

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, OCTOBER 19, 1972.

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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, HILLIARD, MENDOZA, GARZA, NAYLOR, PADILLA, GATTI; Absent: BECKER.

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72-46 The invocation was given by Councilman Ed Hill.

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72-46 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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72-46 The minutes of the meeting of October 12, 1972 were approved.

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72-46 Mayor John Gatti recognized a class of 6th grade students from Cambridge Elementary School and their instructor, Mrs. Trish Kreger.

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72-46 MS. MARIE JESSIE GONZALEZ

Ms. Marie Jessie Gonzalez, Assistant to Congressman Henry B. Gonzalez, stated that Congressman Gonzalez was not able to come personally to address the Council today due to the prolonged session of Congress. The Congressman sends his regrets and instead is filing a written copy of the remarks which he intended to make to the Council.

Ms. Gonzalez then presented each member of the Council with a copy of the written statement concerning water rates and water extension policy. A copy of Congressman Gonzalez's written statement is attached hereto and made a part of the minutes.

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72-46 MR. J. HONIGBLUM

Mr. J. Honigblum, President of the First Mate restaurants, stated that he had been aware of the tremendous contributions made by the San Antonio Free Clinic to the community, but was unaware of their financial plight until last week.

The First Mate restaurants started in San Antonio and have been very successful and feels it has a personal interest in San Antonio and should do something to help the Free Clinic. They are setting aside a week, October 28 through November 3, 1972, to try to raise money in every way possible for the Free Clinic. They will kick off the campaign with a rally to be announced at a later date. Ten of their restaurants will serve as depositories for contributions. They will feed as First Mate's guests all the young people that will help them in this drive to raise money for the Free Clinic. On November 1, 1972, a substantial portion of their receipts will be contributed to the Free Clinic.

Mr. Honigblum asked the Mayor to proclaim October 28 through November 3, 1972 as Free Clinic Week in San Antonio.

Mayor Gatti responded by stating that this was a very generous offer on the part of the First Mate restaurants. The City Council will

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cooperate to the fullest extent possible, and he would be delighted to proclaim October 28 through November 3, 1972 as Free Clinic Week, and urged everyone to participate in this most worthy cause.

72-46

MR. LUTHER LOZANO

Mayor John Gatti introduced Mr. Luther Lozano, a native and former resident of San Antonio, who is now a distinguished and talented singer performing at the El Tropicano Hotel in the Fontana Club. Mr. Lozano is known professionally as "Elario", and is a former schoolmate of Councilmen Padilla and Garza.

The Mayor presented "Elario" a proclamation making him an Emisario De Las Musas of San Antonio.

72-46

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, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker.

AN ORDINANCE 41,343

ACCEPTING THE LOW BID OF WARRIOR SECURITY DEVICES TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN ELECTRONIC SIRENS FOR A NET TOTAL OF \$1,834.40.  
(FIRE DEPARTMENT)

\* \* \* \*

AN ORDINANCE 41,344

ACCEPTING THE LOW BIDS OF ALAMO FIRE EQUIPMENT COMPANY AND HOWE FIRE APPARATUS COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF FIRE HOSE, FOR A NET TOTAL PRICE OF \$16,776.28.  
(FIRE DEPARTMENT)

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72-46

The Clerk read the following Ordinance:

AN ORDINANCE 41,345

ACCEPTING THE BID OF R. L. POLK & COMPANY TO FURNISH THE CITY WITH FORTY-SEVEN 1973 CITY DIRECTORIES FOR A TOTAL COST OF \$4,523.75.

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Mr. John Brooks, Director of Purchasing, stated that this was an annual purchase from a single source of supply. They are buying a total of 47, 1973 City Directories at a cost of \$95.00 each. If purchased separately, they would cost \$135.00 each.

The Directories will go to the various departments as follows:

Finance Department	- 4	Corporation Court	- 2
Police Department	- 10	Public Works	- 4
Libraries	- 10	Back Tax Attorney	- 1
Legal Department	- 1	Health Department	- 5
Fire Department	- 3	Model Cities	- 1
Housing & Inspections	- 1	Personnel Department	- 1
City Clerk	- 1	City Manager	- 1
Engineering Division	- 1	Special Services	- 1

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Mr. Brooks added that the older copies of City Directories are passed on to other using divisions who do not need up-to-date directories.

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

72-46 Mayor Gatti was obliged to leave the meeting and Mayor Pro Tem Garza presided.

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,346

ACCEPTING THE BID OF AUTOMATIC SIGNAL DIVISION TO FURNISH THE CITY WITH CERTAIN TRAFFIC CONTROL EQUIPMENT FOR A NET TOTAL OF \$59,774.20.

\* \* \* \*

Mr. John Brooks, Director of Purchasing, stated this was a single source of supply. The traffic control equipment is to be used to maintain the existing downtown signal system and to enlarge the system in the central area of the City. Automatic Signal Division is the original manufacturer of the equipment.

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

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,347

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BEXAR COUNTY PROVIDING FOR COOPERATION IN ADVERTISING FOR BIDS FOR SERVICES AND PRODUCTS TO BE FURNISHED BY VENDORS PURSUANT TO ANNUAL CONTRACTS.

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Mr. John Brooks, Director of Purchasing, stated that during the past several years Bexar County has joined with the City in its annual contracts and has cooperated with the City in all their larger purchases. Bexar County has now established their own Purchasing Department. Upon recommendation of the District Attorney, Bexar County would like to legalize their Cooperation Agreement with the City. He introduced to the Council Mr. Bill George, Purchasing Agent for the County.

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

72-46 The following Ordinances were read by the Clerk and explained by Mr. Mel Sueltenfuss, Assistant Director of Public Works, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla; NAYS: None; ABSENT: Becker, Gatti.

AN ORDINANCE 41,348

AUTHORIZING A CONTRACT WITH VICKREY AND ASSOCIATES, CONSULTING ENGINEERS, TO PREPARE PLANS AND SPECIFICATIONS FOR PARK FOREST SUBDIVISION OFF-SITE SEWER MAIN PROJECT; APPROPRIATING \$3,327.50 OUT OF FUND 820-03 PAYABLE TO SAID ENGINEERS AND \$250.00 OUT OF THE SAME FUND AS A CONTINGENCY ACCOUNT.

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AN ORDINANCE 41,349

AUTHORIZING A CONTRACT WITH D. R. FRAZOR & ASSOCIATES, CONSULTING ENGINEERS, TO PREPARE PLANS AND SPECIFICATIONS PERTAINING TO KENNEY ROAD SANITARY SEWER RELIEF LINE AND THE HARRY WURZBACH ROAD SANITARY SEWER RELIEF LINE AND APPURTENANCES THERETO; APPROPRIATING THE SUM OF \$20,185.00 PAYABLE TO SAID ENGINEERS OUT OF FUND 409-03 AND \$1,000.00 OUT OF SAME FUND TO BE USED AS A CONTINGENCY ACCOUNT.

