

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, AUGUST 18, 1966 AT 8:30 A.M.

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

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66-1000 The invocation was given by Reverend Ralph Q. Adams, of the Northwest Christian Church.

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The minutes of the meeting of August 11, 1966 were approved.

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66-1001 First heard was Zoning Case No. 2691 to rezone Lot 12, NCB 12175 from "B" Residence District to "B-3" Business District and to rezone Lot 13, NCB 12175 from "B" Residence District to "I-1" Light Industry District.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed change as recommended by the Planning Commission.

Mr. Bill Worthy, attorney for the applicant, Missouri-Kansas-Texas Railroad, explained that his client had purchased this tract in 1954 and had planned to build a suburban Railroad station on it. However, due to the decline of passenger traffic, this project had been abandoned. The Railroad now has two prospective lessees for this property, subject to the rezoning.

Gulf Oil Company would build a Service Station on the corner and McDougal-Carnahan Company would lease the remainder of the tract for a warehouse.

Mr. Worthy showed pictures of the surrounding area and stated that this request for rezoning suits this property.

Mrs. Lotta M. Spell, Austin, Texas, owner of the adjacent forty-one acre tract, objected to the proposed rezoning. She said she had sold this property to the Railroad in 1954 on the belief that they would build a Passenger Station on it. Since they have abandoned this idea, she has offered to repurchase this property a number of times from the Railroad, but all her offers were rejected.

AUG 18 1966

Mrs. Spell further stated that a Service Station and warehouse would depreciate the value of her property and would hurt the residential area abutting her tract.

After further discussion by the Council, Dr. Parker made a motion to approve the recommendation of the Planning Commission and rezone the property. Seconded by Dr. Calderon, the motion failed by the following vote: AYES: Calderon and Parker; NAYS: McAllister, Jones, James, Cockrell and Bremer; ABSENT: Gatti and Trevino.

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66-1002 Next heard was zoning case 2772 to rezone Lot 148, NCB 11253 from "B" Residence District to "B-3" Business District.

Assistant Planning Director Burt Lawrence briefed the Council on the proposed change as recommended by the Planning Commission.

No one spoke in opposition to the change.

On motion made by Dr. Calderon, 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, Parker and Bremer; NAYS: None; ABSENT: Gatti and Trevino.

AN ORDINANCE 34,730

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 148, NCB 11253, FROM "B" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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66-1003 Last heard was zoning case no. 2789 to rezone Lot 14, Blk. 2, NCB 7837 from "J" Commercial and "D" Apartment Districts to "B-3" Business District.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on 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. Bremer, 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, Parker and Bremer; NAYS: None; ABSENT: Gatti and Trevino.

AN ORDINANCE 34,731

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 14, BLK. 2, NCB 7837 FROM "J" COMMERCIAL AND "D" APARTMENT DISTRICTS TO "B-3" BUSINESS DISTRICT.

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66-950 The Mayor now declared the hearing open on the appeal of Mr. Robert B. Cruz, Sr., from the decision of the City Solicitations Commission to deny Mr. Cruz a permit to solicit advertising for the Texas Peace Officer's Magazine. The Mayor informed all concerned that the Council had been furnished exhibits of the Commission's hearings and investigations.

Mr. Jack Leon, attorney for Mr. Cruz, stated the Commission's denial of a permit to Mr. Cruz to solicit advertising for the Texas Peace Officer's Magazine was a direct violation of, as well as contrary to, the First and Fourteenth Constitutional Amendments. Mr. Cruz has operated this business for several years and the Commission's refusal to issue a permit would take away his livelihood. Mr. Leon reviewed his applicant's unsuccessful attempts to receive a permit and his own attempts to receive a reason from the Commission for the denial of the permit. He requested the Council to either grant a permit to Mr. Cruz, or direct the Solicitations Commission to grant Mr. Cruz a hearing.

In answer to questions from members of the Council, Mr. Leon stated the Texas Police Officer's Organization had 1200 members and from 2000 to 5000 magazines were printed each issue.

