

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE CITY COUNCIL CHAMBER, CITY HALL,
ON THURSDAY, FEBRUARY 18th, 1960, AT
8:30 A.M.

The meeting was called to order by the presiding officer Mayor J. Edwin Kuykendall.

The following members were present:

KUYKENDALL,

DIETERT,

PASSUR,

JOHNSON,

SIMPSON,

OLIVARES,

PINSON and

SAN MARTIN; (Arrived Late)

ABSENT: MC MAHON.

The invocation was given by the Rev. Vernon Elmore, Pastor of the Baptist Temple.

On motion the reading of the minutes of the previous meeting were dispensed with.

The Mayor announced that zoning hearings were set for this time.

First Case heard was Case No. 1228 to rezone Tract 1, NCB 12774, located on the Northwest corner of West Avenue and Glen Ivy Drive from "D" Apartment District to "JJ" Commercial. The Planning Director briefed the Council on the change and stated the Planning Commission recommended the change. -No one appeared in opposition. On motion of Mr. Olivares, seconded by Dr. Johnson, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson; NAYS: None; ABSENT: McMahan and San Martin.

AN ORDINANCE 28, 305

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC." PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT 1, NCB 12774.

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(Full text in Ordinance Book J.J.
Page 145.)

February 18th, 1960

Next heard was Case No. 1237 to rezone Lots 1 thru 6, Blk. 5, NCB 9800 and Lots 1 thru 6, Blk. 7, NCB 9802 located on the Eastside of Maxwell Street between Genevieve Street and March Road from "F" Local Retail District to "C" Residence District. Planning Director Taylor briefed the Council on the change. No one appeared in opposition. On motion of Dr. Johnson, seconded by Mr. Dietert the recommendation of the Planning Commission was approved by passage of the following Ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares and Pinson; NAYS: None; ABSENT: McMahon and San Martin.

AN ORDINANCE 28, 306

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THRU 6, BLK. 5, NCB 9800 AND LOTS 1 THRU 6, BLK. 7, NCB 9802 FROM "F" LOCAL RETAIL DISTRICT TO "C" RESIDENCE DISTRICT.

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Full text in Ordinance Book J.J. Page 146

Next heard was Case No. 1243 to rezone Lot 21, Blk. 39, NCB 8470, located on the North Side of Fresno Drive, 100 feet east of Fredericksburg Road from "B" Residence District to "F" Local Retail District. Planning Director Taylor gave a brief history of the case. No one appeared in opposition. On motion of Mr. Pinson, seconded by Mr. Olivares, the recommendation of the Planning Commission was approved by passage of the following ordinance. The vote was as follows: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares and Pinson; NAYS: None; ABSENT: McMahon and San Martin.

AN ORDINANCE 28, 307

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 21, BLK. 39, NCB 8470 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book J.J. Page 146.

February 18th, 1960

Dr. San Martin arrived at this time.

Case No. 1244 to rezone the "B" Residence District part of Lot 13, NCB 7027 located at the Southwest corner of Terry Court and River Road from "B" Residence District to "JJ" Commercial District, was next heard, The Planning Director briefed the Council on the change. No one appeared in opposition. Mr. Pinson asked if any of the proposed route of U.S. 281 Expressway North went through this property. Discussion revealed that it was in the proposed right-of-way and that the city is to be notified by Austin in about two weeks of the proposed route. Mr. Pinson then stated he was not opposed to the change but felt the Council should defer action on this case until it gets clarification from Austin. He then moved that the case be continued for two weeks. This was agreeable to the applicant. Seconded by Dr. Johnson, the motion carried by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San' Martin; NAYS: None; ABSENT: McMahan.

Next heard was Case No. 1246 to rezone Lot 1, Blk. 7, NCB 13267 bounded by Pinebrook, Mossrock, Briargate and Loop 13 from "A" Residence District to "F" Local Retail District. The Planning Director explained the case. No one appeared in opposition. On motion of Mr. Passur, seconded by Mr. Olivares, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, McMahan, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: NONE: ABSENT: McMahan.

