

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
SEPTEMBER 15, 1966 AT 8:30 A.M.

* * *

The meeting was called to order by the Presiding Officer, Mayor W. W. McAllister with the following members present: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER and BREMER; Absent: GATTI.

The minutes of the meeting of September 8, 1966 were approved. The minutes of the special meeting of September 13, 1966 were approved with the following correction: the name of Mrs. Ethel Harris was corrected to read Mrs. Ethel Wilson Harris.

66-1070 The invocation was given by The Reverend J. Allan Guthrie of the Grace Presbyterian Church.

66-1070 Mayor McAllister presented a proclamation to Mr. Charles Albidress designating September 20, 1966 as "Methodist Day" in San Antonio.

66-1070 The Mayor then presented a proclamation designating the week of September 18th through September 24, 1966 as "National Dog Week" in San Antonio, to Mr. Frank Muegge and Col. R. F. Mortensen representing the Alamo Dog Obedience Club.

* * *

66-1071 First zoning case heard was case number 2706 to rezone Lot 21, NCB 10626 from "A" Residence District to "B-3" Business District located east of IH 10 Expressway and East Houston Street.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed ordinance which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

66-1071 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, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 34,803

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 21, NCB 10626 FROM "A" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

66-1072 Next heard was zoning case 2740 to rezone 17.45 acres out of Lot 11, NCB 11636 from "A" Residence District to "R-3" Multiple-Family Residence District; 7.62 acres out of Lot 11, NCB 11636 from "A" Residence District to "B-2" Business District and 12.58 acres out of Lot 11, NCB 11636 from "A" Residence District to "B-3" Business District, located northwest of the intersection of IH 10 and Vance Jackson Road.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed ordinance which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

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, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 34,804

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 17.45 ACRES OUT OF LOT 11, NCB 11636 FROM "A" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT DESCRIBED MORE PARTICULARLY BY FIELD NOTES ON FILE IN THE OFFICE OF THE CITY CLERK; 7.62 ACRES OUT OF LOT 11, NCB 11636 FROM "A" RESIDENCE DISTRICT TO "B-2"

BUSINESS DISTRICT, BEING MORE PARTICULARLY DESCRIBED BY FIELD NOTES ON FILE IN THE OFFICE OF THE CITY CLERK; 12.58 ACRES OUT OF LOT 11, NCB 11636 FROM "A" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, BEING MORE PARTICULARLY DESCRIBED BY FIELD NOTES ON FILE IN THE OFFICE OF THE CITY CLERK.

* * *

66-1073 Next heard was zoning case 2754 to rezone Lot 13, NCB 12053 from "A" Residence District to "I-1" Light Industry District located on the northwest side of Jones Maltsberger Road.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed ordinance which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition to the change.

On motion of Mr. Bremer, 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, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 34,805

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, NCB 12053 FROM "A" RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * *

66-1074 Next heard was zoning case 2735 to rezone Lots 34 and 35, NCB 13286 from "A" Residence District to "B-2" Business District located north of the intersection of Reverie Lane and Fantasia.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed change which the Planning Commission recommended be approved by the City Council.

SEP 15 1966

66-1074 Mr. Paul Sword, President of the Harmony Hills Cabana Club, Inc., the applicant in the case, explained that the group was a non-profit club organized in 1960 for the benefit of the residents in the Harmony Hills area. He stated the land had been donated by H. B. Zachry, and contained a reversionary clause that if not used for the purpose of a non-profit organization the property would revert to the Zachry Company. At present, they have 480 members, and according to their charter, they can up this membership to 500. They operate on \$20,000 budget per year.

Mr. Sword stated that the Board of Trustees of the Club as well as numerous members had volunteered to explain the request for rezoning to residents in the immediate area of the club. In fact, they had gone so far as to draft an additional covenant to the deed which stated that the property cannot be used for other than the original purpose even if for some reason it does revert back to Zachry Company.

In answer to questions that had arisen from residents in the area, Mr. Sword said that he had contacted various home lending agencies as well as FHA and the VA. They were all on record as stating that a club of this type would not devalue the adjoining property. Mr. Sword then presented a notarized copy of the additional covenant to the original deed. He further stated that he had requested the rezoning in order to improve the facilities. At this time the club was anxious to build a 20' x 20' addition to the building which could be used for small gatherings. He further emphasized that under no circumstances would the club have a bar or sell liquor on the premises.

