

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 3, 1965, 8:30 A.M.

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The regular meeting of the City Council was called to order by the Presiding Officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, GATTI, TREVINO, PARKER and BREMER; ABSENT: None.

65-547 The invocation was given by Reverend S. H. James, Pastor, Second Baptist Church.

Minutes of the previous meeting were approved.

65-547 Police Chief Geo. W. Bichsel introduced Mr. Jim Cole, Special Agent in Charge of the local bureau of the Federal Bureau of Investigation, and Police Captain Joe Neaves, Jr., who recently graduated from the National Academy of the FBI in Washington, D. C.

Mayor McAllister expressed appreciation to Mr. Cole, personally, and to the FBI, for the fine cooperation given local authorities. He then read the following resolution which was approved by the City Council, and he then presented the resolution to Captain Neaves.

A RESOLUTION

COMMENDING POLICE CAPTAIN JOE NEAVES, JR. ON GRADUATION FROM THE
FEDERAL BUREAU OF INVESTIGATION'S NATIONAL ACADEMY.

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65-548 First zoning case to be heard was Case No. 2358, to rezone Lot 4, NCB 10838, located southwest of the intersection of South W. W. White Road and Burkedale Boulevard, from "A" Residence District to "F" Local Retail District.

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

No one spoke in opposition to the change.

On motion of Dr. Parker, seconded by Mr. Jones, 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, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

65-549 AN ORDINANCE 33348

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, NCB 10838 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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65-549 Next heard was Case No. 2419, to rezone Lots 5 and 6, NCB 11683, located on the west side of West Avenue 434.77' north of Mackey Drive, from "B" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change 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, the vote being as follows: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None

AN ORDINANCE 33349

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 LOTS 5 AND 6, NCB 11683 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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65-550 Next heard was Case No. 2444, to rezone Lots 1 and 2, NCB 6200, located northeast of the intersection of Woodlawn Avenue and North Saint Mary's Street, from "F" Local Retail District to "J" Commercial District.

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

No one spoke in opposition to the change.

On motion of Mr. Gatti, seconded by Mr. Trevino, 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, Gatti and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 33350

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 LOTS 1 AND 2, NCB 6200 FROM "F" LOCAL RETAIL DISTRICT TO "J" COMMERCIAL DISTRICT.

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65-551 Next heard was Case No. 2388, to rezone Lots 11 and 12, NCB 3303, located southwest of the intersection of Hammond Avenue and Saint Anthony Avenue, from "B" Residence District to "D" Apartment District.

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

No one spoke in opposition to the change.

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

AN ORDINANCE 33351

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

LOTS 11 AND 12, NCB 3303 FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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65-552 Next heard was Case No. 2440, to rezone Lot 53, Blk 18, NCB 1599, located on the east side of S. New Braunfels Avenue, between Aransas Avenue and Cooper Street, from "B" Residence District to "E" Office District.

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

To a question by Mrs. Cockrell, Mr. Lawrence reported there is no objection from the San Antonio Independent School District to "E" Office District.

No one spoke in opposition to the change.

On motion of Mr. Jones, seconded by Dr. Parker, 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, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 33352

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 53, BLK 18, NCB 1599 FROM "B" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT .

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65-553 Next heard was Case No. 2448, to rezone Lot 11, Blk 9, NCB 3736, located on the south side of Gladstone Avenue, 150' east of Collingsworth Avenue, from "C" Residence District to "F" Local Retail District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council. It was reported that the Church of the Latter Day Saints, owners of Lot 8, opposed the change.

Councilman Jones stated he was familiar with the property and if a trailer court is proposed, he would be against the change. He brought out that the new zoning ordinance requires 3 acres for a trailer park and preferred to wait until it was passed before taking action.

Mrs. N. W. Burges, applicant, stated they own three acres which they are trying to get rezoned for a trailer court to develop the property as a whole. Many people have approached her who feel this location would be ideal for such a use. She said the property was next to "F" zone and across the street were Joe's Auto Clinic and a welding and auto repair shop. The neighbors are in favor of the change as they feel it will be an asset to the area.