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AN ORDINANCE 41,350

AUTHORIZING PAYMENT OF \$643.50 TO LEO P. CLOUD JR. AND SON AND \$3,097.37 TO R. MARVIN SHIPMAN AND COMPANY OUT OF FUND 708 IN CONNECTION WITH THE CONSTRUCTION OF THE APACHE CREEK BRIDGE AND IMPROVEMENT OF EL PASO STREET.

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72-46

The Clerk read the following Ordinance:

AN ORDINANCE 41,351

AUTHORIZING A CONTRACT WITH PAUL KENNISON, JR., ARCHITECT, TO FURNISH ARCHITECTURAL SERVICES AND PREPARE PLANS AND SPECIFICATIONS PERTAINING TO THE COVERING OF BANDSTAND AND AMPHITHEATER LOCATED AT THE LAKE AT HEMISFAIR PLAZA AND APPURTENANCES THERETO; AUTHORIZING PAYMENT OF \$1,800.00 TO SAID ARCHITECT OUT OF ACCOUNT 99-26-02 AND \$250.00 OUT OF THE SAME FUND FOR MISCELLANEOUS CONTINGENCIES.

\* \* \* \*

Mr. James M. Gaines, Director of HemisFair Plaza, stated he had discussed with the Council the architectural plans and specifications and cost estimates for improving the Lake area so that it will become more useful. He said it would take about two months to prepare the plans.

Mayor Pro Tem Garza asked Mr. Gaines to speed up the completion of the plans.

Councilman Hill suggested that the architect be asked to incorporate some storage space at the back of the stage so that musicians can store their musical cases and personal items.

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

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72-46 Item No. 10 on the agenda, being consideration of an Ordinance authorizing the City Manager to enter into a contract with Andrews & Associates, Inc. for a six month period for consulting services to the Model Cities Housing Center, was withdrawn at the request of the City Manager.  
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72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,352

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS CRIMINAL JUSTICE COUNCIL FOR A GRANT IN AID FOR CARRYING OUT THE PROJECT ENTITLED SAN ANTONIO POLICE TRAINING AND EDUCATION INNVOICATIONS PROJECT.

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Associate City Manager George Bichsel stated this was the second year of this program. The original grant was for \$60,000.00. Primarily, the money will be used to underwrite a contract with San Antonio College to provide instructors in the basic course teachings in Sociology and Psychology. It will also provide some additional equipment for visual aid and sound recording to help keep up a continuous program of in service training available to any policeman when he has time to come in for an hour or two of instruction.

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

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,353

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS CRIMINAL JUSTICE COUNCIL FOR A GRANT IN AID FOR CARRYING OUT THE PROJECT ENTITLED LEGAL ADVISOR FOR THE SAN ANTONIO POLICE DEPARTMENT.

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Associate City Manager George Bichsel stated this is a proposed three year program of employing an attorney as an aid to the action end of the Police Department to assist them in preparing cases so that they will be more acceptable to the District Attorney. This attorney will begin by breaking in with the District Attorney's Office so that he will have that experience and know exactly what the District Attorney needs. He will also help in many ways in training police both in basic and in service. He will help police officers and detectives when working on intricate cases and when they need help with statements and affidavits for warrants, etc.

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

72-46 Mayor Gatti returned to the meeting and presided.

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,354

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS CRIMINAL JUSTICE COUNCIL FOR A GRANT IN AID FOR CARRYING OUT THE PROJECT ENTITLED EXPANDING CAPABILITY OF THE CITY OF SAN ANTONIO/BEXAR COUNTY HELICOPTER PATROL.

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Associate City Mannger George Bichsel stated that at the present time the helicopter is operated jointly by Bexar County and the City. It is in the air about twenty days a month. The objective of this application is to apply for funds to finance a second helicopter and its maintenance. This could be a renovated helicopter. This would allow them to keep a helicopter in the air or available for service in the air for thirty days a month. It will be a supplemental shift. The helicopters will not be used at the same time except in case of emergency.

Mr. Bichsel explained that a used helicopter is available but in the event the grant is forthcoming, bids will be taken in order to meet legal requirements.

In answer to a question, Mr. Bichsel stated that helicopters have rescue capabilities in that they can put one patient in the helicopter in which case the observer will be left on the ground. Most of the rescue work would be done by the MAST helicopter.

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

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,355

MANIFESTING AN AGREEMENT WITH BILL MILLER'S, INC., OWNER OF PROPERTY AT 430 S. LAREDO STREET, FOR PROVIDING PARKING SPACES ON SAID PROPERTY FOR USE BY THE POLICE DEPARTMENT, AT A RATE OF \$8.00 PER MONTH PER PARKING SPACE.

\* \* \* \*

Associate City Manager George Bichsel stated the City occupied its present facilities in 1962 when the Police Department was just about half of what it is now. As the department grew, it acquired additional vehicles and they have now run out of parking space. By special grant they acquired 18 vehicles which are used only one shift a day and parked for two shifts. Also, they are enlarging the present building which has eliminated about 20 off-street spaces which were originally available.

Mr. Bichsel said they knew they would need additional spaces so they worked out an agreement with Mr. Miller for ten car spaces at \$8.00 per month from July through September and 33 spaces beginning on the first of November. This is a month-to-month contract, and when space is available under the freeway, it will be terminated. It is hoped that the freeway space will be available by March 1, 1973.

In answer to a question, Mr. Bichsel explained the problems of all policemen and City employees not being able to park in the City Employees Parking Lot. He felt this, too, would be relieved when under the freeway parking is available.

Mr. Hill suggested that they look into the possibility of using some of Globe's Department Store parking lot for this purpose which Mr. Bichsel said he would do.

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

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,356

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND

WELFARE--YOUTH DEVELOPMENT AND  
DELINQUENCY PREVENTION ADMINISTRATION,  
FOR A CONTINUATION GRANT FOR THE YOUTH  
SERVICES PROJECT.

\* \* \* \*

Mr. William T. Donahue, Director of Special Services, stated the original application was for \$90,000.00, but at the request of HEW, it has been raised to \$140,000.00. If approved, it will enable the continuation of the program through May, 1973. It is hoped that by the beginning of summer additional funds will be appropriated by Congress to carry on the program.

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

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,357

CHANGING THE NAME OF PIN OAK DRIVE,  
LOCATED BETWEEN HEIMER ROAD AND A  
CUL-DE-SAC, TO CIRCLE OAK OCCASIONED  
BY DUPLICATE STREET NAMES.

