

January 31, 1957

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JANUARY 31, 1957 AT 9:30 A.M.

PRESENT: FRIEDRICH, BAINES, PASSUR, CRUMRINE, WINTON, KUYKENDALL, OLIVARES, DANIELS,
SAN MARTIN

Invocation by Mr. Winston Martin, Director of Planning.

On motion of Mr. Crumrine, seconded by Mr. Baines, the reading of the minutes of the previous meeting was dispensed with.

The Council then called up Zoning Case No. 650 to rezone property on Gonzales Road, Lots 1 and 2, NCB 10759. The matter was explained by the Planning Director. No one appeared to be heard. On motion of Mr. Crumrine, seconded by Mr. Friedrich, the recommendation of the Planning Commission was adopted by passage of the following ordinance by the following vote: AYES, FRIEDRICH, BAINES, PASSUR, CRUMRINE, WINTON, KUYKENDALL, OLIVARES, DANIELS, SAN MARTIN; NAYS, NONE.

AN ORDINANCE 24,315

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 650, THE RE-ZONING AND RE-CLASSIFICATION OF LOT 1, NCB 10759 FROM "A" TEMPORARY RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book DD page 489)

The Council next called up Zoning Case No. 781 to rezone part of Lot 34, NCB 8693 on Exeter Road. The proposal was explained by the Planning Director. No one appeared to be heard. On motion of Mr. Crumrine, seconded by Passur, the Council approved the recommendation of the Planning Commission by adoption of the following ordinance by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

AN ORDINANCE 24,316

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 781, THE RE-ZONING AND RE-CLASSIFICATION OF A PORTION OF LOT 34, N.C.B. 8693, FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book DD page 489)

Zoning Case No. 782 to rezone property in New City Block 7278, Lots 6, 26, and 47 thru 51 at Westwood, ^{and} Elmwood was next called up. Mr. Martin, the Planning Director, explained the desires of the property owners in the area and the recommendation of the Planning Commission. No one appeared to be heard; on motion of Mr. Baines, seconded by Mr. Friedrich, the Council approved the recommendation of the Planning Commission by passage of the following ordinance, by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

AN ORDINANCE 24,317

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN; CASE NO. 782, THE RE-ZONING AND RE-CLASSIFICATION OF LOTS 6, 26, AND 47 THRU 51, INCL., N.C.B. 7278, FROM "J" COMMERCIAL DISTRICT TO "B" RESIDENCE DISTRICT

(Full text in Ordinance Book DD page 490)

Zoning Case No. 783 to rezone property at W. W. White and U. S. Highway 90 in New City Block 12252 was next called up for hearing. The Planning Director explained the matter to the Council. No one appeared to be heard. On motion of Mr. Friedrich, seconded by Baines, the Council approved the recommendation of the Planning Commission by passage of the following ordinance. AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

AN ORDINANCE 24,318

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 RE-ZONING OF CERTAIN PROPERTY DESCRIBED HEREIN: CASE NO. 783, THE RE-ZONING AND RE-CLASSIFICATION OF LOT B, N.C.B. 12252, FROM "A" TEMPORARY RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT

(Full text in Ordinance Book DD page 490)

The Council then took up the recessed hearing on the Planning Commission recommendation for change of zoning ordinances; City Code 64-33. Mr. Martin explained the nature of the change recommended. The Council then approved the recommendation by passage of the following ordinance. AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

AN ORDINANCE 24,319

AMENDING SECTION 64-33 OF THE SAN ANTONIO CITY CODE (C RESIDENCE DISTRICT AND D AND E APARTMENT DISTRICT) SO AS TO PERMIT OFFICES NOT INVOLVING DISPLAY OR SALE OF MERCHANDISE ON THE PREMISES PROVIDED THAT NO NAME PLATE, BULLETIN BOARD, OR SIGN EXCEEDING TWELVE (12) SQUARE FEET IN AREA IS PERMITTED

(Full text in Ordinance Book DD page 491)

The following ordinances and resolutions were passed and approved as follows: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

AN ORDINANCE 24,320

ACCEPTING CERTAIN BIDS FOR THE PURCHASE AND REMOVAL OF BUILDINGS LOCATED ON CITY-OWNED PROPERTY, AND MAKING AND MANIFESTING A BILL OF SALE TO SUCCESSFUL BIDDERS; K. BREEN, PARCEL 927; MRS. M. L. WILLIAMS, PARCEL 1006; LUKIN GILLILAND, PARCEL 1014; J. A. STUTTS, PARCEL 1018; ED SLAVIN, PARCEL 1023, 1029, 1278, 1299, 1300; EDWARD S. GOLLA, PARCEL 1040; ROSS MARTIN, PARCEL 1045; G. W. PRESTON, PARCEL 1286, 2432, 4042; GLYDE W. TABLER, PARCEL 2359

(Full text in Ordinance Book DD page 491)