AN ORDINANCE 28, 308

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLK. 7, NCB 13267 FROM "A" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book J.J. Page 147

February 18th, 1960

Last Case heard was Case No. 1251 to rezone Lot 9, NCB 10931, located on the west side of South Presa Street approximately 1600 feet south of Loop 13 from "B" Residence District to "JJ" Commercial District. Planning Director Taylor briefed the Council on the change. No one appeared in opposition. On motion of Dr. Johnson seconded by Mr. Pinson the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 309

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS Lot 9, NCB 10931, FROM "B" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Full text in Ordinance Book J.J. Page 147

The following ordinance was read by the Clerk:

AN ORDINANCE 28, 310

AUTHORIZING THE ACQUISITION AND PURCHASE OF THIRTY-FIVE GENERAL MOTORS CORPORATION MODEL TDH-4517 TRANSIT, DIESEL, AIR CONDITIONED MOTOR BUSES; AUTHORIZING THE BORROWING OF FUNDS NOT TO EXCEED \$597,736.85 FOR PART OF THE PURCHASE PRICE THEREOF AND THE EXECUTION AND DELIVERY OF PROMISSORY NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$597,736.85 PAYABLE ONLY OUT OF THE RENEWAL AND REPLACEMENT FUND OF THE SAN ANTONIO TRANSIT SYSTEM, TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF CHATTEL MORTGAGES ON SAID THIRTY-FIVE MOTOR BUSES SECURING SAID NOTES; DIRECTING THE TAKING OF SEALED COMPETITIVE BIDS FOR SAID LOAN, AND FIXING THE DATE FOR THE LETTING OF SAID BIDS; AND DECLARING AN EMERGENCY.

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(Full text in Ordinance Book J.J. Page 148)

After due consideration on motion of Mr. Pinson, seconded by Mr. Passur, the ordinance was passed and approved by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

The Mayor announced that Mr. Pinson and Dr. Johnson had acted as a committee to work with the City Public Service Board in connection with the City's request for additional payments to the City.

Mr. Pinson stated that a formal statement is not ready yet as he wanted the wording to be cleared by Council. He said the report prepared for the City Public Service Board by Ebasco was studied by Mr. Emerson, the City's financial advisor, and the Committee regarding the projection of revenues and it appears the City can get its needs with amendment or change in the indenture, consistent with the Ebasco report and without any increase in rates. He stated the Committee had a very cooperative meeting with the City Public Service Board and the board is studying the committee's figures, and should hear from them soon.

Dr. San Martin commended Mr. Pinson and Dr. Johnson for the fine work they had done.

The City Manager stated there had been some discussion last week of the new water extension policy of the City Water Board but no action was taken because all members were not present. He said the original plan submitted has been reevaluated several times, under the new policy the subdividers will pay 100% for the water lines in his subdivision; oversize lines, when required, will be paid for by the City Water Board, and on approach lines a rebate procedure set up. This same policy sets up rebate procedure for smaller extensions on a pro rata basis. He stated this was a water board matter, but thought an expression that the Council approves such a plan was in order.

Dr. San Martin asked if the Home Builders Association had been informed of the plan. He was told the Association had been notified of the Plan. Mr. Passur stated that the plan was equitable and fair. He then made the following motion, "That the Council recommend to the City Water Board that the new Water extension plan be adopted". Seconded by Mr. Dietert the motion carried by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

Regulations of Water System Extensions on page 29A -

REGULATIONS FOR WATER SYSTEM EXTENSION
and
SERVICE LINE INSTALLATION

Item I. Any dwelling, commercial or industrial establishment or property situated within the boundaries of the City of San Antonio and within established service-level elevations of the City Water System may receive water service upon compliance with the provisions hereinafter set forth, and further, any and all extensions of the water system shall conform to the Criteria for Domestic and Commercial Water Supply and Distribution and with the Master Plan as adopted by the Water Works Board of Trustees:

1. Definitions

A. Customer Classifications

- (1) Single Customer means a dwelling occupied by one or more family units or a small business, such as a filling station, drink stand, individually operated store, et cetera; or a group of such establishments requesting water service through a committee of not more than five (5) persons authorized to negotiate for service and to collect and deposit funds, including Pro Rata and System Charges, Connection and Service Line Charges.
- (2) Developer means any applicant for water service other than a Single Customer, as herein defined.