Mr. Russell, who lives on property adjoining the rear of the Harmony Hill Cabana Club, objected to the rezoning when he had heard that a bar was intended to be included in the improvements and that his property would certainly drop in value.

Mayor McAllister then explained that in his opinion, the club, as proposed, would not devalue the property in the surrounding area but would be an asset to the residents in that vicinity.

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

AN ORDINANCE 34,806

AMENDING CHAPTER 42 OF THE CITY CODE THAT
CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE
OF THE CITY OF SAN ANTONIO BY CHANGING

SEP 15 1966

THE CLASSIFICATION AND REZONING OF CERTAIN
PROPERTY DESCRIBED HEREIN AS LOTS 34 AND 35,
NCB 13286 FROM "A" RESIDENCE DISTRICT TO
"B-2" BUSINESS DISTRICT.

* * *

66-1075 Next heard was zoning case 2777 to rezone the west 50' of Lot 37, NCB 2948 from "B" Residence District to "B-3" Business District located on the north side of Hiawatha Street.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed ordinance which the Planning Commission recommended be approved by the City Council.

Mr. Dan R. Rutherford, attorney representing the applicant, stated that it was the intention of his client to add a car-washing operation on the subject property which was adjacent to a filling station. Mr. Rutherford said that they were willing to put up a privacy fence and it was his client's intention to raise the level of this particular property some two or three feet and have a retaining wall of that height along the property line on the west.

Mrs. Charlotte Collins, 2331 Hiawatha, objected to the proposed change in zone stating that there was enough traffic on Hiawatha Street and that the rezoning of this particular lot would reduce the value of her property and she had no funds to relocate.

Mrs. Thomas Escobedo, owner of the property adjacent to the subject case, objected on the grounds that a car-wash would be objectionable as well as being a nuisance as far as traffic on Hiawatha Street was concerned. She also stated that she owned her property and could not afford to relocate.

Councilman Jones asked Mr. Rutherford if his client objected to putting a non-access easement on Hiawatha Street which would mean that the traffic would enter subject property on South Gevers Street only and would not create a traffic hazard on Hiawatha Street.

Mr. Rutherford stated that he would like to consider this. At present, his client did not want to accept a non-access easement. In answer to a question from the Mayor regarding proposed plans, Mr. Rutherford stated that they had no plans drawn up as yet.

After discussion, Mr. Rutherford agreed to continue the hearing to October 6, 1966 in order to prepare a plot plan which is to be presented to the adjoining property owners who are protesting the change. In addition, he is to consider the placing of a non-access easement on the property to prevent access from Hiawatha Street. The hearing was then continued to October 6.

* * *

66-1076 Next heard was zoning case 2805 to rezone the north 120' of Lot 16, NCB 7676 from "B" Residence District to "B-1" Business District and the south 232.6' of Lot 16, NCB 7676 from "B" Residence District to "I-1" Light Industry District, located southwest of the intersection of Mission Road and Huizar Road.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed ordinance which the Planning Commission recommended be approved by the City Council.

Mr. Dwayne Harral, partner in the L & H Packing Company, the applicant, stated the change in zoning was requested for the purpose of constructing an office building on the subject property and to provide parking spaces for refrigerated trucks. Mr. Harral explained the nature of his business, was to bone carcass cattle and sell the meat to canning companies. He further stated that this does not entail rendering operations in any manner whatsoever. It was more like the butcher shops in large supermarkets.

Councilman Dr. Parker asked if the applicant had any objection to putting a screen fence along the property facing the adjoining Mission Roadway.

After further discussion by the Council, Mr. Harral agreed to screen the property as suggested.

Dr. Parker then made the motion to approve the recommendation of the Planning Commission subject to the placing of a screen fence along the east property line some 262 feet in length. 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, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 34,807

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 THE NORTH 120' OF LOT 16, NCB 7676 FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, AND THE SOUTH 232.6' OF LOT 16, NCB 7676 FROM "B" RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * *

66-1077 Next heard was zoning case 2799 to rezone Lot 13, NCB 3783 from "B" Residence District to "B-2" Business District located on the west side of Gevers Street between Nebraska Street and Harding Avenue.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed ordinance which the Planning Commission recommended be denied by the City Council.

Mr. Bremer explained to the applicant that since this was an appeal case it would require seven affirmative votes to overrule the recommended denial of the Planning Commission.

Mr. Decker, representing the applicant, distributed pictures of buildings on the subject property and stated that it was the applicant's desire to demolish two of the buildings and renovate the third building in order to have a barbecue pit and dining room.