Mr. J. Guerra, Chairman of the Solicitations Commission, stated the Commission did not want to deprive Mr. Cruz of his constitutional rights. In refusing to grant a solicitation permit, the Commission acted entirely on its own, after careful study of all the evidence. He then reviewed the proceedings from the time the application was filed to the present time.

In answer to questions from the Council, Mr. Guerra stated the Commission had considered Mr. Cruz's request at four different meetings, but did not know if Mr. Cruz knew this. Mr. Guerra further stated the Commission adhered to all provisions of the City Ordinance setting up the procedure for the Solicitations Commission to follow.

AUG 18 1968

Mr. George Bichsel, Chief of Police, stated the Police Department is the investigative arm for the City Solicitations Commission. He read a letter to the City Solicitations Commission in which he recommended denial of Mr. Cruz's request for a permit and giving reasons therefor.

Mr. Leon stated he felt the Commission should have given his client reasons for the denial. He further stated that if the Council did not see fit to either grant a permit to his client, or direct the Commission to grant him a hearing, his client would have no alternative but to take the matter to court and test the constitutionality of the City ordinance.

In conclusion, Mr. Leon read a letter from a former City Attorney who questioned the validity of the ordinance in this particular case.

After a lengthy discussion of the matter, Mr. James made a motion that the Council request the Solicitations Commission to grant Mr. Cruz a hearing. Seconded by Mr. Bremer; the motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell and Bremer; NAYS: Parker; ABSENT: Gatti and Trevino.

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66-966 At 10:00 A.M., the Mayor opened the public hearing on the proposed annexation of an 8.95 acre tract of land known as the A B C Rendering Plant property.

Planning Director Steve Taylor described the property being annexed.

The Mayor asked if any interested citizens wished to be heard.

There being no one asking to be heard on the matter, the Mayor declared the hearing closed and announced that the first reading of the annexation ordinance will be held on September 1st.

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66-883 At this time the Mayor recognized Mr. Robert Van Dyke, General Manager of the City Water Board.

Mr. Van Dyke presented a resolution of the City Water Board, passed on August 9, requesting the City Council to authorize by ordinance additional funds in the sum of \$6,000,000.00 for the improvement and extension of the Water Works System of the City of San Antonio.

He reported this action was the result of the request by the City Council to the City Water Board for a feasibility study on the construction of a Central Heating and Air-Conditioning Plant to service the Community Convention Center and HemisFair buildings during HemisFair and for the future. He reported that such a central plant is feasible, and the Council last month agreed that it would subsidize the plan up to the maximum of \$100,000.00 per year. He explained the construction cost estimate for the plan and reported that there is included a contingency reserve in the amount of \$1,049,535.00 to meet any unforeseen contingencies that may arise, and that this money will not be spent unless necessary. He felt the bonds will sell at close to four percent. The contingency reserve money will be placed on deposit and they are currently getting 4.1% interest and assured the Council it will not be an extra burden on the City Water Board. He added that if the money is not used, it will draw interest and in 1972, the bonds can be recalled and paid off by paying a 3% penalty.

He then presented four ordinances in connection with the bond issue which he asked the Council to act on.

The Clerk read the following ordinance.

66-883

AN ORDINANCE 34,732

AN ORDINANCE DIRECTING THE SALE OF  
WATER REVENUE BONDS (\$6,000,000.00  
CITY OF SAN ANTONIO WATER REVENUE  
BONDS, SERIES 1966. BIDS TO BE OPENED  
AT 10:00 A.M. SEPTEMBER 29, 1966.)

Mr. Bremer made a motion that the ordinance be passed as an emergency measure. The motion was seconded by Dr. Calderon. After due discussion, the motion, carrying with it the passage of the ordinance as an emergency measure, prevailed and carried by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Parker and Bremer; NAYS: None; ABSENT: Gatti and Trevino.

\* \* \*

The Clerk read the following ordinance.