AN ORDINANCE 24,321

MAKING AND MANIFESTING A BILL OF SALE IN FAVOR OF GLENN C. MARTIN, JR., AND WIFE, MILDRED M. MARTIN, FOR A HOUSE LOCATED AT 1255 FULTON AVENUE, SAN ANTONIO, TEXAS, ON PARCEL NO. 1844 U. S. HIGHWAY #87 NORTHWEST EXPRESSWAY RIGHT OF WAY IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR THE SUM OF \$2567.00

(Full text in Ordinance Book DD page 492)

AN ORDINANCE 24,322

MAKING AND MANIFESTING A BILL OF SALE IN FAVOR OF JOSE C. MARTINEZ, FOR A HOUSE LOCATED AT 1307 FRESNO DRIVE SAN ANTONIO, TEXAS, ON PARCEL NO. 2208, EXPRESSWAY RIGHT OF WAY IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR THE SUM OF \$1,400.00

(Full text in Ordinance Book DD page 492)

AN ORDINANCE 24,323

ACCEPTING A DEED FROM HARRY M. CROUSE AND WIFE, JULIA ANN CROUSE, CONVEYING TO THE CITY OF SAN ANTONIO LOT 15, BLOCK 141, NEW CITY BLOCK 8822, FOR U. S. HIGHWAY 87 NW EXPRESSWAY AND APPROPRIATING THE SUM OF \$8300.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 493)

AN ORDINANCE 24,324

ACCEPTING A DEED FROM JAMES C. JACKSON AND WIFE, LOUBIE A. JACKSON CONVEYING TO THE CITY OF SAN ANTONIO LOT 6, BLOCK 140, NEW CITY BLOCK 8815, FOR U. S. HIGHWAY 87 NW EXPRESSWAY AND APPROPRIATING THE SUM OF \$7200.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 493)

AN ORDINANCE 24,325

ACCEPTING A DEED FROM W. E. KIRKLAND AND WIFE, NEVA KIRKLAND; ALSO, PARKWAY IMPROVEMENTS, INC. ACTING BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, CONVEYING TO THE CITY OF SAN ANTONIO LOT 17, BLOCK 66, NEW CITY BLOCK 7161, FOR U. S. HIGHWAY 87 NORTHWEST EXPRESSWAY AND APPROPRIATING THE SUM OF \$5600.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 493)

AN ORDINANCE 24,326

ACCEPTING A DEED FROM F. A. PLOCH, ET AL, CONVEYING TO THE CITY OF SAN ANTONIO LOT 14, BLOCK 19, NEW CITY BLOCK 7153, FOR U. S. HIGHWAY #87 N/W EXPRESSWAY AND APPROPRIATING THE SUM OF \$8625.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 494)

AN ORDINANCE 24,327

ACCEPTING A DEED FROM LOUIE P. DEMPSEY AND CLARICE M. DEMPSEY CONVEYING TO THE CITY OF SAN ANTONIO LOT 13, BLOCK 31, NEW CITY BLOCK 7150, AND APPROPRIATING THE SUM OF \$6850.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 494)

AN ORDINANCE 24,328

ACCEPTING A DEED FROM AZTEC BUILDING CORPORATION CONVEYING TO THE CITY OF SAN ANTONIO LOT 18, BLOCK 85, NEW CITY BLOCK 3254, LOTS 3, 4, 7, 8 AND 9, BLOCK 92, NEW CITY BLOCK 3247, AND LOTS 4, 5, 6, 7, 8, 9, 18, 19, 20, 21, 22 AND 23, BLOCK 90, NEW CITY BLOCK 3249, FOR U.S. HIGHWAY #87 NORTHWEST EXPRESSWAY AND APPROPRIATING THE SUM OF \$10,200.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 494)

AN ORDINANCE 24,329

ACCEPTING A DEED FROM ENCARNACION G. REYES AND WIFE, ROSA RITA REYES, CONVEYING TO THE CITY OF SAN ANTONIO LOTS 35 AND 36, BLOCK 1, NEW CITY BLOCK 1775, LONG LAKE ADDITION AND APPROPRIATING THE SUM OF \$6700.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 495)

AN ORDINANCE 24,330

AUTHORIZING AND DIRECTING THE CITY MANAGER TO DECLARE A FORFEITURE OF CASH DEPOSITS AND BONDS TO ORDER THE REMOVAL OF IMPROVEMENTS FROM U. S. HIGHWAY 87 NORTHWEST EXPRESSWAY RIGHT OF WAY

(Full text in Ordinance Book DD page 495)

AN ORDINANCE 24,331

AUTHORIZING AND DIRECTING THE CITY MANAGER TO DECLARE A FORFEITURE OF CASH DEPOSITS AND BONDS AND TO ORDER THE REMOVAL OF IMPROVEMENTS FROM U. S. HIGHWAY 81 EAST EXPRESSWAY RIGHT OF WAY

(Full text in Ordinance Book DD page 496)

