

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 15, 1973.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor John Gatti, with the following members present: HABERMAN, HILL, BECKER, MENDOZA, CALDERON, PADILLA, GATTI; Absent: HILLIARD, NAYLOR.

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73-12 The invocation was given by Reverend David Edmunds, Little Church of La Villita.

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73-12 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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73-12 The minutes of the meeting of March 8, 1973, were approved.

73-12 ST. PATRICK'S DAY CELEBRATION

Mayor Gatti recognized Mr. Dan Davis, representing the Harp and Shamrock Society of San Antonio.

Mr. Davis introduced a visitor to San Antonio from Dublin, Ireland - Miss Pauline O'Brien who is to be Grand Marshal of the St. Patrick's Day parade on March 17. He also introduced Miss Patty Murphy, Irish Rose of Texas.

Following the introduction, Mr. Davis presented each Council member with a brochure from Ireland. He then invited the Council to participate in all of the St. Patrick's Day activities.

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73-12 Mayor Gatti recognized a government class and their teacher, Mrs. Oma Marshall, from Jefferson High School.

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73-12 Mayor Gatti was obliged to leave the meeting and Mayor Pro-Tem Haberman presided.

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73-12 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor, Gatti.

AN ORDINANCE 41,933

ACCEPTING THE LOW BID OF COMMERCIAL
BODY CORP. TO FURNISH THE CITY OF SAN
ANTONIO WITH UTILITY BODIES FOR A NET
TOTAL OF \$8,863.00.

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March 15, 1973
nsr

AN ORDINANCE 41,934

ACCEPTING THE LOW BIDS OF COMMERCIAL
BODY CORP. AND HOBBS TRAILERS TO FURNISH
THE CITY OF SAN ANTONIO WITH BODIES -
DUMP, STAKE & ACCESSORIES - FOR A NET TOTAL
OF \$73,553.10.

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73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,935

ACCEPTING THE LOW BID OF AUTOMATIC
SIGNAL DIVISION TO FURNISH THE CITY
OF SAN ANTONIO WITH TRAFFIC SIGNAL
CABLE FOR A NET TOTAL OF \$1,895.20.

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The Ordinance was explained by Mr. John Brooks, Director of Purchasing, who stated that 13 bids were received for 20,000 feet of cable. The specifications called for delivery of this item within 30 days. The low bid submitted by Econolite could not deliver within this time. The second low bid from Delco Wire and Cable Company had a mistake in the bid and could not deliver as required. The low qualified bid is Automatic Signal Division. He recommended passage of the Ordinance.

After consideration, on motion of Mr. Hill, seconded by Mr. Becker, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor, Gatti.

73-12 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor, Gatti.

AN ORDINANCE 41,936

AUTHORIZING THE PURCHASE OF TWO ADDITIONAL
PORTABLE SEWAGE TREATMENT PLANTS FROM CAN-
TEX INDUSTRIES FOR A TOTAL SUM OF \$52,000.00.

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AN ORDINANCE 41,937

AUTHORIZING RENEWAL OF SUBSCRIPTIONS
FOR THE SAN ANTONIO PUBLIC LIBRARY
FROM THE CARD DIVISION, LIBRARY OF
CONGRESS FOR A TOTAL AMOUNT OF \$1,950.00.

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March 15, 1973
nsr

73-12 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Becker, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla; NAYS: None; ABSTAIN: Mendoza; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,938

AUTHORIZING THE PURCHASE OF NATIONAL UNION CATALOGS FOR THE SAN ANTONIO PUBLIC LIBRARY FROM J. W. EDWARDS, INC. FOR A NET TOTAL OF \$2,780.00.

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73-12 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Assistant Director of Public Works, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,939

ACCEPTING THE LOW BID OF H. B. ZACHRY COMPANY FOR THE CONSTRUCTION OF GLENVIEW SUBDIVISION UNIT 3 OFF-SITE SEWER MAIN; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$48,692.04 OUT OF FUND 820-03 PAYABLE TO SAID CONTRACTOR, THE SUM OF \$2,336.51 PAYABLE TO BROWN ENGINEERING COMPANY FOR PROFESSIONAL SERVICES AND \$2,450.00 TO BE USED AS MISCELLANEOUS CONTINGENCIES OUT OF THE SAME FUND.

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73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,940

ACCEPTING THE LOW BID OF ACTION UTILITY COMPANY, INC. FOR CONSTRUCTION OF THE BLANCO ROAD SANITARY SEWER RELOCATION PROJECT; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$52,271.50 OUT OF STREET IMPROVEMENT BONDS PAYABLE TO SAID CONTRACTOR AND THE SUM OF \$2,615.00 TO BE USED AS A CONTINGENCY ACCOUNT.

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Mr. Mel Sueltenfuss, Assistant Director of Public Works, explained the Ordinance and stated that two bids were received for this project. The low bid was from Action Utility Company. He recommended the passage of the Ordinance.

After consideration, on motion of Mr. Calderon, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; Absent; Hilliard, Naylor, Gatti.

Mr. Becker asked Mr. Sueltenfuss how many invitations were sent out on the above bid.

Mr. Sueltenfuss stated that this type of project goes through the Builders' Exchange and Dodge Reports as well as being widely advertised. There is so much home building activity that no one wants to bid.

73-12 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon; NAYS: None; ABSTAIN: Padilla; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,941

AUTHORIZING PAYMENT OF THE SUM OF \$232,705.00, FOR ACQUISITION OF 588.51 ACRES OF LAND, TO BE USED FOR CIVIC PURPOSES AND AUTHORIZING TRANSFER OF FUNDS; APPROPRIATING THE SUM OF \$15,200.00 OUT OF STREET IMPROVEMENT BONDS, 1970, NO. 409-02 AND FIRE FIGHTING FACILITIES BONDS, 1970, NO. 409-06, FOR ACQUISITION OF STORM DRAINAGE EASEMENTS AND TITLE TO CERTAIN LANDS, TO BE USED IN CONNECTION WITH THE BABCOCK ROAD WIDENING (DRAINAGE) PROJECT, THE WALTERS-MOORE STREET PROJECT, AND THE FIRE STATION SITE-RAY ELLISON BOULEVARD PROJECT; AND ACCEPTING THE DEDICATION OF A SANITARY SEWER EASEMENT AND TITLE TO CERTAIN LANDS, TO BE USED IN CONNECTION WITH THE SAN ANTONIO RIVER OUTFALL PROJECT AND THE WALTERS-MOORE STREET PROJECT.

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73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,942

AMENDING THE CITY CODE OF THE CITY OF SAN ANTONIO SO AS TO STRENGTHEN SECURITY AT SAN ANTONIO INTERNATIONAL AIRPORT BY DEFINING A RESTRICTED AREA AT THE AIRPORT, CONSISTING OF THE AREAS INTENDED FOR MOVEMENT AND PARKING OF AIRCRAFT AND ADJACENT AREAS, PROHIBITING ENTRANCE UPON SUCH AREA BY ANY PERSON OTHER THAN THOSE SO AUTHORIZED BY THE DIRECTOR OF AVIATION, AND WHO ARE IDENTIFIED BY IDENTIFICATION MEDIA APPROVED BY SAID DIRECTOR; PROHIBITING THE OPERATION OF ANY GROUND VEHICLE WITHIN SUCH AREA UNLESS SUCH VEHICLE HAS BEEN SO AUTHORIZED BY THE DIRECTOR OF AVIATION AND IS DISPLAYING AN APPROVED VISUAL IDENTIFICATION

DEVICE; AND PROVIDING THAT VIOLATION
HEREOF SHALL BE PUNISHED BY A FINE
NOT EXCEEDING \$200.00.

