

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 7, 1964, 8:30 A.M.

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The regular meeting of the City Council convened with the following members present:
McALLISTER, DE LA GARZA, JONES, KAUFMAN, COCKRELL, GATTI, PADILLA, PARKER and BREMER; ABSENT:
None.

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The invocation was given by Councilwoman, Mrs. S. E. Cockrell, Jr.

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Minutes of the previous meeting were approved.

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Mayor McAllister recognized ladies of the various hospital auxiliaries who were present at the Council meeting. He stated that he had proclaimed Monday, May 11th, as Pinafore Day to recognize the volunteer work which they do in hospitals. He stated San Antonio was fortunate to have people who are willing to take the time and effort to help others.

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First item of business was the scheduled hearing on Zoning Case No. 2035, to rezone that portion of Lot 24, NCB 12912, inside the City of San Antonio, located southeast of the intersection of Rigsby Avenue (U. S. Highway 87) and I. H. 410, from temporary "A" Residence District to "F" Local Retail District.

Planning Director Steve Taylor explained the proposed change in zoning which was recommended by the Planning Commission. No one spoke in opposition to the change.

On motion of Mr. de la Garza, seconded by Mr. Kaufman, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: None.

AN ORDINANCE 32,284

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THAT PORTION OF LOT 24, NCB 12912, INSIDE THE CITY OF SAN ANTONIO, FROM TEMPORARY "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Mayor McAllister recognized Mr. Alvin Berger, a representative of the Texas Research Association, a voluntarily supported organization which investigates various phases of operations at the State level.

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During the temporary absence of Mayor McAllister, Mayor Pro-Tem John Gatti presided over the meeting.

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Nexr heard was Zoning Case No. 2099, to rezonẽ that portion of Lot 62, Blk 6, NCB 8673, not presently zoned "F" Local Retail, located southeast of the intersection of Jones

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Maltsberger Road and I. H. 410, from "A" Residence District to "F" Local Retail District.

Planning Director Steve Taylor explained the proposed change which was recommended by the Planning Commission. No one spoke in opposition.

On motion of Dr. Parker, seconded by Mr. de la Garza, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 32,285

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THAT PORTION OF LOT 62, BLK 6, NCB 8673, NOT PRESENTLY ZONED "F" LOCAL RETAIL, FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Next heard was Zoning Case No. 2123, to rezone Lot 12, NCB 10594, located on the east side of North W. W. White Road, 755' south of Seale Road, from "F" Local Retail District to "JJ" Commercial District.

Planning Director Steve Taylor explained the proposed change which was recommended by the Planning Commission. No one spoke in opposition to the proposed change.

On motion of Mr. de la Garza, seconded by Mr. Kaufman, the recommendation of the Planning Commission was approved by passage of the following ordinance, by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 32,286

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 12, NCB 10594 FROM "F" LOCAL RETAIL DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Next heard was Zoning Case No. 1987, to rezone Lot 4, NCB 13500, located on the north side of I. H. 410 (Zercher Road) 226.98' east of Post Oak Lane, from "A" Residence District to "D" Apartment District; and Lot 5, NCB 13500, located on the north side of I. H. 410 (Zercher Road 326.98' east of Post Oak Lane from "A" Residence District to "F" Local Retail District.

The Planning Director explained the proposed change which was recommended by the Planning Commission. No one spoke in opposition to the proposed change.

On motion of Mr. Bremer, seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: de la Garza, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 32,287

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 13500, FROM "A" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT, AND LOT 5, NCB 13500 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Next heard was Zoning Case No. 2109, to rezone Lot 1, Blk 24, NCB 13668, which forms the corner east of the intersection of Kenny Road and I. H. 10 Expressway from "A" Residence District to "F" Local Retail District.

Planning Director Steve Taylor explained the proposed change which carried the recommendation of the Planning Commission, however, a protest petition had been filed by Straduer Nelson and it would require seven affirmative votes to rezone the property.

Mr. Bob Nelson, representing Development Planning Associates, Inc., stated that the property was to be used for a Texaco filling station. The requested change of zone was for part of the property they are developing in the area as a shopping center, townhouse, and apartments, and was in accordance with the master plan for the area. He said they were only requesting this one change at this time because the Planning Commission asked that they not request rezoning on the whole property until various phases of development have been made. He asked the Council to approve the recommendation of the Planning Commission and grant the rezoning.

