

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 1, 1973.

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The meeting was called to order at 9:30 A. M. by Mr. Jake Inselmann, City Clerk, in the absence of Mayor John Gatti and Mayor Pro-Tem Carol Haberman, with the following members present: HILL, BECKER, HILLIARD, MENDOZA, CALDERON, NAYLOR, PADILLA; NAYS: None; ABSENT: HABERMAN, GATTI.

73-10 The Clerk advised that the Council should appoint one of its members as Acting Mayor to preside over this meeting. Whereupon, Mr. Padilla moved that Councilman Ed Hill be appointed as Acting Mayor. The motion was seconded by Dr. Hilliard and carried by the following roll call vote: AYES: Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSTAIN: Hill; ABSENT: Haberman, Gatti.

73-10 Councilman Hill presided as Acting Mayor.

73-10 The invocation was given by Reverend Will Mathis Dunn, Sr., Jefferson Methodist Church.

73-10 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

73-10 Consideration of the minutes of the meeting of February 22, 1973, was postponed for one week.

73-10 Mr. Hill recognized Mrs. Veronica Roebuck and her class of students visting from Hutchins Elementary School.

73-10 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: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,875

ACCEPTING THE LOW BID OF MERCHANTS
TRANSFER & STORAGE CO. FOR THE
TRANSPORTATION OF VOTING MACHINES
FOR THE CITY ELECTIONS AT \$14.20
PER MACHINE.

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AN ORDINANCE 41,876

ACCEPTING THE LOW BID OF ALAMO
PLUMBING SUPPLY CO., INC., TO
FURNISH THE CITY WITH CERTAIN

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NATURAL GAS HEATERS FOR A NET
TOTAL OF \$2,968.48.

* * * *

AN ORDINANCE 41,877

ACCEPTING THE LOW BID OF DUKE ELECTRIC
COMPANY TO FURNISH THE CITY WITH CERTAIN
EXHAUST FANS FOR A NET TOTAL OF \$1,360.71.

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AN ORDINANCE 41,878

ACCEPTING THE LOW QUALIFIED BID OF
JOE E. SCHMIDT, D/B/A PALMER'S NURSERY,
TO FURNISH THE CITY OF SAN ANTONIO WITH
MISCELLANEOUS PLANTS AND SHRUBS FOR A
TOTAL PRICE OF \$1,154.00, LESS 2 PERCENT -
10 DAYS.

* * * *

73-10 The Clerk read the following Ordinance:

AN ORDINANCE 41,879

AUTHORIZING THE PURCHASE OF FOUR
ADDITIONAL SEWAGE LIFT STATIONS FROM
CRANE SUPPLY COMPANY FOR A NET TOTAL
OF \$21,936.00; AND AUTHORIZING PAYMENT
IN SAID AMOUNT.

* * * *

Mr. John Brooks, Director of Purchasing, stated that in September of 1971, a contract was made with Crane Supply Company on a competitive bid basis for the purchase of up to 10 sewage lift stations in a 18 month period. The purchase provided by this Ordinance brings the total purchased to 10 and completes the contract.

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

73-10 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Becker, seconded by Mr. Naylor, was passed and approved by the following vote; AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,880

ACCEPTING THE LOW QUALIFIED BID OF
CONSOLIDATED ELECTRICAL DISTRIBUTORS,
GENERAL ELECTRIC SUPPLY CO., MISSION

ELECTRIC CO., SUMMERS ELECTRIC,
WESTINGHOUSE ELECTRIC CO. AND
GRAYBAR ELECTRIC CO., TO FURNISH
THE CITY OF SAN ANTONIO WITH
MISCELLANEOUS ELECTRICAL SUPPLIES
FOR A TOTAL PRICE OF \$4,681.20;
AND AUTHORIZING PAYMENT IN SAID
AMOUNT.

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73-10 Councilman Becker, following the presentations made by Mr. John Brooks, complimented the City's Purchasing Department for their fine job.

73-10 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Mendoza, seconded by Mr. Naylor, was passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,881

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS
IN THE TOTAL SUM OF \$3,406.00 IN PAYMENT
FOR EXPENSES INCURRED IN CONNECTION WITH
U. S. 281 NORTH EXPRESSWAY; BABCOCK ROAD
WIDENING; SAN ANTONIO RIVER OUTFALL;
WALTERS-MOORE STREET PROJECT; WALTERS-
MOORE OVERPASS; LEON CREEK SEWER OUTFALL
LINE, PHASE B; LEON CREEK SEWER OUTFALL
LINE, PHASE C; MISSION ROAD STORM WATER
CLARIFIER; QUINTANA ROAD GRADE SEPARATION;
BLANCO ROAD WIDENING PROJECT; ROYAL RIDGE
SEWER OUTFALL; NORTHERN HILLS SANITARY
SEWER OUTFALL; WURZBACH ROAD STREET
IMPROVEMENTS; AND EASTSIDE NEIGHBORHOOD
HEALTH CLINIC.

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73-10 The Clerk read the following Ordinance:

AN ORDINANCE 41,882

AUTHORIZING PAYMENT OF \$2,329.80 TO
MR. ESPIRIDION MARTINEZ, CONSTITUTING
A LUMP SUM MUNICIPAL RETIREMENT BENEFIT.

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The Ordinance was explained by Mr. Clyde C. McCollough, Director of Personnel, who stated that Mr. Martinez was employed by the City in June of 1956 and completed his probationary period in December of 1956, at which time he should have been automatically enrolled in the retirement system. Through a clerical error in figuring his age, he was not enrolled. He terminated his employment in December, 1972 and soon, thereafter, his son inquired as to his retirement status. Had he been

properly enrolled in the retirement system, he would have contributed the amount being awarded him by this Ordinance.

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

73-10 The Clerk read the following Ordinance:

AN ORDINANCE 41,883

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE CITY OF BALCCNES HEIGHTS, PROVIDING FOR EXTENSION OF A RADIO MAINTENANCE CONTRACT FOR A PERIOD COMMENCING MARCH 1, 1973 AND TERMINATING JULY 31, 1973; AND AMENDING ORDINANCE NO. 41095 OF AUGUST 24, 1972, TO CONFORM WITH THE ABOVE.

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The Ordinance was explained by Mr. Carl White, Director of Finance, who stated that this is a routine contract for maintenance of police radios for the City of Balcones Heights. It is the same as the other entities have with the City.

Councilman Padilla questioned the advisability of giving this type of service to the neighboring cities and asked for an explanation.

Mr. White and Associate City Manager George Bichsel stated that by the City maintaining the radios, the police mechanics can be sure that other departments do not encroach on San Antonio's wave lengths. Mr. Bichsel also stated that this also makes it possible for the City to keep radio mechanics on two full shifts rather than just one shift.