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The Ordinance was explained by Mr. Tom Raffety, Associate City Manager, who stated that the security measures included in this Ordinance are required in order for the airport operation to conform with Federal Aviation regulations. It defines the areas at the airport where identification badges must be displayed. It also limits vehicular access to the designated areas. The leased areas of the airport are excluded. Responsibility for security in those areas is upon the lessee.

After consideration, on motion of Mr. Becker, seconded by Mr. Calderon, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Naylor, Gatti.

73-12 Mr. Padilla asked Mr. Tom Raffety to explain the procedure for obtaining lease space at International Airport.

Mr. Raffety stated that it is only necessary to file an application with the Director of Aviation. Currently there is a problem of providing space in the terminal building.

73-12 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Associate City Manager, and after consideration, on motion of Mr. Mendoza, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,943

MANIFESTING AN AGREEMENT WITH MELBA
AYLESWORTH TO EXTEND THE PRESENT
LEASE OF CERTAIN BUILDING SPACE AT
STINSON MUNICIPAL AIRPORT FOR A
PERIOD OF ONE YEAR.

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73-12 The following Ordinance was read by the Clerk and explained by Mr. Clyde C. McCollough, Jr., Director of Personnel, and after consideration, on motion of Mr. Padilla, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,944

AUTHORIZING PAYMENT OF \$1,012.25 TO
THE BAPTIST MEMORIAL HOSPITAL FOR
HOSPITAL CARE OF POLICE OFFICER
GEORGE E. JACOBS.

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73-12 Mayor Gatti returned to the meeting and presided.

73-12 The following Ordinances were read by the Clerk and explained by Mr. Clyde C. McCollough, Jr., Director of Personnel, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla; NAYS: None; ABSTAIN: Gatti; ABSENT: Hilliard, Naylor.

AN ORDINANCE 41,945

EXTENDING THE CITY'S EMERGENCY EMPLOYMENT ACT PROGRAM, SECTION 5, SECOND YEAR, FROM MARCH 15, 1973 TO APRIL 30, 1973, APPROVING A BUDGET FOR THIS EXTENDED PERIOD, APPROPRIATING FUNDS, AND ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF LABOR IN SUPPORT OF SAID PROJECT.

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AN ORDINANCE 41,946

EXTENDING THE CITY'S EMERGENCY EMPLOYMENT ACT PROGRAM, SECTION 6, SECOND YEAR, FROM MARCH 15, 1973 TO APRIL 30, 1973, APPROVING A BUDGET FOR THIS EXTENDED PERIOD, APPROPRIATING FUNDS, AND ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF LABOR IN SUPPORT OF SAID PROJECT.

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73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,947

MANIFESTING AN AGREEMENT WITH HARLANDALE INDEPENDENT SCHOOL DISTRICT TO TERMINATE THE RADIO MAINTENANCE SERVICES CONTRACT.

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Mr. Carl White, Director of Finance, explained that Harlandale Independent School District has disposed of its radio equipment and no longer requires any service as provided in the contract.

After consideration, on motion of Mr. Padilla, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Naylor.

73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,948

AUTHORIZING EXECUTION OF AN AGREEMENT WITH BROOKS FIELD NATIONAL BANK, PROVIDING FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A PUBLIC PARKING FACILITY ON CERTAIN PROPERTY FOR A FIVE-YEAR TERM.

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Mr. Stewart Fischer, Director of Traffic and Transportation, stated that when Southcross Boulevard was being extended several years ago there was some property purchased at the intersection of Offer Street to correct a jog. There was some surplus land left over. Brooks Field Bank has asked permission to lease the property and build a parking lot on it. The bank will provide all improvements and pay the City a lease fee. Mr. Fischer recommended approval of the Ordinance.

After consideration, on motion of Mr. Hill, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote:
AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti;
NAYS: None; ABSENT: Hilliard, Naylor.

73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,949

MANIFESTING AN AGREEMENT BETWEEN THE
CITY OF SAN ANTONIO AND BEXAR COUNTY,
TEXAS RELATIVE TO MUTUAL OBLIGATIONS
FOR FURNISHING OF LIBRARY SERVICES AND
HEALTH SERVICES FOR 1973.

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The Ordinance was explained by Associate City Manager Winston Ulmer who stated that as of April 1, food stamp services will be taken over by the State and is being eliminated from this contract. Under the amended contract, health and library services will be provided on a population basis. It can be renegotiated at the end of the year the basis of population.

After consideration, on motion of Mr. Becker, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote:
AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti;
NAYS: None; ABSENT: Hilliard, Naylor.

73-12 The following Ordinance was read by the Clerk and explained by Mr. Robert Macdonald, Community Development Officer, and after consideration, on motion of Mr. Hill, seconded by Mr. Calderon, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Naylor.

AN ORDINANCE 41,950

APPROVING THE COMMUNITY DEVELOPMENT
STATEMENT FOR THE HUD - ANNUAL
ARRANGEMENTS PROGRAM FOR THE FISCAL
YEAR 1974 AND AUTHORIZING SUBMISSION
OF THE STATEMENT TO THE U. S.
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT.

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73-12 Mayor Gatti recognized Mrs. Ed Hill and Mrs. Sharon Nester, wife and daughter of Councilman Hill, who were visiting the meeting.

73-12 The following Ordinance was read by the Clerk and explained by Mr. William T. Donahue, Associate City Manager for Social Services, and after consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Naylor.

AN ORDINANCE 41,951

AUTHORIZING EXECUTION OF MODIFICATIONS NO. 7 AND 8 TO THE CONTRACT BETWEEN THE CITY AND THE U. S. DEPARTMENT OF TRANSPORTATION NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION IN CONNECTION WITH THE ALCOHOL SAFETY ACTION PROJECT.

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73-12 The following Ordinance was read by the Clerk and explained by Mr. William T. Donahue, Associate City Manager for Social Services, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Gatti; NAYS: None; ABSENT: Hilliard, Naylor, Padilla.

AN ORDINANCE 41,952

AUTHORIZING THE CITY MANAGER TO EXECUTE MODIFICATION NO. 2 TO THE CONTRACT BETWEEN THE CITY AND THE UNIVERSITY OF TEXAS MEDICAL SCHOOL FOR RENDERING CERTAIN SERVICES IN CONNECTION WITH THE ALCOHOL SAFETY ACTION PROJECT.

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73-12 Mr. Becker asked if the Police Department is still keeping a monthly record of DWI arrests. He asked Chief of Police Peters to provide the Council with these figures.

73-12 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Gatti; NAYS: None; ABSENT: Hilliard, Naylor, Padilla.

AN ORDINANCE 41,953

MANIFESTING AN AGREEMENT WITH THE ECONOMIC OPPORTUNITIES DEVELOPMENT CORPORATION FOR PROVIDING SERVICES TO THE CITY IN CONNECTION WITH THE NUTRITIONAL DAY CARE PROJECT FOR THE ELDERLY.

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AN ORDINANCE 41,954

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SAN ANTONIO APPROVING
THE URBAN RENEWAL PLAN AND THE
FEASIBILITY OF RELOCATION FOR
NEIGHBORHOOD DEVELOPMENT PROGRAM
EASTSIDE FIRST ACTION YEAR, SAN
ANTONIO, TEXAS.

