MAY 4 1967

Discussion took place concerning the head-in parking on West Avenue at this location and the possible restriction of same to eliminate a traffic condition.

To a question, Mr. Lawrence stated that the Planning Commission recommended the change with the knowledge that at the time the permit is required by the applicant, the Traffic Engineer would review the parking situation there.

Mr. H. Russell, Attorney for the applicant, Mr. E. J. Gray, stated that the parking is to be provided at the rear and will take care of all the needed parking spaces. He stated he didn't anticipate the need for any head-in parking or street parking and said the lot in the rear will be paved and used for that purpose.

No one spoke in opposition.

After further discussion, on motion of Mr. Torres, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35390

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, BLOCK 7, NCB 6178, FROM "B" RESIDENCE TO "B-3" BUSINESS DISTRICT.

* * *

67-278 Next heard was case 2974 to rezone Lots 8, 9, NCB 1037 from "K" Commercial District to "I-1" Light Industry District located on the southwest side of Jones Avenue, 298' southeast of Dallas Street; having 100.6' on Jones Avenue and a maximum depth of 194'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition,

On motion of Dr. Calderon, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell and Gatti.

AN ORDINANCE 35391

AMENDING CHAPTER 42 OF THE CITY CODE THAT
CONSTITUTES THE COMPREHENSIVE ZONING ORDI-
NANCE OF THE CITY OF SAN ANTONIO BY CHANGING
THE CLASSIFICATION AND REZONING OF CERTAIN
PROPERTY DESCRIBED HEREIN AS LOTS 8, 9, NCB
1037, FROM "K" COMMERCIAL DISTRICT TO "I-1"
LIGHT INDUSTRY DISTRICT.

* * *

67-279 Next heard was zoning case 2990 to rezone Lots 9 thru 21 and that portion of Lot 8 not presently zoned "LL" NCB 13797; Lots 4 and 5 and that portion of Lot 8 not presently zoned "LL", NCB 13798 from Temp. "R-1" One Family Residence District to "I-2" Heavy Industry District located on the north and south side of Space Center Drive, 734.99' east of Industry Park Drive; having 1,524' on the north side of Space Center Drive, with an approximate maximum depth of 590' and 1,400' on south side of Space Center Drive with a maximum depth of 375'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

On motion of Mr. Jones, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell and Gatti.

AN ORDINANCE 35392

AMENDING CHAPTER 42 OF THE CITY CODE THAT
CONSTITUTES THE COMPREHENSIVE ZONING ORDI-
NANCE OF THE CITY OF SAN ANTONIO BY CHANGING
THE CLASSIFICATION AND REZONING OF CERTAIN
PROPERTY DESCRIBED HEREIN AS LOTS 9 THRU 21
AND THAT PORTION OF LOT 8 NOT PRESENTLY ZONED
"LL", NCB 13797; LOTS 4 AND 5 AND THAT PORTION
OF LOT 2 NOT PRESENTLY ZONED "LL", NCB 13798,
FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE
DISTRICT TO "I-2" HEAVY INDUSTRY DISTRICT.

* * *

66-881

The following ordinance was read by the Clerk.

AN ORDINANCE 35393

APPROVING AND PROVIDING FOR EXECUTION OF
PROPOSED FIRST AMENDATORY CONTRACT AMENDING
A CONTRACT FOR OPEN SPACE PURPOSES BETWEEN
THE CITY OF SAN ANTONIO AND THE UNITED STATES
OF AMERICA.

* * *

Mr. Robert Frazer, Director of Parks and Recreation, explained that this ordinance provided for the added cost of the land for the Northeast Preserve. He stated it consists of 712 acres of land at a cost of \$355,643.00 and prices ran from \$750.00 to \$1,000.00 per acre. The cost of the land ran \$19,586.00, more than estimated and this agreement provides for one-half of the total as the City's share in the amount of \$9,793.00.