B. Pro Rata Charge means a fixed assessment per front foot of property or lot owned by a Single Customer to which water service is made available. Such charge shall be fixed in accordance with the Pro Rata Schedule in the Addendum to these Regulations.

C. System Charge means a fixed assessment, graduated according to meter size, against each service line connected for either a Single Customer or a Developer. Such System Charge is established in the System Charge Schedule in the Addendum.

D. Extension Deposit means payment of the unit price per linear foot of main extension necessary to make water service available to a Single Customer, exclusive of crossings of streets or other properties dedicated to public or utility usage.

E. Pro Rata Fund means an account established by these Regulations. Such account shall be funded, and there shall be paid into the Pro Rata Fund all collection of Pro Rata, System Charges and Extension Deposits. Extensions not provided for out of bond funds shall be paid out of the Pro Rata Fund, and the Board may add to such fund from revenues, if and when such monies are available.

F. Frontage means that side of the Single Customer's or Developer's property along which a main is located. Such location shall be determined for the convenience and economy of the System, unless otherwise required by the Code or health regulations.

G. An Approach Main brings service and/or circulation to the perimeter of a property.

H. An On-site Main provides service within the perimeter of a property.

I. A Border Main abuts the perimeter of the property of a Developer.

J. Service Line means a pipe, usually of copper, extending from a water main abutting property to the approximate property line and equipped with a corporation and curb cocks, meter box and property owner's cut-off valve.

K. Service Deposit means the advance deposit, without interest, determined by the Board to be sufficient to insure payment of final bills. Such deposits shall be refundable to the depositor or his assigns only upon termination of service and upon payment of all outstanding accounts.

2. Extension for a Single Customer

Upon application and payment of Extension Deposit or Pro Rata Charge, whichever amount is larger, by a Single Customer, a main will be extended to such Single Customer whose property abuts such extension.

Charge for such extension will be refunded to the depositor upon collection of a Pro Rata Charge from each additional Single Customer whose property abuts the main extension. Such refund, however, shall not exceed the original Extension Deposit, less the Pro Rata Charge against the property of the Depositor. No refund shall be made to said Depositor out of charges levied for an extension of an existing main.

3. Extension for Developer Customer--On Site Mains

In the event a Developer desires water mains extended to serve a property, a preliminary estimate conforming to Board "Criteria for Domestic and Commercial Water Supply and Distribution" and "Master Plan for Water System Improvements" may be prepared by the Board for such property, taking into consideration the area of indicated growth of which the property is a part. The development of any unit of such property must provide for system mains and appurtenances which will conform to such area design. Prior to the preparation of said estimate, however, the Developer shall submit available information for the preparation of such area design.

In the preparation of the design and detailed plans and specifications of the water facilities for a property, the Developer may employ a Registered Professional Engineer or he may request the Board to furnish such engineering service, for which he shall be charged in accordance with the Schedule for Engineering Services in the Addendum. In the latter instance, however, the Developer shall deposit ten per cent (10%) of the preliminary estimated cost of the distribution and appurtenant facilities for such initial development. In either event, however, all construction work shall be subject to inspection and acceptance by Board representative.

The construction of water distribution and appurtenance facilities conforming to Board approved plans and specifications may be installed by a contractor of the Developer's choice, provided a performance bond for 100% of the total contract construction cost is furnished by the contractor in favor of the Board and owner, which bond shall provide: (1) completion of the entire construction in conformity with the Board-approved plans and specifications and (2) maintenance of such construction for a period of ninety (90) days after completion.

As an alternative, the Developer may authorize the Board to furnish all materials and award a contract for their installation on the basis of the lowest responsible bid in conformity with the Board-approved plans and specifications. In such event, the Developer, prior to award of contract, will deposit with the Board the costs of construction, in addition to the 10% deposit advanced for Engineering services provided for by the Board. Upon completion of construction and acceptance by the Board, reconciliation of the actual cost of construction will be made in such manner that the Developer will provide funds for actual materials, installation, and engineering costs.