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73-12 The Clerk read the following Ordinance:

AN ORDINANCE 41,955

AMENDING SECTIONS 10-1 AND 10-2 OF
THE CITY CODE BY CHANGING THE NAME
OF THE DEPARTMENT OF HOUSING AND
INSPECTIONS TO THE DEPARTMENT OF
BUILDING AND PLANNING ADMINISTRATION;
AND TO SET FORTH THE DIVISIONS
WITHIN SAID DEPARTMENT; PROVIDING
AN EFFECTIVE DATE; AND PROVIDING THAT
ANY VIOLATION SHALL BE PUNISHED BY
FINE NOT EXCEEDING \$200.00.

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Mr. George Vann, Director of Housing and Inspections, stated that this Ordinance provides for the combining of the Housing and Inspections Department and Planning Administration in accordance with G & K recommendations. It also officially sets up a one desk stop for developers.

After consideration, on motion of Mr. Becker, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Gatti; NAYS: None; ABSENT: Hilliard, Naylor, Padilla.

Mr. Vann stated that now Building permits may be secured, applications for the Board of Adjustment or Planning Commission, applications for the Historic Review Board and all applications and filing of plats can be done in one place - at the Department of Building and Planning Administration.

73-12 Mayor Gatti was obliged to leave the meeting and Mayor Pro-Tem Haberman presided.

73-12 The following Ordinance was read by the Clerk and explained by Mr. Crawford Reeder, Assistant City Attorney, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon; NAYS: None; ABSENT: Hilliard, Naylor, Padilla, Gatti.

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AN ORDINANCE 41,956

APPROPRIATING \$15,276.50 OUT OF STREET IMPROVEMENT BONDS, 1970, FUND NO. 409-02 PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANTS NAMED IN CONDEMNATION CAUSE NO. C-932, IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR PAYMENT OF COURT COSTS IN SAID CAUSE, ALL IN CONNECTION WITH THE ACQUISITION OF THE FEE TITLE TO LOT 3, BLOCK 17, NEW CITY BLOCK 1215, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, NEEDED FOR THE WALTERS-MOORE OVERPASS PROJECT.

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73-12 Mayor Gatti returned to the meeting and presided.

73-12 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Gatti; NAYS: None; ABSENT: Hilliard, Naylor, Gatti.

AN ORDINANCE 41,957

AUTHORIZING THE ASSISTANT DIRECTOR OF PUBLIC WORKS TO PERFORM THE FUNCTIONS AND DUTIES OF THE DIRECTOR OF PUBLIC WORKS DURING THE TENURE OF THE DIRECTOR OF PUBLIC WORKS AS ACTING CITY MANAGER.

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AN ORDINANCE 41,958

AUTHORIZING CERTAIN PERSONNEL TO SIGN CITY CHECKS AND WARRANTS AND HAVE ACCESS TO LOCK BOXES IN THE CITY DEPOSITORY.

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AN ORDINANCE 41,959

AUTHORIZING PAYMENT OF AN AMOUNT NOT TO EXCEED \$5,505.65 TO CRUMRINE, INC. TO FURNISH PROFESSIONAL SERVICES IN CONNECTION WITH PRINTING OF ELECTION SUPPLIES FOR THE APRIL 3, 1973 CITY COUNCIL ELECTION.

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MAYOR GATTI: We have a number of people here that have asked to be heard. As in all hearings, we will have a five minute limitation as far as the speakers are concerned with the exception of the staff report who will present the essence of it so everyone in the audience will know what it is. As I understand it, this was heard before the Planning Commission at a public hearing, and now it is the legal requirement that the City Council have a public hearing before taking any action. I notice a number of people signed up representing different groups, and if it's at all possible in the interest of conciseness, if some of you would like to have a spokesman, we would be most happy to accept this. Mr. Vann.

MR. GEORGE VANN: Yes, sir, this is a Public Hearing on Amendments to the Zoning Ordinance, Sections 42-33 and 42-35 concerning non-conforming uses. Now, I'll read you the important parts that are a change in the Ordinance. The first Section reads as follows, and this is the summary of the Section, party in control must file with the Director of Housing and Inspections within 30 days sufficient evidence to indicate the planning for such use was in process prior to annexation. (Evidence such as site and construction plan, financing plan, et cetera) Construction shall then begin within six months on a specific portion on said plan with all portions completed or started within two years. The second important Section is - within 30 days after passage or subsequent annexation party in control must file with the City Planning Commission a master plan indicating use proposed and existing and zoning to be required. Following approval by the Planning Commission, construction shall begin within one year on a portion with all portions completed are underway within five years from date of annexation. First Section, Mr. Mayor, I'd like to suggest an amendment to that. Instead of the party in control filing site plans, construction plans, et cetera, with the Director of Housing and Inspections that that also read the Planning Commission so that we will have nine members on the Planning Commission judging whether the information submitted is adequate so that we could call it a non-conforming use. I have no other amendments to it. If you have any questions?

MR. LEO MENDOZA: Are you saying in conjunction to your approval that to the Zoning and Planning

MR. VANN: Yes, the first one, if you will note, the first one all the developers of the piece of property has to file is site and construction plans, financing plans, leasing agreements, et cetera. Now, on that one we have to start within six months on a specific piece of development and complete all of the portion within two years. The second one, he can file a master plan. Obviously, the second one is designed for a larger tract of land where much more detail will be required and presented to the Planning Commission for their study.

MR. MANUEL CALDERON: At what time will he be required to get a permit?

MR. VANN: After either one of these Sections are complied with, then the ordinance further states that I will then issue a non-conforming right or non-conforming use and he can then get a permit on various sections of the master plan.

CITY MANAGER SAM GRANATA: Mr. Vann, permits are required, they're not being waived, is that correct?

MR. VANN: Permits are required. There has been some confusion in the annexed areas. Some of the people think that no permits are required, but permits are required at this time on all constructions, new construction in the annexed areas or remodeling.

MAYOR GATTI: George, was this ordinance, in essence, approved by the Planning Commission?

MR. VANN: Yes, sir, the Planning Commission approved it, and recommended it to the Council.

MR. CALDERON: The permit will bind them to the building code, is that right?

MR. VANN: Yes, sir, they must meet all building codes.

MRS. CAROL R. HABERMAN: When we annexed in the past, you know, whether it be this little pocket or that little pocket, is this similar to this type of procedure?

MR. VANN: When we annexed in the past, we only had the non-conforming use as it is now in the Zoning Ordinance which meant and now means that the building must have been in construction at the time that we annexed or, of course, occupied as a non-conforming use. That they could either continue to build and finish that building and occupy it as a non-conforming use or continue to occupy it as a non-conforming use.

MR. LEO MENDOZA: George, I'm not clear on this review and approval. Does this have to be by you, in your position, and also your City Planning Board?

MR. VANN: Mr. Mendoza, this is the reason I suggested that the first Section be changed so that the Planning Commission.....

MR. MENDOZA: Yes, but are we talking about both parties, approve, review and approve?

MR. VANN: Review and approved by the Planning Commission. Well, the staff, of course, will review it and then submit it to the Planning Commission.

MAYOR GATTI: I think that's a good supplement to it. All right, the first registered person is Catherine H. Powell.

CATHERINE H. POWELL: Mr. Mayor, Council Members, Ladies and Gentlemen, I am Catherine H. Powell, a member of the American Institute of Planners; and I am here representing the San Antonio division of the Gulf-Southwest Chapter. We wish to speak on the proposal to allow property owners in newly annexed areas to develop their property in conflict with the Zoning Ordinance upon declaration of intent.

