

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 1, 1974.

* * * *

The meeting was called to order at 8:30 A. M. by the presiding officer, Mayor Charles L. Becker, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, O'CONNELL, PADILLA, MENDOZA; Absent: NONE.

74-38 The invocation was given by The Reverend Lawrence Matula, Christ the King Catholic Church.

74-38 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

74-38 The minutes of the meeting of July 25, 1974, and the Special Meetings of July 24 and July 25, 1974, were approved.

74-38 COURTESY VISIT BY THE NEW MEXICAN CONSUL GENERAL

The Mayor and Members of the City Council in behalf of the City of San Antonio welcomed the new Consul General from Mexico to San Antonio, The Honorable Raul Gonzalez Galarza. Mr. Galarza thanked the Council and citizens for their welcome to what he considers perhaps the greatest and most unique City in America as far as friendship towards Mexico is concerned. It was his opinion that Americans are generous by nature and conviction and expressed delight in his new assignment.

74-38 PRESENTATION OF CITATIONS

Mayor Becker read Citations thanking the following named persons for having served on the various Boards and Commissions of the City:

Mr. Lino Mendiola — Economic Opportunities Development Corporation Board of Directors

Mr. Bill Kelso — Riverwalk Commission

MEMBERS OF THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN:

Mrs. Helen Jacobson — Chairman
Mrs. Margarita R. Huantes — Vice Chairman
Mrs. Cecilia Scherrer
Mrs. Patricia Ayres
Mrs. Sue Eastwood
Mrs. Dora Grossenbacher
Mrs. Lanette Glasscock
Mrs. Bess White
Mrs. Gertrude Passur
Mrs. Mary L. Luckmann

* * * *

PLAQUE OF APPRECIATION TO JOHN NEWMAN

The Mayor on behalf of the City Council presented to Mr. John Newman a Plaque of Appreciation for his service as a Member and Vice-Chairman of the City Public Service Board from July 1, 1971 to June 3, 1974.

The Mayor stated that the City of San Antonio and the Council recognizes Mr. Newman's work for had it not been for Mr. Newman's efforts and work in instituting the program of obtaining oil storage tanks the City would have had a catastrophic dilemma on its hands.

Mr. Newman expressed his appreciation to the Council for its thoughtfulness.

74-38 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-38-48

DESIGNATING COUNCILMAN LEO MENDOZA JR., AS MAYOR PRO-TEM OF THE CITY OF SAN ANTONIO TO SERVE DURING THE PLEASURE OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE MONTHS, BEGINNING AUGUST 1, 1974.

* * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That Councilman Leo Mendoza, Jr., is hereby designated as the Mayor Pro-Tem of the City of San Antonio.

SECTION 2. That, pursuant to the provisions of Article II, Section 9, of the Charter of the City of San Antonio, said Councilman Leo Mendoza, Jr., shall serve as Mayor Pro-Tem during the pleasure of the City Council for a period of three months, beginning August 1, 1974.

* * * *

Dr. San Martin made a motion that the Resolution be approved. The motion was seconded by Mrs. Cockrell.

Mr. Mendoza stated a question as to possible conflict of interest has been raised if he were to serve as Mayor Pro-Tem due to the fact that he has been elected as a Democratic nominee for Justice of the Peace and will be on the ballot in the General Election in November. He stated that he has not been officially elected but does not have an opponent in the General Election and does not take office until January 1, 1975.

Assistant City Attorney Louis Garcia stated that there was no conflict whatsoever of his holding the office of Mayor Pro-Tem.

On roll call, the Resolution was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Lacy, Padilla.

* * * *

City Clerk Jake H. Inselmann then administered the Oath of Office of Mayor Pro-Tem to Mr. Mendoza.

* * * *

The Mayor and Council members congratulated Mr. Mendoza and also expressed appreciation to Councilman Alvin G. Padilla, Jr., for the outstanding service he performed as Mayor Pro-Tem.

74-38 BRIEFING ON THE NORTH EXPRESSWAY BY MR. R. O. LYTTON

Mr. R. O. Lytton, District Engineer for the Texas Highway Department, made a report as follows:

STATUS OF NORTH EXPRESSWAY PROJECT
August 1, 1974

SECTIONS UNDER CONSTRUCTION

- A. I. H. 35 to Mulberry Avenue (1.2 Mi.)
Killian-House Contractor -- \$3,848,000 - original contract
\$6,000,000 - estimated new cost
- B. Tuxedo Avenue to Loop 410 (2.0 Mi.)
H. B. Zachry Contractor -- \$4,740,000 - original contract
\$7,000,000 - estimated new cost

Renegotiation of contracts underway. All work could possibly resume by the end of August.