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

73-10 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Mr. Becker, seconded by Mr. Padilla, was passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,884

AUTHORIZING THE EXECUTION OF AN INSURANCE CONTRACT BY THE CITY OF SAN ANTONIO WITH THE ROYAL INDEMNITY COMPANY PROVIDING FOR THE RENEWAL OF A SCHEDULED PROPERTY FLOATER POLICY COVERING CERTAIN "WALKIE-TALKIE" RADIOS, AND BASE STATION RADIO AND OTHER ELECTRICAL EQUIPMENT, AND AUTHORIZING THE PAYMENT OF A PREMIUM IN THE SUM OF \$1,112.12.

73-10 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Mendoza, Gatti.

AN ORDINANCE 41,885

AMENDING SECTION 36-35 OF THE SAN ANTONIO CITY CODE PERTAINING TO SUBDIVISION REGULATIONS IN REFERENCE TO JOINT PARTICIPATION BY THE CITY AND DEVELOPER IN CONNECTION WITH CONSTRUCTION OF SEWAGE TREATMENT PLANTS AND SEWAGE LIFT STATIONS IN AN AMOUNT NOT TO EXCEED \$20,000.00; PROVIDING THAT ANY VIOLATION SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$200.00 AND ALSO PROVIDING FOR SEVERABILITY.

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AN ORDINANCE 41,886

GRANTING THE REQUEST OF THE NORTHWEST OPTIMIST CLUB TO CHANGE THE DATE OF ITS CEREMONIAL BONFIRE FROM FEBRUARY 24, 1973 TO MARCH 3, 1973, SAID BONFIRE TO BE HELD ON PRUE ROAD UNDER SUPERVISION OF THE SAN ANTONIO FIRE DEPARTMENT; AND REPEALING ORDINANCE NO. 41861 OF FEBRUARY 22, 1973.

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73-10 The Clerk read the following Ordinance:

AN ORDINANCE 41,887

TO ADD \$2,900.00 TO THE MISCELLANEOUS CONTINGENCY ACCOUNT OF ORDINANCE 41091 WHICH AWARDED A CONTRACT FOR REMODELING THE RIVERSIDE GOLF COURSE CLUBHOUSE.

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Mr. Bob Frazer, Director of Parks and Recreation, explained this Ordinance and stated that the increased funds are necessary because the roof of the clubhouse is in much worse condition than had been estimated.

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

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73-10 Councilman Padilla commented to Mr. Frazer that with completion of Riverside Golf Course there will be two courses on the Southside, one on the Eastside and several on the Northside. Perhaps the next step would be a course on the Westside of town.

Mr. Frazer stated he was in agreement and when funds are made available he would see that it was built.

73-10 The following Ordinances were read by the Clerk and explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Mendoza, Gatti.

AN ORDINANCE 41,888

ACCEPTING THE LOW BID OF ROY MCGINNIS AND COMPANY FOR CONSTRUCTION OF AN ADDITION TO LINCOLN PARK GYMNASIUM; APPROPRIATING \$62,242.00 OUT OF 1970 PARK IMPROVEMENT BONDS PAYABLE TO SAID CONTRACTOR AND \$3,000.00 OUT OF THE SAME FUND TO BE USED FOR MISCELLANEOUS CONTINGENCIES; ALSO AUTHORIZING EXECUTION OF A CONTRACT COVERING SUCH WORK.

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AN ORDINANCE 41,889

ACCEPTING THE LOW BID OF U. S. STEEL CORPORATION FOR INSTALLATION OF A CHAIN LINK WIRE FENCE AT THE NORTH EAST COMMUNITY PARK; AUTHORIZING PAYMENT OF \$12,257.00 OUT OF FUND 751-04 PAYABLE TO SAID CORPORATION AND \$600.00 OUT OF THE SAME FUND TO BE USED FOR MISCELLANEOUS CONTINGENCIES.

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73-10 The following Ordinance was read by the Clerk and explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration, on motion of Mr. Becker, seconded by Mr. Naylor, was passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,890

ACCEPTING THE LOW BID OF FRANK JOHNSON CONSTRUCTION FOR CERTAIN EARTH MOVING FOR A TREE NURSERY; APPROPRIATING \$2,500.00 OUT OF 1970 PARK BONDS PAYABLE TO SAID CONTRACTOR AND \$200.00 OUT OF THE SAME FUND TO BE USED FOR MISCELLANEOUS CONTINGENCIES; ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD PUBLIC WORKS CONTRACT COVERING THIS PROJECT.

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73-10 Item 17 of the agenda, being a proposed ordinance concerning Model Cities, was withdrawn at the request of the City Manager. Mr. Hunt stated that a telegram was received last week from HUD saying that no further money would be provided for Model Cities. Presently, the staff is re-evaluating the situation and therefore no action is being taken on this ordinance.

73-10

CITY MANAGER REPORTS

City Manager Loyd Hunt stated that \$2.7 million of major projects have been completed this year. At the same time \$3.8 million of major projects are now getting started. The projects were itemized in a report distributed to the Council members.

City Manager Hunt stated that after a review and study of the task force report headed by Associate City Manager Tom Raffety, he is requesting that the Council favorably consider the recommendations for two man patrol cars and also to instruct the staff to arrive at a formula for funding. In answer to Mr. Padilla's question he said that it will be necessary to raise in excess of \$600,000.

In connection with City Manager Hunt's report concerning the Police Department, Councilman Padilla called attention to his memo to the Council urging that the Council help find funds to assist the police in their immediate needs.

Following discussion the Council agreed to instruct the City Manager to report back to the Council with recommendations regarding funding and a breakdown on how it would be budgeted.

Councilman Becker stated that he wished to publicly commend the police officers who were involved in the apprehension of two criminals after a high-speed gun battle. Other members of the Council concurred with Mr. Becker's statement.

Councilman Padilla stated that he has had a request from the vicinity of John Jay High School for a traffic signal at the intersection of Marbach Road and Rangler. There are three schools in the area which cause quite heavy traffic.

The matter was referred to the Director of Traffic and Transportation for investigation.

73-10 The following Ordinances were read and explained by City Clerk Jake Inselmann, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote:
AYES: Hill, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Becker, Gatti.

AN ORDINANCE 41,891

REVISING AND ESTABLISHING ELECTION
PRECINCTS FOR THE CITY OF SAN ANTONIO,
TEXAS.

* * * *

AN ORDINANCE 41,892

ORDERING THE REGULAR MUNICIPAL ELECTION
TO BE HELD ON THE 3RD DAY OF APRIL, 1973,
IN THE CITY OF SAN ANTONIO, BEXAR COUNTY,
TEXAS FOR THE ELECTION OF THE MEMBERS OF
THE COUNCIL OF THE CITY OF SAN ANTONIO.