We address the members of the City Council today as professionals in the community who have some knowledge of both the theory and practice of zoning. We come to share with you our concern that this proposal may lead to many administrative and legal difficulties not only in this particular issue but also as it may become precedent for other situations. We are very much concerned about this proposal because we believe it threatens the constitutional basis of zoning as now practiced. We are concerned both about the principle and the means in which it is employed.

It has been a common practice to accept non-conforming uses which already exist at the time an area is annexed. Some questions have been raised by City Attorneys as to how much of the use must exist to be accepted. Does one slab poured out of a complex of 200 apartments constitute an "existing" use? The allowance to rebuild a non-conforming use after disaster is usually permitted only if less than 50 percent of the structure has been destroyed. Perhaps therefore 50 percent of it should be in existence in order to be declared an existing use.

We are talking here today about a practice which we believe is even more questionable and troublesome. To allow a time period of two years within which to bring a declared non-conforming use into existence amounts to a license to create a non-conforming use. We believe that this is contrary to the legal intent of zoning as granted by the State enabling legislation. It may also be unconstitutional in relation to the rights of other individual property owners of wholly existing uses whose property is already developed. Discrimination may also be created against owners of undeveloped property anywhere in the City.

Some will argue for a grace period to enable uses already committed and contracted for to be brought into existence. In that case, an application and exhibit of evidence that the development of the use has, in fact, been begun, should be required. A non-conforming use is considered unacceptable if abandoned for more than six months, which may suggest a time precedent here. A precise legal interpretation of the extent of the police power of zoning might not support this position at all. It may be that even this would be a violation of the constitutional principle which demands that zoning districts not be arbitrary or discriminatory.

Another constitutional problem may arise in relation to City Council's legislative powers. A license to propose a non-conforming use is in fact a usurpation of that power; it delegates legislative power to the proposer of the use.

We feel that much of the concern expressed by citizens here this morning is worthy of your attention. In view of the constitutional problems involved, we recommend that City Council action be deferred until an opinion on these points is obtained from the City Attorney.

Thank you.

MAYOR GATTI: Thank you very much. Mr. Sam G. Parnes.

MR. SAM G. PARNES: Mayor Gatti, Mayor Pro-Tem, Members of the Council, I'm Sam Parnes, Chairman of the Local Government Utilities Committee of the Greater San Antonio Builders Association. The Greater San Antonio Builders Association, of course, being the 960 plus strong member builders, associate builders, in the greater San Antonio area. First, I'd like to point out that I do hope that everyone speaking and considering this ordinance this morning is speaking and considering the same ordinance. I understand that there has been a somewhat similar but too much dissimilar ordinance being passed around in recent days and weeks, and I do hope that everyone has the one that we're considering this morning.

The Board of Directors of the Greater San Antonio Builders Association has instructed me to appear here this morning to relate to you their wholehearted support of this ordinance. It is felt that this is a good ordinance. It is felt that we need some incentive to master plan entire areas that a builder or developer holds in his

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holdings. Too many times we find that for various reasons, various developers, possibly not wanting to divulge their land holdings or not wanting to make known their plans will not submit master plans. This ordinance would be, as I say, an incentive to submit. In addition, it would offer reason for good sound planning. We find cases whereby often times land is sold, developed for various uses almost in conjunction with needs. An offer is made on a piece of property for a certain use and this is the way it may be developed. With a master plan for zoning in newly annexed areas, we felt that we could do away with this.

As we say, the Board of Directors of the Greater San Antonio Builders Association fully supports this with one condition - we feel that we need to suggest or request that an amendment to Section C, 2 B to read as follows, and I have copies of this. This addition is offered, you might say, to put some teeth into this to make it really worthwhile, to make sure that what we're trying to do here is of some use, more than just is shown on the surface. This reads, "if any property subject to a master plan is being sold or leased to members of the general public, the person selling or leasing the same shall maintain a conspicuous place in all sales offices, on site a copy of the master plan. If there are no sales offices on site, notice shall be posted in a conspicuous place on the property that the property is being developed in accordance with a master plan which is on file in the Office of the Planning Commission." What this will do, let's picture a new homeowner from out of town moving into an area. For some of many reasons he may know and probably would not know what is going to be developed near-by. He may, for various reasons, understand at the time that his salesman is talking to him that he is going to be completely surrounded with houses. Two years later he finds out that he has some kind of commercial development near-by which he would be opposed to. With this master plan, placed in a conspicuous place in his sales office as required by our recommended edition, this homeowner, this home buyer, can very readily determine what his area is going to look like five years hence. We respectfully request that this edition be considered.

MR. CHARLES L. BECKER: How much land would you encompass in that? Would you encompass property that is contiguous and adjacent to the properties in question?

MR. PARNES: We would envision each developer being responsible for displaying his master plan. A master plan of an adjacent and contiguous area would be displayed in a sales office of the adjacent and contiguous subdivision or if not in a sales office it would be as we provide here a sign placed in a conspicuous place which would provide the homeowner the method with which to, if need be, upon his own volition determine if - it would give him a way that he can determine what is being done as opposed to what is being done now. One reason for not getting an answer is possibly no one knows.

MR. BECKER: Let's assume that this is 100 acres and the land to the east is undeveloped and lying fallow at this time. You have your master plan for this property, and this property doesn't have a master plan and yet they are contiguous. The reason I mention it is because not long ago there was a zoning case where your company was attempting to get something zoned out on Nacogdoches Road. The people who showed up in opposition to it were under the impression that your company had represented a certain type master plan and that this would not occur in the area in their estimation. In reality, they had bought from an entirely different builder to the north of your development and were holding you accountable for what had been told them by the people to the north of them. Do I make myself clear?

MR. PARNES: Yes, sir.

MR. BECKER: And it was quite a debate as to the veracity and multiplicity, and that sort of thing. That's why I asked this question.

MR. PARNES: Now, if it were me, if I were buying a new home, and I looked at a master plan at a sales office of the developer that I was buying a home from, and I saw that I was nearby the perimeter of this plan I would, of course, become interested in what was happening next door. Now, I think I would then take it upon myself to examine further by whatever means whether it was by going to the next developer's sales office or going to the City Planning Commission where these are on file. In other words, I do believe that if a person is really interested in what is going to happen they can take the time and effort to find out what is happening.

MAYOR GATTI: Okay. I want to ask, while it is fresh on my mind, the master plan that is submitted by the developer, Crawford, will have to be given the approbation of the Planning Commission, right?

MR. CRAWFORD REEDER, ASSISTANT CITY ATTORNEY: That's right.

MAYOR GATTI: In other words, if he comes in there and says I want this all zoned manufacturing, the Planning Commission has the right to refuse that type of zoning?

MR. REEDER: That's the way I read it.

MAYOR GATTI: Okay. That it all right, okay. Mr. Lyle G. Meyers.

MR. LYLE G. Meyers: Good morning, my name is Lyle G. Meyers. I reside at 6012 Babcock Road. I am President of the Oakland Babcock Center of the Northwest Homeowners Association. I have a petition to present to the Council on the amendments to the Zoning Code. It reads:

We, the undersigned citizens of San Antonio, petition the City Council to reject the proposed amendments to Sections 42-33 (c), 42-33 (d), and 42-35 (a) of the City Code.

We submit that the same orderly process of planning and zoning should be followed in newly-annexed areas as that which applies to other areas of the City.

These amendments, through the device of granting non-conforming rights in land use without public hearing or approval by the Council, can only be of value to those who wish to use land in ways inappropriate to the needs and concerns of the City, and especially to the residents of existing neighborhoods in newly-annexed areas.