\* \* \* \*

Mr. George D. Vann, Jr., Director of Housing and Inspections, stated this change was being made at the request of the Post Office. The street is not actually cut on the ground. The developer is not developing in this area, and the change is agreeable to him.

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

72-46 After passage of the above Ordinance, Mr. Garza asked why the numbering system on Northcrest off of Blanco is like it is. It goes from 900, 800 and then down to 200.

Mr. George D. Vann stated that he would look into this and make a report.

72-46 The Clerk read the following Ordinance:

AN ORDINANCE 41,358

AMENDING THE UNIFORM BUILDING CODE OF  
THE CITY OF SAN ANTONIO, ADOPTED IN  
ARTICLE II, CHAPTER 10 OF THE CITY  
CODE OF SAN ANTONIO, BY ADDING THERETO  
A PROVISION REQUIRING APPROVAL OF THE  
BUILDING OFFICIAL PRIOR TO COVERING  
OR CONCEALING THE STRUCTURAL FRAMEWORK  
OF ANY PART OF ANY BUILDING OR STRUCTURE  
DAMAGED BY FIRE; PROVIDING THAT VIOLATIONS  
HEREOF SHALL BE PUNISHED BY A FINE OF NOT  
MORE THAN \$200.00.

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Mr. George D. Vann, Jr., Director of Housing and Inspections, stated that at the present time there is no provision in the Building Code that prohibits a home improvement contractor from covering up charred material after there has been a fire. They have had some complaints about this, and the Building Code Board recommends that the Building Code be amended to include this. The Fire Marshal also concurs.

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

72-46 The following Ordinance was read by the Clerk, and after consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: Haberman, Hill, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Mendoza.

AN ORDINANCE 41,359

APPOINTING DOCTOR REYNELL PARKINS  
AS AN EX-OFFICIO MEMBER OF THE  
MAYOR'S HOUSING ADVISORY COMMITTEE.

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72-46 The following Resolution was read by the Clerk, and after consideration, on motion of Mr. Hill, seconded by Mr. Naylor, was passed and approved by the following vote: AYES: Haberman, Hill, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Mendoza.

A RESOLUTION  
NO. 72-46-52

IN SUPPORT OF H.J.R. 61, 62nd  
LEGISLATURE, REGULAR SESSION, 1971,  
A PROPOSED CONSTITUTIONAL AMENDMENT  
TO APPEAR ON THE BALLOT AS AMENDMENT  
NUMBER 4 AT THE ELECTION ON NOVEMBER  
4, 1972, PERTAINING TO REVISION OF THE  
TEXAS CONSTITUTION, AND REAFFIRMING THE  
PRINCIPLE OF LOCAL HOME RULE.

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Mrs. Peggy Birkeland, Local Coordinator for the Citizens for Texas Organization in the San Antonio area, stated they were working for passage of Amendment No. 4, the Constitutional Revision Amendment. It is a bipartisan issue. There are representatives on the 86 member Board of Directors from political organizations, labor unions, church groups, Chamber of Commerce, and many civic organizations including the League of Women Voters, The American Association of University Women, Taxpayer's League and the Bar Association, and numerous other representatives of groups and individuals. Mrs. Birkeland thanked the Mayor and City Council for their support.

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72-46

CITY MANAGER REPORTSPARITY PAY FOR FIREMEN

City Manager Loyd Hunt reported that on Monday, October 16, 1972, accompanied by Mr. Clyde C. McCollough, Jr., Director of Personnel, Fire Chief Bart Mulhern and Captain France of the Fire Fighters Association, met with Leo Thompson of the Internal Revenue Service in Austin, Texas, to discuss the matter of the 6.5% pay increase for firemen, which was first approved and then rejected.

The case has been reopened. The case is being based on the fact that the last increase to the Fire Department came about as a result of the policy decision of the City Council in 1970 to bring firemen up to parity with the Police Department. This was the last installment. Because this policy antedated the wage freeze in August of last year, the City feels that it has a legal and valid argument. The City is providing them with additional evidence, and Mr. Hunt is reasonably optimistic of their approval.

REVENUE SHARING

City Manager Loyd Hunt reported that the Treasury Department expects to issue checks to cover the period January 1, 1972 through June 30, 1972 by October 27, 1972. Shortly after January 1, 1973, checks covering the second half of 1972 will be made, and thereafter, there will be quarterly payments.

BLACKS EMPLOYED BY MODEL CITIES

Councilman Hilliard stated that several weeks ago, Reverend Emerson Marcee, President of the NAACP, had requested information as to the number of blacks employed in the Model Cities Program and the various administrative levels. If a report was made, he had not seen it.

City Manager Hunt replied he had made such a report and that a copy would be furnished to Dr. Hilliard.

72-46

ZONING HEARINGS

There being three appeal cases to be heard, the Mayor announced that there were only eight members of the Council present. It taking seven affirmative votes to overrule the Planning Commission in these cases, he asked the applicants and opponents if they wished to hear the cases or postpone them.

A. CASE 4691 - to rezone Arbitrary Tract 7A, NCB 12887, 2200 Block of Semlinger Road, from "A" Single Family Residential District to "I-1" Light Industry District, located on the northside of Rigsby Avenue between Semlinger Road and S. E. Loop 410 Expressway having 87.12' on Rigsby Avenue and 720' on Semlinger Road and 391.19' on S. E. Loop 410.

Mr. Roy F. Leslie, Jr., the applicant, and the opponents agreed to postpone the hearing on this case, and it was so ordered.

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B. CASE 4702 - to rezone Lot 439-A, NCB 7850, 383 Mayfield Boulevard, from "R-3" Multiple Family Residential District to "B-3" Business District, located northeast of the intersection of IH 35 Expressway and Mayfield Boulevard; having 228.12' on IH 35 Expressway, 151.8' on Mayfield Boulevard and 12.34' on the cutback between Mayfield Boulevard and the Expressway.

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

Mr. George Ozuna, consulting engineer representing the applicant Mr. Valdemar P. Perez, stated the request was for "B-2" zoning rather than the "B-3" as shown on the record. They need "B-2" zoning because they have a definite tenant in mind. A Mr. Monroe desires to construct a building and operate a retail trophy store. Mr. Monroe presently operates such a business on Broadway. Under the present zone of "R-3" ten to twelve apartment units can be placed on the property which would create more traffic than the proposed Trophy House. It will be a retail sales operation during the day from 8:00 A. M. to 5:00 P. M., which will make the traffic much lighter.

Mr. Don Bouchelle, 1102 Basse Road, stated he was a realtor and appraiser representing the owner of the property. He said this was a triangular piece of property left over when the Pan Am Expressway was cut through. There are many such tracts of land which have been left vacant and are mostly under residential zone. He felt that residential use is not the proper zone because of the noise factor. He felt the proposed use was ideal and asked the Council to approve the requested change in zone.