CENTER SECTION PLANS

- C. Mulberry Avenue to Tuxedo Avenue (2.7 Mi.)
 - (1) Detail plans are being updated.
 - (2) Esthetic treatment being emphasized throughout. (Long span bridges, rectangular columns, exposed aggregate surfaces on walls and piers, rock facing where appropriate, landscaping, etc.)
 - (3) More sound abatement barriers are being added in vicinity of Olmos Dam and Devine Road.
 - (4) Expressway lanes are being lowered between stadium and outdoor theater to obtain more positive sound barrier.

- (5) We propose to make room on structure in back of outdoor theater for retaining Alpine Drive one way around theater.
- (6) Proposed borrow sources in Olmos Basin for embankments are being reduced to a single source located immediately south of Basse Road between MP RR and North Expressway. After fill material is removed, the borrow source area will be finished to smooth even contours, graded to drain, topsoil replaced and planted with grass.
- (7) Our intention is to have completed plans in Austin in time for bids to be taken and construction started by the first of next year.

SECTIONS NORTH OF LOOP 410

D. Loop 410 to Existing U. S. 281 (2.0 Mi.)

Remaining right-of-way parcels to be acquired -- 3

E. Along Existing U. S. 281 to North of Bitters Road (2.3 Mi.)

Remaining right-of-way parcels to be acquired -- 8

Since funds are not presently available to complete right-of-way acquisition for the entire project, we recommend acquisition of the remaining parcels in Section D be assigned top priority in order that the North Expressway connection to existing U. S. 281 (San Pedro Avenue) may be assured.

/s/ R. O. Lytton

* * * *

Mr. Lytton added that while additional funds are being obtained the facilities can be expanded on present right-of-way on Highway 281 - San Pedro Avenue to four lanes divided. This to be brought in as an interim project if necessary while awaiting the right-of-way for the remainder of the project.

Mayor Becker stated that he spoke to Mr. Frank Bennack, Jr., Chairman of the Chamber of Commerce Committee who has been ramroding the efforts for completion of the North Expressway for several years. He advised that there's going to be a hearing before the Texas Highway Commission in San Antonio sometime in September to show mock-up models of the project and invited the Council to attend.

The Mayor added that every City Council has gone on record in favor of the North Expressway.

After discussion, it was found that the Council had expressed itself adequately, as it was a mandate of the people back in 1961 that the expressway be built, and it was determined it would be sufficient and adequate that the Council members attend the meeting.

* * * *

August 1, 1974
nsr

Mr. E. Monroe Bibb, President of the N. E. Loop 410 Association, made the following statement:

"My name is Monroe Bibb and my office is located at 900 N. E. Loop 410, San Antonio, Texas. I wish to quickly present the need for the acquisition of the Right of Way for the North Expressway from Loop 410 north to Bitters Road. The following are for your consideration:

Bond issues were passed by the City of San Antonio in 1960 and again in 1970 for the acquisition of the right of way and to date some 13 parcels remain to be purchased. Prices of land have increased considerably in this time.

A Resolution by the North Loop 410 Association was passed and mailed to the Honorable Mayor Becker and Members of the City Council on October 15, 1973.

In 1970 Mayor Gatti urged that this property be acquired immediately.

The North San Antonio Committee on April 16, 1974 listed this acquisition of the Right of Way and the Completion of the North Expressway as the most important thing to help North San Antonio.

On July 17, 1974, Dr. Ivan Fitzwater, Superintendent of Schools of the Northeast Independent School District wrote that this project is of most importance to North San Antonio.

As 80 percent of the growth of San Antonio is occurring on the North Side, I urge this City Council to expend all efforts in acquiring the balance of the right-of-way on the North Expressway. The approximately \$8,000,000.00 cost would be a help to the economy of San Antonio."