AN ORDINANCE 24,332

ACCEPTING A DEED FROM THOMAS TOPE, SR., AND WIFE, SUSIE MAE TOPE, CONVEYING TO THE CITY OF SAN ANTONIO THE NORTHWEST 1/4 OF LOT 34, BLOCK 2, NEW CITY BLOCK 7578 FOR SOUTH NEW BRAUNFELS STREET EXTENSION, AND APPROPRIATING THE SUM OF \$10,352.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 496)

AN ORDINANCE 24,333

ACCEPTING TWO QUITCLAIM DEEDS, ONE FROM MARGARIT EPSTEIN MARTINEZ JOINED BY HER HUSBAND, AMADO J. MARTINEZ, AND ONE FROM NATIONAL BANK OF COMMERCE OF SAN ANTONIO, AS TRUSTEE FOR THE ESTATE OF MEYER EPSTEIN, DECEASED, TO THE CITY OF SAN ANTONIO, EACH QUITCLAIMING ALL INTEREST IN AND TO LOT 9, BLOCK 92, NCB 3247; AND LOTS 4, 5, 6, 7, 9, 21 AND 23, BLOCK 90, NCB 3249, IN SAN ANTONIO, BEXAR COUNTY, TEXAS, AND AUTHORIZING PAYMENT OF THE SUM OF \$2.00 THEREFOR, \$1.00 PAYABLE TO THE SAID MARGARIT EPSTEIN MARTINEZ AND HUSBAND, AMADO J. MARTINEZ, AND \$1.00 PAYABLE TO THE SAID NATIONAL BANK OF COMMERCE OF SAN ANTONIO, AS TRUSTEE FOR THE ESTATE OF MEYER EPSTEIN, DECEASED

(Full text in Ordinance Book DD page 497)

p

AN ORDINANCE 24,334

ACCEPTING A DEED FROM PETER CLASSEN AND WIFE, ELEONORE CLASSEN, CONVEYING TO THE CITY OF SAN ANTONIO LOT 4, NEW CITY BLOCK 8678, FOR LOOP 13 AIRPORT PROJECT, AND AUTHORIZING THE PAYMENT OF THE SUM OF \$30,516.77 TO PAY FOR SAME

(Full text in Ordinance Book DD page 497)

AN ORDINANCE 24,335

APPROPRIATING THE SUM OF \$22,500.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS AS THE AWARD IN CONDEMNATION CAUSE NO. 48,673 (MARTHA G. MAUERMANN)

(Full text in Ordinance Book DD page 498)

AN ORDINANCE 24,336

AMENDING AN ORDINANCE APPROVING THE LOCATION OF STORM DRAINAGE PROJECT NO. 69 FROM STONEWALL AVENUE TO A POINT SOUTHEAST OF THE INTERSECTION OF VESTAL AND CHAUCER STREETS

(Full text in Ordinance Book DD page 498)

January 31, 1957

AN ORDINANCE 24,337

ACCEPTING A DEED FROM HORACE A. WHITE AND WIFE, LAURA G. WHITE, CONVEYING TO THE CITY OF SAN ANTONIO LOT 25, A RESUBDIVISION OF LOTS 5 AND 24, BLOCK 113, NEW CITY BLOCK 9383, SAN JOSE TOWNSITE FOR PROJECT NO. 68, AND APPROPRIATING THE SUM OF \$5,500.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 498)

AN ORDINANCE 24,338

ACCEPTING A DEED FROM BLANCHE PRICE ALLISON, AND HUSBAND, CARROLL ALLISON, CONVEYING TO THE CITY OF SAN ANTONIO LOT 503, BLOCK 9, NEW CITY BLOCK 7914, FOR PROJECT 68 AND APPROPRIATING THE SUM OF \$150.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 499)

AN ORDINANCE 24,339

ACCEPTING A DEED FROM MARGARET E. HUNT, A FEME SOLE, CONVEYING TO THE CITY OF SAN ANTONIO THE WEST 61.5 FEET OF LOT 8, BLOCK 73, NEW CITY BLOCK 9337, FOR PROJECT 68, AND APPROPRIATING THE SUM OF \$2,000.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 499)

AN ORDINANCE 24,340

ACCEPTING A DEED FROM CLINTON A. MONTGOMERY AND WIFE, ELENORA MONTGOMERY, CONVEYING TO THE CITY OF SAN ANTONIO LOT 23, BLOCK 113, NEW CITY BLOCK 9383, FOR PROJECT 68, AND APPROPRIATING THE SUM OF \$5,500.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 499)

AN ORDINANCE 24,341

ACCEPTING A DEED FROM NORBY B. ROLEY JOINED WITH WIFE, NELLIE ROLEY, CONVEYING TO THE CITY OF SAN ANTONIO LOT 17, PREVIOUSLY LOT 13, BLOCK 68, NEW CITY BLOCK 9350, FOR PROJECT 68, AND APPROPRIATING THE SUM OF \$7500.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 500)