After further discussion, on motion of Dr. Calderon, seconded by Mr. James, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker; ABSTAINING: Torres; ABSENT: Cockrell.

67-283

The following ordinance was explained by Mr. Robert Frazer, Director of the Parks and Recreation Department, and on motion of Dr. Parker, seconded by Mr. James, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35394

AMENDING CERTAIN ORDINANCES TO CHANGE THE
TIME AT WHICH REGULAR GREEN FEES ARE
REDUCED AT MUNICIPAL GOLF COURSES.

* * *

67-280

Next heard was zoning case 2928 to rezone Lots 1 thru 12, Blk. 1, NCB 11362, Lots 1 thru 12, Blk. 3, NCB 11364, Lots 12 thru 22, Blk. 4, NCB 11365 from "B" Residence District to "R-3" Multiple-Family Residence District; property in NCB's 11362 and 11364 located on the west side of Barney Avenue between Carnation and Beech Streets and 448' on Barney Avenue. Property in NCB 11365 is located on the north side of Beech Street between Dahlgreen Street and Barney Avenue, having 580.8' on Beech Street and 112' on Dahlgreen and Barney Avenue.

Mr. Burt Lawrence explained the proposed change which the Planning Commission recommended be denied by the City Council.

He added that the Commission denied the original request which was for Apartment zoning on the entire property. The recommendation did not approve the request as made in that approval was recommended only for all of NCB 11362 and the north half of NCB 11364 which was not in the proposed noise zone area as it had been studied and which the Commission was in the process of recommending to the City Council. At the time of the hearing, the Commission failed to recommend approval of south one-half of NCB 11364 and the south one-half of NCB 11365 because they were within the proposed noise zone area.

He stated the applicant wanted the entire request approved and has appealed the Planning Commission's decision to the City Council.

To questions, Mr. Lawrence stated that the noise zone area is related to the runway at Kelly Field. It extends north and south of the ends of the runway and a shorter distance on each side of the runway in a northeast and southwest direction. He added, however, that the specific boundaries of the noise zone area have not been set by ordinance. At the time of the last hearing on this case, the Planning Commission had not made a specific recommendation as to the boundaries of the noise zone. On April 3, 1967, at the Planning Commission's hearing, they did make a specific recommendation to the Council which it has not received as yet. The recommendation now shows all the property in this zoning request is outside of the proposed noise zone.

Councilman Torres stated that the reasons the Commission gave for turning down the request are no longer in effect since all of the land in this request is outside of the noise area. On the other hand, the Commission did not recommend denial on Lots 9 through 12, NCB 11364 and Lots 12 through 22, NCB 11365, but merely postponed action on it and no action has been taken on that part. He asked that the matter be sent back to the Commission in view of the incomplete action that has been taken by the Planning Commission.

Mayor McAllister asked if the Planning Commission, in making a recommendation of the boundaries of the noise zone had testimony of anyone at Kelly Field to indicate if their judgement was based on sound levels or intensities of sound and was this demonstrated for them?

Mr. Lawrence advised they have had information from Kelly officials all along. The entire property in question is included in Kelly Noise Zone No. 2. The Planning Commission made their recommendation with reference to this property after a tour last Tuesday, May 2, 1967, of all the noise zone boundaries. He added that they had been in receipt of information from Kelly concerning the property but to his knowledge no demonstration with various intensities of sound has been made for the Commission.

MAY 4 1967

Mr. Lawrence stated the recommendation made to the Council on May 3 contained the following note: That after this recommendation is submitted to the City Council the tour of all the ground of the noise zones would be made by the Planning Commission and the City Council before final action is taken with regard to the noise zone. While the Commission has toured the property before making its' recommendation, it has not had a combined tour with the City Council when a demonstration would be made.

Councilman Torres stated he thought that the Council should look at the ordinances that have been established by the City up to this time as a guideline and if they were going to deny a zoning request for a particular business individual, then they should lay out in definite forms the guidelines which people are to follow. He added that he did not think they should apply the noise ordinance where the guidelines have not been made known to them prior to the particular application. For this reason he felt the case should be considered and made a motion to overrule the recommendation of the Planning Commission and grant the rezoning as requested.

