

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE CITY COUNCIL CHAMBER, CITY HALL  
ON WEDNESDAY, JUNE 20, 1962, AT 8:30 A.M.

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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

KAUFMAN

GATTI

GUNSTREAM

PADILLA

PARKER

BREMER

ABSENT: ROHLFS

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The invocation was given by Dr. Abraham I. Jacobson, Rabbi of Rodfei Sholom Congregation.

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The minutes of the previous meeting were approved.

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First matter taken up was Zoning Case No. 1631 to rezone Lot 7, NCB 11851, located north-east of the intersection of Dove Haven Lane and Robin Rest Drive, from "E" Office District to "D" Apartment District.

Acting Planning Director Burt Lawrence briefed the proposed change which had been initiated by the Zoning Commission, based on an agreement with the applicant to have the zoning changed from "E" Office District to "F" Local Retail District on a part of Lot 5, which is the adjoining property.

Mr. Bert Joiner, owner of the property in question, protested the change as initiated by the Zoning Commission which was the result of a deal for which he claimed he was not receiving any compensation. He stated that he planned to construct a 93-unit apartment complex on the property, and if the financing went through, then "D" Apartment District would be agreeable. However, if not successful in financing, he would be destroying a valuable piece of property.

The Acting Planning Director stated that this was a new development and that he did not know that the owner of the property was in fact in opposition to this change.

After consideration of the case, on motion of Mr. Bremer, seconded by Mr. Padilla, Case No. 1631 was referred back to the Zoning Commission for further study; the vote being as follows: AYES: McAllister, de la Garza, Kaufman, Gunstream, Padilla, Parker and Bremer; ABSTAINED: Gatti; ABSENT: Rohlfs; NAYS: None.

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Next heard was Case No. 1660 to rezone Lot 4, Blk 6, NCB 10941, located on the south side of Avondale Avenue 61.3' west of Goliad Road, from "B" Residence District to "F" Local Retail District.

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The Acting Planning Director briefed the proposed change. No one spoke in opposition.

After consideration, on motion of Mr. Gunstream, seconded by Mr. Gatti, the recommendation of the Zoning Commission to grant the change in zone was approved by passage of the following ordinance; the vote being as follows: AYES: de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: McAllister; ABSENT: Rohlfs.

AN ORDINANCE 30,468

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 4, BLK 6, NCB 10941 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book MM 117

Next heard was Case No. 1661 to rezone Lot 39, Blk 30, NCB 8111, located on the south side of Sunshine Drive 75' east of Evelyn Drive, from "B" Residence District to "D" Apartment District.

The proposed change was briefed by the Acting Planning Director.

Mrs. Dora Guerra, owner of the property adjacent to Lot 39, stated that she was not in opposition to progress or this change in zone, but was only appearing to oppose the way in which it was handled. She claimed that proper notice had not been sent to her for the hearing before the Zoning Commission, and also that notice was not sent to another party who did oppose the change.

Mr. Carlos Cadena, Attorney representing the Applicant, Western Builders Corporation, stated that the notices were sent out by the Planning Department to those persons listed as owners on the current tax rolls, which method is provided by law and is the accepted procedure in notifying interested parties.

After consideration of the case, on motion of Mr. Padilla, seconded by Mr. Gatti, the recommendation of the Zoning Commission to grant the change of zone was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Rohlfs.

AN ORDINANCE 30,469

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 39, BLK 30, NCB 8111, FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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Full text in Ordinance Book MM 117

At this time the Mayor recognized Mr. Homer McClaugherty, President of "Beautify San Antonio Association" and Mr. O. P. Schnabel, who presented the Mayor with a litter bag to be placed in the new official city car. The Mayor was also presented with a badge and a personal push-broom.

Mr. Charles Turbiville, President of Turbiville Motors, stated that he was ready to

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deliver the new 1962 Continental to the City. He informed the Council that his offer to furnish the City with a new car for three years, and to maintain them, was made in appreciation for the fine things that the Council has done for the City of San Antonio.

The Mayor thanked Mr. Turbiville for his generosity.

The Mayor was obliged to leave the meeting and Mayor Pro-Tem Walter C. Gunstream took the chair and presided.