AN ORDINANCE 24,342

ACCEPTING A DEED FROM J. W. WARD AND WIFE, DEMA WARD, CONVEYING TO THE CITY OF SAN ANTONIO LOT 7, BLOCK 73, NEW CITY BLOCK 9337, FOR PROJECT 68, AND APPROPRIATING THE SUM OF \$6,000.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 500)

AN ORDINANCE 24,343

ACCEPTING A DEED FROM MRS. DOVIE SANDERS, A WIDOW, CONVEYING TO THE CITY OF SAN ANTONIO LOT 18, BLOCK 98, NEW CITY BLOCK 9368, FOR PROJECT 68, AND APPROPRIATING THE SUM OF \$1750.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 501)

AN ORDINANCE 24,344

APPROPRIATING THE SUM OF \$400.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, AS THE AWARD IN CONDEMNATION CAUSE NO. 48,670 (MARTHA G. MAUERMANN)

(Full text in Ordinance Book DD page 501)

*Amended
2/22/58
Ord # 240-39*

AN ORDINANCE 24,345

APPROPRIATING THE SUM OF \$1750.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS AS THE AWARD IN CONDEMNATION CAUSE NO. 48,671 (HENRY A. PERRY, ET AL)

(Full text in Ordinance Book DD page 501)

AN ORDINANCE 24,346

APPROPRIATING THE SUM OF \$2,200.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS AS THE AWARD IN CONDEMNATION CAUSE NO. 48,672 (EMMIE MAUERMANN)

(Full text in Ordinance Book DD page 502)

AN ORDINANCE 24,347

ACCEPTING AN EASEMENT FOR SANITARY SEWER EXTENSION ACROSS A PORTION OF LOT B, BLOCK 9, NEW CITY BLOCK NO. 8672 TO THE CITY OF SAN ANTONIO FROM GREGORIO HERNANDEZ AND WIFE, CARMEN HERNANDEZ, AND APPROPRIATING THE SUM OF \$1.00 TO PAY FOR SAME

(Full text in Ordinance Book DD page 502)

AN ORDINANCE 24,348

APPROPRIATING THE SUM OF \$200.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS AS THE AWARD IN CONDEMNATION CAUSE NO. 48,674, MARTHA G. MAUERMANN, ETAL

(Full text in Ordinance Book DD page 502)

AN ORDINANCE 24,349

APPROPRIATING THE ADDITIONAL SUM OF \$19,540.00 TO SATISFY THE AMOUNT OF JUDGMENT IN CONDEMNATION CAUSE NO. 44,841, CITY OF SAN ANTONIO VS. SAM H. SCHAEFER, ET AL

(Full text in Ordinance Book DD page 503)

AN ORDINANCE 24,350

AN ORDINANCE TO USE THE CITY SANITARY SEWERS BY A CONNECTION OUTSIDE OF THE CITY LIMITS ON THE PETITION OF THE CITY OF SAN ANTONIO THROUGH THE CITY PUBLIC SERVICE BOARD AT 108 RITTIMAN ROAD

(Full text in Ordinance Book DD page 503)

AN ORDINANCE 24,351

AMENDING ORDINANCE NO. 21,229 PASSED AND APPROVED MAY 12, 1955 TO CORRECT A CLERICAL ERROR IN LAND DESCRIPTION

(Full text in Ordinance Book DD page 504)

AN ORDINANCE 24,352

MAKING A LEASE CONTRACT WITH S. F. AUSTIN FOR A TRACT OF LAND BEING APPROXIMATELY 1.5 MILES NORTHWEST ALONG BANDERA ROAD FROM CALLAGHAN ROAD, TO BE USED AS A CITY DUMPING GROUND

(Full text in Ordinance Book DD page 504)

AN ORDINANCE 24,353

AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE SUM OF \$4.50 TO TOM RODRIGUEZ AS REFUND OF A PORTION OF THE FEE PAID FOR AN UNUSED BUILDING PERMIT

(Full text in Ordinance Book DD page 505)

January 31, 1957

A RESOLUTION

AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF AN EIGHT INCH SANITARY SEWER MAIN ON BASSE ROAD

AN ORDINANCE 24,354

ACCEPTING THE LOW BID OF COLGLAZIER CONSTRUCTION CO., IN THE AMOUNT OF \$21,453.07, FOR THE EDISON HIGH SCHOOL PAVING PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND APPROPRIATING FUNDS TO PAY FOR SAME.