66.883

AN ORDINANCE 34,733

AN ORDINANCE DIRECTING THE PUBLICATION  
OF NOTICE OF INTENTION TO ISSUE CITY OF  
SAN ANTONIO WATER REVENUE BONDS

Mr. Bremer made a motion that the ordinance be passed as an emergency measure. The motion was seconded by Dr. Calderon. After due discussion, the motion, carrying with it the passage of the ordinance as an emergency measure, prevailed and carried by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Parker and Bremer; NAYS: None; ABSENT: Gatti and Trevino.

AUG 18 1966

66-883 The Clerk read the following ordinance, which was explained by Mr. John Shields, Comptroller for the City Water Board.

## AN ORDINANCE 34,734

ACCEPTING THE PROPOSAL OF EMERSON AND COMPANY TO PERFORM CERTAIN SERVICES IN CONNECTION WITH THE SALE OF WATER REVENUE BONDS.

\* \* \*

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

66-883 The Clerk read the following ordinance, which was also explained by Mr. Shields.

## AN ORDINANCE 34,735

ACCEPTING THE PROPOSAL OF McCALL, PARKHURST AND HORTON TO ACT AS BOND COUNSEL IN CONNECTION WITH PROPOSED WATER REVENUE BONDS.

\* \* \*

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

66-1006 The following ordinances were explained by Mr. Bob Jamison, Acting Director of Aviation, and on motion of Dr. Calderon, seconded by Mr. James, were passed and approved by the following vote: AYES: McAllister, Calderon, James, Cockrell, Parker and Bremer; NAYS: None; ABSENT: Jones, Gatti and Trevino.

## AN ORDINANCE 34,736

MANIFESTING AN AGREEMENT WITH EASTERN AIR LINES, INC., TO AMEND PROVISION RELATING TO TICKET COUNTER SPACE BY DECREASING SAME EIGHTY SQUARE FEET.

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66-1006

AN ORDINANCE 34,736A

MANIFESTING AN AGREEMENT WITH TRANS-TEXAS AIRWAYS TO AMEND PROVISION OF LEASE RELATING TO TICKET COUNTER SPACE BY INCREASING SAME 80 SQUARE FEET.

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66-1000 Mayor McAllister was obliged to leave the meeting and on motion made and duly seconded, Councilman Bremer was appointed to preside over the meeting.

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

66-1007

AN ORDINANCE 34,737

MANIFESTING AN AGREEMENT TO EXTEND THE TERM OF A LEASE OF SPACE AT INTERNATIONAL AIRPORT TO AERONAUTICAL RADIO, INC.

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66-1008

AN ORDINANCE 34,738

MANIFESTING AN AGREEMENT TO EXTEND THE TERM OF A LEASE OF SPACE AT INTERNATIONAL AIRPORT TO WILLIAM STACKHOUSE & ASSOCIATES.

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66-1009

AN ORDINANCE 34,739

AUTHORIZING EXECUTION OF A LEASE OF SPACE AT INTERNATIONAL AIRPORT TO SWEARINGEN AIRCRAFT.

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66-1010

AN ORDINANCE 34,740

AUTHORIZING EXECUTION OF AN AGREEMENT AMENDING A LEASE OF SPACE AT INTERNATIONAL AIRPORT TO AMERICAN AIRLINES, INC.

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AUG 18 1966

559

66-1011

AN ORDINANCE 34,741

GRANTING PROPERTY OWNERS PERMISSION TO ERECT FENCES IN EXCESS OF 6' IN HEIGHT AT 207 MARQUETTE STREET, 5703 SAN PEDRO, 119 WINNETKA AND 819 AUGUSTA STREET AS APPROVED BY THE DIRECTOR OF HOUSING AND INSPECTIONS.

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66-1012

The following ordinance was explained by Purchasing Agent Al Tripp, and on motion of Dr. Parker, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: Calderon, Jones, James, Cockrell, Parker and Bremer; NAYS: None; ABSENT: McAllister, Gatti, and Trevino.