After consideration, Councilman James made a motion that the recommendation of the Planning Commission be overruled and the change in zone be granted. 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, Cockrell, Trevino, Parker and Bremer; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 34,808

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, NCB 3783 FROM "B" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

66-1078 Next heard was zoning case 2806 to rezone Lot H, NCB 10102 from "B" Residence District to "B-2" Business District, located on the west side of San Pedro approximately 180' north of Veda Mae Drive.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed ordinance which the Planning Commission recommended be denied by the City Council.

SEP 15 1966

Mr. Roy Johnson, attorney for the applicant Mr. Hlavaty, reviewed a history of the subject property stating that although deed restrictions were placed on the property in 1955, these restrictions were removed by Supreme Court rulings which indicated that the best use of the property is commercial. He further stated that a recent traffic count showed approximately 18,400 vehicles passed the subject property each day.

In answer to questions from the Council, he stated his client did not want to accept "B-1" Business District, for the simple reason that it was too restricted. The "B-2" Business District as requested would allow his client a wider range of businesses for the subject property. He further explained that his client felt that he could not sell the property unless it had a "B-2" Business zoning. He then reviewed types of businesses that were allowed in "B-2" Business District.

Mrs. Joseph T. Kenny, 130 Audrey Alene, representing Shearer Hills Neighborhood Association, opposed the "B-2" Commercial zoning for this property stating that there was no alley separating the subject property from those facing Grotto Street and that "B-2" allowed many businesses that would be objectionable to the residents of Grotto Street and in the immediate area. She stated that her group would not object to "B-1" zoning.

Mrs. Arthur G. Coley, 202 Grotto, objected to the zoning and stated that her property backed up to the subject property. She had purchased her home in July of this year and had no previous knowledge that there was a chance for this property to be rezoned to allow businesses that would be objectionable to her as well as to her neighbors.

Mr. Johnson again stated that "B-1" was too limited for his client and pointed out that the City Tax Department had increased the valuation of this property by 516% this past year, which proved that the Tax Office considered this property to be commercial. He added that the property immediately across the street was also valued by the Tax Department at \$105 per foot.

After consideration, Dr. Parker made a motion that the recommendation of the Planning Commission be overruled and the property rezoned "B-2" District. The motion, which required seven affirmative votes to carry, failed by the following vote: AYES: Calderon, Jones, James, Trevino, Parker and Bremer; NAYS: McAllister and Cockrell; ABSENT: Gatti.

* * *

66-1070 Last zoning case heard was case 2820 to rezone Lots 29, 30, 32 and the north 75' of 31, Blk. 7, NCB 11371 from "B" Residence District to "I-2" Heavy Industry District for the sale and storage of government surplus materials, located on the east side of S. W. 35th Street and 80' north of Dale Road.

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

Mr. William Porter, attorney for the applicants, asked that the hearing be continued for two weeks due to the heavy schedule of the Council. This was agreeable and the hearing on Case 2820 was continued to September 29, 1966.

* * *

66-996 The Clerk read the following ordinance for the second time.

AN ORDINANCE 34,728

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 50.017 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO. (UNITS 4F AND 4D HARMONY HILLS SUB-DIVISION.)

* * *

No one asked to be heard on the matter.

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

66-1068 At this time the Mayor declared open the public hearing on a proposed "Blue Law" ordinance, captioned as follows:

AN ORDINANCE

MAKING IT UNLAWFUL FOR A PERSON TO FRAUDULENTLY MAKE A REPRESENTATION OR CERTIFICATION FOR THE PURPOSE OF INDUCING A VENDOR TO SELL OR OFFER TO SELL THOSE ITEMS ENUMERATED IN ARTICLE 286a, SECTION 1, TEXAS PENAL CODE, IN VIOLATION OF SAID ARTICLE, OR FOR SUCH PERSON TO KNOWINGLY EXECUTE AN EMERGENCY CERTIFICATE AS PROVIDED FOR IN SAID ARTICLE WHEN NO EMERGENCY EXISTS, AND PROVIDING FOR A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH OFFENSE.

* * *

SEP 15 1966

Mr. Jerome Harris, Executive Vice President of Frank Brothers Store and spokesman for the preponderance of retail merchants in the downtown area and suburban area spoke in favor of the ordinance. He reviewed the State law passed in 1963 which he felt was not working as intended. He felt the public is an honest group and want to follow the law but has been misled by the State law and asked the Council to pass the ordinance in order to make it clear that it is illegal to falsely sign a certificate that the purchase is an emergency if restricted on that day.