(Full text in Ordinance Book DD page 505)

AN ORDINANCE 24,355

CREATING AND ESTABLISHING ADDITIONAL POSITIONS IN THE OFFICE OF THE CITY CLERK AND IN THE LAND DIVISION, DEPARTMENT OF PUBLIC WORKS

(Full text in Ordinance Book DD page 506)

AN ORDINANCE 24,356

TRANSFERRING THE AMOUNT OF \$14,136.00 FROM THE CONTINGENCY ACCOUNT OF THE GENERAL FUND, ACCOUNT NUMBER 51-01-01 TO THE PUBLIC UTILITIES, ACCOUNT NUMBER 20-01-01 FOR THE PURPOSE OF PROVIDING ADEQUATE FUNDS FOR THE CONTINUATION OF PUBLIC UTILITY CONSULTANT SERVICES

(Full text in Ordinance Book DD page 506)

AN ORDINANCE 24,357

TRANSFERRING THE AMOUNT OF \$3,000.00 FROM THE CONTINGENCY ACCOUNT OF THE GENERAL FUND ACCOUNT 51-01-01 TO THE PUBLIC HEALTH DEPARTMENT, ACCOUNT NUMBER 10-05-01 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CONSTRUCTION OF AN ADDITION AT THE ANIMAL SHELTER

(Full text in Ordinance Book DD page 506)

A RESOLUTION

GRANTING REVOCABLE PERMISSION TO ABUTTING OWNERS TO LANDSCAPE THE FIFTEEN FOOT STRIP ON CITY PROPERTY THAT ABUTS PRIVATE PROPERTY LINES ON THE EAST SIDE OF THE COMMERCIAL PROPERTY FRONTING TO SAN PEDRO AND BACKING TO THE SHEARER HILLS AREA

(Full text in Ordinance Book DD page --

AN ORDINANCE 24,358

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE CONTRACT WITH THE UNITED STATES OF AMERICA WHEREBY A TRACT OF LAND LOCATED ON THE NE CORNER OF SAN ANTONIO INTERNATIONAL AIRPORT IS LEASED TO THE UNITED STATES OF AMERICA AS A SITE FOR A REMOTE TRANSMITTER AT THE INTERNATIONAL AIRPORT TO BE OPERATED IN CONJUNCTION WITH THE RADAR SYSTEM BEING INSTALLED; AND DECLARING AN EMERGENCY

(Full text in Ordinance Book DD page 507)

AN ORDINANCE 24,359

APPROPRIATING THE SUM OF \$65.90 OUT OF THE GENERAL IMPROVEMENT BOND FUND, SERIES 1956, 479-04, TO PAY GUARDIAN ABSTRACT & TITLE CO., FOR COSTS INCURRED IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR FIRE STATION SITE

(Full text in Ordinance Book DD page 507)

AN ORDINANCE 24,360

APPROPRIATING THE SUM OF \$2296.95 OUT OF THE EXPRESSWAY RIGHT-OF-WAY BOND FUND NO. 478 TO PAY VARIOUS TITLE COMPANIES FOR CLOSING COSTS INCURRED IN CONNECTION WITH THE ACQUISITION OF EXPRESSWAY RIGHT OF WAY

(Full text in Ordinance Book DD page 507)

AN ORDINANCE 24,361

APPROPRIATING THE SUM OF \$108.45 OUT OF THE EXPRESSWAY RIGHT-OF-WAY BOND FUND, SERIES 1955, NO. 478-03, OVERPASS SECTION, TO PAY SECURITY TITLE CO. FOR TITLE COSTS INCURRED IN CONNECTION WITH ACQUISITION OF EXPRESSWAY RIGHT-OF-WAY FOR OVERPASS PURPOSES

(Full text in Ordinance Book DD page 508)

AN ORDINANCE 24,362

APPROPRIATING THE SUM OF \$3,102.15 OUT OF THE EXPRESSWAY RIGHT OF WAY BOND FUND, NO. 478-01, TO PAY THE CITY WATER BOARD FOR INSTALLATION OF SPRINKLER SYSTEM FOR EXPRESSWAY

(Full text in Ordinance Book DD page 508)

AN ORDINANCE 24,363

INCLUDING THE SALARY RANGE FOR DRAFTSMAN II FROM RANGE 11 TO RANGE 14

(Full text in Ordinance Book DD page 508)

AN ORDINANCE 24,364

GRANTING THE PETITIONS OF THE CONGREGATION BETH-EL, MADISON SQUARE PRESBYTERIAN CHURCH AND THE FRIENDSHIP BAPTIST CHURCH FOR EXEMPTION FROM CITY TAXES ON VARIOUS CHURCH PROPERTIES

(Full text in Ordinance Book DD page 509)

AN ORDINANCE 24,365

AUTHORIZING THE TAX ASSESSOR AND COLLECTOR TO CORRECT CERTAIN MECHANICAL AND CLERICAL ERRORS IN ASSESSMENTS APPEARING ON THE CITY TAX ROLLS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE TAX ERROR BOARD OF REVIEW SEE NAMES BELOW

(Full text in Ordinance Book DD page 509)