AN ORDINANCE 34,742

AUTHORIZING THE DIRECTOR OF FINANCE TO SELL A SPUR RAILROAD TRACK LOCATED AT THE INTERNATIONAL AIRPORT, SAN ANTONIO, TEXAS AND MAKING AND MANIFESTING A BILL OF SALE TO THE SUCCESSFUL BIDDER, WHITE'S MINES.

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66-1004

At this time Mayor McAllister called to order the scheduled public hearing before the City Council, jointly with the City's Planning Commission, in relation to the proposed amendments to the zoning ordinance (Chapter 42 of the City Code) of San Antonio to provide an additional district classification for aircraft noise districts; amending and adding provisions for zoning upon annexation; prescribing the districts in which retail sales of alcoholic beverages, automobile parts sales, fraternal clubs or lodges, optometry offices, neighborhood recreation facilities and completely enclosed warehousing are permitted uses; amending minimum yard requirements; prescribing regulations regarding construction under way in annexed area; amending the provisions relating to the relocation of houses; amending certain other provisions; defining certain terms; providing that any violation hereof shall be punished by fine not to exceed \$200; providing for severability; and declaring an emergency.

A quorum of the Planning Commission was present as follows: Paul Rose, Chairman, Douglas VanBuren, Ralph Dietert, Wilbur Fite, Jr., John W. Cary, and Mrs. Winfield Hamlin, members.

66-1004 Mr. Steve Taylor, Planning Director, presented copies of an ordinance outlining the proposed amendments to the zoning ordinance.

Chairman Paul Rose stated that the ordinance indicated those changes and revisions which the Planning Commission has recommended for adoption, in its final report to the Council. He asked that if there was disagreement on any of the changes, that the Planning Commission be given an opportunity to study them further. The Planning Director then read and explained Section 1 of the ordinance, which is as follows:

SECTION 1. Sec. 42-7 of the City Code is hereby amended by adding thereto the following definitions:

Fraternal clubs or lodges. A membership organization, excepting one whose chief activity is a service customarily carried on as a business and excluding on-premises sale and/or consumption of alcoholic beverages, in the "O-1" through "B-2" Districts. No retail sales of any nature shall be permitted in said districts. Such use shall be non-profit and leasing to other clubs, associations or individuals shall not be permitted.

Recreation facility, neighborhood. A swim or recreation facility, designed solely to serve a residential neighborhood, the use of which is limited to membership. Such use shall be non-profit and use by or leasing to, other clubs, associations, or individuals shall not be permitted, with or without compensation. This recreation facility shall not include such uses as fraternal lodges, or clubs, "bottle" clubs, party houses, or related private or semi-private organizations. Retail sales of any nature shall not be permitted in the "R-3" through "B-1" Districts.

\* \* \*

Mr. Richard Keoughan, representing the Richard Gill Company, spoke on the section pertaining to lodges and stated he was in agreement with the change except that he would like clarification of the last sentence so that they would know if they could lease a lodge to other affiliated clubs such as Demolay, Rainbow Girls, Eastern Star, or a brother lodge.

Mr. Jim Uptmore, President of the San Antonio Home Builders Association, spoke on the neighborhood recreation facilities. He said there are many membership organizations within the subdivisions such as swim clubs, scouts, garden clubs, etc., who would like to use or lease the buildings, and asked that the word "not" in the second sentence be deleted to allow the leasing to other clubs, associations, or individuals.

66-1004 Planning Director Steve Taylor then reviewed the second section of the ordinance which is as follows:

SECTION 2. Section 42-30 of the City Code is hereby amended to read as follows:

(a) Temporary zoning. All territory hereafter annexed to the City shall be classified as Temporary "R-1" - one-family residence district, in which only the uses permitted in permanent "R-1" shall be allowed. The Planning Commission shall, as soon as practicable after annexation of any territory to the City, institute proceedings on its own motion to give such newly annexed territory appropriate zoning classifications in harmony with the spirit of this chapter according to the rules and regulations established herein for changes in zoning classifications including all public hearings required in this chapter.