Should the System's Master Plan require installation of, or the Board elect to construct, mains of larger diameter than required to provide service within the property, the difference between the cost of such larger mains and the size required will be repaid by the Board to the Developer upon completion and acceptance of such construction, based upon the Oversize main Repayment Schedule set forth in the Addendum. Upon acceptance of such On-site Mains, abutting property shall be credited with payment of the Pro Rata Charge.

4. Extension for Developer Customer Approach Mains

When approach or off-site mains are required as feeder and/or circulating mains to supply on-site installations, Developer will provide such mains of adequate size to serve the total proposed development in accordance with the provisions of Paragraph 3 above.

The installation costs of that portion of approach main or mains necessary to serve the property shall be refunded on an annual basis to the Developer out of the Pro Rata Fund in the amount of \$150 for each on-site service attachment in the development installed in conformity with Section 8 hereof, including the Pro Rata charge made under Sections 2 and 6. Such refunds shall terminate at the end of seven (7) years after date of initial development contract, even though the number of attachments be insufficient to accrue the full amount of such installation costs within the seven-year period. In no event, however, shall such refund, including the Pro Rata charge provided under Section 6 hereof, exceed the total cost of construction of the approach feeder and/or circulating mains.

5. Extensions as System Projects

When, in the opinion of the Board, a condition exists which requires extension of a main to protect public health and safety or for public convenience and necessity, the Board will make such extension. Service therefrom to any Single Customer whose property abuts such main shall be provided upon full compliance with Section 8 herein. The Board may authorize the amount of the Pro Rata charge to be added to the monthly water bill of such Single Customer in the amount sufficient to retire the total charge over a period of five (5) years, plus a handling charge of five per cent (5%) per annum. Failure to pay the charges therefor when due will be sufficient cause for discontinuation of service.

6. Service line connections from abutting border mains and approach mains installed after February 24, 1960

Upon application by a Single Customer whose property abuts a border or approach main, the installation of which was contracted for after February 24, 1960, and compliance with Section 8 herein, the Board will extend a service line to the property of such Single Customer. The Board may authorize the Pro Rata to be added to the monthly water bill of such Single Customer in an amount sufficient to retire such charges over a period of five (5) years, plus a handling charge of five per cent (5%) per annum. Failure to pay the charges therefor when due shall be sufficient cause for discontinuation of service.

Such Pro Rata and System Charges will be paid into the Pro Rata Fund, out of which Fund refund will be made to the Depositor for the construction of said approach or border main.

7. Additional Construction Costs

When additional construction costs are encountered including, but not limited to rock evacuation, removal and replacement or boring of roadway and street pavement or other improvements and for special provisions imposed upon the Board to effect highway and railroad crossings, drainage and sewer facilities and other physical obstructions, when over-

size mains are installed, such additional construction costs shall be divided between the Developer and the Board in the same ratio which the diameter of the required size main bears to the diameter of the over-size main installed.

8. Service Line Connections

Service Line Connections shall be installed by the Board for either a Single Customer or Developer upon compliance with the following:

1. Payment of Pro Rata Charge (See Sections 2 and 3 regarding Pro Rata Charge for service lines from Single Customer extensions and Developer On-site Mains)
 2. Payment of System Charge Assessment
 3. Execution of service application and contract
 4. Payment of Connection Line Charge, graduated according to pipe size, as established in the Addendum
 5. Payment of Service Deposit
9. In no event shall the Water Board be obligated to proceed under the terms of these Regulations, if funds are not available in the Pro Rata Fund, or if in the discretion of the Board, the extension is not in the interest of public health or safety.
10. The intent and purpose of these Regulations is to provide an equitable charge for water connections as a proportionate distribution of the cost of water main extensions to serve property in the City of San Antonio. Should the shape or situation of any lot or tract create an inequitable basis for the Pro Rata Charge, the Board shall determine the proper charge in accord with the intent and purposes of these Regulations.
11. No person shall acquire any vested rights under the terms and provisions of these Regulations.
12. The rights of persons entitled to refunds under previous Regulations where installations have actually been made or have been contracted for prior to February 24, 1960, shall remain unaffected by these Regulations. All rights and remedies which have accrued in favor of the Board under previous Regulations and amendments thereto shall be and are preserved for the benefit of the Board. All property abutting water mains, the installation of which was contracted for prior to February 24, 1960, shall be exempt from the Pro Rata and System Charges required under the provisions of these Regulations.
13. The Board specifically reserves the option to advertise for bids and award contract for the construction, in accordance with provisions herein, of all or any portion of extensions of water mains eight (8) inches or larger in size.
14. No installation of water mains will be made in any location other than a dedicated street, alley, public way, or an easement running in favor of the City of San Antonio for the use and benefit of the Waterworks Board of Trustees, which shall be filed of record.
15. If any parts of these Regulations shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of these Regulations. The Waterworks Board of Trustees hereby declares that it would have adopted the remaining parts of these Regulations if it had known that such part or parts thereof would be declared invalid.