Alamo Home Builders

Alamo Poultry Company

Timoteo G. and Delfina Aldape

Julian G., Jr. and Sue Badillo

Thurman Barrett

C. L. Browning

Edgewood Independent School District

Jerome Epstein

Calla Lilly Haberkorn

John Hassler

Adolph Herrera

Melquides Lopez

Ben Nathan

Eulalio Rios

Robert Ross

George H. & Georgine Thomen

Antonia Truer

Rudolph and Lela Zuelecke

January 31, 1957

AN ORDINANCE 24,366

AUTHORIZING THE TAX ASSESSOR AND COLLECTOR TO CORRECT AND ADJUST CERTAIN ASSESSMENTS APPEARING ON THE CITY TAX ROLLS IN ACCORDANCE WITH THE RECOMMENDATION OF THE TAX ERROR BOARD OF REVIEW (SEE NAMES BELOW)

(Full text in Ordinance Book DD page 512)

Bexar Co. Bldg. & Development, Inc.

W. C. Buchanan

Champion Machine Co., Inc.

Eagle Furniture Co., Inc.

A. S. Bronson

A RESOLUTION

AUTHORIZING THE WATER WORKS BOARD OF TRUSTEES TO ENTER CERTAIN PROPERTY SITUATED IN FRANKLIN FIELDS (OLMOS BASIN) FOR THE PURPOSE OF MAKING SUCH TESTS, SURVEYS AND BORINGS AS MAY BE NECESSARY TO DETERMINE THE MOST SUITABLE LOCATION OF WELLS AND A PUMP STATION AND TO PLAN THE INSTALLATION THEREOF

(Full text in Ordinance Book DD page

The Mayor asked if there was any discussion. Mr. Charles Duke, representing Frank Robertson stated that he objected to the resolution because the Olmos Basin was acquired with bond fund for flood control purposes to which it was dedicated; that this property was acquired from Herff & Dittmar and he recited deed restriction; and, that the area was also dedicated as park property. He stated that he did not believe the Council has the legal authority to abandon this area. Mr. Joe Kenny, President of the Shearer Hill Association appeared and asked if abandonment of park property was included in the resolution. He was told that it was not being abandoned by this resolution but merely gave the Water Board authority to survey and find the best location for this project. He was told that the finished product would only take about one acre. Mr. S. X. Callahan, ex-president of the Shearer Hills Association stated he and others had been looking forward to the Olmos Park Sports Center and would like to preserve the property for parks. He said they would like to know exactly what the Water Board plans are.

Mr. Winton asked the Mayor, who is an ex-officio member of the Water Board, that after the Water Board has made their survey, ask them to come in and tell the Council what they plan to do. The Mayor stated he would ask it to report. On roll call the resolution was passed by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

The following ordinance was passed by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Kuykendall, Olivares, Daniels, San Martin; NAYS, None; ABSTAINING, Winton.

AN ORDINANCE 24,367

ACCEPTING THE ATTACHED LOW BIDS OF VENDORS AS LISTED TO FURNISH THE CITY OF SAN ANTONIO, VARIOUS DEPARTMENTS WITH CERTAIN MOTOR VEHICLES FOR A TOTAL OF \$60,599.81

(Full text in Ordinance Book DD page 513)

The following resolutions and ordinances were passed and approved as follows: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

A RESOLUTION

GIVING NOTICE OF A PUBLIC HEARING OF A PROPOSED AMENDMENT TO THE ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS, ETC., PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION DESCRIBED HEREIN: CASE NO. 793, LOTS 19 AND 20, BLOCK C, N.C.B. 8711 FROM "A" TEMP. RESIDENCE TO "H" LOCAL RETAIL DISTRICT - HEARING TO BE FEBRUARY 21, 1957

AN ORDINANCE 24,368

ACCEPTING CERTAIN BIDS FOR THE PURCHASE AND REMOVAL OF BUILDINGS LOCATED ON CITY-OWNED PROPERTY AND MAKING AND MANIFESTING A BILL OF SALE TO SUCCESSFUL BIDDERS; H. D. QUESADA, PARCEL 466; RAY SCOTT, PARCEL 2601

(Full text in Ordinance Book DD page 514)

AN ORDINANCE 24,369

ACCEPTING CERTAIN BIDS FOR THE PURCHASE AND REMOVAL OF BUILDINGS LOCATED ON CITY OWNED PROPERTY, AND MAKING AND MANIFESTING A BILL OF SALE TO SUCCESSFUL BIDDERS DORIS GUTZ, PARCEL 1010; ARTURO RAMIREZ, PARCEL 1528; MRS. MARIE KRALIK, PARCEL 2047; IGNACIO RAMIREZ, PARCEL 2305; TOMMIE D. KING, PARCEL 2306

(Full text in Ordinance Book DD page 515)

The following letter from the City Clerk was read:

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

Gentlemen:

The following petitions were received by this office and forwarded to the proper department for any necessary action.