The motion was seconded by Dr. Calderon.

Councilman Jones stated he thought the Council should postpone action on this case for a couple of weeks as it would be detrimental to the applicant to take action on it now.

Mr. Anthony Guajardo, representing Mrs. Francis Levenson and the Cupples Corporation, stated the present application for rezoning has been pending for six months. In 1961 the President of the Cupples Corporation, who was Mrs. Levenson's father, Mr. Wolf, came before the Planning Commission and the Council to have the same property in question changed to Commercial zone. Thereafter, they told Mrs. Levenson that they couldn't give Commercial but would give Apartment zoning on the property. Now Mrs. Levenson has a man to build the apartments and asked for the zoning that was offered to her as a compromise settlement.

Mayor McAllister sympathized with the owner of the property, on the otherhand, since the statement was made that the property could be used for certain uses, the City has been very definitely informed by Kelly that the noise zone was going to be of such character that use of the property in the intense noise zone had to be changed. He added that it was with the interest of Mrs. Levenson that he suggested that the matter be postponed for a couple of weeks. In the meantime, the Council will try to arrange a demonstration by Kelly authorities with the Council and the Planning Commission Members present, to determine, on the ground, where the noise zone should be.

Mrs. Levenson advised that she would accept a two week postponement to May 18, 1967.

Mr. Torres agreed to accept a substitute motion to continue the case for two weeks, and also asked that Kelly authorities be advised of the hearing so they may offer any evidence they may have to the Council.

Mr. Gatti also felt that Kelly officials should attend the next hearing.

On motion of Mr. Jones, seconded by Mr. Gatti, the Hearing on case 2928 was continued for two weeks to May 18.

Mr. Shelley stated that one of the most important things to be considered in the determination of the policy on this matter is that of decibels. Sound levels are different to individuals. They are different to atmospheric conditions and so forth. He felt the end result of this matter will be that the Council will need to establish the line or boundaries by an ordinance and the governing factor in determining the line should be based on the level of noise or a number of decibels. Wherever that decibel reading is found would logically determine the contours of the noise boundary line. He added that he thought this same procedure had been used in the measurements which Kelly made and presented in their information to the City. However, he pointed out that noise, the determining factor, like other things is heard differently by each individual. So the determining factor would be based on comparable decibels and that would certainly be his recommendation.

Mayor McAllister asked the City Manager to contact Kelly officials and arrange for a sound demonstration and make arrangements for the City Council and the Planning Commission Members to make an inspection of the area at that time.

He stated that the purpose of the demonstration on the ground at various locations is so that with some degree of accuracy, they can determine, no matter what each ones degree of hearing may be, the density of the sound and whether or not it would be practical for property to be used for apartments or other uses.

While the proposed demonstration is primarily for the benefit of the City Council and the Planning Commission, after discussion, it was agreeable to have Mrs. Levenson, applicant in this case, present.

Councilman James stated that he felt the Council's concern in this matter should be purely an objective analysis of the sound situation without any partiality one way or another and that they should base their final determination on an objective scientific analysis.

MAY 4 1967

Mr. Anthony Guajardo, Attorney for the Cupples Corporation, concluded the discussion on this case by asking the Council to make the decision and not put the problem in Kelly's hands and let them decide whether or not there is going to be any apartments built there.

Mayor McAllister agreed with him and stated that it is the City Council who will make the decision.

67-281 Next heard was zoning case 2978 to rezone Arb. Tract C, NCB 10102 from "B-1" Business District to "B-2" Business District located on the west side of San Pedro Avenue, approximately 380' south of the cutback to Oblate Drive; having 105' on San Pedro and a depth of 186'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be denied by the City Council.