Mrs. Morean Tucker, 378 West Mayfield, spoke in opposition. She said the street is very narrow, and the proposed building would be right across the street from her property. While it is a low income neighborhood, it is quiet and safe. She did not object to the proposed Trophy House, but felt that once the property is zoned some other type of business could come in which might be objectionable.

Mrs. J. L. Martinez, 376 West Mayfield, also objected for the same reasons.

Mr. Ozuna stated that he would work closely with the Traffic Department in curb cuts to the Pan Am Expressway frontage road and on Mayfield Boulevard.

At the suggestion of the Council, Mr. Ozuna agreed to place a non-access easement on the South property line to prevent access to West Mayfield Boulevard. The only ingress and egress would then be from the frontage road.

After consideration, Dr. Hilliard moved that the recommendation of the Planning Commission be overruled and that the property be rezoned "B-2" Business District, provided that proper replatting is accomplished with a non-access easement along the South property line. The motion was seconded by Mr. Padilla. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla; NAYS: Gatti; ABSENT: Becker.

AN ORDINANCE 41,360

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 439-A, NCB 7850, 383 MAYFIELD BOULEVARD, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED WITH A NON-ACCESS EASEMENT ALONG THE SOUTH PROPERTY LINE.

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C. CASE 4728 - to rezone Lot 19, Block 7, NCB 9339, 1039 Sunglo Drive, from "C" Apartment District to "B-3" Business District; located northeast of the intersection of Nock Avenue and Sunglo Drive having 70' on Sunglo Drive and 125' on Nock Avenue.

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

Mr. Guadalupe Magallanez, the applicant, stated he now operates a small garage in the back yard of his house. He has been a mechanic for 25 years and has operated at this location for 2½ years. When he bought the property, he was informed it was business property. The City inspector advised him of the zoning violation and he needs "B-3" zone to continue his business.

No one spoke in opposition.

After consideration, Mr. Mendoza moved that the recommendation of the Planning Commission be overruled and that the property be rezoned "B-3" Business District. The motion was seconded by Mrs. Haberman. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker.

AN ORDINANCE 41,361

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 19, BLOCK 7, NCB 9339, 1039 SUNGLO DRIVE, FROM "C" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT.

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D. CASE 4745 - to rezone the southwest 125' of Tract A, NCB 14258, from "A" Single Family Residential District to "R-2" Two Family Residential District, and Tract A, save and except the southwest 125', NCB 14258, 6300 Block of Vance Jackson Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; located on the southwest side of Vance Jackson Road, being approximately 420' southeast of the intersection of Oakgate Drive and Vance Jackson Road; having 208.70' on Vance Jackson Road and a maximum depth of 626.10'.

The "R-2" being on the southwest 125' of the subject property and the "R-3" being on the remaining portion.

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, Dr. Hilliard 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 is erected along the Southwest property line. The motion was seconded by Mr. Hill. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker.

AN ORDINANCE 41,362

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 THE SOUTHWEST 125' OF TRACT A, NCB 14258, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT; AND TRACT A, SAVE AND EXCEPT THE SOUTHWEST 125', NCB 14258, 6300 BLOCK OF VANCE JACKSON ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTHWEST PROPERTY LINE.

\* \* \* \*

E. CASE 4577 - to rezone Lot 5, Block H, NCB 8357, from "B" Two Family Residential District to "R-2" Two Family Residential District, and Lot 6, Arb. Tract 2-A, 2-B, 2-C and the north 85' of Lot 2, Block H, NCB 8357, 100 Block of East Ligustrum Drive, from "A" Single Family Residential District and "B" Two Family Residential District to "R-3" Multiple Family Residential District; located on the west and south side of East Ligustrum Drive, 115' northeast of the intersection of Bandera Road and East Ligustrum Drive, having 304.6' on East Ligustrum Drive and a maximum depth of 228.4'.

The "R-2" being on the north 140' of subject property and the "R-3" being on the remaining portion.

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. Garza 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 is erected on the North property line of Lot 6 where it abuts Lots 3 and 4. The motion was seconded by Mrs. Haberman. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard.

AN ORDINANCE 41,363

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 5, BLOCK H, NCB 8357, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT; AND LOT 6, ARB. TRACT 2-A, 2-B, 2-C, AND THE NORTH 85' OF LOT 2, BLOCK H, NCB 8357, 100 BLOCK OF EAST LIGUSTRUM DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE NORTH PROPERTY LINE OF LOT 6 WHERE IT ABUTS LOTS 3 AND 4.

\* \* \* \*

F. CASE 4670 - to rezone Lots 10 and 11, NCB 3869, 100 Block of Humphrey Avenue, from "D" Apartment District to "B-3" Business District, located on the southwest side of Humphrey Avenue being 240' southeast of the intersection of Broadway and Humphrey Avenue having 100' on Humphrey Avenue 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. Hill made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. The motion was seconded by Mr. Garza. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,364

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 10 AND 11,  
NCB 3869, 100 BLOCK OF HUMPHREY  
AVENUE, FROM "D" APARTMENT DISTRICT  
TO "B-3" BUSINESS DISTRICT, PROVIDED  
THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

G. CASE 4713 - to rezone Lot 107, the east 25' of Lot 106 and the west 25' of Lot 108, Block 12, NCB 9312, 1130 S. W. Military Drive, from "C" Apartment District to "B-3" Business District; located on the south side of S. W. Military Drive being 75' east of the intersection of Garnett Avenue and S. W. Military Drive having 125' on S. W. Military Drive and a depth of 152.5'.

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, Mrs. Haberman 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 is erected along the South property line. The motion was seconded by Mr. Padilla. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Garza, Padilla, Gatti; NAYS: None; ABSTAIN: Naylor; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,365

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 107, THE EAST  
25' OF LOT 106 AND THE WEST 25' OF LOT  
108, BLOCK 12, NCB 9312, 1130 S. W.  
MILITARY DRIVE, FROM "C" APARTMENT  
DISTRICT TO "B-3" BUSINESS DISTRICT,  
PROVIDED THAT PROPER REPLATTING IS  
ACCOMPLISHED AND THAT A SIX FOOT  
SOLID SCREEN FENCE IS ERECTED ALONG  
THE SOUTH PROPERTY LINE.

\* \* \* \*

H. CASE 4725 - to rezone Lots 17, 18 and 19, Block 55, NCB 3323, 523, 525 531 Highland Boulevard, from "B" Two Family Residential District to "B-2" Business District; located on the north side of Highland Boulevard being 158.1' west of the intersection of Olive Street and Highland Boulevard having 150' on Highland Boulevard and a depth of 160'.

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.