Mr. Walter Gray, attorney representing Strauder Nelson, spoke in opposition to the change. He described the property owned by Mr. Nelson which originally was planned for a country estate and told how the freeway had divided the property. He said the property across the street on Kenney Road is to be developed by Mr. Schriener Nelson for a residential area. He opposed the rezoning because the area was building up as a residential area. The intersection of Kenney Road and I. H. 10 will become a high density traffic intersection and such rezoning would constitute spot zoning. He felt there had not been adequate planning concerning high density traffic and felt that to allow the change at this time would be premature.

Mr. J. E. Kendall, 8902 Kenney Road, also protested the change. He stated they had just completed their sanctuary and administrative offices for a church, and have long range plans for construction and improvements on 8½ acres.

After discussion of the matter, Case No. 2109 was referred back to the Planning Commission for a recommendation on the overall plan for rezoning of property owned by the applicant bounded by the Expressway, Kenney Road, Pinebrook and Briargate Drive.

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Next case heard was Case No. 2126, to rezone Lot 10, Blk 10, NCB 11851, located northwest of the intersection of Dove Haven Lane and Harry Wurzburg Highway, from "E" Office District to "F" Local Retail District.

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

Mr. H. Gordon Davis, Attorney for the applicant, John L. Hendry III, explained the desired change in zone was necessary in order to build a small shopping center which would be of service to the neighborhood. It was planned to use the existing apartments as a buffer to the residents on the west side of this tract. Mr. Davis stated that the church on the north had no objection and that the south boundary abutted a vacant lot which could not be used for

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residences since it was approximately 30 feet higher than the surrounding land. The owner of this lot did not oppose the request for change in zone as long as his client would not build a filling station on it. They invested approximately \$2,000,000 in the 128 unit apartments adjoining this property. His client has already erected a 6' solid wood fence as a screen around the apartments. Mr. Davis further stated they did not have any opposition within the 200' area. He presented a petition with the signatures of over 48 individuals who were in favor of the shopping center. Mr. Davis asked the Council to approve the request in zoning which was recommended by the Planning Commission as well as the Planning Department Staff. Mr. Davis presented the signed petitions and displayed pictures of the proposed shopping center and the adjoining apartments.

Mr. Bob Merritt, associated with Mr. Hendry, the applicant, stated Mr. Hendry had built only 128 units on his tract rather than 160 units as allowed by zoning regulations in order to provide more than adequate parking and relieve congestion on the streets. Mr. Merritt also stated the Shopping Center was necessary for service to the tenants of the 128 unit apartments and surrounding residential area.

Mr. Hendry, owner of the subject tract and applicant, stated he has over \$2,000,000 invested in the apartment project and would build a shopping center in keeping with the neighborhood.

Mr. Hein, 3215 Northridge, opposed the change in zone and stated two petitions had been turned over to the City Clerk; one was signed by 107 property owners in the immediate area and the other petition signed by 143 property owners recommending that since the Library Master Plan includes a library for the Northeast area, the City should buy this tract for a new library instead of rezoning it for a shopping center. Mr. Hein stated homes in this neighborhood have already decreased in value due to the apartments and will further decrease in value due to the proposed shopping center. The 6' fence is not sufficient to block the apartments. If "F" is granted any number of objectionable businesses could operate to the detriment of the neighborhood.

Also speaking in opposition were Col. and Mrs. James Donahue, 3218 Oakleaf, Mr. Bob Reed, 3231 Oakleaf; Mrs. Jean McCormick, 7527 Robin Rest; Mrs. Carlisle, 7523 Robin Rest; Mr. John Lukeman, 3206 Oakleaf; and Dr. David Eton, 3222 Oakleaf.

Rebuttals were made by the proponents and opponents and after discussion by the Council Mr. Gatti made a motion that the recommendation of the Planning Commission to grant the change in zone be denied. Seconded by Mrs. Cockrell, the motion carried by the following vote: AYES: McAllister, Jones, Cockrell, Gatti, Padilla, Parker; NAYS: de la Garza, Kaufman, Bremer; ABSENT: None.

Next heard was Case No. 2136, to rezone Lot 6, NCB 3689, located on the south side of Saltillo Street, 191' west of Picoso Street, from "C" Residence District to "F" Local Retail District.

Planning Director Steve Taylor explained the proposed change which the Planning Commission recommended be denied by the City Council.

Miss Esperanza Olalez, representing the applicant, Esteban Olalez, stated they must move

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their shoe shop business from 1314 West Commerce Street between Leona and Frio Street, which is to be taken as part of an Urban Renewal Project. She explained their home was on Lot 5 and they planned to construct a building on Lot 6, which would be used for the shop.