Mr. Roy Johnston, attorney representing the applicant, Mr. Raymond P. Harle, reviewed the history of the rezoning of property in this area of San Pedro Avenue. He also reviewed the uses allowed under "B-1" zoning and added that the Tax Department had increased the valuation on the west side of San Pedro and felt that "B-2" zoning would not be detrimental to the area as it is more restrictive than the "F" Local Retail District and "B-3" Business District and asked the Council to grant the change in zone.

After discussion, Mr. Jones made a motion to overrule the recommendation of the Planning Commission and rezone Arb. Tract C, NCB 10102 from "B-1" to "B-2". Seconded by Dr. Calderon, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35395

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS ARB. TRACT C, NCB 10102 FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

210
67-282

Last zoning case heard was case 2982 to rezone Lot 20, 21, Blk. 10, NCB 8095 from "C" Residence District to "B-2" Business District located on the east side of Calle Romero, 125' north of Akron Drive; having 50' on Calle Romero and a depth of 116'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be denied by the City Council.

Mr. Max Fuentes, Attorney representing the applicant, Rita Sanchez, explained reasons for rezoning and showed pictures of the old store site which the applicant is presently leasing and the new site where they will build the new store, with living quarters in the rear.

He stated that this is the only store in the neighborhood.

No one spoke in opposition.

After discussion, on motion of Mr. Gatti, seconded by Mr. Trevino, the recommendation of the Planning Commission was overruled and the property rezoned from "C" Residential to "B-2" Business by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino Parker and Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 35396

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 20, 21, BLK. 10, NCB 8095 FROM "C" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

67-287 Councilman Torres at this time advised that he would like to present a couple of items to the City Council. He stated that for a long time he had been concerned that the City of San Antonio is financing a large part of the operation of our local Chamber of Commerce. He was in accord with the work of the Chamber as a private organization; but felt it should operate with its own funds and without a subsidy. It is his personal belief that the City of San Antonio is at this time subsidizing at least to a certain extent the operation of the Chamber of Commerce. He referred to the \$220,000.00 that they are paying annually to the Chamber to promote tourism and industrial development. He did not oppose tourism nor industrial development as he thought it vital and essential to the life of the community. He also spoke of the \$300,000.00 that they are contemplating spending on the Tourist Center. He felt that this is part of the Chamber's program and it is a purpose of that particular group and one which it should perform without revenue from the City. He did not know where the money is spent and did not think the Council knows where the money is spent, except to finance an expensive staff and operation over which the Council has no control.

MAY 4 1967

NVA 4/18/67

He particularly questioned the legality of the practice in view of certain provisions of the Texas Constitution, especially, Article XI, Section 3, which prohibits an appropriation or donation to a private corporation. The fact that there is a contract for services in no way retracts or obscures the legality of the annual appropriation to the Chamber and is in truth and in essence a subsidy as much as the so called Tourist Center is in reality a building which the City is constructing for the Chamber of Commerce to the tune of \$300,000.00. He said that this means that this year they are spending half a million dollars to support a private organization on which to date it has cost two million dollars.

Mr. Torres then made a motion that the City Manager, Jack Shelley, be instructed to prepare a report for the City Council stating the following: (1) the exact amount of the money that the City has paid to the Chamber of Commerce since 1955 when the initial ordinance went into effect; (2) what results have been realized, if any, which the City Council should be apprised of, as he could not see any results that have come from this; (3) what the total budget of the Chamber is annually, the total number of employees on their payroll who are supported by the expenditure, as well as the total number of full time employees, so that they may determine what part of the Chamber's operation they are financing; (4) the feasibility and expense of this operation being conducted by Mr. Dick Balmos of the City Public Information Office; (5) the feasibility of rescinding Ordinance No. 34880 which authorizes the payments of these funds; (6) the feasibility of rescinding Ordinance No. 35379 passed last week which authorizes the execution of a contract with the Chamber of Commerce to build the Tourist Center and in addition that the City Manager prepare in his report the exact cost of the proposed Tourist Center. Also the amount of space the City will rent from the Chamber of Commerce. He added that as a member of the Council it is unknown to him the date on which the \$300,000.00 will be appropriated by the City for construction, the exact lease price, so that they may determine how much money is coming into the City from the Chamber of Commerce by virtue of this lease, in comparison to the cost of construction and maintenance of the Tourist Center Building, independent of the Chamber of Commerce Building and the manner in which the Chamber of Commerce will repay the \$300,000.00 construction cost and the interest rate they will be charged by the City for the use of its money, if any.