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After consideration, Mr. Padilla 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 is erected along the North property line. The motion was seconded by Mr. Hill. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,366

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 17, 18, AND 19, BLOCK 55, NCB 3323, 523, 525, 531 HIGHLAND BOULEVARD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE NORTH PROPERTY LINE.

\* \* \* \*

I. CASE 4736 - to rezone Lots 10, 11 and 12, Block 32, NCB 1821, 928 Huisache Avenue, from "B" Two Family Residential District to "R-3" Multiple Family Residential District; located on the south side of Huisache Avenue being 225' east of the intersection of Huisache Avenue and Grant Avenue having 75' on Huisache Avenue and a depth of 125'.

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 a six foot solid screen fence is erected along the East, South and West property lines. The motion was seconded by Mr. Garza. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,367

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 10, 11 AND 12, BLOCK 32, NCB 1821, 928 HUISACHE AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A SOLID SCREEN FENCE IS ERECTED ALONG THE THE EAST, SOUTH AND WEST PROPERTY LINES.

\* \* \* \*

J. CASE 4737 - to rezone Lots 1, 2, 3 and 4, NCB 7347, 2702 Nogalitos Street, from "F" Local Retail District and "C" Apartment District to "B-3" Business District; located southeast of the intersection of Nogalitos Street and Prado Street having 113.22' on Nogalitos Street and 119' on Prado Street.

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 is erected along the East property line. The motion was seconded by Mr. Padilla. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,368

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 1, 2, 3 AND  
4, NCB 7347, 2702 NOGALITOS STREET,  
FROM "F" LOCAL RETAIL DISTRICT AND  
"C" APARTMENT DISTRICT TO "B-3"  
BUSINESS DISTRICT, PROVIDED THAT  
PROPER REPLATTING IS ACCOMPLISHED  
AND THAT A SIX FOOT SOLID SCREEN  
FENCE IS ERECTED ALONG THE EAST  
PROPERTY LINE.

\* \* \* \*

K. CASE 4748 - to rezone Lot 17, Block 2-B, NCB 11953, 8400 Block of Western Avenue, from "A" Single Family Residential District to "I-1" Light Industry District; located on the east side of Western Avenue being approximately 145' north of the intersection of Western Avenue and Chulie Drive having 145' on Western Avenue and a depth of 240.4'.

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, on motion of Mr. Hill, seconded by Mr. Naylor, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Haberman, Hill, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Hilliard, Mendoza.

AN ORDINANCE 41,369

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 17, BLOCK 2-B, NCB 11953, 8400 BLOCK OF WESTERN AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

\* \* \* \*

L. CASE 4749 - to rezone a 219.848 acre tract of land out of NCB 14859, 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; and a 126.152 acre tract of land out of NCB 14859, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-3" zone located west of the intersection of Old Fredericksburg Road and North F.M. 1604 west, having 6089.27' on north F.M. 1604 west and a maximum depth of 2493.26'.

The "R-3" zone located on the east side of Babcock Road being 3949.99' north of the cutback between Babcock Road and north F.M. 1604 west having 1181.23' on Babcock Road and a maximum depth of 2493.26'.

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

Mayor Gatti stated this property was across the street from the University of Texas. The whole frontage road is being proposed for "B-3" and expressed concern about strip zoning. He asked if the University had been consulted.

Mr. Ed Davis, Director of Planning, stated that the proposed plan has been reviewed by the staff and the Planning Commission. This is the second major proposed development in the area. The architects and consultants concerned in the two projects have gotten together with the Planning staff, and the proposed plan has been discussed with a view of working out necessary arrangements between them. They have done extensive planning for a major regional shopping center, and it is not a strip commercial type of development.

Mrs. Haberman stated that the Council is aware of many other considerations under way with reference to stricter codes to protect the Edwards reservoir. She commented that, for example, San Antonio Ranch will have to encase the sewer lines in concrete, but the City has no such restrictions for this property which is over the Edwards Aquifer. In view of this, Mrs. Haberman made a motion that action be postponed for two weeks.

Mr. Ed Davis stated that evaluation of plans is based on existing ordinances and codes. What may be changed in the next three to six months is out of their hands and is looked at indifferently. It could take as much as six months to make the changes in the codes. The City does have the prerogative to place greater restrictions at a later date.

Mr. Jack Mitchell, representing the applicants Omniplan Urban Design and Planning of Houston and the owners, showed a sketch of the proposed development and how it had been worked out with owners of adjacent property. They have met with UTSA architects to talk about the kind of

development that makes sense. They have met with the planning consultants representing Mr. Cooper, owner of the adjacent property; have had three or four meetings with the technical staff of the Planning Department prior to presentation to the Planning Commission. The outlined plan for development of San Antonio calls for a regional shopping center to be located in the vicinity of the intersection of IH 10 and 1604. He felt the property in question is an appropriate location for such a center. He emphasized that the plan will enhance the University rather than detract from it.

Mr. Padilla seconded Mrs. Haberman's motion. He said he was not against progress and not against the proposed plans, but this entails major concerns and would also like a couple of weeks to consider it further.

Mayor Gatti said the only question he had was about the possible hazard of strip zoning, and he has been convinced this will not be the case. He suggested that if there is to be postponement, the Council should ask for some specifics on the matter of stricter code enforcement.

Mr. Jack Mitchell stated that as far as the Edwards reservoir is involved, they, too, are very concerned in addressing themselves to the problems. He felt that approval of the zoning today would not preclude any action on the part of the City in terms of setting new kind of restrictions on the land in this area. They are not going to begin development for perhaps a year. The building permit would have to be approved by the City so there are plenty of stops or holds on this later on. They have worked on this proposed development for two years and asked the Council to approve the change.

Mrs. Haberman stated she just wanted to insure, that if the Council leadership requires this, that it take this into very serious consideration and not later hear that the staff cannot do it, that it is up to the Council. She asked that a recommendation come from the Planning Director or City Manager as to what the Council should address itself to to protect this area of concern.

Mrs. Haberman then withdrew her motion to postpone action.

Mrs. Ann Sterling, Route 8, Box 305, stated she was in favor of the change. However, she complained about the gravel pit in the area which was being operated prior to annexation and which does blasting.

After consideration, Mr. Garza made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. 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, Mendoza, Garza, Padilla, Gatti; NAYS: Hilliard; ABSTAIN: Naylor; ABSENT: Becker.

#### AN ORDINANCE 41,370

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 219.848 ACRE TRACT  
OF LAND OUT OF NCB 14859, (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; AND A 126.152 ACRE TRACT OF LAND OUT OF NCB 14859, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

M. CASE 4750 - to rezone a 6.476 acre tract of land out of NCB 11531 Block "A", being further described by field notes filed in the Office of the City Clerk, 1619 Bandera Road, from "F" Local Retail District and "A" Single Family Residential District to "B-3" Business District; located on the southwest side of Bandera Road between Sunshine Drive and Hillcrest Drive, having 454.24' on Bandera Road, 438.11' on Hillcrest Drive and a total frontage of 771.02' on Sunshine Drive.