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AN ORDINANCE 41,893

AUTHORIZING EXECUTION OF AN AGREEMENT
WITH THE COUNTY OF BEXAR FOR THE
RENTAL OF VOTING MACHINES.

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73-10

PUBLIC HEARINGON A PROPOSED AMENDMENT TO CHAPTER 36 OF THE CITY CODE

The following discussion took place:

CITY CLERK: Mayor, the next item is a Public Hearing on a proposed amendment to Chapter 36 of the City Code (Subdivision Regulations) pertaining to Section 36-13, WATER, which would require as a condition of plat approval that City Water Board be given the first option to provide water service to each subdivision in the City's extra territorial jurisdiction.

ACTING MAYOR ED H. HILL: Do you have a list of people that have signed up?

CITY CLERK: No one signed up out there, but there may be somebody in the audience.

ACTING MAYOR HILL: Okay. I now declare the Public Hearing open. We do not have a registered list. We'll ask the Chairman of the City Water Board first, and then any others that care to be heard. As in all previous such hearings and being fair to each and everyone and to be sure everybody has a chance to be heard, the five minute limit will prevail.

MR. JACK KAUFMANN: Mr. Mayor and Members of the San Antonio City Council, my name is Jack Kaufmann. I'm Chairman of the San Antonio City Water Board. Let me tell you first what has happened, why we're here and what action we recommend that you take. On January 15th, the City Water Board sent the City Council copies of a proposed procedural plan, and these procedures were simply that - procedures. They gave an outline - a game plan. Some things that we recommended, as your duly appointed public agency, we recommended in the public interest. These procedures required some actions to be taken by the Water Board, required some actions to be taken by the Council, and some by the Planning Commission. On January 17th, the Water Board adopted those procedures; on the 18th, copies were sent to the San Antonio City Council. Your staff has reviewed these procedures and interested private companies have had six weeks. There have been public hearings - two before the Water Board and two before the Planning Commission. Yesterday, the Planning Commission adopted a resolution making reference and made recommendations to the City Council.

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Now, let me briefly tell you why we're here. The fact that annexation makes enforcement of the present regulations oppressive to owners of private water companies now in the City limits of San Antonio. There have been numerous meetings with the affected persons and companies, two public hearings before the Water Board and two before the Planning Commission. The chart shows the construction program of the City Water Board, and this is what we are really talking about. All we're talking about today in these procedures is money and who pays it. These expenditures are in line with City Water Board master plan prepared by our National engineering firm, approved by AACOG, approved by the Planning Commission, and approved by the City Council. Now, the cost of this program in this decade is about \$154,000,000. The question is who pays for it, and how much does he pay. There are two items that are critical - the number of customers who will share the cost and, two, whether or not all 153,000 City Water Board customers will bear the cost of on-site and border mains.

Now, let me go back to those two. Number of customers - and how much it's going to cost. Number one, as to the number of customers, we recommended that the Water Board be given first option to be the water supplier in the ETJ. This is in line with our recommendation and we understand Council's position that there should eventually be a single purveyor of water. This is consistent with the 1925 action of the citizens of San Antonio in voting to buy the public water system, and in line with ordinances adopted in 1959 and other times stating that the Water Board would be the sole purveyor of water. Second item - whether or not all 153,000 Water Board customers will pay or bear some of the cost of the on-site and border mains. Let me say what that means. Today, the homeowner pays for these mains as a part of the cost of his lot. You're asked to shift a part of all of this cost to the 153,000 families who are members of and support the City Water Board. The City Water Board is owned, of course, by the 740,000 citizens of San Antonio for whom your Board, your Council and our Board act. Our estimate is \$2,500,000 a year are involved in the cost of these on-site and border mains. If all of this cost would shift to the present users of the water system it would result, based on a new rate, of 21 percent rate increase to bear that portion of costs.

The name of the game and the problem is population and the growth of San Antonio. We have an obligation to see that the cost of operating the system is shared equitably. Your City Water Board consists of myself, Roland Bremer, a homebuilder; Rev. James, a minister; and Dr. Galindo, a physician. These people are all citizens, and their only interest is to serve you and the citizens of San Antonio. We make that recommendation.

ACTING MAYOR HILL: Thank you, Mr. Kaufmann. Since for some reason or another did not have a register for people to sign, the hearing is open and I hope nobody knocks the podium down to try to get there, but if anyone wants to speak is welcome. Mr. Manupelli.

MR. FRANK MANUPELLI: Mr. Mayor, Members of the Council, my name is Frank Manupelli. I have been asked by a couple of homebuilders to speak for them. Although I think some others will be here to speak before you, and we'll try not to be repetitive in some of our statements. We're here primarily to urge that the City Council refer this matter to a committee for proper study. We do not feel such has been done. We feel the City Water Board's action in this matter has been at least subject to question. What Mr. Kaufmann just got through saying, I think he said the Water Board's policies some 50 years ago was to be the sole purveyor

of water, and now they want to do it over night, and I say there are many things and many items that need to be given study here. Most developers did not become aware of this matter until approximately one week ago yesterday, at which time the City Planning Commission held its so-called public hearing. Although most of us did not feel we had ample time to study this document, we appeared before the Commission and urged further study - pointing out many problems that we feel the plan will bring about. On last Thursday, the City Council at its "B" Session was also urged to give the matter ample study. The Council ordered the City Water Board to meet with interested parties. A meeting was called at 2:00 P. M. that same afternoon. It was at this meeting, that a majority of those attending, and I might say that somewhere between 60 and 70 responded to that call on Thursday morning to come to a 2:00 o'clock meeting. Those attending saw this document for the first time. We, again, urged proper time for study. We were told to have our objections submitted in writing by the following Monday. That gave us, for all practical purposes, one working day, Friday, to get something in writing to the City Water Board on Monday. Yesterday, the Planning Commission passed the buck to this City Council, and we all know, of course, this is where the buck stops. You're the people who are responsible for whatever actions or whatever results this document finally results in. You're the elected officials, you're the ones who appoint this City Water Board. You're the ones, unfortunately, that the buck stops with you. You're the ones who have to make this decision.