In addition, we feel that these amendments would invite citizen suits by at least two classes of people:

1. Those who presently live in newly-annexed areas and feel themselves to be victims of de facto spot zoning and unequal treatment, and
2. Those who have great environmental concerns and wish to help protect the sensitive recharge zone as well as other quality-of-life considerations.

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Since these changes are so far-reaching, there should be more information available to the public and the Council, and more time for thoughtful evaluation of the many implications.

* * * *

Signed by 175 persons.

We have 175 names at this time. We could have gotten more, but I only got this from the City Attorney's office last week and in a week's time you can't get everybody. Had I had two to three weeks, I could have had ten fold on that. It's an interesting document. Does it violate my constitutional rights. This amendment denies my right to a public hearing, my right to public notice, and my right to be heard by the Council. Yes, it does violate my constitutional rights. This document is an illegal piece of legislation. It is not a people amendment, and we are people, not numbers. Only in election time do we become numbers. We laugh when we are happy; we cry when we are hurt; we even bleed when we're cut. Being human we have diversified interests. We come from many different backgrounds, but we have one thing in common today and that is this amendment. Say no, we will not abandon our responsibilities to these new citizens. Say no, we will not hand such power into the hands anyone director of a department. Say yes, to the fact that all citizens should receive equal consideration.

This amendment could create two classes of San Antonio citizens. The residents in the annexed area as of the 26th of December, 1972 would become the first class citizens and we who are annexed after that date would become second class citizens with a first class tax rate. The appraisers are in our area now taking a look at our land for tax reasons, and we have no doubt, whatever, that we are going to be expected to pay on time. Instead of pulling in different directions we're pulling against each other. We should join forces. We could pull a larger load easier. Appoint a committee to survey the needs for well organized development. Appoint doctors, lawyers, developers, businessmen, and interested parties. Use federal and local funds available to accomplish such a survey. We need everyone. We need the developers to furnish the homes in the future. We need the business people to build the shopping centers, the theaters, the restaurants, the recreational facilities. Such far sightedness could add a jewel in the crown of San Antonio.

Come and meet with the people in the newly annexed areas. Discover the uniqueness of each area and enhance it. San Antonio could become known as an outstanding unique City instead of just an unique City. Let's not allow the type of development that could conceivably become a slum surrounding UTSA in 15 to 20 years. We have become members of the family of mother San Antonio through annexation. Please don't exclude us from family reunions because of a doubtful birth by this annexation. Thank you.

MAYOR GATTI: Thank you, sir.

MR. MYERS: Will those people for this amendment for the petition, please stand up.....

MAYOR GATTI: Mrs. Helen Bernstein.

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MRS. HELEN BERNSTEIN: My name is Helen Bernstein. I would like to speak against the proposed ordinance because it represents an undesirable weakening of the City's ability to meet its responsibility for orderly growth. In particular I would like to speak against the ordinance as it would affect my neighborhood which lies between the Medical Center and UTSA. This area is destined to be the site of very rapid development. Not to be overlooked, however, is the fact that it is primarily residential. In the mile between Huebner and Prue around Babcock there are over 200 owner occupied homes mostly on small acreage. Before annexation we sought zoning protection from the County Commissioners. The County Zoning was not legally possible at that time. We welcomed annexation by the City simply because we thought it would give us the zoning protection that we need and deserve. The proposed ordinance would make that protection an illusion. For example, immediately next to my house is a two and one-half acre undeveloped property whose owner lives elsewhere in the City. Under the present code this property cannot be used for other than residential purposes without a public hearing at which I and my neighbors would be represented. Under the proposed ordinance this plan could become the site of a yacht basin, trailer court, high-rise hot dog stand. Simply upon the filing of notice without public hearing, without review by the City Council, this situation could be duplicated in any newly annexed area. To ask homeowners in newly annexed areas to run such a risk is intolerable and a serious injustice. Thank you.

MAYOR GATTI: Thank you very much. Mrs. Lee Leon.

MRS. LEE LEON: Mr. Mayor and members of the Council, my name is Mrs. Lee Leon. I live at 142 Stoneykirk in a newly annexed area of the City. I did not fight annexation. This amendment which is being presented for the Council's consideration is illegal. It is so carelessly drawn in the first place that on ambiguities alone it wouldn't stand up. You have just heard people making little amendments to hold things together. It won't work. For instance, as to the ambiguity - you can't tell when acquiring rights might run out. Is it 30 days after passing the ordinance or the amendment? Or six months? Or two years? Or in the case of a master plan, five years or maybe never if there has been some construction started. Is a site plan really required? When? How? How can the advisory function of the Planning Commission be reconciled with approving a master plan with zoning designations written on it? Where is the criteria for land use? On inquiry I was told that someone, somewhere, was going to write one just as soon as they got around to it. However, even if these details were cleared up the intent is so illegal on so many grounds that it really shouldn't be considered. We have been living under the same code as the rest of the City for nearly three months. Now we cannot be separated out for different treatment. This is clearly unconstitutional. If you don't believe me, well it is that a man with a land option and a gleam in his eye can, under this code, bring about de facto zoning under the guise of non-conforming use by proving that he has talked with his friendly banker or his friendly brother-in-law a while back about financing this whole thing. It's clearly a violation of my rights and it's a ridiculous notion.

Now, the City took us in, and the City has to have responsibility for it, for its tax dollars. This amendment asks the Council to leave us and our problems to administrative officers. We have no notice, no hearing, and no recourse. If this should pass, I promise you suits from every newly annexed area of the City to declare the annexation void. The City is not permitted to love us only for our money. It just cannot be done.

Now, whoever drafted this amendment besides this being a sloppy workman, didn't have any clear idea of the requirements of reciprocal rights and duties in a democracy. However, since we all do, we citizens and you Council members and this civics class out here, we ask that you firmly reject this proposal in such a way that it will never come up again. Thank you.

MAYOR GATTI: Thank you, Mrs. Leon. Mr. J. Lawton Stone.

MR. J. LAWTON STONE: My name is J. Lawton Stone. I'm an attorney, and I also have a home out by the new university site. I also have interest in about seven tracts of land in the university area. I'm very much in favor of the proposed amendment to the City Code and also to the amendment the gentleman mentioned earlier. I certainly think the people will be protected. After I acquired this other property I donated - I own the (inaudible) homestead and part of that ranch is where the new university is. Actually, that whole area is going to change. By putting the new street in that the City is building, my home has now become more of a commercial thing than a private home. I think it's the greatest thing for San Antonio that we have the university. I think certainly the people will be protected even with these changes because my associates and I have gone to a great deal of trouble and expense. We employed Marvin Shipman and Company, Associates, immediately after we acquired some of this property and have spent several thousand dollars. We had engineering and land use studies made. We have plans and plats of what the property will be used for. We haven't done anything yet because we think it's premature. At one point, when they first annexed the area around the university, it took in about six acres of the 35 acre tract that I had a house on Babcock, so I went down and paid my fee and applied for a rezoning to "B-3" and they called me back and said that they were not going to recommend that I get it because they weren't familiar with the area. They didn't know what they were going to do. So, I wasted that money and time. Then the good City Water Board came along and condemned about four acres out of that tract and has now built a five million storage tank on it. It certainly didn't help my property, but I didn't have anything to say about it. I think that this amendment is good, and certainly the people would know if something is going to go in. The people that already are there and have somebody next to them, and if they don't file under this amendment then they're going to have to go the rezoning route and they'll have their hearing. I'm very much in favor of it, and I want to urge the Council to pass this. I think that it's a very good thing. So, the property out there now is still just ranch land. I have the property, except Hills and Dale, and a few little houses on Hausmann Road and the rest of it is just ranch land. The people that own this property is held by three major owners. They have spent several thousands of dollars in acquiring master plans and have already received some rezoning from the Board. George Cooper had 200 acres north of 1602, and Mr. Bill Cox from Corpus Christi had 100 acres rezoned. Certainly with the value of land going up it's going to be put to the highest and best use. I have an interest in 64 acres located on 1604 just east of Interstate 10, and in studying this with Mr. Shipman, came up with an overall plan of possible uses of it. Shows some commercial, office buildings, apartments, and dormitories, residential and different things of this nature. This is the type of thing that I think when people go to the trouble to spend their money that this amendment is a proper thing. If you're going to have that land, you know good and well you're going to make the best use of it. Now that we're in the City, and we're paying taxes and they come out to my old ranch there and appraised an old barn, some old milk barn, it was built around 1900 and they appraised it at \$8,000, and I told them I'd sell it for \$8,000. So, all I do is store some hay in it. I again would like to have you.....