Mayor Pro-Tem Gatti asked to speak on the subject. He stated that, first, the City Council for the last five years has not been subsidizing the Chamber of Commerce, but have been contracting with the Chamber to perform two duties: (1) the industrial development activity; (2) the tourist promotional activity. He stated that he had a complete review of the activities of the Chamber which very well indicated what the Chamber is doing with the money and presented it to Councilman Torres. He added that the City is not spending \$300,000.00 to build a Tourist Information Center. This is to be done with pledges from businessmen in the community and the City is not paying any money toward the construction of this building.

After vigorous discussion of the matter, the motion made by Mr. Torres, failed for lack of a second to the motion.

Mr. Torres stated he had a second motion to present to the Council pertaining to Ordinance No. 34231 enacted by the City Council in March of 1966 which purportedly established a minimum schedule of fines and purportedly was to decrease the traffic fatality rate which he understood was quite high at that time and still is. He said the Mayor indicated at the time that if there was not a decrease in traffic fatalities that he would favor reductions in the traffic fines at a later date. He stated that a year has passed since the ordinance was adopted and the traffic fatality rate has not only not decreased, but in fact there has been a slight increase in the number of traffic accidents and traffic arrests.

He also stated there is an impression among the citizenry that the true motive behind the fines was to acquire additional revenue for the City. He added that he is equally concerned by complaints that have been made recently that police officers have been given quotas, which complaints he has received from police officers themselves, and that promotion in the Police Department is sometimes based on the number of tickets an officer writes. Also when it is considered that the local courts are under the Finance Department, it lays some credibility to the impression that Corporation Courts are revenue courts instead of courts of justice.

He noted that state law provides for a minimum fine of \$1.00 to \$200.00 which gives a Corporation Court judge leeway in not only being the arbitrator of the fact, but also having the discretion of the amount of fine to be assessed. He personally felt that there are many people in San Antonio that have to undergo a hardship in paying the fine as presently levied.

For these reasons, Mr. Torres made the following motion: One, that the Council resolve as a stated policy of the City of San Antonio that our police officers shall not be assigned traffic ticket quotas and that the number of tickets any officer writes shall not be a criteria on which they get promotions; Two, that the City Manager, in conjunction with the City Attorney, prepare an ordinance establishing all minimum fines at \$1.00 and that all prior ordinances in conflict therewith be rescinded and that said ordinance be considered by the Council at a later date; Three, take whatever steps are necessary to place the Corporation Courts under the Legal Department rather than the Finance Department.

There being no second to the motion, the motion failed.

Councilman Trevino asked to speak on the matter and expressed the following: In 1964 there were 63 traffic fatalities, but in 1965 they had the worst year in that 101 persons were killed. In 1966 the fatality rate was increasing so greatly that it alarmed the City Administrators. A Traffic Safety Committee was formed which was composed of the City Manager, the City Attorney, the Traffic Engineer, the Chief of Police, Corporation Court Judge, Corporation Court Prosecuting Staff and the Corporation Court Clerk.

MAY, 4 1967

MAY 4 1967

This Committee had several meetings and, relying on their experience in the field, it was agreed that something had to be done to stop the killings on the streets of San Antonio.

The Committee recommended increasing fines to punish the violator and to deter others from committing violations. He added that the schedule of fines had not been revised in the last 60 years. The public and newspapers accepted this and thereafter the City enjoyed 33 fatality free days. The total fatalities for 1966 were 94. Before the Traffic Committee took the action, statistics were pointing to the worst year since 1965. In 1967, contrary to what was presented, there has been 36 fatalities since the first of the year which compares exactly the same as of May 3, 1966. This total includes the accident in which ten people were killed.