* * * *

City Manager Sam Granata advised that the 11 parcels are in the hands of the City Attorney. Unfortunately due to inflation, the City does not have sufficient funds. It will take a bond issue or some other source of funding. It will take 1 1/2 to 2 million dollars to acquire the right-of-way, and the City has only \$350,000 on hand. He stated a study of the matter will be made and a further briefing will be given to the Council on a later date on how the City can acquire the remaining property.

* * * *

Mayor Becker then presented Mr. Lytton with a Citation which read:

IN APPRECIATION OF 15 YEARS SERVICE TO THE COMMUNITY
AS DISTRICT ENGINEER FOR THE TEXAS HIGHWAY DEPARTMENT
UNDER WHOSE LEADERSHIP
AN OUTSTANDING EXPRESSWAY AND HIGHWAY SYSTEM
FOR SAN ANTONIO WAS DEVELOPED.

* * * *

Mr. Lytton expressed his appreciation to the Council for their thoughtfulness in presenting this Citation to him.

74-38

SAN ANTONIO COMMUNITY ORGANIZED FOR PUBLIC WORKS

Mr. Art Ramos introduced Committee members of the organization present as follows: Mr. Andy Sarrabia, Mrs. Hector Aleman, Mrs. Gilbert Gallego, Mrs. George Meyer, Mr. Mike Landeros, Mr. Martin Rodriguez, Mr. Estanislado Contreras, and Mr. Gilbert Salinas.

Mr. Ramos stated they were present to request the Council direct the City Manager Sam Granata to meet with their organization an evening in August to discuss the drainage and recreational problems in their area. Members of the organization have come before the Council on various occasions requesting that members of Council meet with them. Each time Council members have agreed to meet especially during the evening. They have repeatedly called on Mr. Granata to attend an evening meeting to no avail. They resent and are disappointed by the attitude of the City Manager and members of his staff who are reluctant to meet at a time convenient to citizens.

Mr. Ramos stated that they represent many parishes and civic organizations. He felt they are reasonable and problems could be resolved in meeting with the City Manager. He asked the Council to make available the City Manager for a meeting Monday evening, August 12, 1974 at a place to be arranged.

City Manager Granata responded by saying that he has had two calls, several from a Mr. Kaiser and one from another person. He offered the gentlemen anybody on the staff to go meet with them and said they have. This is the first time that he learned they want him to go to one meeting with one group to discuss all problems.

He told these people he did not think it was right for him to go into the neighborhood and listen because he did not know what they wanted. It becomes a shouting match. If they would tell him ahead of time, either in writing or by the Steering Committee coming to the City Hall, so the City can be well prepared and have the answers. He did refuse to go into the neighborhood but did not refuse to meet with them in his office or during the day. The purpose of asking them to come with their committee is to try to get actual facts. At night when you go to such a meeting, and he has been to many, he cannot give them an answer they want to hear. It is not because he doesn't want to hear them or because he is a monarch or a dictator. It is because he cannot fund a project. The City is aware of the problems of what the community needs and he recognizes that they should have had it by now, they should have had it a long time before now and long before this Council. The City is working towards that end. The Council does not have to direct the City Manager. If they are willing to say what their projects are, he will be happy to meet with them. If he knows ahead of time, he won't have to say, "Let me check, you will hear from me later."

Mayor Becker stated that Mr. Sueltenfuss has been going to the neighborhoods and has had may be nine or ten meetings in the last three weeks which have lasted until 9:30 and 10:00 P. M. He asked the group if they could delineate the problem, the Council was sure that the City Manager will be more than happy to meet with them in a constructive fashion to attempt to tell what the status of these different projects is. No one is trying to give them the run around.

Mayor Becker then concluded by stating that City Manager Granata will meet with the group on August 12, 1974, as requested.

Dr. San Martin and Mr. Mendoza both volunteered to meet with the group.

74-38 PUBLIC HEARING ON AMENDMENTS TO CHAPTER 42 OF THE CITY CODE
ZONING ORDINANCE

At 10:00 A. M., the Mayor declared open a Public Hearing on amendments to Chapter 42 of the City Code.

The Clerk read an ordinance amending Chapter 42 of the City Code (Zoning) by deleting the listing, "Nursery, day care or kindergarten (Care of up to 6 children)" from the table of permitted uses; revising the definition of "Nursery, day care, or kindergarten"; providing for churches to operate ball parks, football fields, and tennis courts under special exceptions; revising the prohibition against erecting more than one building per lot; providing a penalty not exceeding \$200.00 for violation hereof, and providing for severability.