Some of the Council members have been interested enough to meet with us to hear our concern about railroading the matter as important as this through without proper study. Here, publicly, I would like to commend those Councilmen, Councilman Padilla, Naylor, Calderon, Mendoza, Hilliard, Becker, who did take the time to at least look into this, and, I think, hopefully, saw the need that there is some concern on our part and there's concern that in rushing this through it hasn't been given the proper study. We feel that this document is not what was intended by the Council's committee headed by Mr. Zachry and what was intended by the City Council when it passed its resolution to the City Water Board on December 14. Mr. Zachry, I think, appeared before this group last week to point out that it did not present (inaudible) so-called Zachry Plan. We do not feel that the citizens' best interests are going to be served by a policy that very likely will have the effect of seriously curtailing development in the ETJ and pushing development beyond the ETJ. We feel the document grants powers never intended by State laws and very possibly violates the United States Constitution. We urge you not to force us to resolve these matters in Court. We ask for adequate time to work out a plan that will work for the best interests of all concerned. Thank you very much.

ACTING MAYOR HILL: Thank you, Mr. Manupelli. Next.

MR. CLIFFORD MORTON: My name is Clifford Morton. I'm appearing here today as the President of the Greater San Antonio Builders' Association. Essentially, as we see what the Water Board is asking you, the Council, to do is give them a license to act as a monopoly, not only within the City limits but also in the ETJ. That meeting that we held yesterday, as previously mentioned, with some five Councilmen that we had our attorneys there, and I think we made a very good case for the question - does the City have the power to grant this power to any agency within the ETJ. We think this matter should be properly studied, not only by the Council but representatives of the developers, counsel for the Water Board as well as the City's counsel, to make sure that you really have the authority to grant the power that is being asked of you by the City

Water Board. We think that after you have heard all sides of that question that it would be worthwhile then to ask if you do have the authority to grant this power what duty should go along with. As you read the regulations as a whole, this is one of the things that concerns us the most. Here you're granting someone a monopoly, but for all practical purposes they are not offering to do anything that they have not done in the past. This, very frankly, as far as development is concerned, in new areas, is really, very little. There's only one basic change between what they're offering to do in the proposed regulations versus what they have been doing in the past and that is the creation of a Community Development Plan which would be funded by the sale of some \$6 million worth of bonds for the extension of mains. At no place in here does it say they have the obligation to extend those mains. Not only does it say they do not have an obligation to extend it if in their wisdom they find that it's not economically feasible and there are some very vague criteria as what economic feasibility is and then after they get through setting the criteria they say those criteria shall not be (inaudible) to those - these set of regulations. They do not have any obligation whatsoever to replenish the funds within this so-called Community Development Plan.

So, in a sense, they are offering almost nothing that they have not been offering in the past which very, frankly, without being harsh, has been very little. Frankly, what has happened is this. The City of San Antonio has relied on the developer, who in turn, has had to pass these costs on to you business owners and to new homeowners, the apartment developer to, in effect, subsidizes the City's Water Board. Now, if this is the attitude of San Antonio that we want to rely on those folks who are newcomers to this town to fund the operation for the rest of the cities' water systems, then I think we ought to come out and say this is exactly what we're for. I hope that this is not what we're for. I think that the confiscatory policy that they are asking you to grant them within the extra territorial jurisdiction if your wisdom, after proper legal counsel, you find you do have that authority will only do one thing. I think that it is going to put such a penalty on the developer who operates within the City's limits and extra territorial jurisdiction that all you're going to do is force him out beyond the City's limits and the ETJ in the County, and when you do that you're doing nothing more than creating the very same problem that has been created with the present policy within the City's limits which took place some 12 or 13 years ago. Today, you're faced with the proposition of buying some 18,500 connections which is going to cost you somewhere in the neighborhood of \$10 plus million. If this has been a satisfactory policy then maybe you should go along with what you're being asked to do in the extra territorial jurisdiction, but it would seem to me that you could look at what has happened over the past 10 years and say well, let's not have that happen again. But, this same high-handed approach that they have had in the past is something that they're asking you to condone in the future in the extra territorial jurisdiction. Frankly, I really seriously question whether it is fair, and that is really what you have to answer - is this fair? I think, ultimately, of course, you have to ask the question is it something that it good for all the citizens of San Antonio? If you can answer those two questions, then you should vote yes for the resolution. Again, I ask that you pass it back to the Zachry committee for their study because it (inaudible).

ACTING MAYOR HILL: Thank you, Mr. Morton.

MR. CHARLES BECKER: Mr. Mayor, I have some questions I'd like to ask Mr. Morton, if I may. Some of the points that your group is at variance with the Water Board resolution. One of them is the matter of formulating the method of appointing the appraisers. Is that correct?

MR. MORTON: Yes, sir.

MR. BECKER: And, would you care to elaborate on that for a moment as to your opinion of that?

MR. MORTON: Yes, I would. On page two of the proposed regulations, under Section 1B, if you have your copies, it says that the appraised value of existing systems will be determined by three individuals, one an engineer, one CPA, and another a member of the real estate appraiser. Now, it does not say who is to appoint these three appraisers. If you were the owner of an existing system, I think you would want to know who would be the appointer of those three appraisers. The Zachry report was very specific on this. It said one was to be appointed by the Water Board, one by the developer-owner, and then these two appraisers would appoint a third. Frankly, it's a moot point at this particular time as to who appoints them. But, I think, you can see if you read this instrument as a whole that the Water Board is covering all (inaudible) on this question. They don't have the legal authority to condemn this system and if these three appraisers regardless if all three are appointed by the developer or three by the Water Board, it would make no difference whatsoever because they do not have the authority to say you're going to pay this number of dollars whether you agree to it or not. The State does not give you this authority today. But, if you will notice on the bottom of the page 3, they're looking ahead and I don't want (inaudible) but I've heard there is a request from the State legislature, I'm not so sure what interest of San Antonio made this request, but would given them the authority to force a going business to accept a condemnation appraised price. On the bottom of page 3, it says the Board, not withstanding the provisions of paragraph 1 and 2 above, may at its discretion acquire a privately owned water utility in any manner authorized by law. So, I think they are looking ahead for the day when they will have the authority and if this does come to past, through State legislation, then we do get back to the point as to who appoints these appraisers is a very important issue indeed.

MR. BECKER: Are there any other points in there that has a rather extreme deviation from the recommendations by Mr. Zachry's committee?

MR. MORTON: Yes, sir. I think so, I think if you will look on the bottom of page 2 where they talk about during the acquisition phase in a newly annexed area while the negotiations are going on, you may continue to operate in those areas that were platted prior to annexation on December 26. Now, this could, and I can cite examples if you'd like to have them, but I can show you systems where only a well and a storage tank will, let's say, have been purchased, and less than a break even number of connections are platted to where, in effect, you have a system that might have \$500,000 worth of cost in it, but an appraiser would have to give you a zero value on it because it does not produce any revenue. So, we could have an investment that cost \$500,000 that, unless there is something in here to the effect that would say cost or appraised value whichever is greater there are systems today that would be rendered valueless because it is not covered in these regulations.