Next taken up was Case No. 1653 to rezone Lot 29, NCB 8406, located on the south side of DeChantle Highway, 410.57' west of Fredericksburg Road, from "B" Residence District to "D" Apartment District.

The Acting Planning Director briefed the proposed change. No one spoke in opposition.

After consideration, on motion of Mr. de la Garza, seconded by Mr. Bremer, the recommendation of the Zoning Commission to grant the change in zone was approved by passage of the following ordinance; the vote being as follows: AYES: de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister and Rohlf.

AN ORDINANCE 30,470

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 8406, FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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Full text in Ordinance Book MM 117

The Mayor returned to the meeting and took his place as Presiding Officer.

Next zoning case to be heard was Case No. 1621 to rezone that portion of Lot 18, Blk 6, NCB 1908, not zoned "H" Local Retail, located on the south side of West Dewey Place, 139.1' west of North Main Avenue from "D" Apartment District to "E" Office District.

The Acting Planning Director briefed the proposed change which was recommended by the Zoning Commission, subject to the applicant's submitting an instrument as required by the City Attorney's Office, to the extent that the applicant will furnish 240 off-street parking spaces contiguous to the building he proposed to construct.

Mr. Morris Kallison objected to the rezoning, stating that this property was too small for a large Veterans Administration building. He claimed that this was not a suitable location as it was a congested area, near two schools and adjacent to a Junior College. He felt that the proponents could not provide 240 parking spaces on such a small piece of property, and if the property is rezoned, they should be required to show title to the land and proof of providing the necessary parking spaces.

Mr. Joe R. Manion, who also opposed the change, objected for the same reasons as Mr. Kallison.

Mr. Maury Maverick, Jr., Attorney for the Applicant, Mr. Fred Oppenheimer, and for Mr. Richard Folger and Mr. Lippman Miller, who have an option to purchase the property from Mr.

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Oppenheimer, reviewed the case from its inception to the present. He represented Mr. Folger and Mr. Miller as builders of many buildings for the Social Security Administration, and presented letters from the City Manager of Odessa, Texas; Humble Oil and Refining Company of Midland, Texas; the Big Spring Chamber of Commerce of Big Spring, Texas; and the Mayor of El Paso, Texas, who stated that Mr. Folger and Mr. Miller had built buildings in their cities in accordance with specifications. Mr. Maverick also filed a copy of a letter written by Mrs. Manfred Gerhardt, Chairman of the Zoning Commission, which stated that the Zoning Commission recommended the rezoning of the property based on the condition that they complied with the required 240 parking spaces. He also filed a letter addressed to the City Council from Mr. F. G. Oppenheimer, owner of the property in question, stating that in the event the contract to sell the land to Mr. Folger and Mr. Miller is consummated, and provided that the property is rezoned to permit the construction of an office building for the U. S. Veterans Administration, he would include in the deed restriction that no building shall be erected on the property for any office use or any other use permitted by the zoning ordinance under the "E" Office District classification found in Section 42-31 of the Code of Ordinances unless 240 off-street parking spaces are provided contiguous to said building.

Mr. Maverick then filed an affidavit signed by Mr. Lippman Miller agreeing to Mr. Oppenheimer's letter.

Mr. Miller also was asked if he agreed to the conditions, and he verbally testified that he did and would comply with them.

Mr. N. Reeves, Architect from Dallas, Texas, who is preparing the plans for the Veterans Administration building, stated that 248 off-street parking spaces have been provided for on the first and second floors of the building, and the third, fourth and fifth floors are to be used for office space.

The City Attorney then informed the Council that it was not the City's policy to decide on the merits of bidders, but was a matter of zoning only. As to the deed restrictions presented, he felt they were all right and could be enforced.

City Manager Jack Shelley stated that he could, with an Administrative Order, stop issuance of the building permit if the 240 off-street parking spaces were not provided.

After consideration of the matter, Mr. Gatti made a motion that the recommendation of the Zoning Commission be upheld and the Council accept the agreement filed by Mr. Oppenheimer. The motion was seconded by Dr. Parker. The motion, carrying with it the passage of the following ordinance prevailed by the following vote: AYES: McAllister, de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Rohlfs,

AN ORDINANCE 30,471

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 18, Blk 6, NCB 1908 NOT ZONED "H" LOCAL RETAIL, FROM "D" APARTMENT DISTRICT TO "E" OFFICE DISTRICT.