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. The motion was seconded by Mr. Padilla. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker.

AN ORDINANCE 41,371

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 6.476 ACRE TRACT OF LAND OUT OF NCB 11531, BLOCK "A", (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) FROM "F" LOCAL RETAIL DISTRICT AND "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

N. CASE 4753 - to rezone Lot 7 and the south 20' of Lot 8, Block "G", NCB 11557, 1630 Bandera Road, from "A" Single Family Residential District to "B-3" Business District; located east of the intersection of Sunshine Drive and Bandera Road, having 250' on Bandera Road and 220' on Sunshine Drive.

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 is erected on the East property line. The motion was seconded by Mr. Mendoza. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Mendoza, Naylor, Padilla, Gatti; NAYS: None; ABSTAIN: Hilliard; ABSENT: Becker, Garza.

AN ORDINANCE 41,372

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 7, AND THE  
SOUTH 20' OF LOT 8, BLOCK "G", NCB  
11557, 1630 BANDERA ROAD, FROM "A"  
SINGLE FAMILY RESIDENTIAL DISTRICT  
TO "B-3" BUSINESS DISTRICT, PROVIDED  
THAT PROPER REPLATTING IS ACCOMPLISHED  
AND THAT A SIX FOOT SOLID SCREEN FENCE  
IS ERECTED ON THE EAST PROPERTY LINE.

\* \* \* \*

O. CASE 4755 - to rezone Lot 243, Block "E", NCB 11551, 4500 Block of Callaghan Road, from "A" Single Family Residential District to "B-2" Business District; located northeast of the intersection of Callaghan Road and Oak Knoll Drive, having 229.27' on Callaghan Road and 175.29' on Oak Knoll Drive.

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

AN ORDINANCE 41,373

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 243, BLOCK "E",  
NCB 11551, 4500 BLOCK OF CALLAGHAN ROAD,  
FROM "A" SINGLE FAMILY RESIDENTIAL  
DISTRICT TO "B-2" BUSINESS DISTRICT,  
PROVIDED THAT PROPER REPLATTING IS  
ACCOMPLISHED.

\* \* \* \*

P. CASE 4756 - to rezone the east 205' of the west 620' of Lot A-1, NCB 8416, 3000 Block of Fredericksburg Road, from "A" Single Family Residential District and "F" Local Retail District to "B-1" Business District; and the west 415' of Lot A-1, NCB 8416, 3000 Block of Fredericksburg Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-1" zone located 490.68' west of Fredericksburg Road and 204' south of Babcock Road, being 194.98' wide and 205' in length.

The "R-3" zone located 695.68' west of Fredericksburg Road and 204' south of Babcock Road, being 194.98' wide and 415' in length.

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 is erected along the West property line. The motion was seconded by Mrs. Haberman. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Hilliard, Mendoza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Becker, Garza.

AN ORDINANCE 41,374

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 THE EAST 205' OF  
THE WEST 620' OF LOT A-1, NCB 8416,  
3000 BLOCK OF FREDERICKSBURG ROAD,  
FROM "A" SINGLE FAMILY RESIDENTIAL  
DISTRICT AND "F" LOCAL RETAIL DISTRICT  
TO "B-1" BUSINESS DISTRICT; AND THE  
WEST 415' OF LOT A-1, NCB 8416, 3000  
BLOCK OF FREDERICKSBURG ROAD, FROM  
"A" SINGLE FAMILY RESIDENTIAL DISTRICT  
TO "R-3" MULTIPLE FAMILY RESIDENTIAL  
DISTRICT, PROVIDED THAT PROPER REPLATTING  
IS ACCOMPLISHED AND THAT A SIX FOOT SOLID  
SCREEN FENCE IS ERECTED ALONG THE WEST  
PROPERTY LINE.

\* \* \* \*

Mayor Gatti publicly thanked Congressman Gonzalez for presenting the information he gave the Council today, and cordially invited the Congressman to visit with them at a time he would like to in the future. He said the Council appreciates very much Mr. Gonzalez's interest in the community and great job he is doing.

CITIZENS TO BE HEARD

Mr. Raul Rodriguez stated the City Public Service Board sold \$30 million in revenue bonds in 1970 and now is requesting permission to sell an additional \$35 million. If approved, the CPSB's debt will be \$168 million. He asked the Council to try to get the electric and gas system out of debt and give full ownership to the public.

72-46 The Clerk read the following letter:

October 13, 1972

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

Gentlemen and Madam:

The following petitions were received by my office and forwarded to the City Manager for investigation and report to the City Council:

10/3/72 Petition of Mr. Frank Renfro, Faculty Sponsor, Highlands High School, requesting permission to have a bonfire on November 15, 1972.

10/11/72 Petition of Mr. Juan A. Zepeda, Student Council President, Edgewood High School, requesting permission to have a bonfire on November 2, 1972.

10/13/72 Petition of Willing Workers Community Club, submitted by Mrs. John H. Bragg, 1118 Wyoming Street, requesting street and curb repair and brighter street lights installed on Wyoming Street from New Braunfels to the railroad track and Commerce to Indiana; and removal of trash and garbage from the alley from Pine to Hackberry on both sides of Wyoming Street.

/s/ J. H. INSELMANN  
City Clerk

\* \* \* \*

There being no further business to come before the Council, the meeting adjourned at 11:35 A. M.

A P P R O V E D

M A Y O R

ATTEST: *J. H. Inselmann*  
City Clerk

*John G. Gatt*



STATEMENT BY CONGRESSMAN HENRY B. GONZALEZ

October 19, 1972  
CITY COUNCIL  
San Antonio, Texas

Mr. Mayor and honorable members of the Council:

At the outset I want to thank you for arranging this time for me to meet with you today and address the Council. I am conscious of the demands on you, and have not previously asked this Council to allow me to address it -- and only on very rare occasions have asked your predecessors for this privilege. I only do so today because I want to convey to you as clearly and urgently as I can some matters that are of concern to all of us.

I am here principally as a private citizen, one who is affected by the decisions of the City Council in the same way every other citizen of San Antonio is affected by your actions. Beyond that, as a former councilman myself, I feel that there may be some experiences and knowledge that I gained that could be of benefit to you. Finally, I am here because it seems crucially important that our city government maintain the highest standards of effectiveness and honesty, and continue to represent the public interest against those who would take advantage of any opportunity that might be given them to enrich themselves while at the same time destroying the very foundations of this city.