MAYOR GATTI: Thank you. Mr. Jerry Henckel.

MR. JERRY HENCKEL: Good morning, Mr. Mayor, Mayor Pro-Tem, and Members of the Council. I'm Jerry Henckel, representing Ray Ellison Industries. We are in favor of this amendment to the zoning because we believe it is a fair and equitable solution to a problem that has arisen as a result of the annexation. Certainly, there are equities on both sides. We feel that this has been worked out by the Mayor's committee, by members of the City staff, by the Planning Commission and by members of the development industries. Progress must not be stopped or slowed down in San Antonio. Master planning is a vital part in progress. We must keep the momentum of this City going. We are for this amendment because we will believe it will do just that. Thank you.

MAYOR GATTI: Thank you, Mr. Henckel. Mrs. Helen Dutmer.

MRS. HELEN DUTMER: Mr. Mayor, Members of the Council, I am Mrs. John F. (Helen) Dutmer, residing at 739 McKinley. As you know, I always have an interest where there is a zoning question in this City. I do have a couple of questions here, and, Mayor, you asked one of them of the City Attorney. I would like to know does the Planning and Zoning Commission have the legal right to turn down and to approve a submitted master plan? You know, our Planning and Zoning Commission in our Code says that they are an Advisory Board. Now, ordinarily, your only jump off the stop from your Board of Adjustment is to the District Courts, but your Planning and Zoning Commission you have no recourse other than to the Board of Adjustment and then to your District Court. Now, I'd like to know can they legally approve or disapprove a submitted master plan?

Secondly, can the City legally hold the developer to the master plan zoning after he has submitted it? I would like to see the developer of any subdivision hang this master plan in a full and prominent view place for the edification of the people who are going to buy within the development. I think this is a very, very good situation and then they can review it, but I would also ask can the developer then go to the back way and sell this piece of property to a second ownership and would that second ownership be bound by the request of the developer owned master plan? Or would he have to come in and get it rezoned?

Thirdly, will the citizens be allowed, when the Planning and Zoning Commission considers these master plans, to have an input in it and to see what is going on? Now, I know that we need developers. If we did not have developers, San Antonio would still be riding horse and buggy along the cow trails that originally was this City. We need development. We need progress. I'm a hundred percent for it. If these legal questions can be cleared up, then for a change in life, I will be on the side of the developer.

When a man has invested this much money on a piece of property then I, too, feel that he deserves some consideration and if it was a necessary evil depending on which way you look at it that the City annexed this territory then I think the people who own the property, both the citizens and the developers should be considered from the best merited standpoint. And, if it serves no other purpose, I think it's great because there's going to be a lot of people that are going to have to crack the covers of this City zoning ordinance to find out exactly what it does contain and perhaps bring it up for a review especially in the little clause of planned building groups.

MR. ALVIN G. PADILLA, JR.: Mrs. Dutmer, would you like to ask your questions again to the City Attorney?

MRS. DUTMER: I'd like to know, Mr. Reeder, does the Planning and Zoning Commission have the legal right as an Advisory Board to approve and disapprove these submitted master plans?

MR. REEDER: Yes, under this ordinance, you mean, under the proposed amendment?

MRS. DUTMER: It's an Advisory Board only, your Board of Adjustment is your legal opinion and then from there you go to the District Court.

MR. REEDER: Well, that's on some things, Mrs. Dutmer. On other things the Planning Commission has the ultimate decision.

MAYOR GATTI: Well, under this ordinance they do have the right to approve or disapprove of the master plans?

MR. REEDER: That's what I read in the ordinance.

MAYOR GATTI: Right. That's number one. Number two, I think, I'm not going to put words in your mouth, go ahead and ask it.

MRS. DUTMER: Well, that's all right. Does the City legally have the legal right to hold the developer to his master plan?

MR. REEDER: Well, yes, I would say we have the power to do it, Mrs. Dutmer. Enforcibility of it is another question.

MRS. DUTMER: All right, now the developer might also sell his piece of property to the second ownership, would this bind the second ownership?

MR. REEDER: Well, when he sells it has the same limitation attached to it that are attached to it when it's in his hands.

MRS. DUTMER: Fine, thank you.

MAYOR GATTI: The third question was there is no notification, public notification, incorporated in this zoning ordinance that the announcing that the plan will be reviewed by the Planning Commission, is that right?

MR. REEDER: I didn't find any provisions for those cases. That's question you have a legal question no doubt.

MRS. DUTMER: If these things can be resolved then I would go in favor of the amendment to the Code.

MAYOR GATTI: Thank you.

MR. PADILLA: Since this is a proposed amendment to the zoning ordinances, don't the ordinances provide at the present time for public notice and so forth and would that not still prevail since we do not address that particular question here?

MR. REEDER: Well, maybe I've misunderstood you, Mr. Padilla, but you're right in what you say, and I thought that's what we were having now.

MAYOR GATTI: No, no, we're talking about 30 days after this ordinance has passed, the developer prior to 30 days he has to come in prior to 30 days. On the 15th day after this ordinance he comes in with

a master plan that he wants to file with the Planning Commission, and the Planning Commission reviews it and says yea, nay, change it here and so on. Well, what we're asking or what Mrs. Dutmer asked was at the time the Planning Commission hears this is there public notification so that interested parties can come in and be heard.

MRS. HABERMAN: Within 200 feet.....

MR. REEDER: There should be prior notification.

MR. PADILLA: Crawford, this is precisely my point since the zoning ordinances currently call for public notification, and we are not specifically amending anything that has to do with notification, does it not follow that what is currently called for is in the way of public notification would still prevail?

MR. REEDER: Yes, sir. That's what I would think, Mr. Padilla. I think you would read this para materiae with the rest of the ordinance. Para materiae in Latin meaning reading it together.

MAYOR GATTI: In other words, before the Planning Commission made their decision they would have to put out notices to everyone within 200 feet. They would have an opportunity to be heard.

MR. PADILLA: Mr. Mayor, since we more or less answered Mrs. Dutmer's question, she still would like to hear.....

MRS. DUTMER: (inaudible)

MR. REEDER: There is a requirement for prior notification on changes of zoning. I think she's right on it. I think the zoning ordinance requires prior notice.

MR. PADILLA: In other words, when people come into the Zoning Commission, Planning and Zoning Commission, for approval of plans currently the ordinance on the books including the proposed amendment does not provide for public notice, is that right?

MR. REEDER: That's right.

MAYOR GATTI: All right, that's what we wanted to answer. All right, Col. D. H. Farnsworth.