Another item that they have in here which I would seriously question was not in the Zachry report at all. If in the Water Board's wisdom they decide that instead of extending a main, they want to drill a well, on your property and erect a storage tank, they have the right, under these regulations, to make that decision; first, of all, and second of all, you have to give up the storage site to them at no cost.

Now, since last Wednesday at the Planning Commission hearing, they have modified the regulations somewhat and have stated that if in the future they do decide that they're going to run a main there and they no longer have a use for the well or storage facility, in their opinion, then they will give the land back to you. They decide where it is going to be. They decide how long they are going to keep it - if forever. And they don't pay you anything for it. Again, I think you have to ask yourself, is this a fair policy? As you look all the way through this set of regulations you show me what kind of an obligation of responsibility the City Water Board really takes. What they are saying is that they want to be a monopoly in Bexar County, but they want the duty and the responsibility to act only when, in their judgment, they should act. Now, you contrast that policy with the City Public Service Board policy and the telephone company's policy. The CPSB and the telephone company have the obligation in Bexar County to extend their services to those customers without having to pay, as a developer, anything for the extensions. Now, you tell me why we should treat this agency any different that we do others. It is absolutely a question that I can't get answered. We have a different philosophy. Let's take this for instance - I heard the statement made that the homeowner pays for these and that we are going to get paid twice for them. So why shouldn't we give them up? Turn the cane over on the other side. We do not pay for the telephone services. We do not pay for the City Public Service Board's services to serve a house. Now, are they saying that we are getting paid for those twice? It's the same sort of thing. For those of you who are in business I'll just ask you this question - when you sit down to operate your business - you are concerned certainly with making a profit, but you are also concerned with keeping the price of the product you are selling at the lowest possible level. Now, if everyone who is in the development business were not having to give these things up like you are being asked to force us to do, I ask you, would you include those in your cost if you were in our business. I think the answer would have to be no. Everyone wants to keep those costs as low as possible.

ACTING MAYOR HILL: Mr. Morton, thank you very much. Let's go on. Next.

MR. JIM UPTMORE: Mr. Mayor, I am Jim Uptmore. I am here in representation of the Planning Commission's hearing which was held yesterday. The hearing started at approximately 12:30 and then was recessed and finally concluded about 6:30 yesterday evening. I appeared as a member of the Builders' Association representing the Association, asking the Planning Commission to review again the whole situation as it had been requested prior to that time. At that meeting, I was a little bit surprised in that I obtained a resolution for that Planning Commission which was prepared by the City Water Board for them to adopt. The Planning Commission did, however, prepare a resolution themselves which will be presented to you. The point that I make here is that the resolution goes a little bit further than Exhibit "A" which is that set of some 20 pages of resolutions that you have before you. I just don't believe, really, that the intent and the representation of our citizens was not properly in this particular instance. I don't think that a board that is presenting something to you should present a prepared resolution for you to sign. They may have done that this morning. The Planning Commission's resolution, as such, requests, and you have a copy probably, but it does request that you take a greater and a longer look at this problem, then try to come up with something that is going to be fair for all. Thank you for your time.

ACTING MAYOR HILL: Thank you, Mr. Uptmore.

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MR. GEORGE DE LA GARZA: My name is George De La Garza. I am not a builder. I am just a citizen and it so happens that I am now a senior citizen as of about 10 days ago. Therefore, I am very interested in this.

One of the gentlemen spoke about the Water Board having a monopoly. Well, the Water Board is you and I. The Water Board is the citizens of the City of San Antonio and if that is a monopoly it is a darn good monopoly and we want to keep that monopoly. We don't want to give that monopoly away to anybody. Now, the gentleman here compared the Water Board to the telephone company. Now, I don't have to tell him and I don't have to tell you that there is a big difference. The telephone company is private and the other monopoly he's talking about is our monopoly-your's and mine. Who in the world is trying to take it away from us? Who? We don't want to give this thing away. Somebody mentioned the fact that these off site mains were 2½ million dollars. Can you imagine what's liable to happen, let's say in the next five years. It probably many not double, but that's about the time that these war children will begin to have children of their own, and you can imagine what's going to happen then. Now, they've got a beautiful idea. They want the cake and eat it too, but we're not going to let them do it, Mr. Becker, because let me tell you something the only way that that money is going to be made up is the money that is going to be spent by you and I or anybody that is going to drink any water is going to have to pay for that. The only way that the Water Board can get the money is to raise that water bill. The gentleman talking about fairness, you know that's not fair. I bought my place not too long ago, and nobody told me I was going to get a refund from anybody. And, you know what, I don't believe anybody buying a new house right now is going to be told, why now sometime you're going to get a pile of money. They want a free ride and I don't blame them. I don't blame them if they can get you gentlemen to do it. I'm not going to take up your time but all I'm going to ask you is this, we do have a monopoly in the City of San Antonio, and we do want to extend that monopoly beyond that five mile limit. They say it isn't practical. It is practical. The developer is going to develop only where there is going to be people otherwise there's nobody to develop for. So, I'm asking you, please bear in mind, that we do not want their bill, we don't want their water bill to go up. We want to keep it the way it is, we want the Water Board to continue operating the way it is but what we don't want, we do not want it to assume someone else's expense. Thank you.

ACTING MAYOR HILL: Thank you, Mr. De La Garza.

MR. BECKER: Mr. Mayor, I'd like to make a few remarks. I think that on balance you have to ask yourself, this Council, not particularly about some of the problems with respect to this Water Board resolution. There are stickers in the contract as there are stickers in most any contract. They have not been given a chance to be worked out. But, I think we have to ask ourselves ultimately-is this perpetuation of on site-border main policy really, and I'm saying this in all honesty, in the best interest of the City of San Antonio and the citizens.

Now, many of our prominent leaders in the City, including members of this City Council, are constantly being deploring the fact that we are not developing the inner core of our City. We are not developing the downtown business district. We are not developing land that is lying fallow within the City limits-countless acres that are in the same state that they were when the earth was created practically. Now, then we are going to extend the same possibility for this land to never be developed into the ETJ. I submit to you that on balance I wonder if the trade out of the \$2.5 million that we are being asked to consider this moving is perhaps a net loss or a net gain. I submit that it possibly be a net loss. When you take into consideration the fact that these various hundreds of acres of land that are not developed, are laying there fallow without any appreciable taxes being derived from them, without any type of activity that is being commended or placed upon them and ultimately I think that we are going to have to try to get a cost accountant, or someone of that nature to address himself to the

questions of analyzing which would be the cheapest if we were to acquiesce to the developers and permit them to recapture this \$2.5 million that is being mentioned here this morning in order to get these other acres on the tax rolls as taxable entities with homes commercial property, and various things on them or whether or not we are going to actually in effect, force these builders beyond the ETJ even and into the County. It is something I don't think has been dealt with. I don't think any arithmetic has been applied to it and is, I think high time that it should be. Now, in that connection also, I don't think there is a legal attorney in this City that would ask his client to formalize a document as important and as lengthy as this Water Board resolution having given it as little time to be studied as these people have and frankly, as this City Council has been given. I can only speak from private experience and I can say to you that perhaps we act slow, and perhaps I'm dense, and perhaps I'm a lot of things, stupid included maybe. But, in our own company's affairs, I can only state to you that anything of this importance and this magnitude and of this far reaching consequences would be given at least six months study by our attorneys and whoever the other side was in a matter of trying to hammer out an agreement that has intelligent, reasonableness justification and all the other equities that should be involved. I believe Mr. Zachry is in the audience.