This Council inherited the benefit of a years-long effort to create in this city a stable, responsive and responsible government. The situation that you inherited when you came into office was light years removed from the turbulence, the corruption and yes, the actual bankruptcy of this City in the beginning days of the council-manager form of government. I was a member of the City Council during the most turbulent days of our municipal history, and I had the privilege of being a member of that first reform council, too -- and so I know full well how different your situation is from that I experienced. Knowing what we had then, my first desire as a citizen is to prevent the bad old days from ever coming back. I am here to remind you that what happened once can happen again, if this Council fails to be diligent and exercise its powers in behalf of just one thing, and that is the public interest.

Our City Charter presumes that the members of this Council are independent, public spirited people who will have no special interests of their own, and who will always act in the public interest. The Charter presumes that the members of this Council, when acting as legislators, will bear foremost in mind only that one thing: what is good for the public interest. Not what they may personally want, or how they may personally feel toward this person or that, not what their prejudices are, but what is best for the city and the public. The job of a legislator, be that person a member of the council, the state legislature or the Congress itself, is just that one thing: to represent the public, all of the public, and to act in their name and for their best interests.

I have sat where you sit, and in other legislative bodies too, and I know that your task is not easy. You are subjected to pressures and blandishments of all kinds. You are begged, cajoled and even threatened if you fail to do this or that. But despite all this, despite the lack of recognition and the lack of compensation, you still have just one task, and that is to honestly seek to serve the people who elected you.

San Antonio has been fortunate in these past years to have had Councils that were determined to get this City into respectable finan-

October 19, 1972

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cial condition, to get its services up to a decent standard, and to keep its operation effective and economical. The benefits of all this are readily apparent -- and especially apparent to one who like me, knows how bad it once was.

But we can keep effective and stable city government only if its leadership is strong and determined. Petty disputes, avarice, arrogance -- all can take hold and destroy the good that you inherited. The philosopher Aristotle thought that cities were governed by a cycle of history, in ever-repeated stages, ranging from anarchy to dictatorship. But much later, Santayana observed that those who cannot learn the lessons of history are condemned to repeat them -- in other words, there is nothing inevitable about cycles of good and bad government; you can have what you want.

If good government is to survive in this community, it is up to you. Your determination to serve the public interest is the key to good government. If you never lose sight of that, you have nothing to fear. Your job is to look out for the interests of that average citizen whom you represent; he is the fellow who never writes you, never telephones you, never bothers you, and who is counting on you to work for him.

You know, we tend to forget how helpless today's citizen is in the face of the heavy weight of government. Especially in the absolute human need for water. One hundred years ago, a family in San Antonio was not bound to a water board. Water was obtainable and for free. Even I as a youth drank abundantly -- and free -- from San Pedro springs.

But today no matter how poor or rich, if you don't pay the water bill the water is cut off -- and humans must have water -- he is literally over a governmental water barrel. "When Adam delved and Eve span, Who was then the gentleman?"

Let me say plainly that some of the actions the Council has taken in the past few weeks and months have caused me to be concerned. I am fearful that the public interest has not always been put first, and worried that the trend, if it continues, will lead us back into the darkness and chaos that bankrupted and came close to destroying our city decades ago. Those dark ages cost us the leadership among Texas cities and were responsible for us falling from first among Texas cities to close to last. This city has too many needs, too many wants, too far to go for us to permit a return to the days of corruption and greed and favoritism.

You have pending before you a request for an increase in the water rates. This is likewise an important question, and can only be addressed properly in one way: what is best for the people of this city?

The water rate increase is now under study by your utilities supervisor, and the public interest question in this matter is simple: you must grant what is warranted and deny what is not.

Indeed, in restructuring the water rates I believe that the Council must bear in mind first and foremost the needs of those who are least able to pay. For example, I believe it would be worthwhile, and I urge that this be done, for the Council to grant free water to all residents of this city who have incomes of less than \$2,000 a year.

But the special interests have complicated this matter: they want you to change policies and revert back to policies that would in short order bankrupt the whole water system, or in the alternative force you to increase rates by 25% or even more than needed or warranted.

Developers are demanding that the City Water Board pay them for the installation of all water mains on the site of their developments. That might seem like a reasonable request, since these mains are donated to the City, but in fact it would mean a \$2.5 million to \$3 million windfall to the developers this year, and more than that in

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the years to come, and it would cause a rate increase of 25% just to cover that one item alone. If the demand of the developers is granted and you don't jack up the water rates 25% to pay for it, the water board will soon be bankrupted -- just like it was a few years ago, when a similar policy was in effect. You have been told this by the manager and the board chairman of the water board, and history proves that they are right.

Developers today donate to the city all the streets, curbs, gutters, sidewalks and sewer lines that they put into their subdivisions, plus the water mains. They are not asking that the city pay them for those streets. They are not asking that the city pay them for those sewers, those curbs and gutters, or for those sidewalks. Why then are they demanding that you pay for the water lines?

The special interests are telling you that by asking them to donate the water lines, you are confiscating private property. But those mains were laid for the benefit of the home buyers, not the benefit of the developers, and this has been well established both in Texas and in Federal court decisions. Moreover, the courts have clearly recognized that those water mains have been paid for by the home buyers, so the developers have been compensated. In the Crownhill case, where a developer tried to force the City of San Antonio to reverse its policy and pay for those mains, both the trial court and appeals court found it undisputed that the mains had been paid for by the home buyers.

Are then these special interests really asking you to compensate them because it is in the interest of the public? The definite answer is in the Crownhill case, where the Supreme Court of Texas ruled, "But it is not a municipal interest to speculate in concert with developers.." (43 SW 2nd 460).

If you grant this demand that the City revert to its old policy of paying for water mains that the home buyers have already paid for once, you would be doing what the courts have expressly found that you need not do. You are not taking private property without compensation by requiring the donation of these mains. They have been paid for by the home buyers, just like the streets and all the other improvements have been paid for, as was clearly revealed in the Crownhill trial and subsequent appeal.

Instead of paying for private property if you start paying for the installation of on-site mains, what you will in effect be doing is, and I again quote the Crownhill decision, is to give up your rights to determine what the water rates really are: "If appellant is correct, the right to determine water rates would then be divested out of the governing body of the City and ultimately determined instead by the developers' judgement..." If in other words, you want to control the water board's rates, you must not return to the old policy of paying for water mains that have already been paid for by the people who are benefiting from them, and that is the home buyers. The truth is that the home buyers, when they buy their homes, pay for everything that went into the cost of that house -- the land, the labor, the materials, the cost of the interim financing, the streets, the sewers, and yes, the water mains too. Why should the water board, and that means the people of this city, pay the developer for something he has already been paid for once.