COL. D. H. FARNSWORTH: Mr. Mayor, Council members, I don't represent any 962 or any large land owners. I have five acres. It's in the newly annexed area. I did not fight annexation for the simple reason that I had one advantage in annexation and that was zoning and the ordinance was a protection in the zoning in the area which we did not have. I went from a fire station four blocks away to one four miles away. Police protection, I have yet to see a City police car in our street, and now you say you're going to take this protection away from us.

MAYOR GATTI: What is your address, Col?

COL. FARNSWORTH: 8543 Barron Road. Now, I'm not complaining about not seeing police protection. There are several plats near us that we've been approached in the last 30 days by various groups saying we want to put a trailer court here and we want to put this there. One road builder wanted to put all of his road building equipment there and everything there is single family housing. If this thing is so

(inaudible) if these proposed amendments are going to do so much who are they going to do it for. Is it going to help me? Or the rest of these people? Or is it going to help the few builders and developers to get around the zoning requirements? I called the City Zoning Board yesterday for information. I have the phone number. I missed the man's name, but I said can you give me some information on these particular zoning cases. He said the first we heard of was when we read it in the paper yesterday morning so I don't know a thing about it. I wonder how well it was staffed in the City offices. My only question is who is it going to help? Is it necessary for the people that live out there? Thank you for your time.

MAYOR GATTI: Thank you, sir. Mr. Ralph Bender.

MR. RALPH BENDER: Mr. Mayor, Mayor Pro-Tem, Members of the Council, my name is Ralph Bender, I'm a planner and an architect and I'm

MAYOR GATTI: Are you a member of the American Institute of Planners?

MR. BENDER: Yes, I am.

MAYOR GATTI: Do you represent them or was that lady just representing them?

MR. BENDER: No, I'm representing only myself and that was one question that I wanted to address myself to.

MAYOR GATTI: I want to know about that, please.

MR. BENDER: Mrs. Powell, who is a eminently qualified planner and a member of the American Institute of Planners, has stated that she is representing the local chapter of the American Institute of Planners. I don't think that's quite correct. I know of any number of planners, locally, who actually endorse and who have been involved in the development of this proposed ordinance. So, I think.....

MAYOR GATTI: In other words, your Association didn't pass a resolution authorizing Mrs. Powell to come here and speak for them.

MR. BENDER: No, that's correct. There may have been several members of the Planning Organization, the Gulf Southwest Chapters that may be in opposition to this, but there is no official designation to that effect.

MAYOR GATTI: Thank you.

MR. BENDER: The aspect of this particular ordinance that I'm primarily concerned with is the overall land planning. Our particular firm has any number of clients throughout the metropolitan area beyond the incorporated area and some in the recently annexed area where we have been doing planning work for extensive periods of time. We feel that the particular ordinance that's being advanced here would be very beneficial to those particular kinds of programs. Now, I'm not here to say that this ordinance could not be abused. Almost anything we can pass or write could theoretically be abused, but this would be a very definite advantage to those people who are trying to do a proper job and who are trying to do long range planning in the area surrounding the built up area. So, from that standpoint, it's an excellent ordinance.

I could not comment on the legality of some of the aspects of the ordinance. I think this question of notification would certainly need to be looked into. Whether it requires notification at the present time, as it's presently written or not remains to be seen.

MAYOR GATTI: Would you have any comment as to the efficacy of notification?

MR. BENDER: Well, let me say this. I think, with respect to almost all of the plans that might be approved by the Planning Commission, if they stay in a non-conforming capacity, I think the developer or builder is going to have problems in subsequent financing down the line. So, I think in almost every case where it's a legitimate plan, they're going to come in subsequent to this approval, and ask for standard zoning process, and during that period of time obviously there would have to be notification. We have a number of very substantial clients that propose to take advantage of this particular amendment if it is passed and who have also instructed me that immediately thereafter we are to come in and request standard zoning on that property. I think in most cases that would be the case. I'm sure that would be the case in the vast majority of cases. Again, there may be abuses to that, it would be hard to see until the ordinance would pass and we actually saw it take effect. I think, however.....

MR. CHARLES L. BECKER: I would like for you to elaborate on that a moment. In your opinion, then were the property not actually zoned you feel that the financial institutions would feel that it was clouded somewhat?

MR. BENDER: I suspect that that's true, yes.

MR. BECKER: And possibly preclude their interest in financing that property?

MR. BENDER: I think that's true, some of my clients certainly feel that way. I think what the intent here is not to circumvent planning but to try to introduce planning and to get an approval on planning that actually has been done in areas around the City. I don't think the intent is to circumvent the law but to try and facilitate it and to accomplish planning ends and that's certainly how our particular firm views the ordinance and how we would hopefully you know put it to work.

MRS. HABERMAN: Well, isn't there any way to clarify this so that there would be notification?

MR. BENDER: Well, I think, obviously, this particular ordinance could be amended to require notification with respect to this, and frankly, I don't see anything particularly wrong with that. It might cause some inconvenience, but I don't see that it's that much of a situation.

MRS. HABERMAN: Well, it would be protecting too by - much more protective.

MR. BENDER: I think that's probably true. Again, we would not want to have it happen to this ordinance the same thing that has happened to the Planned Unit Development Ordinance where we got it all approved and then it was thrown out because there's some question as to the legality of it. We desperately need the Planned Unit Development Ordinance, and frankly, I think we need something like this.

MAYOR GATTI: Thank you, Mr. Bender. I have no one else registered. I declare the hearing closed. What's the pleasure of the Council in reference to the ordinance now. We do have two proposed amendments - one on changing the direction of it from the Housing Inspector to the Planning Commission and the other was the requirements for plans to be displayed in the developer's office. Then we have another recommendation here that relates to notification. What would we do with these three. Send them back to the Planning Commission?

MR. REEDER: I think you have to send them back to the Planning Commission for the Planning Commission's approval prior to the adoption of this ordinance. I don't think you are changing the substance of this proposed amendment by any of those things, but I do think the Planning Commission ought to okay it.

MAYOR GATTI: What is happening in the interim in this situation? Insofar as development in the annexed areas. If we send this back to the Planning Commission to incorporate these three proposals then we are without anything again.

MR. REEDER: Well, you are under your zoning ordinance as it presently exists in the interim.

MR. ED. H. HILL: Now, I move that we send the ordinance back to the Planning and Zoning Commission and incorporate those three changes, and give us an opportunity to see the total ordinance as they propose it before any official action.

MAYOR GATTI: Does this require another public hearing, Mr. Reeder?

MR. REEDER: I don't think it would. That's what I meant when I said you are not changing the substance of the thing. You are merely changing the mechanics here and I don't think that requires a public hearing.

MR. HILL: I feel real strong on this public notice, Mr. Mayor. I think this should be in there.

MAYOR GATTI: The motion is seconded, call the roll.

AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti;
NAYS: None; ABSENT: Hilliard, Naylor.

* * * *

73-12 ZONING HEARINGS

A. CASE 4880 - to rezone a 1.5 acre tract of land out of NCB 14337, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the north side of Schertz Road, being 136' west of the intersection of Avenida Prima and Schertz Road; having 434.44' on Schertz Road and a maximum depth of 314.79'.

Mr. Ralph Bender, speaking for his client, Morton Southwest, requested postponement of Case No. 4880 in view of the fact that only seven Council members were present.

The Council concurred in his request and the case was postponed.