ACTING MAYOR HILL: Well, wait a minute, Mr. Becker. Let's get back to the hearing.

MR. BECKER: Well, I'm just saying. I see Mr. Zachry in the audience.

ACTING MAYOR HILL: I saw Mr. Zachry come in, I know he's there.

MR. BECKER: I'm going to ask Mr. Zachry, if I may, if he would please comment on his willingness to extend his committee's actions at the Council's request and also whatever opinions he might have as to the recommendations the Zachry's committee originally gave and whether or not those recommendation in his own estimation, were adhered to or in any way followed. Mr. Zachry, would you care to comment on that please?

MR. H. B. ZACHRY: Gentlemen of the City Council, Mr. Becker has requested that I speak to you a bit on the view point of the committee which you appointed and which you asked to make a report directly to you. The reason for the appointment of this special committee was to try to resolve the differences that were existing between the Greater San Antonio Builders' Association and the City of San Antonio itself, the City Water Board, the City Public Service Company. We undertook to point out those points which were at variance and to use our best judgement in reconciling them judgeing everything on the basis of the City's best interests. We presented you a resolution on water which was adopted by the City and, I believe as a result thereof, has some standing in your Council and in your legal proceedings hereafter. When I was, last week, asked to appear before the Planning Commission and to say on behalf of the City Water Board that their resolutions which they were submitting tracked those that were presented by our committee. I said that I could not do so until they were actually compared. Ours were presented by 3/4 of a page; theirs' about 20 pages and then, too, after a resolution has been adopted, it is a legal interpretation of it that counts and not the idea or the intent of folks who wrote it. So, I suggest that the Water Board permit me to sit down and make a comparison as a layman between the two to see what the differences were as I saw to see if they were reconcilable between the Water Board and me and our committee that you appointed, and if they were by then, I, in turn, as a representative of the committee would ask that the City Water Board's resolutions be approved. The Water Board did not think we had enough time to do that. That's where my difference has come in.

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I've seen too much in the 30 odd years that I have lived here of fighting between the citizens of San Antonio over some project, or inner City struggle where, if we would combine all our efforts and resources toward working for the City, we could accomplish a great deal more. So, I have been disappointed that they wouldn't permit us to reconcile those two as near as we could because, if you will remember, Cliff Morton and the association that he represents approved the resolution that was submitted by your committee. So, the only ones that I know of that didn't was the the larger developer, Ray Ellison, who participated in all our discussions and would have, I think, come up with some other idea or suggestion of his own that might have been incorporated in the final results. I know, full well, from a contractor's viewpoint, from a developer's viewpoint, and I think from the City Council's viewpoint that this business of transacting business in the courthouse is a poor way to get things done. So, a poor settlement is better than a good lawsuit when you take into consideration the time and the stress and the troubles that are to be accomplished. So, the main objective there of our committee who submitted the resolution was that we should continue on the development of City without being handicapped by failure to provide water for needed subdivisions. Second, that this in turn would handicap some 500,000 people who were being (inaudible) So, I suggest and hope that somehow or another you will say all right now let's put these things together. I don't see any great rush that it has to be done yesterday or tomorrow or the next day. Let's put these things together. Let's see exactly what our differences are one, two, three. Many of us are arguing about something they don't quite see the point that they're trying to make. Let's see what those are, let's see if they are reconcilable, with the Water Board, with Developers. Those that are, let's do so. Those that are left, let's air them out and then let's have your different objectives, the different statements, and finally come back to City Council and say, look these are the things we approve and here are the things we don't approve.

ACTING MAYOR HILL: Thank you, Mr. Zachry.

MR. BECKER: May I comment on something that Mr. Zachry said, please, Mr. Mayor. I think one of the most salient points that you pointed out, Mr. Zachry, was that in your 30 odd years of living in San Antonio and experience with inner City squabbles and various types of disagreements and so forth that you haven't really seen much beneficial results derived from that and I believe I'm paraphrasing, perhaps, but I think that's what the essence of your remarks. If I may extend upon that for a moment, one of the things that I, as a City Councilman, as a citizen of the City of San Antonio, as a businessman of the City of San Antonio, and I think I can speak for some of the other Council members and perhaps all of them. One of the things that we're most concerned with is the perpetuation of this divisiveness the furtherance of the Water Board on this side, the homebuilding industry or the developer's on this. This breach is getting wider instead of getting narrower. How can that possibly accrue any real benefits to the citizens or the City of San Antonio per se. Now, I submit the following request that somehow or another that we all learn to try to work together in this City instead of working apart. That we will build a better City, that it will be done and accomplished in a shorter span of time and that citizens of the City can't help but all prosper accordingly to some degree. We were hopeful that out all of these committee actions and everything that there would be an accord reached between the Water Board and the development community in the City. It doesn't look like there is that accord. I'm going to suggest that if you would care to-I don't know the condition of Mr. Zachry's committee-whether it has been deactivated. If it is deactivated that it be reactivated. If you and your committee members would agree to serve again, we would be most grateful. In order to try to rationalize this thing and bring something to a conclusion that would be the best interest of all, would you agree to do that, Sir?

MR. ZACHRY: I personally will agree to anything that will be helpful. I try as best as I know how to be a worthy citizen of San Antonio. What ever efforts that I can lend in that direction will be happily done.

I can't obligate the other folks. I think if you want to reinstate the committee that each should be asked would they continue to serve on it and either start anew or where we left off. We asked when that final report was made that the committee be discharged. It's my feeling that we have been discharged. If that is legal or not I don't know.

ACTING MAYOR HILL: Thank you, Mr. Zachry.