(b) Zoning in conjunction with annexation proceedings. The owner or owners of property being annexed to the City, may apply for zoning of said property on or after the date on which the City Council institutes annexation proceedings as referred to in Section 6 of Article 970a, V.A.C.S., ('first reading' ordinance, Sec. 3, Par. 2, of the City Charter). In connection with such proceedings, the provisions of the Texas Zoning Law (Art. 1011a through Art. 1011j and of this chapter concerning notice to adjacent property owners and by publication, public hearing or hearings and recommendation by the Planning and Zoning Commission shall be followed, and further, notices shall be mailed to those property owners, both inside and outside the corporate limits of the City of San Antonio, whose property is within 200 feet of the area in question.

\* \* \*

Mr. Uptmore stated the Home Builders were in complete agreement with these proposed changes which will give relief to problems they have had in the past.

The Planning Director then read and explained Section 3 of the ordinance as follows:

SECTION 3. Section 42-33 of the City Code is hereby amended by adding thereto the following provision.

(c) Incomplete construction in annexed areas. Construction may be completed on any building, legally under construction upon annexation by the City, subject to the provisions of this section, provided such construction shall be completed within two years from date of annexation.

SECTION 3. (c) continued

Before proceeding any further with the construction, alteration, or completion thereof, the owner, lessee, or any other person owning, controlling, constructing, supervising or directing such construction shall, within 15 days from the date of annexation, apply to the Director of Housing & Inspections for a permit to authorize further work on such building or structure stating the proposed use in such application and attaching thereto the plans and specifications relating to said construction.

If the required permit is refused, such construction work shall cease until necessary corrections are made. Action on the application for such permit shall be taken by the Director of Housing & Inspections within 15 days from the date of such application.

The Director of Housing & Inspections may issue permits for completion of such buildings as non-conforming structures for non-conforming uses pursuant to this section; provided, however, that he may deny such permit if he finds that the proposed construction will not meet the minimum requirements of the building, fire protection and minimum housing codes and other applicable ordinances of the City.

\* \* \*

Mr. Uptmore asked clarification of this section. He wanted to know if, upon annexation, construction on a building would have to stop immediately as stated in the first paragraph, or, at the end of 15 days from annexation when he must apply for a permit to authorize further work.

The Planning Director then read and explained Section 4 of the ordinance, which is as follows:

SECTION 4. Sec. 42-45.7 (c) of the Code is hereby amended by deleting therefrom Par. (4) and Sec. 42-82 (c) is amended by deleting therefrom Par. (1), both provisions relating to relocation of buildings in excess of 10 years of age.

There were no objections to these proposed deletions.

Sections 5 and 6 of the ordinance were then read and explained by the Planning Director and are as follows.

SECTION 5. Chapter 42, Article VI, of the City Code is hereby amended by adding thereto the following:

## SECTION 5 (continued)

Division 3A. Description and purpose of "N-1" Aircraft Noise Districts. "N-1" Aircraft Noise Districts.

## Section 42-77.1 Aircraft Noise Districts

These districts are composed of land in the proximity of airports where aircraft operations are the source of noise and potential accidents and at the same time are very essential to the City and the Nation. In these areas there may be land and structures used, or suitable for all of the uses listed in the above districts; however, some uses that would otherwise be permitted in the above listed districts are expressly prohibited and some uses otherwise permitted in those districts are permitted only with additional restrictions.

The purpose of this designation "Aircraft Noise District" is two-fold: to insure the public safety and to promote the economic welfare of the community and the national defense as well, first by protecting the public from disturbances from aircraft noise, especially jet noise, and potential accidents including falling aircraft or other objects, and secondly, by preventing encroachment of efficient use and orderly growth of military and municipal airports by densely populated developments. To accomplish these ends of public safety and economic welfare it is the intent here to limit land uses within the Airport Noise Districts to the extent possible consistent with constitutional guarantees to industrial, commercial, agricultural, recreational and restricted residential uses which are not densely populated. It is not intended hereby to take or damage any property rights and the usual safeguards of variances and exceptions which are a part of this code should be reasonably and equitably applied to that end.