You are being told that if the developers get this windfall, they will be able to build bigger houses and sell them for a lower cost per square foot than is possible today. They are telling you that they will pass on this refund to the customers, to the people who buy the houses. But if they are so interested in the home buyers, why isn't anyone suggesting that the Water Board send the refund checks to the home buyers themselves? After all, as the Crownhill case made so clear, it is the home buyers who paid for the lines anyway, and if anybody should get his money back, it is the fellow who paid for the lines when he bought his house.

There are those who are telling you that if the old refund policy

is not reinstated, the city will stop growing and come to a standstill. But tell me, how is it that the city is growing at its fastest pace in history, and we have not had this refund policy for years? If the absence of this refund policy were going to stop home building and the growth of this city, it would have happened long before now. The truth is that we do not have any water main refund policy, and our growth has never been more vigorous or promising than it is today.

There are special interests who are telling you that if you do not grant this beneficence, they will destroy you politically. They say they will fight you on annexation and on the water rate increase. But I want to remind you that threats are nothing new in politics. The business of government involves conflicting interests and strong powers, and threats of one kind or another are not uncommon. You can only ignore the threats and do your duty, trusting that the people you represent will understand and support your actions.

And if the facts in this case are explained plainly, the people will understand why the special interests are making threats against you. They will know that you have a choice: to soak the people for a needless 25% water rate increase and give the interests \$2.5 or \$3 million every year in unearned profits, or you can keep the policies as they now are and save the people that much money. You have one other alternative, and that is to give in to the interests and pay them off as they are demanding, and not raise the water rates to cover that payoff. If you did that, the water rates would not be unduly high, but you would also drive the water board back into bankruptcy. In other words, you can either assess the people of this city a reasonable and warranted water rate or you can literally steal from them to pay off the special interests or you can make the payoff and conceal it by not providing for it in the rate structure and bankrupt the system. It is that plain.

If you assess an unwarranted water rate, you are hurting the poorest people of this city -- and we have more poor people here than just about any other city in the country. You are hurting people like the 82 year old widow who wrote me this week -- a woman who has an income totaling \$212.70 a month, and who is trying to pay \$41.90 in county tax, \$57.50 in city tax, \$120.45 in school tax, plus the sales tax, income tax and all the rest. That is not even considering her water bill. How could you justify overcharging a person like that 25% or more on her water, just to meet the threats and demands of the special interests?

That is what the public interest is like. It is not a question of satisfying the demands of this or that special interest group -- it is a matter of protecting the rights and interests of those people who cannot afford to be overcharged for essential public services, and it is a matter of not stealing from the poor to pay off the rich and powerful.

You have heard that reverting to the refund policy for water mains would cost the city water board \$2.5 to \$3 million a year. When I became a member of the Council, that refund policy had caused the water board to owe more than \$2 million in unbonded debts, and it had caused the water board to be so broke that it had to borrow from the banks to meet its ordinary operating expenses. There was no money to replace lines that needed replacing; there was no money to provide water service to people who had been denied it; and we had people living literally in the shadow of this building who were getting their water out of rain barrels. And if that refund policy had been in effect, the debt of the water board to the developers would have totaled nearly \$5 million by the end of 1964.

But the Council wisely repealed the refund policy, and paid off those debts, and the water board then had the money to provide for replacement of old lines, and they have done that -- but they have 300 miles to go. And we have water service in 99% of the homes in the 20th Congressional district today, and sewer service in 97%

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of those homes, and the rates are within reason. Had the refund policy continued, this could not have happened. Neither could the water board have extended its lines as it has, nor improved its services as it has, nor gained any financial stability, if that refund policy had been in effect.

The only way that you can revert to the old policy is to bankrupt the water board or levy water rates that are exorbitant and unjustified. The public interest in this question is clear, and ought to be plainly put.

As another example of the trend, let me cite a past action you have taken, the enactment of the planned unit development ordinance.

There is nothing wrong with having planned unit developments, but there is plenty wrong if the authorizing ordinance is written to serve special interests instead of the public interest. As you have been advised, the PUD ordinance is in fact illegal. You therefore have an opportunity to revise it, and an opportunity to put into that ordinance a greater amount of protection for the public interest.

One thing the PUD ordinance would do is to create private streets, which need not be as wide as standard streets, need not be curbed, need not have sidewalks, and which would be maintained by the people living in that development. Also, the ordinance greatly reduces the amount of land that must be provided for yards, front, back and side, and places all such land under common ownership and common maintenance. The net result of this is that developers can put many more houses on a given amount of land. The economics of this means that virtually all new developments in the future will probably be PUDs. Here is a question worth considering -- is it necessarily in the public interest to have the tremendous proliferation of private streets and all that this entails, for example?

Or let us suppose the water main -- which incidentally would also be private -- blows up in front of a house. The repair must be against the people who happen to live in that PUD, and as a matter of fact they have to provide the repairs themselves, through the resident association that owns the street. But the ordinance does not say that the resident association necessarily has to represent the residents themselves; does not say that they necessarily have the freedom to get competitive bids on their street repairs and other maintenance. What is in the ordinance to prevent the resident association from being manipulated and controlled and exploited by the developer?

Suppose you have in a PUD somebody who wants to have his own water meter, and he might want to have his own meter if the developer gouges him on the water supplied through that master meter you have authorized. What can he do? The answer is nothing, because that PUD is permitted to have what amounts to a private water system, and the developer can charge whatever he wants for the water he buys from the City at a wholesale rate. Is that necessarily in the public interest? There is nothing that would prevent the residents of a PUD from being served by individual meters, but that is not what will happen, because the developers don't want it that way.

There is nothing in that PUD ordinance that would prevent the resident association from being used as a discriminatory device, to keep people from having an equal opportunity to buy those homes. Is this in the public interest?

This ordinance is one of critical importance to the whole nature of future development in this city, and it is one that must therefore be carefully drawn in order to protect the public interests in all the respects I have mentioned, and many more besides. You have an opportunity to do better by the people, and I hope that you will take advantage of that chance.

I am here to urge you to pay close heed to the public interest

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when you are confronted with demands and threats from special interest groups. I am here to ask you to be sensitive to the needs and necessities of people who have no one to count on but you -- and to protect in their name the best interests of this city.'

In the final analysis, good government comes down to just this one thing: defending the public interest. It is not enough to defend the public interest only when it is in the safe confines and comfortable havens of a private room. Issues plainly affecting the people must be discussed plainly and openly, however much that might cause discomfort to one interest group or another. For only those who are against the people will deny their right to know what the issues are.

I am here to say to you that if you do defend the public interest we will have good government in this city. If you fail in that, we will have a return to chaos and bankruptcy, a condition this Council individually and collectively is sworn to prevent.

Your task is not easy. You are confronted with demands you might never have dreamed of. But you have a duty to perform, and there is only one way to do it: independently of any consideration save one -- what is best for the people of this city.

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