DR. HILLIARD: I just want to make one little observation that I've noticed. Someone said earlier it all boils down to cost, the money and who is going to pay it, and a comparison has been made of the Public Service Board and telephone company will extend the services to the homes without any charge. Actually, there's a big difference between digging through asphalt and concrete and digging a deep hole to lay continuous water mains and recovering that and putting up a few poles here and there with some wires. The cost is so much greater for the Water Board. Then, too, on the poles, that cost is then shared by two utilities which is the telephone company and the Public Service Board. They share the cost of the poles, and they can probably do this at a very, very nominal fee where it's much higher for the Water Board. This is the whole essence that the fantastic cost of extending water services to new area. Who is going to pay for this cost? This is the central issue, and I'm certainly in accord with trying to get something that both the developer can live with and not stymie development and also which would not only burden the citizen. I too concur that we refer this back to the Zachry committee for further study to work out with the Water Board and with the committee members and with the homebuilders something that everybody can live with and be beneficial to the continuous growth and harmony of San Antonio.

ACTING MAYOR HILL: I'd like to recognize Mr. Naylor.

MR. NAYLOR: Is this hearing over?

ACTING MAYOR HILL: It is still open.

MR. NAYLOR: I would like to make a motion?

MR. MENDOZA: Is there anyone else who would like to speak?

MR. PADILLA: I have a question that should come before motion, Mr. Mayor?

ACTING MAYOR HILL: Mr. Padilla.

MR. PADILLA: Thank you, Mr. Mayor. I'd like to ask Mr. Van Dyke a question. Mr. Van Dyke, may I ask you a question, sir? When is the last time that the Water Board policy statement so to speak, was last revised?

MR. ROBERT VAN DYKE: The procedure statement was passed on January 17th and has never been revised.

MR. PADILLA: It has not been revised, Mr. Van Dyke? I want to be sure that we're not, you know, engaging on a play of words here.

MR. VAN DYKE: (inaudible)

MR. PADILLA: Yes, I want to clarify something that has to do with the time frame. It's my understanding that as late as day before yesterday, which was one day before the Planning Commission met, that there was some modification to the proposed Water Board policy.

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MR. VAN DYKE: (inaudible Mr. Van Dyke was standing at rear of Chambers) before the Council last Thursday, meetings were held Thursday afternoon. Based on those meetings there were changes made to the suggestions that were made by the developers and these when were presented to the Planning Commission.

MR. PADILLA: Mr. Van Dyke, these changes that were presented to the Planning Commission on Wednesday, were they, in effect, made the day before.

MR. VAN DYKE: They were made following the meeting Monday with the developers.

MR. PADILLA: Do they require Board action, sir?

MR. VAN DYKE: No.

MR. PADILLA: Action by your Board?

MR. VAN DYKE: These were suggestions to the Planning Commission to resolve problems that the Council and Planning Commission raised.

MR. PADILLA: And these did not require Board action?

ACTING MAYOR HILL: Okay, who next would like to be heard?

MRS. HELEN DUTMER: Members of the Council, I'm Mrs. John Dutmer; I reside at 739 McKinley. It just occurred to me that this morning we have had two great powers conversing with each other trying to reach an agreement, but no one has appeared for Mr. and Mrs. San Antonio citizen. You tell me that I own the Water Board as a citizen of San Antonio, but this is owning the White House. Let me try and collect one brick. Ultimately, it seems that Mr. and Mrs. San Antonio citizen are going to pay one way or the other, and when a person pays they have a right to have a say. Now, it occurs to me also that there are many, many millions of dollars of figures being thrown around up here too much for average citizens to take into consideration all at one blow. To me, this morning, I know that there has been a controversy between the Water Board and between your developers, but it has not been published to such an extent that Mr. and Mrs. San Antonio can understand the full impact of it, and I would urge you on behalf of the citizens who either way, whether I'm not a developer, I'm not of the Water Board. I stand to gain nothing, but I stand to lose a lot. It would seem to me that on behalf of the citizens of San Antonio who elected you to this office that you would grant a delay so that they can work out their problems to satisfaction of all concerned. Thank you.

ACTING MAYOR HILL: Thank you. Anyone else like to be heard?
I declare this hearing closed.

MR. PLEAS NAYLOR: I have attended two meetings this week with a number of these people that are developers, and I've heard their side of this that I've heard this morning. I've talked to the Water Board. On four occasions I've heard Mr. Zachry publicly state the opinions that he stated this morning which he did not feel that there was an urgency to bring this to a close and not to give time to try and settle it. The City Planning and Zoning Commission has also asked for a better definition of the policy of the City Council, and I feel that additional dialogue and meetings is necessary between the City Water Board and the developers in a further attempt to come up with a more equitable policy and procedures. This does not seemingly come within the guidelines of the resolution which the City Council had passed previously. I make the motion that this policy statement and procedures be not accepted by the Council and be referred back to the members of the Zachry committee for an attempt to resolve the differences between the City Water Board and the developers of San Antonio. Further, I think it is necessary to say that this should also express our feeling and desire that there should be no plats held up during this time, from this time forward on any of the subdivisions by the Water Board that would be because of this policy not being finalized, and if there is any bonds sold during the time or after this time for the purpose of the \$6 million revolving fund, developing fund, that that money not be spent until such time as the Council has approved and accepted the policy that will be necessary.

MR. BECKER: I second it.

ACTING MAYOR HILL: Would you consider in your motion a time element for the Zachry committee?

MR. NAYLOR: Well, I would say that it should not be back here before two weeks at the most, and I doubt if that is enough time so I would say probably we should have a report back - say three weeks from now.

ACTING MAYOR HILL: Do you want to include that in your motion?

MR. NAYLOR: Yes.

ACTING MAYOR HILL: Okay, call the roll.

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

73-10 ZONING HEARINGS

A. CASE 4429 - to rezone Lot 7 and the west irregular 96.88' of Lot 8, NCB 12099, 2939 Nacogdoches Road, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the northwest side of Nacogdoches Road, 675' southwest of the cutback between Bitters Road and Nacogdoches Road; having 244.26' on Nacogdoches Road and a maximum depth of 314.9'.

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

No one spoke in opposition.

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

AN ORDINANCE 41,894

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 WEST IRREGULAR 96.88' OF LOT 8, NCB 12099, 2939 NACOGDOCHES ROAD, FROM "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 BE ERECTED ON THE SOUTHWEST PROPERTY LINE.

* * * *

B. CASE 4841 - to rezone the west 100' of Arbitrary Tract C, NCB 10851, 2900 Block of South W. W. White Road, from "A" Single Family Residential District to "B-3" Business District; and Arbitrary Tract C, save and except the west 100', NCB 10851, 4500 Block of Boldt Drive, from "A" Single Family Residential District to "I-1" Light Industry District.

The "B-3" being located northeast of the intersection of South W. W. White Road and Boldt Drive; having 340' on South W. W. White Road and 100' on Boldt Drive.