Mr. Gene Camargo, Planning Administrator, advised that the Planning Commission held a Public Hearing on the proposed amendments on June 5, 1974 and recommended approval by the City Council. The Council considered this matter on July 3 and postponed action for further consideration.

Mr. Camargo stated that Sections 1, 2, and 3 amends the present ordinance to correct a present conflict in the table of uses. The present ordinance has a definition of a day care nursery which states it is an operation which takes care of six or more children. The table of uses allows a day care center with less than six children in the "R-2" classification. This amends the appropriate sections to clarify this conflict.

Section 4 of the proposed ordinance deals with non-profit Little League Ball Parks. This amendment adds churches to the organizations which can operate baseball, football fields and tennis courts in any district where an exception has been granted by the Board of Adjustment.

Sections 5 and 6 deal with multiple buildings on a lot. This amendment will allow multiple buildings to be constructed in one lot in all districts except "A", "R-1" Residential, and "R-A" Residential-Agricultural, districts which are single family residential classifications. This means that if a planned development with multiple buildings meets all requirements of the ordinance as to density, height, setbacks, and parking requirements that obtaining approval by the Board of Adjustment will not be necessary.

A plan submitted to the Department of Building and Planning Administration that indicates a violation of one or more of the requirements in the zoning ordinance would be required to go before the Board of Adjustment for a public hearing to seek a variance for violations in the plan. The present ordinance allows the construction

August 1, 1974
nsr

of one main structure per lot. This means a property with a lot line fronting on a public street. At present a plan for multiple buildings must go before the Board of Adjustment for approval. The present ordinance would allow a person developing a piece of property to break up a one structure to multiple buildings which would create additional open space, court yards, etc., that you find in apartment projects. The plan of development would continue to be reviewed by the appropriate City departments as they are now.

Speaking in support of the proposed ordinance were:

- Mr. Ralph C. Bender, Planner and Developer;
- Mr. Pat Gardner, Attorney with the Law Firm of Foster, Lewis, Langley, Gardner, and Banack;
- Mr. Elkin McGauhey, President of the Greater San Antonio Builders Association;
- Mrs. Barbara MacManus, President of the San Antonio Apartment Association; and
- Mr. John Hendry, Builder.

* * * *

Speaking in opposition to the proposed ordinance were:

- Mr. Joe Cumpian, Attorney at Law;
- Mrs. Helen Dutmer; and
- Mr. Angelo DiPasquale.

* * * *

74-38 At 11:00 A. M., the Public Hearing was interrupted for the purpose of opening bids for the sale of \$85 million Electric and Gas Systems Revenue Improvement Bonds, Series 1974.

74-38 SALE OF \$85,000,000 SAN ANTONIO ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, SERIES 1974.

At 11:00 A. M. the bids received for the sale of \$85,000,000 San Antonio Electric and Gas Systems Revenue Improvement Bonds, Series 1974, were opened and read as follows:

DILLON, READ MUNICIPALS, DIVISION OF DILLON, READ & CO., INC.

Total interest from August 1, 1974 to final maturity	\$102,473,362.50
Less: Premium	53,720.00
Net Interest Cost	<u>\$102,419,642.50</u>

Effective Interest Rate 6.946059%

HALSEY, STUART & CO., INC., AFFILIATE OF BACHE & CO. INCORPORATED

Total interest from August 1, 1974 to final maturity	\$101,712,462.50
Less: Premium	34,000.00
Net Interest Cost	<u>\$101,678,462.50</u>

Effective Interest Rate 6.8957%

* * * *

The bids were referred to Mr. Sam Maclin, Financial Advisor, for verification.

* * * *

After the bids were tabulated, a report on the bids was made as follows:

MR. TOM BERG: Mr. Mayor and Members of Council. I am Tom Berg, Chairman of the City Public Service Board, with Mr. White and Mr. Maclin, the advisor from Russ and Company Securities, we would recommend to the Council the Halsey Stuart Company who had the lowest bid. The effective interest rate is 6.8957. We would please request that the ordinance be passed accordingly. I think it would be of interest to know that in the reissue of the request for sale of bonds that a saving of a little over four and a quarter million dollars has been achieved by the action and we appreciate the Council's efforts in helping us in this regard.