- 1-23-57 Petition filed by William Rohlf, in behalf of property owners in Block 15, New City Block 9315, requesting the City to close an alley, was referred to the Planning Director.
- 1-25-57 Petition of West Side Lumber Company requesting refund of fee paid for unused building permit was referred to the Director of Housing and Inspections.
- 1-28-57 Petition of Fred W. Geyer, et al, requesting sidewalks on Mahncke Court was referred to the Director of Public Works.

Yours very truly,

J. Frank Gallagher
City Clerk

The City Clerk read the following report regarding petitions filed by Clyde Wantland.

Honorable Mayor and City Council Members
San Antonio, Texas

Gentlemen:

On January 25, 1957, a petition, purporting to contain 600 pages and 10,500 signatures and asking that an election be called to pass three suggested amendments to the City Charter, was filed in my office by Mr. Clyde Wantland.

I immediately took steps toward checking this petition as to the number and validity of the signatures thereon.

Before getting too far into the matter, certain questions arose in my mind concerning the Statutes and Charter provisions which would govern me in my checking and certification so I wrote the City Attorney as follows:

January 31, 1957

"On Friday, January 25, 1957, there was filed in this office by Clyde Wantland, who declares himself to be a qualified elector of the City of San Antonio, a petition said by him to contain 600 separate petition papers with the signatures of 10,500 electors of the City thereon, asking that an election be held to amend the City Charter in certain respects. A copy of the petition is attached hereto.

You will notice that the petition refers to Chapter 13, Articles 1166 and 1170 of the Revised Civil Statutes of Texas as authority for this petition.

I have begun work on the checking of this petition and before completion of this task I am obliged to call upon you for an opinion on several questions arising at the moment. First, let me state that I am checking this petition against the list of those who obtained poll tax receipts for the year 1955 which is the last compilation of voters made by the County Tax Collector. No later list will be available until late in March or April 1st.

- (1) Is this the proper list to check against.
- (2) In the event there are not enough valid signers on the petition to equal 10% of this list, would I then be obliged to advise the Council that the petition is insufficient.
- (3) If the petition, as presented, is insufficient can the petitioner make it sufficient by filing additional signatures.
- (4) You will note in the letter submitting the petition that Mr. Wantland refers to three corrections which he wishes made in the petition. In two places he wants to change the wording to read City Clerk where the word Mayor appears and in one place he wants to change the wording to read 1959 where 1957 appears. (I have discovered in Item 4, Paragraph 3 of the petition, two other places where the word Mayor should probably not have been used.) The question is, have I or anyone else the authority to change the wording of any part of this petition, and if not, does the wording submitted invalidate the petition.
- (5) In numerous cases, so far noted, the jurat of the notary public added to the signature of the circulator is made, but sworn statement is incomplete due to the failure of the circulator to fill in the blanks provided for the name and sex. The question is, does that invalidate the oath or is a sworn statement necessary under the law.
- (6) I have read the City Charter, Sec. 34 et seq. providing for the initiation of ordinances by petition of voters and I find the requirement for 10% of the voters to sign, calls for 10% of those eligible to vote at the time of the last City General Election. The use of this formula would lessen the requirements to make a petition sufficient due to the fact that the 1954 poll tax list is a great deal shorter than the 1955 list. The question is, could this formula be used in this case in view of the Statute referred to in the petition and heretofore in this memorandum.
- (7) If the answer to the above question is "yes", let me call your attention to the requirement that the signatures be made in ink or in indelible pencil. I have noticed that a great number of these petitions are signed in lead pencil. Would there be any authority for me to ignore the requirement for ink or indelible pencil in making my check for validity of the signatures.
- (8) If I should ignore this requirement, would I not be violating a Charter provision and thus invalidate any election held under a certification by me that the petition was sufficient.
- (9) If the formula for checking under the initiative clauses of the Charter should be used, then would opportunity to amend the petition by adding additional signatures be allowed in the face of the fact that no provision for additions is permitted in the Statute under which the election is prayed for.

I have been informed by the County Tax Collector that there are 125,610 qualified electors in the City of San Antonio."

In the meantime, I had an overall count made of the petition papers and of the number of signers without regard to their validity, and found that there are 602 pages to the petition and there are 10,102 signatures on these pages, without any deductions being made for duplications, or ineligible signers.

I have informed the City Attorney that from information received by me from the County Tax Collector I find that there are 125,610 qualified voters in the City.

The City Attorney informs me that on the basis of this figure the petition would of necessity require 12,561 valid signatures to permit me to certify that it is adequate to call for an election under the provision of Chapter 13, Articles 1166 and 1170 of the Revised Civil Statutes referred to in the petition.

I am, therefore, reporting to the Council that since the petition contains only 10,102 signatures of all descriptions, without regard to validity or duplications, it is insufficient.

I am notifying Mr. Wantland of this action by sending him a copy of this letter and am filing the petition in the archives of this office.

Respectfully,

J. Frank Gallagher
City Clerk

The Clerk then read the opinion of the City Attorney in answer to questions asked by the City Clerk.