SECTION 6. Chapter 42 of the City Code is hereby amended by adding thereto the following provision:

Section 42-79.1. Additional Requirements in the "N-1" Aircraft Noise Districts.

Land located within the boundary of the "N-1" Aircraft Noise Districts will be designated also as being within one of the districts listed above in Section 42-67 through 42-77. Except as follows, the uses permitted will be those permitted in the particular district (Residence, Business, or Industry) in which the land is located, subject to all requirements of this chapter for that particular use and district. In addition, some uses that would otherwise be permitted in the district in which the land is located will be expressly prohibited when that property is located also in the "N-1" Aircraft Noise District. Other uses otherwise permitted in one of those districts (42-67 through 42-77) will be permitted in the "N-1" Aircraft Noise District but only with restrictions in addition to those ordinarily imposed.

SECTION 6 (continued)

The uses expressly prohibited in the "N-1" Aircraft Noise District are as follows:

- Apartment Hotel
- College fraternity or sorority house
- Dwelling (multiple-family)
- Hospital or sanitarium
- Hotel
- Mobile home residence parks
- Motel
- Nursing Home (private)
- Rooming house or boarding house
- Schools, elementary
- Schools, secondary
- Tourist home
- Trailer courts
- University or college

Expressly prohibited also in the "N-1" Aircraft Noise District are any of those uses not specifically listed in Section 42-80, Table of Permitted Uses, which are living quarters for three or more families or living quarters for six or more unrelated individuals.

The following uses are permitted only when located on a site which is not less than five acres in area:

- Dwelling (one-family)
- Dwelling (two-family)

\* \* \*

Mr. Paul Green, attorney representing Science City Development Corporation, owners of land at Callahan Road and Culebra Road, stated his clients plan to use this property for residential use. He objected to the noise zone as a classification as he felt it will be an abuse of the City's police powers. He said this proposed action was requested by the military in order to protect Kelly Field. He felt it was a legitimate interest on the part of the City, but not at the expense of private property rights. He cited a case in Pennsylvania where the Supreme Court struck down a provision based on density such as the five acres requirement for one and two family dwellings in the proposed ordinance.

He said they were dealing with an area not yet developed and people cannot complain if they move into such a noise zone. He said this will be taken care of by no demand for housing if the noise is so bad. He advised the Council that by this action, the property value of his clients will be reduced by fifty percent.

He added that unless they are compensated for it, there will in all probability be litigation.

The Mayor informed Mr. Green and those present that the military has advised that jets are being built that will emit noise four times greater than present jets, and will of course, effect a greater area.

It was brought out that by establishing this zoning district, no property was being rezoned into it, and each property would be zoned in accordance with its merits upon application for rezoning. It was also brought out that the ordinance does not establish lines for the noise area.

Mr. Green stated that his clients property is located within the delineation area for the noise classification, and asked that the area be delineated as soon as possible so that it may be taken into consideration when people buy property in the area.

The Planning Director then read and explained Section 7 of the ordinance.

SECTION 7. Section 42-80 of the City Code (Table of Permitted Uses) is hereby amended by adding thereto the following permitted uses in the districts shown:

Alcoholic beverages, retail sales, (No on-premises consumption in the "B-2" District.): Permitted in "B-2" through "I-2" Districts.

Automobile parts sales (completely enclosed, excluding wrecking or dismantling of any type of junk or salvage operations): Permitted in "B-3" through "I-2" Districts.

Fraternal clubs or lodges: Permitted in "O-1" through "B-4" Districts. (No on-premises sale and/or consumption of alcoholic beverages permitted in "O-1" through "B-2" Districts.)

Optometry offices: Permitted in "O-1" through "B-4" Districts.

Recreation facility, neighborhood: Permitted in "R-3" through "B-3" Districts.

Warehousing (completely enclosed): Permitted in "B-4" through "I-2" Districts.

\* \* \*

There were no objections presented to these proposed changes.

AUG 18 1966

The Planning Director then read and explained Section 8 of the ordinance.