Discussion was had on the matter of the size of one lot together with a narrow street may not be adequate to handle large trailers. It was then brought out that each lot owned by Mrs. Burges was a little less than one acre and would not total the three acres required by the new ordinance for a trailer park.

Mrs. Burges was asked to prepare a proposed plan for use of the property and present the plan to the church and try to resolve its opposition during the next two weeks.

On motion of Mr. Gatti, seconded by Mr. Trevino, Case No. 2448 was then continued for two weeks to June 17th. The motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

65-554 Next heard was Case No. 2217, to rezone 24.2 acres out of NCB 8644, described by field notes in the proposed ordinance, and generally described as being located on the south side of Bitters Road and the east side of Jones Maltsberger Road; the frontage along Jones Maltsberger with a depth of 300' and the frontage along Bitters Road with a depth of 300' to be "F" Local Retail District and the remainder of the tract to be "JJ" Commercial, from "A" Residence District to "F" Local Retail District and "JJ" Commercial District.

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

Mr. James C. Onion, representing the applicant, Mr. Leo S. Joeris, while not opposing the recommendation of the Planning Commission, stated he understood it to be that the strip on Bitters Road should be "F" zone and the balance of the property "JJ" Commercial zone. This point was checked out and the recommendation as presented was correct.

It was brought out this was sanitary fill property and could possibly not be useable for ten years. After checking the building code, it was found that if sufficient foundation is provided, a structure could be built on the property.

Mayor McAllister asked the applicant, Mr. Joeris, if during the time his property was used as a sanitary land fill, any complaints were made and whether there was any fly problem. He reported that no complaint was ever received and there was no fly problem.

No one spoke in opposition to the change.

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

AN ORDINANCE 33353

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 24.2 ACRES OUT OF NCB 8644 DESCRIBED BY FIELD NOTES IN THE ORDINANCE AND GENERALLY DESCRIBED AS BEING LOCATED ON THE SOUTH SIDE OF BITTERS ROAD AND THE EAST SIDE OF JONES MALTSBERGER ROAD; THE FRONTAGE ALONG JONES MALTSBERGER WITH A DEPTH OF 300' AND THE FRONTAGE ALONG BITTERS ROAD WITH A DEPTH OF 300' TO BE "F" LOCAL RETAIL DISTRICT AND THE REMAINDER OF THE TRACT TO BE "JJ" COMMERCIAL DISTRICT, FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT AND "JJ" COMMERCIAL DISTRICT.

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65-555 Next heard was Case No. 2415, to rezone Lot 15, NCB 11619, located on the north side of Babcock Road, 250.68' northwest of Newgate Drive from "A" Residence District to "F" Local Retail District; Lot 14, NCB 11619, located on the north side of Babcock Road, 516.68' northwest of Newgate Drive, from "A" Residence District to "E" Office District; and Lot 13, NCB 11619, located on the north side of Babcock Road, 616.68' northwest of Newgate Drive, from

"A" Residence District to "D" Apartment District.

Assistant Planning Director Burt Lawrence explained the proposed change which the Planning Commission recommended be approved by the City Council. He stated a protest petition had been filed and it would require seven affirmative votes to rezone the property.

Mr. John Shaw, attorney representing the applicant, Mr. Albert Perez, stated that originally an "F" zone was requested for the entire tract. As suggested of the Planning Commission, it was agreeable to follow the graduated plan of zoning. He explained the present uses in the area and said they agreed to dedicate a 25 foot strip for the widening of Babcock Road. While plans for the development of the property have not been completed, he said this is expensive property and whatever is built will be in keeping with the neighborhood and felt such development will enhance and increase property values.

Mr. Leon Glasscock, attorney representing Mr. R. J. Coffee, and the Oak Hills Country Club, protested the proposed change and felt it would devalue the expensive residences in the area. A church and school are located nearby and this development will create a disciplinary problem and interrupt its peaceful system of operation. He stated they were concerned since they had not seen any plans to know what type of apartments are going in.

Mr. Coffee reported the golf course is constantly being mutilated by trespassers and this invasion of privacy is requiring them to fence the property.