The "I-1" zoning being located on the north side of Boldt Drive; 100' east of South W. W. White Road; having 240.6' on Boldt Drive and a depth of 340'.

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

No one spoke in opposition.

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

AN ORDINANCE 41,895

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 WEST 100' OF ARBITRARY TRACT C, NCB 10851, 2900 BLOCK OF SOUTH W. W. WHITE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND ARBITRARY TRACT C, SAVE AND EXCEPT THE WEST 100', NCB 10851, 4500 BLOCK OF BOLDT DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

C. CASE 4878 - to rezone Lot 29, NCB 10228, 3819 Fredericksburg Road, from "F" Local Retail District to "B-3" Business District, located on the southwest side of Fredericksburg Road, being 150' northwest of the intersection of Williamsburg Place and Fredericksburg Road; having 150' on Fredericksburg Road and a maximum depth of 250.32'.

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

No one spoke in opposition.

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

AN ORDINANCE 41,896

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 29, NCB 10228, 3819 FREDERICKSBURG ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTHWEST PROPERTY LINE.

* * * *

D. CASE 4879 - to rezone Lot 1, Block 11, NCB 14541, 2502 Oakhill Drive, from "R-2" Two Family Residential District to "O-1" Office District; Lots 5 through 7, Block 10, NCB 14540, 6100 Block of Farragut Drive, and Lots 8 through 13, Block 5, NCB 14535, 6100 Block of Town Hill Drive, from "R-2" Two Family Residential District to "R-6" Townhouse District.

The "O-1" zoning being located on the north side of Farragut Drive, between Town Briar Drive and Oakhill Drive; having 120.72' on Farragut Drive and approximately 95' on Oakhill Drive and Town Briar Drive.

The "R-6" zoning being located:

Lots 5 through 7 are located northeast of the intersection of Town Briar Drive and Farragut Drive; having 115.3' on Town Briar Drive and 275.77' on Farragut Drive.

Lots 8 through 13 are located southeast of the intersection of Oakhill Drive and Town Hill Drive; having 105' on Oakhill Drive and 526.97' on Town Hill 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. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence be erected on all sides adjoining the single family dwellings. Dr. Hilliard seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,897

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 11, NCB 14541, 2502 OAKHILL DRIVE, FROM "R-2" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT; AND LOTS 5

THROUGH 7, BLOCK 10, NCB 14540,
6100 BLOCK OF FARRAGUT DRIVE,
AND LOTS 8 THROUGH 13, BLOCK 5,
NCB 14535, 6100 BLOCK OF TOWN
HILL DRIVE, FROM "R-2" TWO FAMILY
RESIDENTIAL DISTRICT TO "R-6"
TOWNHOUSE DISTRICT, PROVIDED THAT
PROPER REPLATTING IS ACCOMPLISHED
AND THAT A SIX FOOT SOLID SCREEN
FENCE BE ERECTED ON ALL SIDES
ADJOINING THE SINGLE FAMILY DWELLINGS.

* * * *

E. CASE 4886 - to rezone Lot 21, NCB 11715, 8700 Block of San Pedro Avenue, from "A" Single Family Residential District to "B-3" Business District, located on the northwest side of San Pedro Avenue, being approximately 510' southwest of the intersection of West Ramsey Road and San Pedro Avenue; having 172.45' on San Pedro Avenue and a maximum depth of 450'.

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 be erected along the north property line and that a 50 foot building set back line be imposed on the north property line. Mr. Becker seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,898

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 21, NCB 11715,
8700 BLOCK OF SAN PEDRO AVENUE, FROM
"A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED;
THAT A SIX FOOT SOLID SCREEN FENCE BE
ERECTED ALONG THE NORTH PROPERTY LINE,
AND THAT A 50 FOOT BUILDING SET BACK
LINE BE IMPOSED ON THE NORTH PROPERTY
LINE.

* * * *

F. CASE 4889 - to rezone Lots 1, 2 and 3, NCB 11192, 7802 Somerset Road, from "B" Two Family Residential District to "B-2" Business District, located southeast of the intersection of Somerset Road and Yuma Street; having 138' on Yuma Street and 188.7' on Somerset Road.

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 be erected on the east and south property lines. Mr. Becker seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Haberman, Gatti.

AN ORDINANCE 41,899

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 AND 3, NCB 11192, 7802 SOMERSET ROAD, 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 BE ERECTED ON THE EAST AND SOUTH PROPERTY LINE.

* * * *

G. CASE 4896 - to rezone the west 71' of P-24E, NCB 15367, 7300 Block of Marbach Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District; and the east 403.58' of P-24E, NCB 15367, 7300 Block of Marbach Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District.

The "B-3" zoning being located on the north side of Marbach Road, 513.58' west of Westedge Drive; having 71' on Marbach Road and a maximum depth of 240.78'.

The "B-2" zoning being located on the north side of Marbach Road, 110' west of Westedge Drive; having 403.58' on Marbach Road and a maximum depth of 240.78'.

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.

Mr. Robert Reyes spoke in favor of the request saying that the entire neighborhood is business. He also cited the need for traffic controls on Marbach Road and also sidewalks for school children.

The City Manager was requested to have the area investigated with regard to the sidewalk problem.

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

AN ORDINANCE 41,900

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 WEST 71' OF P-24E, NCB 15367, 7300 BLOCK OF MARBACH ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND THE EAST 403.58' OF P-24E, NCB 15367, 7300 BLOCK OF MARBACH ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ON THE NORTH PROPERTY LINE.

* * * *

73-10

CITIZENS TO BE HEARD

MR. JOSE MONTALVO

Mr. Jose Montalvo, 5242 Overpool, again spoke to the Council regarding his request for a resolution honoring the Mexican-Americans who have fought for the United States. Members of the Council discussed the request with Mr. Montalvo, and he was assured that the matter is being considered.

MRS. HELEN DUTMER

Mrs. Helen Dutmer spoke regarding the location of a regional jail. She stated that the County Commissioners had considered use of the Joske home on North Loop but were informed it may be needed for expansion of the International Airport. She asked that the Council make a decision in this matter so that the County would feel free to consider using the property.

73-10 The Clerk read the following letter:

February 23, 1973

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:

February 21, 1973

Petition of Mr. and Mrs. Federico Sanchez requesting permission to retain the existing structure located on their property at 2214 Barney Avenue, Lot 24, NCB 11353.

February 23, 1973

Petition of Mr. Frank B. Vaughan, Jr., Commissioner Precinct No. 3, requesting permission to install four teleprocessing cable lines from the Courthouse to the Adult Probation Offices in the old Police Building.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned at 11:45 A.M.

A P P R O V E D

John Galt
M A Y O R

ATTEST: *J. H. Inselmann*
City Clerk

March 1, 1973
nsr