MAYOR CHARLES L. BECKER: That's considerable savings.

MR. BERG: It certainly is, Mayor Becker, yes. Are there any questions?

MAYOR BECKER: We're trying to round up the rest of our Councilmen. They'll be here shortly, and I'd like to permit them the opportunity of voting on this matter. I think it's one that a person should actually view with pride, you know.

MR. BERG: Yes, it's a very substantial savings.

MAYOR BECKER: That's right. And also the granting the right to construct coal plants and that sort of thing. I'm glad personally that I have an opportunity to be a part of that. All right, now, it seems that the Halsey Stuart bid was the lowest bid. So, Mr. Berg and Mr. Maclin are requesting and recommending that that bid be accepted.

MR. BERG: For Dr. San Martin's information, I thought he'd like to also know as we were saying. This re-issue has saved the City 4 1/2 million dollars by the lower interest rate that was secured on these AAA bonds.

MAYOR BECKER: Sam, do you have anything you'd like to say?

MR. SAM MACLIN: I'd like to make two comments. One as a comparison there were two sales this week other than this sale that were over \$50 million - \$325 million New York sold at an interest rate of 7.69 percent. New York State sold yesterday \$108 million at an interest rate of 6.44 percent. So this is a very excellent sale comparatively speaking. Another point I'd like to make is that over \$65 million of these bonds of the \$85 million bonds are callable. If there is an improvement in the money market, these bonds can be refunded at a lower interest rate. We are not locked into this very high interest rate through the life of the bonds.

MAYOR BECKER: Is there a penalty?

MR. MACLIN: There is a two percent penalty declining to no penalty at all after 15 years and after 15 years, I would estimate that \$60 million that could be refunded at no penalty.

August 1, 1974
nsr

-9-

MAYOR BECKER: Without any pre-payment penalty whatsoever?

MR. MACLIN: Right, without any whatsoever.

MAYOR BECKER: That's a very desirable feature.

DR. SAN MARTIN: Mr. Mayor, I'd like to ask Sam, you're talking about the sale that.....

MR. MACLIN: I said 6.44, pardon me it's 7.44 for New York State. In other words, this is the only bid under 7 percent nationwide on any major issue of \$50 million or more this week. It was 7.44 - New York State, 7.69 - New York City.

DR. SAN MARTIN: Are those the ones that were withdrawn just a few weeks ago?

MR. MACLIN: New York City was withdrawn the same week we came the last time and they offered a smaller issue this time and the bonds were awarded at 7.69 percent.

* * * *

The Clerk read the following Ordinance:

AN ORDINANCE 44,141

ACCEPTING THE BEST AND MOST FAVORABLE
 BID FOR THE PURCHASE OF \$85,000,000
 PRINCIPAL AMOUNT CITY OF SAN ANTONIO
 ELECTRIC AND GAS SYSTEMS REVENUE
 IMPROVEMENT BONDS, SERIES 1974.
 (HALSEY, STUART & CO., INC., AFFILIATE
 OF BACHE AND COMPANY, INCORPORATED.)

* * * *

REV. CLAUDE W. BLACK: Mr. Mayor, I would like to just comment that I'm appreciative of the position on the efforts on the part of the group in terms of these bonds. My vote will reflect a prior position with reference to this matter.

MRS. LILA COCKRELL: Mr. Mayor, I'd just like to say that I am going to be voting for the bonds. I am going to be doing so because I feel that the sale of these bonds which will enable us to build the coal plant is just absolutely essential to the future of our City. Every member of this Council is very sorry and grieved over the utility rates that our citizens have had to pay recently. The 19 percent raise, that portion of the total utility bill, was necessary in order to provide funds to pay the interest and to retire these bonds. I feel that all the citizens need to understand that the reason these bonds are being issued is so that we can build the coal plants so that our systems can provide the energy over the next few years that we simply have to have to function as a City. I know we - every single member would like to be able to go on at lower utility rates. None of us like to force our fellow citizens to pay higher rates. We don't like to pay them ourselves. We don't like to pay them in our homes or our businesses. But the worst project, the worst prospect would be to simply run out of energy for this City's future and as a member of the City Council, I just have to take my share of the responsibility in saying that we have to have these coal plants. We have to provide the energy for the future.