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Full text in Ordinance Book MM 118

Next heard was Case No. 1657 to rezone Lot 1, NCB 10118, located on the west side of

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Harry Wurzbach Highway, and the east side of Merrie Lane Drive, between Byrnes Drive and Rittiman Road, from "B" Residence District to "F" Local Retail District.

The Acting Planning Director briefed the proposed change. No one spoke in opposition.

On motion of Mr. de la Garza, seconded by Mr. Gatti, the recommendation of the Zoning Commission that the request for change of zone be granted was approved by passage of the following ordinance by the following vote: AYES: de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: McAllister; ABSENT: Rohlfs.

AN ORDINANCE 30,472

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 1, NCB 10118, FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book MM 118

Last zoning case heard was Case No. 1678 to rezone Lots A-1 and A-2, NCB 7877, located northeast of the intersection of West Harlan and Commercial Avenue from "B" Residence District to "J" Commercial District.

The Acting Planning Director briefed the proposed change and stated it was the recommendation of the Zoning Commission that the change of zone be denied.

Mr. Tom Guardia, representing Mr. Joe Levrie, stated that the applicant proposed to build a garage building and operate it himself. He asked that the Council grant the change in zone.

After consideration of the case, on motion of Mr. de la Garza, seconded by Dr. Parker, the hearing was continued to July 3rd in order for the Council to inspect the area and site in question. The motion carried by the following vote: AYES: McAllister, de la Garza, Kaufman, Gunstream, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: Rohlfs.

Next taken up was hearing on an ordinance to amend the Zoning Ordinance providing for a time limitation of eight months for appeals to the City Council from actions of the Zoning Commission.

Mr. Hubert Green, local attorney, asked that the limitation not apply to existing applications.

After consideration of the matter the ordinance was changed so that all applications for rezoning which have been approved by the Zoning Commission shall be presented by the applicant to the City Council within eight months from the date of its approval or from the date hereof, whichever is later.

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

The ordinance is as follows:

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AN ORDINANCE 30,473

AMENDING CHAPTER 42 OF THE CITY CODE, CONSTITUTING THE CITY'S ZONING ORDINANCE TO PROVIDE A LIMITATION ON THE TIME FOR APPEALS TO THE CITY COUNCIL FROM ACTIONS OF THE ZONING COMMISSION.

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Full text in Ordinance Book MM 119

Mr. Harry Burns, Attorney for Mr. Chuck Klein who holds the golf driving range concession in the Olmos Basin, asked the City Council to reconsider its decision to call for bids on a new contract effective July 1st.

He stated that it would work a hardship on Mr. Klein, the new concessionaire and the City to call for bids at the height of the golf season.

Mr. Stanford Smith, Attorney for a group of persons interested in bidding on this concession, stated they were ready and able to put the concession in operation in a short time.

After discussion of the matter, Mr. Gunstream made a motion that the concession contract of Mr. Klein be extended to December 31, 1962, under the same terms and conditions, and that bids be called for in November so that the contract can be awarded in December. Seconded by Mr. Bremer, the motion carried by the following vote: AYES: McAllister, de la Garza, Kaufman, Gunstream, Gatti, Parker and Bremer; NAYS: Padilla; ABSENT: Rohlfs.

Mr. Pat Maloney, representing Dr. Carl Walker, who was second high bidder to purchase the fire station located at 215 Camden Street, asked the Council to reject all bids and re-advertise, as his client felt that insufficient time had been allowed to submit a proper bid. He stated Dr. Walker was prepared to offer substantially more than the \$36,000.00 high bid of the Baptist Memorial Hospital.

Mr. W. S. Clark, Land Division Chief, informed the Council that the advertisement for bids had run for 4 days a week for 3 weeks in the Light, Express, Evening News and the Commercial Recorder.

Since the matter of accepting the bids for the sale of this property was not on the agenda for consideration, no action was taken and the request was taken under consideration.

There being no further business, the meeting was adjourned.

A P P R O V E D :

*McAllister*  
M A Y O R

A T T E S T :

*J. H. Inselmann*  
C i t y C l e r k