B. CASE 4805 - to rezone Lots 4 and 5, Block 22, NCB 9322, 722 Verne Street, from "C" Apartment District to "B-3" Business District, located on the south side of Verne Street, being 150' east of the intersection of Verne Street and Commercial Avenue; having 100' on Verne Street and a depth of 140'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence is erected along the south and west property lines. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Becker, Mendoza, Calderon, Padilla, Gatti; NAYS: Hill; ABSENT: Hilliard, Naylor.

AN ORDINANCE 41,960

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 LOTS 4 AND 5,
BLOCK 22, NCB 9322, 722 VERNE STREET,
FROM "C" APARTMENT DISTRICT TO "B-3"
BUSINESS DISTRICT, PROVIDED THAT A
SIX FOOT SOLID SCREEN FENCE BE ERECTED
ALONG THE SOUTH AND WEST PROPERTY LINES.

* * * *

C. CASE 4891 - to rezone Lot 1, Block 1, NCB 11767, and a 5.075 acre tract out of NCB 11621, being further described by field notes filed in the office of the City Clerk, from "R-2" Multiple Family Residential District to "B-2" Business District, located on the south side of Northwest Loop 410 Expressway between West Point Avenue and Babcock Road; having approximately 973.41' on Northwest Loop 410, 128' on West Point Avenue, 570.39' on Babcock Road and 99.60' on the cutback between Northwest Loop 410 Expressway and Babcock Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Ralph Brite, Attorney for Mr. Robert E. Olsen, stated that the proposed zoning is to permit the construction of a first class motel. He pointed out the business zoning at all other corners of this intersection and the fact that there is no other motel in the immediate vicinity. It was also pointed out that the motel would not have an impact on schools like an apartment complex would have. He asked that the Council grant the requested rezoning.

Mrs. Susan Finesilver, 1446 Babcock Road, spoke in opposition. She felt that the motel would create noise and disturbance and bring transients into the area. She also was opposed to the increased traffic.

Mrs. W. R. Craig also spoke in opposition. She expressed doubt that the property would be developed as described and stated that someone could build a high rise building there after it is zoned. She asked that the rezoning be denied.

Members of the Council discussed the traffic problem with the architect for the project. He stated that the curb cuts could be altered somewhat and that he would work with the Traffic Department. He assured the Council that his client had every intention of moving ahead immediately.

Mr. Hill asked that every consideration be given to the entrances and exits to the property on Babcock Road.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence and a non-access easement be imposed along the alley to the southeast including the east property line adjacent to West Point Avenue and a 50' building setback line on the south and east property lines along West Point Avenue. Mr. Calderon seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor.

AN ORDINANCE 41,961

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 1, BLOCK 1, NCB 11767 AND A 5.075 ACRE TRACT OUT OF NCB 11621, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE AND A NON-ACCESS EASEMENT BE IMPOSED ALONG THE ALLEY TO THE SOUTHEAST INCLUDING THE EAST PROPERTY LINE ADJACENT TO WEST POINT AVENUE AND A 50' BUILDING SETBACK LINE ON THE SOUTH AND EAST PROPERTY LINES ALONG WEST POINT AVENUE.

* * * *

D. CASE 4890 - to rezone Tract 1-A, NCB 11153 (4.1424 acres) 8927 and 8931 Roosevelt Avenue, from "B" Two Family Residential District to "I-1" Light Industry District, located northwest of the intersection of Ashley Road and Roosevelt Avenue; having 471' on Ashley Road, 236.4' on Roosevelt Avenue and 122.6' on the cutback between Ashley Road and Roosevelt Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Hill made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence be erected on the west property line. Mr. Becker seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor.

AN ORDINANCE 41,962

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 TRACT I-A, NCB
11153 (4.1424 ACRES), 8927 AND 8931
ROOSEVELT AVENUE, FROM "B" TWO FAMILY
RESIDENTIAL DISTRICT TO "I-1" LIGHT
INDUSTRY DISTRICT, PROVIDED THAT PROPER
REPLATTING IS ACCOMPLISHED AND THAT A
SIX FOOT SOLID SCREEN FENCE BE ERECTED
ON THE WEST PROPERTY LINE.

* * * *

E. CASE 4899 - to rezone Lot 66 and the east 25' of Lot 67, Block 28, NCB 8949, 1437 S. W. Military Drive, from "E" Office District to "B-3" Business District, located on the north side of S. W. Military Drive, being 75' east of the intersection of Commercial Avenue and S. W. Military Drive; having 100' on S. W. Military Drive and a depth of 130'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Padilla seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor.

AN ORDINANCE 41,963

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 66 AND THE EAST 25' OF LOT 67, BLOCK 28, NCB 8949, 1437 S. W. MILITARY DRIVE, FROM "E" OFFICE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

F. CASE 4905 - to rezone Lot 217, Block 17, NCB 11116, 600 Block of Gillette Boulevard, from "B" Two Family Residential District to "B-1" Business District, located on the south side of Gillette Boulevard, being 640' west of the intersection of Commercial Avenue and Gillette Boulevard; having 217.8' on Gillette Boulevard and a depth of 400'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a five foot chain link fence be erected on the west property line at the request of the adjacent property owner to the west. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza, Naylor.

AN ORDINANCE 41,964

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 217, BLOCK 17, NCB 11116, 600 BLOCK OF GILLETTE BOULEVARD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A FIVE FOOT CHAIN LINK FENCE BE ERECTED ON THE WEST PROPERTY LINE AT THE REQUEST OF THE ADJACENT PROPERTY OWNER TO THE WEST.

* * * *

G. CASE 4906 - to rezone a 2.813 and 0.746 acre tract of land out of NCB 15520 and 16063, being further described by field notes filed in the office of the City Clerk, 3000 Block of Gunsmoke Drive, from Temporary "R-1" Single Family Residential District to "B-3" Business District.

The 2.813 acre tract of land is located northwest of the intersection of U. S. Highway 90 West and Gunsmoke Drive; having 316' on U. S. Highway 90 West and 337.77' on Gunsmoke Drive.

The 0.746 acre tract of land is located on the east side of Gunsmoke Drive, being 150' northwest of the intersection of U. S. Highway 90 West and Gunsmoke Drive, having 188.54' on Gunsmoke Drive and a maximum depth of 205.64'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence be erected along the north property line of the 2.813 acre tract. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Naylor.

AN ORDINANCE 41,965

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 A 2.813 AND 0.746 ACRE TRACT OF LAND OUT OF NCB 15520 AND 16063, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ALONG THE NORTH PROPERTY LINE OF THE 2.813 ACRE TRACT.

* * * *

73-12

CITIZENS TO BE HEARD

MRS. LUCY M. GONZALES

Mrs. Lucy M. Gonzales spoke to the Council concerning health services on the east side. Mayor Gatti asked that Mrs. Gonzales and her group confer with Dr. William R. Ross, Health Director.

March 15, 1973
nsr

MR. JOHN HILDEBRAND

Mr. John Hildebrand spoke to the Council regarding water lines being installed on Mission Road, Hansford and Theo. In doing so an obstacle was met which is believed to be the original wall for the courtyard of Mission Conception. He asked that the City go ahead and cut a small hole through rather than run an expensive resurvey.

City Manager Sam Granata was instructed to investigate the matter.

MR. W. E. FORE

Mr. W. E. Fore, representing the San Antonio Wreckers Association, asked the Council to consider the excessive annual license fee. He stated that his organization feels that the \$100 fee does not represent the cost of enforcement of the ordinance.

City Manager Granata stated that he would have the matter staffed and a recommendation for the Council next week.

There being no further business to come before the Council, the meeting adjourned at 12:20 P. M.

A P P R O V E D



M A Y O R

ATTEST:



C i t y C l e r k