MAYOR BECKER: Well, without it, this City will become a hamlet rather than a City or a town, you know. It would be a wide place in the road.

MR. CLIFFORD MORTON: I'd like to ask Mr. Berg a question if I may. I think the comparison of interest rates on this bond issue speaks very well for City Public Service. How many publicly-owned utilities in the United States have a AAA rating?

MR. BERG: To the best of our knowledge, there are only two in the United States - the Lansing, Michigan municipally-owned utility and City Public Service of San Antonio are the only utilities in the United States with AAA ratings. All the others are either AA or A or lower.

DR. SAN MARTIN: The Los Angeles system, I understand, has a AAA rating. I understand there are four.....

MR. BERG: Mr. Maclin says it is AA.

DR. SAN MARTIN: I thought it was AAA.

MR. MORTON: I think this speaks very well for City Public Service, the City of San Antonio, when you have the State of New York, the City of New York that have to pay more interest for bonds that are sold during the same week, approximately the same size issues as we have. For the benefit of the public as well as the Council, I think what the Mayor is talking about on this town becoming a hamlet is exactly what some people apparently are saying they want it to do when they don't support this issue. What we're really saying here is, "This is the key out of the cellar" and our situation is not unique over the long pull with any other major City in the United States. I think the people have been misled by saying that the Coastal-Lo-Vaca thing is the reason for all our problems. It is a reason for part of them, but after 1982, if he performed completely on his contract to the letter on the contract, I don't expect this town to dry up and blow away. But there are those who have not come up with a viable alternative on a source for energy that I think would - if that's exactly what had happened. I think what we're doing here is one of the most important decisions that have been made - has been made in the history of this town but sometimes I think we get misled with the motion, and I think this is what's happening with our controversy with Coastal States which I am all in favor of pursuing. But in so doing, I don't want to lose the whole ball game. That's just one inning of the ball game.

MR. BERG: I think you're absolutely right, Mr. Morton. In 1982, there's no question that all sources of energy and therefore rates will be substantially higher regardless of what took place. You're absolutely right. I think it's interesting to note. I read a speech recently of Mr. Hines who is the President of the Florida Power and Light Company a rather large utility. He said that they were having trouble keeping the employees in their customer service department because they received an average of 1,500 calls a day complaining about the high utility bills. The employees refused to work there because they couldn't take the harrassment. It's world-wide and again I say let's start with the Arabs first because that's where the huge impact took place.

MAYOR BECKER: Well, it would seem to me that the crux of this whole matter is that we know everything is going up in the price of power. Now, if you have the money to pay for that increase it doesn't bother you very much. It's only when you don't have the money and

cannot afford to pay for the increase that is disturbing and that's what we're addressing ourselves to here today at this time in the City of San Antonio up to a level where any increase in the rate of electricity or any other type of thing will not be an absolute economic catastrophe for that individual or that family.

MR. BERG: You're absolutely right. We must raise the economic base. That's very, very vital and the very thing that Mr. Morton was talking about and others have talked about. One of the tools for it must be availability of electricity for industry to come in here and for jobs to be made available for all of the people especially the poor, and middle class to have an opportunity to raise their economic well-being. It's a very vital part of our objectives. We must not forget that.

MAYOR BECKER: Okay, are you all ready for the vote?

MR. BERG: Thank you.

MAYOR BECKER: Thank you, Tom. All right. Do you have to read some more? All in favor, do you want to call the roll or just.....

* * * *

On motion of Mr. Morton, seconded by Dr. San Martin, the Ordinance accepting the bid, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Mendoza; NAYS: Black, Padilla; ABSENT: None.

* * * *

The Clerk read the following Ordinance:

AN ORDINANCE 44,142

AMENDING AN ORDINANCE NUMBERED 43863 AND ENTITLED "AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$85,000,000 SAN ANTONIO ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, SERIES 1974, PAYABLE ONLY OUT OF REVENUES OF THE CITY ELECTRIC SYSTEM AND GAS SYSTEM PROPERTIES FOR THE PURPOSE OF EXTENDING AND IMPROVING THE ELECTRIC AND GAS SYSTEMS OF THE CITY, PROVIDING FOR AN EIGHTH SUPPLEMENTAL INDENTURE COVERING AND MORTGAGING THE ELECTRIC SYSTEM AND GAS SYSTEM PROPERTIES OF THE CITY AND THE REVENUES THEREFROM TO SECURE SAID IMPROVEMENT BONDS ON A PARITY WITH THE PRESENTLY OUTSTANDING IMPROVEMENT BONDS AND IMPROVEMENT BONDS WHICH MAY BE HEREAFTER ISSUED, ALL IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS AND PROVISIONS OF ARTICLE VIII OF THE TRUST INDENTURE DATED FEBRUARY 1, 1951, BETWEEN THE CITY AND HARRIS TRUST AND SAVINGS BANK AND F. O. MANN, TRUSTEES, AS AMENDED."