After consideration of the request, Mr. de la Garza, moved that the recommendation of the Planning Commission be approved and the rezoning denied. Seconded by Mr. Jones, the motion carried by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Parker and Bremer; NAYS: Padilla; ABSENT: None.

Mr. Padilla explained that he voted against the motion only because Urban Renewal is displacing these people.

Next heard was Case No. 2117, to rezone Lot 16-C, NCB 8407, located on the north side of DeChantele Road, 374' southwest of the cut-off to Fredericksburg Road from "B" Residence District to "C" Residence District.

The Planning Director explained the proposed change which the Planning Commission recommended be denied by the City Council.

Mr. Alvin Levinson, owner of the Gibraltar Construction Company, and applicant in the case, explained he proposed to construct a 17 unit apartment building on the site. He showed a sketch and site-plan of the apartments. He read a letter from Mr. Geo. French, local appraiser, concerning the best use of the property and reviewed the land use of the surrounding area.

Mr. Claude Stroud, 159 DeChantele, owner of 4 acres adjacent to the property in question opposed the change but after discussion, withdrew his objections.

Discussion revealed that in apartment zoning classifications "D" Apartment zone was more restrictive than "C" Apartment. Since the Planning Commission did not make a recommendation on "D" Apartment, the City attorney ruled the Council could not consider a change to "D" Apartment.

After further discussion of the matter, Case No. 2117 was referred back to the Planning Commission for study and recommendation on "D" Apartment zone.

A public hearing having been held on April 23, 1964, at which time interested parties were afforded an opportunity to be heard on the annexation of Camelot Subdivision, the following ordinance was read for the first time by the Clerk:

AN ORDINANCE 32,288

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 72.638 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO (Camelot Subdivision).

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On motion of Mr. de la Garza, seconded by Mr. Bremer, the ordinance was passed and approved for publication only, by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, and Bremer; NAYS: None; ABSENT: Padilla and Parker.

Final reading and adoption of this ordinance was scheduled for June 11, 1964.

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The following ordinance was read and on motion of Mr. Bremer, seconded by Mr. de la Garza, was passed and approved by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, and Bremer; NAYS: None; ABSENT: Padilla and Parker.

AN ORDINANCE 32,289

AUTHORIZING A RELEASE OF A BROADWAY CURBING ASSESSMENT LIEN AGAINST CERTAIN PROPERTY OWNED BY EARL FULLER.

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The following ordinance was read by the Clerk:

AN ORDINANCE 32,290

CANCELLING THE OBLIGATIONS OF MARTIN BROTHERS GENERAL CONTRACTORS, INC., IN CONNECTION WITH THEIR BID FOR THE DEMOLITION OF THE FORMER CITY JAIL, POLICE BUILDING AND FIRE STATION UNDER CERTAIN TERMS AND CONDITIONS; FORFEITING THE BID BOND OF SAID CONTRACTORS, INC. REGARDING SUCH CANCELLATION; AND DIRECTING THE PURCHASING AGENT TO READVERTISE FOR BIDS FOR SAID DEMOLITION.

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Mr. Cosmo Guido, President of the San Antonio Chapter of the Associated General Contractors, informed the Council they had no objection to Martin Brothers withdrawing its bid and forfeiting its bond. He recommended that the Council take the second low bidder and award the job to him.

Mr. E. N. Dean, representing the Associated Sub-Contractors, stated his organization is formed for the purpose of correcting certain practices in the contracting industry. He felt that when a person makes a bid and makes an error, it was only fair to give it to the next successful bidder. He stated it costs money to make bids and suggested that when award is made other bids be held in abeyance until the contractor enters into a formal contract.

Mr. Geo. Luft, second low bidder spoke in behalf of his bid.

Assistant City Manager Henckel explained the ordinance relieves Martin Brothers of responsibility, forfeits his 5% bond of \$120 and he must post a \$5,000 bond to guarantee the City that he will pay the difference if the bids come in over \$12,150.

The suggestions made by the two associations were well taken but it was found that in this case the remaining bids were rejected by ordinance when the award was made to Martin Brothers, and they could not make an award to the second low bidder.

After further consideration, on motion of Mr. Kaufman, seconded by Mr. de la Garza, the ordinance was passed and approved by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Parker and Bremer; NAYS: None; ABSENT: Padilla.

Mrs. Cockrell presented a resolution providing for a public hearing on the question of fluoridation of the water supply to be held at McAllister Auditorium on June 4th at 10:00 A.M. She also stated that the Council Committee had met with opponents and proponents and set ground rules for the hearing, copies of which had been given to the Council for consideration.