To: City Clerk

From: City Attorney

Subject: Petition for Charter change Election

This opinion is in response to your written request for answers to you questions relating to the petition, filed with you by Mr. Clyde Wantland on January 25, 1957, asking for the calling of a Charter amendment election. The paragraphs of this opinion are numbered to coincide with the questions asked by you, except that a proper answer to Question No. 1 requires a consideration of Question No. 6.

1.

The petition, on its face, purports to be an exercise of the right granted by Articles 1166 and 1170, R.C.S., to petition for a charter amendment election.

Art. 1166 merely prescribes the procedure to be followed in calling and holding the election. In considering the sufficiency of the petition, only Art. 1170 is pertinent. This latter statute makes it the duty of the City Council to submit charter amendments to the electorate upon petition of "at least ten per cent of the qualified voters of said city." The only way to determine whether a person who has signed such a petition is a qualified voter is to check against available lists of qualified voters. Clearly, the check must be made with reference to a current list of voters. The statute does not refer to persons who may become eligible voters at some future time, nor does it contemplate the forced calling of an election upon petition of persons who were qualified voters last year but who are not qualified voters today.

According to information furnished by the Bexar County Tax Collector, there are now 125,610 qualified voters within the corporate limits of the City of San Antonio. Therefore, any petition filed under Art. 1170 must bear the signature of "at least" 12,561 qualified voters. Consequently, accepting Mr. Wantland's statement as to the number of signatures (10,500) as true, and assuming that each signature is that of a qualified voter and that there are no duplications, the petition is not that of "at least ten per cent of the qualified voters" of the City of San Antonio. The petition is, therefore, insufficient.

Your Question No. 6 refers to Sections 34 et seq. of the City Charter. These sections deal with the power of initiative and referendum. It is my opinion that these sections are not applicable to the petition under consideration. Insofar as initiative is concerned, the Charter requires that "initiative petition papers shall contain the full text of the proposed ordinance." Assuming, arguendo, that the Wantland petition could be construed to be an initiative petition, it would be insufficient since it does not contain the full text of the proposed ordinance.

The power of referendum is defined in Section 35 as the "power to approve or reject at the polls any ordinance passed by the council . . ." Clearly, only an ordinance "passed by the council" is subject to the power of referendum. The petition does not contemplate any such procedure. Clearly, it is not the intention of the signers that an ordinance calling the election should be submitted to the electorate for approval or rejection.

The inapplicability of the initiative and referendum sections is made patent by the provisions of Section 42, which contemplates that voters shall vote "for the ordinance" and "against the ordinance." (emphasis added)

It should also be pointed out that Section 163 of the Charter provides for amendment at any time "in accordance with the provisions of Chapter 13, Title 28 of the Revised Civil Statutes of Texas." This is a clear indication that the initiative and referendum provisions of the Charter were not intended to apply to Charter amendments. Art. 1170 is part of Chapter 13 of Title 28.

The conclusion must be reached that the sufficiency of the petition must be tested by the provisions of Art. 1170, R.C.S., and not by the provisions of Section 34 of the Charter. Therefore, the petition must be held to be insufficient.

2.

Since the petition does not bear the required number of signatures, you should advise the Council that the petition is insufficient.

3.

January 31, 1957

3.

The third question pertains to the filing of additional signatures. In the absence of statutory provision for the filing of supplemental petitions, you are under no duty to accept additional signatures. The petition procedure is analogous to the holding of an election. The filing of petitions is comparable to the closing of the polls. After the polls are closed, no person has the right to change his vote, and persons who have failed to vote while the polls were open have no right to vote after the polls have been closed.

In view of the answers given above, it is unnecessary to consider the other questions raised by you in your written memorandum.

Carlos C. Cadena
City Attorney

CCC:cms

He then read the following resolution which was passed and approved by the following vote: AYES, Friedrich, Baines, Passur, Crumrine, Winton, Kuykendall, Olivares, Daniels, San Martin; NAYS, None.

A RESOLUTION

DECLARING INSUFFICIENT A PETITION FOR
SUBMISSION OF CHARTER AMENDMENTS

(Full text in Ordinance Book DD page

The Mayor asked if anyone wished to be heard.

Mr. Clyde Wantland addressed the council and stated they were disappointed in that the petition was insufficient and asked that the Council explore other means of achieving what the petitioners had sought. He asked the council to submit the third amendment on its own motion. The Mayor stated the Council would be glad to take the matter under advisement.

A. J. Ploch, County Commissioner, complained about traffic islands placed on St. Hedwig and Hwy 90 which was hurting businesses because it made access too difficult. Mr. Stacy, owner of a filling station, explained the problem he is confronted with. Others in the neighborhood also were heard.

After discussion, the matter was referred to the City Manager to make a survey of the matter and report back to the Council.

January 31, 1957

There being no further business, the meeting adjourned.

APPROVED:

William Key Kendall
MAYOR

ATTEST:

J. H. [Signature]
City Clerk