Item II. Any dwelling, commercial or industrial establishment or property situated outside the boundaries of the City of San Antonio and within established service-level elevations of the City Water System may, at the discretion of the Waterworks Board of Trustees, receive water service, upon full compliance with the provisions under Item I hereinabove.

BE IT FURTHER RESOLVED: that these rules and regulations shall be effective and in force from and after the 24 day of February, 1960.

PASSED AND APPROVED on the 23 day of February A.D., 1960.

APPROVED:

Chairman

ATTEST

Secretary

ADDENDUM TO

REGULATIONS FOR WATER SYSTEM EXTENSIONS

SERVICE LINE INSTALLATION

On motion, seconded, it was ordered that the following Resolution be adopted:

BE IT RESOLVED:

That the Addendum contained herein entitled "Addendum to Regulations for Water System Extensions and Service Line Installations" establishing charges, deposits and prices required under "Regulations for Water System Extensions and Service Line Installation",

adopted the 23 day of February A.D., 1960, is hereby in all things adopted and shall be in force and effect as of the 24 day of February, A.D. 1960.

Item 1. Pro Rata Charge: \$2.25 per front foot of property or lot

Item 2. System Charge:

Meter Size	Amount
5/8"	\$10.00
3/4"	12.00
1"	16.00
1½"	20.00
2" and larger	30.00

Item 3. Extension Deposit Charge:

Main Size	Charge Per Linear Foot
2"	\$ 1.50
4"	2.00
6"	2.50
8"	3.25

Item 4. Oversize Mains Repayment Schedule:

Required Main	Oversize Main	Repayment Amount (per linear ft.)
6"	8"	\$1.10
	12"	3.10
	16"	7.20
	larger than 16"	Contract price less \$3.30
8"	12"	2.00
	16"	6.10
	larger than 16"	Contract price less \$4.40
12"	16"	4.10
	larger than 16"	Contract price less \$4.40

Item 5. Service Line Connection Charge:

Size of Service Line	Minimum Charge	Minimum Size Main for Connection
5/8" and 3/4"	\$40.00	2"
1"	50.00	4"
1½"	80.00	6"
2"	Actual cost of Material and Labor	8"

A charge of \$35.00, in addition to these minimum charges, shall be made for each service line for removal and replacement or boring of existing roadway and street paving.

Item 6. Engineering Services Fee Schedule (exclusive of construction supervision, inspection, preparation of periodic and final estimates and certification of construction completion)

Cost of Construction	Engineering Fee %
Less than \$ 25,000	7.500
25,001 50,000	6.375
50,001 100,000	5.625
100,001 250,000	5.063
Excess of 250,000	4.500

PASSED AND APPROVED: February 23, 1960.

Chairman

ATTEST:

Secretary

Mr. Pinson then commented that it should be made clear that the change in policy was brought about by a request for a rate increase. He said this was the only item that would tend to reduce rates. He said that it seems the Water Board will need higher rates but not as high because of this new policy.

The Highway 90 Home Owners League asked if a date had been set for the bond election. They were told that it will probably be held in July.

There being no further business, the meeting adjourned.

APPROVED:

John Keyser
MAYOR

ATTEST:

Frank Ballone
City Clerk