Mr. de la Garza then moved the adoption of the following resolution and approval of the

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ground rules for the hearing. Seconded by Mr. Gatti, the motion carried by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Parker and Bremer; NAYS: None; ABSENT: Padilla.

A RESOLUTION

PROVIDING FOR A PUBLIC HEARING TO CONSIDER WHETHER THE PUBLIC WATER SUPPLY SHALL BE FLUORIDATED.

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Ground Rules for the hearing are filed with the original copy of the above resolution.

Mr. R. G. Dennehey, business agent for Local No. 60 Brotherhood of Electrical Workers, informed the Council that one of the City Inspectors had retired and of three journeymen who had applied for the job, the City had hired the one with least experience. He stated they were concerned because they felt this was a matter of public interest and suggested that competitive examinations be given for this type of position.

Mayor McAllister expressed appreciation for their point of view and the matter was taken under advisement.

Mr. Romulo Munguia spoke to the Council regarding his petition for permission to place a booklet published by him on the mobile tourist cart operated by the City.

City Manager Jack Shelley informed the Council he was still working on the request and would make a report to them in the near future.

Mr. Clayton Russell addressed the Council on various subjects and asked that a census of the City be taken.

After a short recess the meeting reconvened.

City Manager Shelley explained the following ordinances, and on motion made and duly seconded, were passed and approved by the following vote: AYES: McAllister, de la Garza, Jones, Kaufman, Cockrell, Gatti, Parker and Bremer; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 32,291

DESIGNATING THE BOUNDARIES OF 140.3 ACRES OF URBAN RENEWAL PROJECT V, TEX R-83 AS NEEDED FOR CONVENTION CENTER AND OTHER MUNICIPAL PURPOSES; AND TO SECURE CONCURRENCE FROM THE HOUSING AND HOME FINANCE AGENCY IN THE DESIGNATION OF THE BOUNDARIES OF SAID PROPOSED PROJECT; REQUESTING THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO TO RETAIN PROPERTIES WITHIN SAID AREA AND RESERVE SAME FOR THE USE OF THE GENERAL PUBLIC FOR MUNICIPAL PURPOSES; AND DIRECTING THE CITY CLERK TO FURNISH THE URBAN RENEWAL AGENCY WITH A COPY OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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AN ORDINANCE 32,292

APPROVING THE UNDERTAKING OF SURVEYS AND PLANS FOR URBAN RENEWAL PROJECT NO. 5 (CIVIC CENTER PROJECT) AND APPROVING THE SUBMISSION BY THE URBAN RENEWAL AGENCY OF

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THE CITY OF SAN ANTONIO OF A REVISED APPLICATION FOR AN ADVANCE OF FEDERAL FUNDS FOR SAID PURPOSE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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AN ORDINANCE 32,293

APPROVING THE LOCATION OF URBAN RENEWAL PROJECT V, TEX, R-83 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; REPEALING ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

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The Clerk read the following letter:

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

Gentlemen and Madam:

The following petitions were received and forwarded to the office of the City Manager for investigation and report to the City Council.

5-1-64 Petition filed by Romulo Munguia, publisher of "Los Esperamos En San Antonio," a commercial industrial and tourist publication, requesting permission to place said publication on the mobile tourist booth operated by the City.

5-4-64 Petition of H. B. Zachry Properties, Inc., requesting the City to annex Colonies North Subdivision - Tioga Colony.

5-4-64 Petition of Nona C. Duffey, requesting the City to resume regular pickup of garbage in the alley between the 1500 block of Mulberry and Agarita Streets, west of Fredericksburg Road.

Sincerely,

/s/ J. H. Inselmann
City Clerk

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Report on Petitions:

Petition of Nona C. Duffey, requesting the City to resume regular pick-up of garbage in the alley between the 1500 block of Mulberry and Agarita Streets, west of Fredericksburg Road.

The report is as follows: "There is a difference of elevation of approximately 20 feet between the east end of this alley and Fredericksburg Road. Egress and exit with Fredericksburg Road is, therefore, impossible. Until July, 1962, refuse collection in the alley was provided through the trucks entering the alley from the west, traveling to near the east end and crossing a private lot on Mulberry Street. At that time the owner of this lot asked that the trucks stop using it. Since July, 1962, all refuse collection in these blocks has been from the street.

Since trucks cannot drive from the alley to Fredericksburg Road, it would be impossible to resume alley collection of refuse."

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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 :

W. McEster
MAYOR

ATTEST:

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