Now San Antonio is confronted with the problems of the big City. There are over a quarter of a million vehicles registered in Bexar County along and many more registered in adjoining counties, as well as many vehicles owned by service personnel, but registered out of state.

The State of Texas is looking into the fact that the traffic problem is getting out of hand and is trying to enact a much more strict drivers license law which will carry a fine of up to \$500.00 or six months in jail for operating a vehicle without a license.

He concluded by saying that he realized Mr. Torres is concerned that the ordinance was passed for revenue and assured him this was not the intent and was based on the recommendation of the Committee of people that have experience in traffic, which is the reason that it was passed. He agreed that the statement was made that if the ordinance proved ineffective after a certain length of time, it could be rescinded.

The following ordinances were explained by Members of the Administrative Staff, and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: Cockrell.

67-284

AN ORDINANCE 35397

ACCEPTING THE LOW BID OF LESLIE S. HUTTON FOR CONSTRUCTION OF COMFORT STATIONS AT NORTHEAST PRESERVE; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING THE SUM OF \$21,448.40 OUT OF PARK IMPROVEMENT BOND FUND NO. 489-03, 1964 SERIES, PAYABLE TO SAID CONTRACTOR; APPROPRIATING THE SUM OF \$700.00 OUT OF THE SAME FUND TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT, AND \$300.00 TO BE USED AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT.

* * *

67-285

AN ORDINANCE 35398

ACCEPTING THE LOW BID OF ALAMO IRON WORKS FOR CONSTRUCTION OF FENCING AT NORTHEAST PRESERVE; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING THE SUM OF \$11,106.00 OUT OF PARK IMPROVEMENT BOND FUND NO. 489-03, 1964 SERIES, PAYABLE TO SAID CONTRACTOR; APPROPRIATING THE SUM OF \$700.00 OUT OF THE SAME FUND TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT, AND \$300.00 TO BE USED AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT.

* * *

67-286

AN ORDINANCE 35399

ACCEPTING THE LOW BID OF LESLIE S. HUTTON FOR CONSTRUCTION OF ROADS, DRAINAGE STRUCTURES, AND PARKING AT NORTHEAST PRESERVE; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING THE SUM OF \$57,682.40 OUT OF PARK IMPROVEMENT BOND FUND NO. 489-03, 1964 SERIES, PAYABLE TO SAID CONTRACTOR; APPROPRIATING THE SUM OF \$700.00 OUT OF THE SAME FUND TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT, AND \$300.00 TO BE USED AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT.

* * *

MAY 4 1967

67-272

A RESOLUTION

DESIGNATING SUNDAY, MAY 21, 1967, AS
"WITTE MUSEUM DAY"; INVITING THE PUBLIC
TO VISIT THE MUSEUM AND PROVIDING FOR
FREE ADMISSION.

* * *

67-228

AN ORDINANCE 35400

AUTHORIZING NICK McFADIN AND PAUL E. CASSEB
TO CONSTRUCT A CANOPY OVER PUBLIC PROPERTY
AT THE VILLA FONTANA APARTMENTS, 123
BRACKENRIDGE AVENUE.

* * *

67-272 At this time the Mayor informed the Council Members and the citizens present that there is going to be a meeting held at Washington this Friday, May 5, 1967, between Mayor Pro-Tem John Gatti, City Manager Jack Shelley and Urban Renewal Agency Director, Winston Martin and the Urban Renewal Commission and officials of the Department of Housing and Urban Development.

He added that Congressman Gonzalez had made this appointment with the HUD Officials to discuss immediate problems and long range plans of the Urban Renewal Agency of San Antonio.