SECTION 8. Sec. 42-87 of the City Code is hereby amended by adding thereto the following provision:

(h) <sup>YARD TO ADD</sup> Yard area for irregularly-shaped lots. The "width of the sideyard" is the mean horizontal distance between a side wall of a building and the side line of the lot or to the center line of any alley adjacent to such side lot line.

\* \* \*

Mr. Jim Uptmore stated that the Code requires that a property have a rear yard as well, and that a provision be made to define it for this section of the ordinance.

After everyone interested in the proposed changes was given an opportunity to speak, the Planning Commission was asked to meet with the interested parties who had spoken concerning certain changes and to come back and report to the Council.

After having met with the interested parties, Chairman Paul Rose reported to the Council and made the following recommendations which are as follows;

That the first paragraph of Section one of the ordinance concerning Fraternal Clubs or Lodges, be adopted as written. This was agreed to by Mr. Keoughan.

That the second paragraph of Section one of the ordinance concerning Recreation Facility, Neighborhood, be deleted from the ordinance, and will be considered again by the Planning Commission and resubmitted at a future time.

That Section 2 of the ordinance be adopted as submitted.

That the first paragraph of Section three be changed by deleting from the last sentence the words "before proceeding any further with the construction, alteration, or completion thereof," and at the end of the sentence add the words, "alteration or completion thereof."

That no changes be made in Sections 4, 5, 6 and 7 of the ordinance as submitted.

That Section 8 be changed to add, after the word "sideyard", the following, "and rear yard".

After discussion, the Council concurred in the recommended changes to the ordinance, and they were incorporated therein.

66-1004

The Clerk read the ordinance as follows:

## AN ORDINANCE 34,743

AMENDING THE ZONING ORDINANCE (CHAPTER 42 OF THE CITY CODE) OF SAN ANTONIO TO PROVIDE AN ADDITIONAL DISTRICT CLASSIFICATION FOR AIRCRAFT NOISE DISTRICTS; AMENDING AND ADDING PROVISIONS FOR ZONING UPON ANNEXATION; PRESCRIBING THE DISTRICTS IN WHICH RETAIL SALES OF ALCOHOLIC BEVERAGES, AUTOMOBILE PARTS SALES, FRATERNAL CLUBS OR LODGES, OPTOMETRY OFFICES AND COMPLETELY ENCLOSED WAREHOUSING ARE PERMITTED USES; AMENDING MINIMUM YARD REQUIREMENTS; PRESCRIBING REGULATIONS REGARDING CONSTRUCTION UNDER WAY IN ANNEXED AREAS; AMENDING THE PROVISIONS RELATING TO THE RELOCATION OF HOUSES; AMENDING CERTAIN OTHER PROVISIONS; DEFINING CERTAIN TERMS; PROVIDING THAT ANY VIOLATION HEREOF SHALL BE PUNISHED BY FINE NOT TO EXCEED \$200; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \*

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

66-1000 Mrs. Robert Hangen presented a petition signed by residents of the Forest Oak Area petitioning the Council to save trees which have been declared a traffic hazard and scheduled to be cut down. The trees are located on Forest Oak Drive and Valley View Lane.

Assistant City Manager Jerry Henckel advised the Council that the Traffic Department had declared the trees to be a hazard but the order to cut the trees down was stopped when the petition was filed.

City Attorney Sam Wolf stated that the City is on notice of liability and the City would be liable if someone were to plow into the trees without negligence.

Mrs. Mary Wright, Vice President of the San Antonio Conservation Society, as well as Mrs. Hangen, felt the solution would be to make the speed limit in this area twenty miles per hour, rather than the present thirty miles per hour.

AUG 18 1966

66-1000 Traffic Director, Stewart Fischer, reported that within the last year there was an accident on the Lockhill-Selma Road in which a girl was killed and a young boy seriously injured when they ran into a tree located in the street.

The Mayor advised Mrs. Hangen that the Council will have to use its best judgment on the matter, and he personally would reluctantly favor the chopping of the trees. However, if a way can be found to eliminate the City's liability, the trees would be saved.