* * * *

August 1, 1974
nsr

CITY CLERK: This incorporates the interest rates into the Ordinance.

MAYOR BECKER: Okay, is there a motion? Call the roll.

* * * *

On motion of Dr. San Martin, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: Black; ABSENT: None.

* * * *

74-38 PUBLIC HEARING ON AMENDMENTS TO CHAPTER 42 OF THE CITY CODE
ZONING ORDINANCE -----(Continued)

After discussion, it appeared that the main issue in opposition to the ordinance was the elimination of notification of citizenry and the right of citizens to appeal. The Mayor and individual Council members expressed concern as to whether the citizens are protected under this ordinance. They also recognized the need to amend the present ordinance.

Mr. O'Connell made a motion that the ordinance be passed and approved.

Mr. Mendoza asked if the opponents and proponents would agree to meet to try to work out difference as he felt that if the citizens could have some assurance of protection, they would agree with the change.

Dr. San Martin stated since there was no second to Mr. O'Connell's motion, he asked that the City Attorney be instructed to resolve the so-called constitutionality of the present ordinance and recommend as to how the City can have a new ordinance which will give citizens their legal right to be heard and appeal process and still come up within the purposes of this new proposed ordinance.

Mr. Padilla then seconded Mr. O'Connell's motion. In seconding the motion, Mr. Padilla stated that he had two things in mind. One, the right of developers to locate more than one building in a particular piece of property. The other is the concern of citizens to have an opportunity to object to what they consider an undesirable type of development. The solution lies in not limiting a piece of property to one building. The answer lies in taking a look at the ordinance that provides the type of development which might be desirable. The law should go beyond that and provide for citizens to say, "We do not oppose development, but here are certain circumstances that should be considered."

Dr. San Martin stated that he was going to vote no until the Council addressed itself to the question requested of the City Attorney.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: San Martin; ABSTAIN: Morton; ABSENT: Cockrell.

August 1, 1974
nsr

-13-

AMENDING CHAPTER 42 OF THE CITY CODE (ZONING) BY DELETING THE LISTING, "NURSERY, DAY CARE OR KINDERGARTEN (CARE OF UP TO 6 CHILDREN)" FROM THE TABLE OF PERMITTED USES; REVISING THE DEFINITION OF "NURSERY, DAY CARE, OR KINDERGARTEN"; PROVIDING FOR CHURCHES TO OPERATE BALL PARKS, FOOTBALL FIELDS, AND TENNIS COURTS UNDER SPECIAL EXCEPTIONS; REVISING THE PROHIBITION AGAINST ERECTING MORE THAN ONE BUILDING PER LOT; PROVIDING A PENALTY NOT EXCEEDING \$200.00 FOR VIOLATION HEREOF, AND PROVIDING FOR SEVERABILITY.

* * * *

After the vote, Mayor Becker suggested that the Council along with the City Attorney, discuss Mr. Padilla's and Dr. San Martin's suggestion that something be implemented in overall zoning that would give protection to the citizenry.

* * * *

(A transcript of this hearing will be prepared and made a part of the papers of this meeting.)

74-38

CITIZENS TO BE HEARD

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida, spoke regarding Charter election. He recommended half the Council members be elected at-large and half by district and Mayor at-large. There would be four districts. Two Council members from each district; one to be elected at-large and X one from the district.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez, 719 Delgado, also spoke regarding Charter revision. He recommended that Council members be elected from districts and that they be full time Council members. He proposed \$100 filing fee and a petition with 500 signatures of voters in the district.