After consideration of the matter, on motion of Mr. Gatti, Case No. 2415 was continued for 60 days in order for the applicant to complete plans for development of the property and present them to opponents for study. Seconded by Mr. Jones, the motion carried by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

65-556 Next heard was Case No. 2397, to rezone Lot 76-A, NCB 11538, located on the south side of Wildflower Drive between Bandera Highway and Evers Road, from "A" Residence District and "B" Residence District to "D" Apartment District.

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

Dr. J. C. Beissner, owner and applicant, stated he has owned this property for a number of years. He presented a sketch of the proposed building for doctors offices and a site plan showing off-street parking would be provided.

Mr. Marvin Lebman, 4801 View Drive, stated the attempts to rezone this property started in 1955 and gave a history of same. He then read a statement by Mr. Jack Pope, now Supreme Court Justice, who previously protested the change. He claimed the objections were still valid and applied to this case. While he did not object to the proposed buildings, he felt that granting of the change would lead to other zoning changes of the adjacent property on Bandera Road.

Also objecting to the change was Mr. Gerald Lebman, 303 Evers Road.

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

AN ORDINANCE 33354

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 76-A, NCB 11538 FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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65-557 Next heard was Case 2422, to rezone Lots 47 and 48, Blk 100, NCB 8176, located between S. W. 25th Street and S. W. 26th Street approximately 137.46' north of Castroville Road, from "C" Residence District to "J" Commercial District.

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

Mr. Manuel G. Davila, owner and applicant, stated that while the original application was for "J", all he wanted was to be able to have an office to conduct his home improvement business. He said he was not a contractor, as his work was done through sub-contract and all he did was sell and finance the improvements. He stated an "F" zone or an "E" Office zone was suitable for his purpose.

Mr. Richard Strong, attorney representing neighbors in opposition, objected to any change to "F" or "J" zone. He stated 25th Street is unpaved and there is no way for children to get to Las Palmas School except to go down 25th Street to Castroville Road, and then back up 26th Street. He claimed that Mr. Davila was presently operating a business on the property in violation of the zoning ordinance and asked that the change be denied.

Also speaking in opposition was Mrs. E. B. Mazzurana, and Mrs. Beatrice E. Muniz.

After consideration of the matter, Mr. Gatti made a motion that the recommendation of the Planning Commission be overruled and the property be rezoned to "E" Office District. The motion, which required seven affirmative votes, and carrying the passage of the following ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 33355

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 LOTS 47 AND 48, BLK 100, NCB 8176 FROM "C" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT.

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After passage of the above ordinance, Mrs Cockrell recommended to the Council that the City Staff consult with School District authorities and consider the possible joint purchase of one of the lots between 25th and 26th Streets to provide access to the school.

After discussion, the City Manager was instructed to have the Land Division contact the owners of the land and a report on the matter be made.

65-558 Next heard was Case No. 2427, to rezone Lot 8, Blk 215, NCB 3942,

located between Hildebrand Avenue and Viendo Street 100' west of Catalina Avenue, from "B" Residence District to "J" Commercial District.

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

Mr. Richard Villasana, representing the applicant, Mr. Victor R. Goldberg, stated a "J" zone was asked for in order to operate a sign business, which is presently located on the lot to the east in an "F" zone. He said that during the many years he has operated he had never had a complaint. He proposed to move his present building on to the lot in question and in so doing will have to comply with the building code.

Mrs. Elmer Wilke stated she owned a two-story duplex on Viendo across from this property, and presently can't keep tenants because of the vacant lot and if the present building is moved it could be worse because of its unsightly condition.

After consideration of the matter, on motion of Mrs. Cockrell, seconded by Mr. Jones, Case No. 2427 was referred back to the Planning Commission for reconsideration after the new zoning ordinance is adopted. The motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino and Bremer; NAYS: Gatti and Parker; ABSENT: None.

65-559 Next taken up was the hearing on the appeal of Mrs. Minnie Johnson from the suspension of Billiard Table License No. 1621A from June 7, 1965 to June 16, 1965.