Mr. James Shand, Vice President of Joske's of Texas stated they did not want to stay open on Sunday because it was felt that employees should have a day of rest.

Mr. Bill Finto, Manager of Todd's Clothing Store spoke in favor of the ordinance as did Mr. Floyd Wright, owner of Wright Sporting Goods and Mrs. Stella Trevino, clerk at Solo-Serve Company.

Mr. L. H. Flood, Metropolitan Manager of Montgomery Ward Stores stated that they want to stay closed on Sunday, but could open on that day in order to meet the competition as that is the "economic law".

Mr. J. W. Erler, Sears Roebuck Group Manager, in San Antonio, stated they could stay open also without much inconvenience, however he felt the 47,000 retail employees of the City should have a day of rest and the ordinance would supplement the State law and insure this.

Mrs. William Kennon Vickery filed a petition signed by 116 persons in support of the ordinance.

Mr. Geo. E. Stewart, Secretary of the San Antonio Baptist Executive Board, presented a resolution adopted by 95 members of the Executive Board in favor of the proposed ordinance.

Speaking against the ordinance were the following.

Mr. Richard Kopsky, 1056 John Page Drive.

Mr. Jay Fichtoner, representing the Texas Association of Retail Department Stores, protested the ordinance as being unconstitutional as written and the only way to enforce it is to have a policeman at each store and it would be arbitrarily done so. He said the Houston ordinance, after which the one in question is fashioned, is being appealed to the Supreme Court and as such the matter is not finally determined as to its legality. He further stated that the law is aimed at discount stores and advised the Council that 3,970 persons in San Antonio signed a petition in the last four days saying they do not want a Sunday closing law and the Council should wait until the State Legislature meets to see what it does. In the event the Council does not want to wait, he asked that the matter be put to a vote of the people.

Rev. Ray Osborn, pastor of Highland Hills Seventh Day Adventist Church, protested the ordinance because he felt people should be able to choose their one day to rest or worship. He felt the ordinance would be discriminatory to Seventh Day Adventists.

Also speaking against the adoption of the ordinance was Rev. Ben Colon, pastor of the Spanish Seventh Day Adventist Church. He stated he had lived in a county where Sunday Closing Law was strictly enforced and it made liars and cheats of the people and merchants.

Mr. A. R. Carrouthers spoke against the ordinance as did Pastor A. C. Rosson of the Laurel Heights Seventh Day Adventist Church.

Mr. Melvin Adams, Washington, D. C., Associate Editor of Liberty Magazine, a Seventh Day Adventist publication which protects religious liberty in this country, opposed the ordinance.

Mr. I. C. Eells, speaking for customers, stated it was the common belief that Civil Service and the Military work a five day week which is not true. Also, he said there is much multiple employment where people hold more than one job and work voluntarily on Sunday to earn extra money.

Mrs. Charles Emkin, a housewife, felt she should be able to go to any store open on Sunday and make a purchase without fear of violating any law.

Other speaking against the ordinance were Mrs. Helen Dutmer, Mr. Raul Rodriguez, Mr. Howard Langdon, Mr. Wes Morgan, Mr. Bill Dolan, Mr. Cliff Harm and Mr. Howard Stapper.

Speaking in rebuttal in favor of the ordinance were Mr. Erler, Rev. Jim Bowman, Houston Terrace Baptist Church, and Mr. Bob Bradsby, Manager of the Southside Gibson Discount Store.

After everyone desiring to speak was given an opportunity to do so, the hearing was declared closed.

It was the sentiment of the Council that no action be taken at this time and the matter was taken under consideration.

* * *

66-1049 Mr. Ira Smith asked the Council for a decision on his request for a building permit to construct a house on Southcross Boulevard without having to dedicate property for widening of the street.

SEP 15 1966

After discussion of the matter, he was advised the City Attorney will look into the matter to see if there may be some way that relief can be given so that action can be taken at the next meeting.

* * *

66-677 Mr. Maxwell Burkett, attorney representing Mr. Nathan Nance, protested the concrete batching plants operating on McKinley Avenue. He stated that under the ordinance they were in violation and urged the Council to take action to remove them.

Also speaking on the matter was Mrs. Helen Dutmer and Mrs. Harry Guynes.

Assistant City Manager Gerald Henckel reported that the operator of one of the plants has agreed to move and he is working on the other one.

After further discussion the City Attorney was instructed to look into the matter and advise the Council on it.

* * *

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