At the suggestion of Mrs. Cockrell, the City Attorney was asked to investigate the matter further and report to the Council as soon as possible.

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After a short recess, the meeting reconvened.

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66-1013 The following ordinance was read by the Clerk.

AN ORDINANCE 34,744

AUTHORIZING PURCHASE OF .820 ACRES OF LAND OUT OF NEW CITY BLOCK 693 AND PROPOSED BLOCK 3, NEW CITY BLOCK 13,814, LOCATED IN CIVIC CENTER URBAN RENEWAL PROJECT FROM THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO FOR A TOTAL CONSIDERATION OF \$20,848.11, APPROPRIATING FUNDS THEREFOR, AND AUTHORIZING PAYMENT OF SAME OUT OF SPECIAL PROJECT ACCOUNT 11-11-01, FUND 1-01, AND ALSO AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT PERTAINING TO SAID PROPERTY.

\* \* \*

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

- - -  
66-831 The Clerk read the following ordinance.

AN ORDINANCE 34,745

AUTHORIZING THE EXECUTION OF A LEASE TO SAN ANTONIO TOWER CORPORATION OF THE SITE FOR THE TOWER OF THE AMERICAS

\* \* \*

AUG 18 1966

66-831 After consideration, on motion of Dr. Calderon, seconded by Mr. Jones, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Parker and Bremer; NAYS: None; ABSENT: Gatti and Trevino.

\* \* \*

66-831 The following resolution was read by the Clerk.

## A RESOLUTION

APPROVING THE MORTGAGE BONDS AND BOND  
INDENTURE OF SAN ANTONIO TOWER CORPORATION

\* \* \*

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the Indenture of Mortgage and Deed of Trust dated June 1, 1966, executed by San Antonio Tower Corporation securing \$6,500,000 of bonds constituting the sole obligation of said Tower Corporation and payable out of revenues from the tower structure, and the Bonds described therein, which have heretofore been adopted and approved by resolution of the Board of Trustees of the San Antonio Tower Corporation, are hereby approved by the City Council in accordance with the Plan for the financing and erection of the Tower by said non profit corporation.

PASSED AND APPROVED this 18th day of August, 1966.

/s/ W. W. McALLISTER  
Mayor

ATTEST: /s/ J. H. INSELMANN  
City Clerk

APPROVED AS TO FORM: /s/ SAM S. WOLF  
City Attorney

\* \* \*

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

\* \* \*

66-831

The Clerk read the following ordinance.

AN ORDINANCE 34,746

OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO APPROVING THE AMENDED URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR CIVIC CENTER PROJECT, NO. TEX R-83.

\* \* \*

The amended Urban Renewal Plan which expands the project area for the purpose of extending LaVillita, two blocks to the South, and on which a public hearing was held on August 4, 1966, was duly discussed and considered.

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

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66-1000 Dr. Parker advised the Council that one of the Driving Range Concessions is coming up for renewal. Because of criticism, he asked that a committee of the Council be appointed to meet with the staff to resolve some of the problems.

The Mayor appointed Dr. Parker and Mr. Gatti as a committee to look into the matter and make a report to the Council.

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66-1000 Dr. Parker then brought up the subject of sawdust in meat markets, which is prohibited by ordinance. He said the attorney for the butchers was of the opinion that there was going to be a committee of the Council appointed to look into the matter further.

Dr. Parker was advised that this had been taken care of by the Council while he was on vacation and that all meat markets and butcher shops have complied with the ordinance except two.

\* \* \*

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571

66-1000

The Clerk read the following letter.

August 18, 1966

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

Gentlemen and Madam:

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

8-15-66      Petition of Miss Sally Sammons, Miss Sandra Kruciak  
and others, requesting the City Council for a swimming  
pool in the Dellcrest Houston Terrace area.

Sincerely,

/s/ J. H. INSELMANN  
City Clerk

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

\* \* \*

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A P P R O V E D :

*Mr. Maister*  
M A Y O R

ATTEST:

*J. H. Inselmann*  
City Clerk

AUG 18 1966