Police Chief Geo. W. Bichsel reported the suspension is for a billiard table license located in a tavern known as "Buck's Beer Barrel" at 2900 Rigsby. The violation, which resulted in the suspension, occurred February 11, 1965. Officers on a routine inspection found four boys playing pool, their ages ranging from 16 to 18 years of age. Under the ordinance, if beer is sold at the location no person under twenty-one years can play.

He stated Mr. Winkelman, the person in charge, at the time, was charged with the violation and fined \$10.00. He said it was the opinion of the Police Department that this fine of \$10.00 is sufficient punishment insofar as Mr. Winkelman is concerned, but does not punish the licensee and the department feels that there has to be some jeopardy to the licensee and strong policing on the part of the licensee to assure that the operator in charge will comply with the regulation. He felt the violation is sufficient to justify the temporary suspension of the license for a ten-day period.

Mrs. Minnie Johnson stated she has had the place for 15 years and never had any trouble before. She said the boys came in and picked up cue sticks and broke the balls. The bar tender was busy and did not have a chance to check their I.D. cards. This was when the police came in and made the charge.

In answer to a question, she stated she had signs stating minors are not allowed to drink beer but had none saying they could not play pool. She added that she has cooperated with the Police Department and has no further problem concerning this matter and asked that the license not be suspended.

After consideration, Dr. Parker made a motion that the licensee, Mrs. Minnie Johnson, since she has cooperated in the matter, be given one more chance and the license not be suspended with the understanding that it would be her responsibility to see that the operator complies with the rules and regulations of the billiard table ordinance. Seconded by Mr. Gatti, the motion carried by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Bremer; NAYS: None; ABSENT: None.

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

65-560

AN ORDINANCE 33356

APPOINTING DR. JAMES SCHMULEN, JR. TO SERVE AS A MEMBER OF THE PUBLIC HEALTH ADVISORY BOARD FOR THE UNEXPIRED TERM OF DR. KENNETH THOMAS, WHO HAS RESIGNED. (Term expires July 31, 1967).

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65-561

AN ORDINANCE 33357

APPOINTING AND REAPPOINTING MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO. (John A. Bitter, Jr., Robert A. Roth and Charles O. Scheer were reappointed, terms expiring March 19, 1967; and Mrs. Harry H. Meyer was appointed for a term expiring March 19, 1967).

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65-562

AN ORDINANCE 33358

ACCEPTING THE LOW BID OF R. E. STROUD, D/B/A UTILITY COMPANY, FOR THE CONSTRUCTION OF INTERSTATE HIGHWAY 37 SEWER RELOCATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING THE SUM OF \$59,232.90 OUT OF SEWER REVENUE FUND 204-02, PAYABLE TO R. E. STROUD, D/B/A UTILITY COMPANY; APPROPRIATING THE SUM OF \$2,000.00 OUT OF THE SAME FUND TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT AND THE SUM OF \$500.00 AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT.

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65-563

AN ORDINANCE 33359

APPROVING THE LOCATION OF MISSION PARKWAY IN THE CITY OF SAN ANTONIO, ESTABLISHING THE OUTER BOUNDARIES OF SUCH PROJECT; AND DIRECTING THAT BUILDING PERMITS NOT BE ISSUED FOR SPECIFIED WORK WITHIN SUCH BOUNDARIES FOR A SPECIFIED PERIOD OF TIME.

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65-564

AN ORDINANCE 33360

APPOINTING REVEREND A. R. NELSON TO THE PLANNING COMMISSION FOR THE UNEXPIRED TERM OF REVEREND S. H. JAMES, WHO HAS RESIGNED.

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The Clerk read the following letter:

June 3, 1965

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

Gentlemen and Madam:

65-547 The following petition was received and forwarded to the Office of the City Manager for investigation and report to the City Council.

5-26-65 Petition of Acme Glass Company, requesting permission from the City to erect a screen approximately 18' tall alongside, and fastened securely to, the old Hutchins Brothers Building, located at the corner of Alamo Plaza and Crockett Street, such screen being for the purpose of hiding the view of the fire escape.

Sincerely,

/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

JUN 3 1965