66-1121 Mayor Pro-Tem Gatti stated that the Council passed a resolution last week calling for a public hearing to be held on May 11, 1967 on the Minimum Wage ordinance. After giving it more thought and discussing it with the City Attorney, he felt the public hearing should be omitted since the petition which was declared to be sufficient required the Council to call an election on the \$1.25 Minimum Wage. He then made a motion to rescind the resolution calling the public hearing and that an ordinance be passed calling for an election as petitioned.

The motion was seconded by Mr. Trevino.

Mr. Torres felt that a hearing would be in order, for in speaking with some of the proponents they felt they have additional facts and figures which they would want to present to the Council and which might have a bearing or whether or not the Minimum Wage is passed by the Council and objected to cancelling the hearing.

Dr. Calderon spoke against the motion and stated he could not see putting the question before the people when there is uncertainty as to its' legality. He felt that the Minimum Wage ordinance should be passed and tested in court so that the issue may be decided once and for all.

After discussion of the matter, it was decided the Council should vote on one issue at a time.

At this time Councilman Torres offered a substitute motion that the Council enact a Minimum Wage ordinance of \$1.25 per hour for the City of San Antonio.

The motion was seconded by Dr. Calderon.

On roll call the motion failed by the following vote: AYES: Calderon and Torres; NAYS: McAllister, Jones, James, Gatti, Trevino and Parker; ABSENT: Cockrell.

Mayor Pro-Tem Gatti made a motion that the resolution of April 27, 1967, setting a public hearing on the Minimum Wage petition be rescinded. Seconded by Mr. Trevino, the following resolution was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker; NAYS: Torres; ABSENT: Cockrell.

A RESOLUTION

RESCINDING THE RESOLUTION OF APRIL 27,
1967, SETTING A PUBLIC HEARING ON
MINIMUM WAGE PETITION.

* * *

It was decided that the election should be held on a Saturday and the date of July 15, 1967, was set as the date of the election.

The Clerk then read the following ordinance.

AN ORDINANCE 35401

CALLING AN INITIATIVE ELECTION ON THE
ORDINANCE TO REQUIRE THAT A MINIMUM
WAGE OF \$1.25 AN HOUR BE PAID IN THE
CITY OF SAN ANTONIO SUBMITTED BY PETI-
TION AND CALLING SAID ELECTION FOR
JULY 15, 1967.

* * *

-20-

MAY 4 1967

On motion of Mr. Gatti, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, and Parker; NAYS: None; ABSTAINING: Torres; ABSENT: Cockrell.

66-1121 Mr. Joe Rainey Manion asked the Council that it consider the referendum to be a little more complex in order to give the people a chance to accept a Minimum Wage law that would have an opportunity of succeeding. He said he was in favor of a Minimum Wage law, but against the way it is now being proposed. He felt that two proposals on Minimum Wage should be placed on the ballot, so that one can be passed that will stand up.

He also stated that the Citizens Committee for Responsible Government asks the Council to consider drafting an ordinance prohibiting the use of the funds, the membership lists, or any of the facilities of the Chamber of Commerce for any political purpose, with the ordinance to carry punitive penalties sufficient to deter this use.

66-272 Reverend J. C. Bailey, Pastor of St. John's Baptist Church, 119 West Olmos Drive, spoke to the Council concerning the matter of increased fines for traffic violations which was discussed earlier in the meeting. He said that he was in favor of the increased fines as a means of making drivers more conscientious of traffic laws and felt many people don't say anything who are actually in favor of the ordinance as passed because it does make them be more careful in their driving habits. He felt the increased fines has made them safer drivers.

67-272 The Clerk read the following letter.

May 1, 1967

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

Gentlemen and Madam:

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

4-19-67

Petition of Miss Victoria Siordia and others
requesting the drainage conditions in the
1700 block of Highland Boulevard to be corrected
and the street re-paved.

/s/ J. H. INSELMANN
City Clerk

* * *

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

A P P R O V E D:



M A Y O R

ATTEST:


City Clerk

MAY 4 1967