Mayor Becker stated that the Council wants to get on with the matter of Charter revision and will do so as soon as time permits.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley Avenue, showed the Council a full page ad taken out by the South Bexar Chamber of Commerce to promote the people who have taken an interest in the Southeast part of the City. Mrs. Dutmer extended to the Council members an invitation to attend a joint meeting of 27 organizations in the Southeast quadrant of the City. The meeting will be held on August 6, 1974 between 7:30 and 9:00 P.M., at the Fair Avenue Senior Citizens Center, 414 Fair Avenue. Mr. J. Douglas Toole, Chairman of the Texas Water Quality Board will be guest speaker. She also expressed thanks in behalf of the organization to Councilman Morton and let him know they are happy to have him in this area with his new building project.

74-38

meeting recessed at 1:45 for lunch and reconvened at 3:00 P.M.

August 1, 1974

B. CASE 5640 - to rezone Lots 19 and 20, Block 239, NCB 8802, 804 West Avenue, from "D" Apartment District to "B-3" Business District, located northeast of the intersection of West Avenue and Pasadena Street; having 120' on West Avenue and 100' on Pasadena Street.

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

Dr. F. C. Jackson, the applicant, stated he wanted to build a small animal hospital. Only dogs and cats would be treated and there would not be any large animals. All animals would be kept inside the sound-proof building.

Mr. Fred Marts, 1814 Pasadena, opposed the change to "B-3" because this could allow the sale of alcoholic beverages sometime in the future. He also felt that the noise and bad odor would create a nuisance.

Mr. Leonard Labode spoke in favor of the change.

After consideration, Dr. San Martin 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 east property line. Mr. Morton seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,144

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 19 AND 20,
 BLOCK 239, NCB 8802, 804 WEST AVENUE,
 FROM "D" APARTMENT DISTRICT TO "B-3"
 BUSINESS DISTRICT, PROVIDED THAT PROPER
 REPLATTING IS ACCOMPLISHED AND THAT A
 SIX FOOT SOLID SCREEN FENCE BE ERECTED
 ALONG THE EAST PROPERTY LINE.

* * * *

C. CASE 5629 - to rezone a 8.6267 acre tract of land out of NCB 12059, being further described by field notes filed in the office of the City Clerk, 12800 Block of West Avenue, from Temporary "R-1" Single Family Residential District to "B-3" Business District; and a 29.5285 acre tract of land out of NCB 12059, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" to "I-1" Light Industry District.

The "B-3" zoning being located on the southeast side of West Avenue, being 2,787' southwest of the intersection of Bitters Road and West Avenue; having 1760.70' on West Avenue and a maximum depth of 247.50'.

The "I-1" zoning being located on the southeast of West Avenue, being 2,787' southwest of the intersection of Bitters Road and West Avenue; being 247.50' southeast of West Avenue; having a maximum width of 1,582.72' and a maximum depth of 1,354.28'.

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. Morton made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. O'Connell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,145

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 AN 8.6267 ACRE TRACT OF LAND OUT OF NCB 12059, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 12800 BLOCK OF WEST AVENUE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 29.5285 ACRE TRACT OF LAND OUT OF NCB 12059, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

D. CASE 5600 - to rezone a 15.08 acre tract of land out of NCB 15228, being further described by field notes filed in the office of the City Clerk, 6200 Block of Ray Ellison Drive, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District, located on the south side of Ray Ellison Drive, being 1190' west of the intersection of Apple Valley Drive and Ray Ellison Drive; having 400' on Ray Ellison Drive and a maximum depth of 1043.68'.

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. Padilla made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished and a solid screen fence be erected along the south property line. Mr. Morton seconded the motion. On roll call, the motion, carrying with it the passage of the following

Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,146

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 15.08 ACRE TRACT OF LAND OUT OF NCB 15228, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 6200 BLOCK OF RAY ELLISON DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SOLID SCREEN FENCE ERECTED ALONG THE SOUTH PROPERTY LINE.

* * * *

E. CASE 5637 - to rezone Tract A, Block 1, NCB 11187, 7310 Somerset Road, from "B" Two Family Residential District to "B-3" Business District, located southwest of the intersection of Somerset Road and Palo Alto Road; having 469.28' on Somerset Road, 480.68' on Palo Alto Road and a maximum distance of 304.38' between these two roads.

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. O'Connell made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Padilla seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,147

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT A, BLOCK 1, NCB 11187, 7310 SOMERSET ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

F. CASE 5634 - to rezone Lots 30 and 31, Block 1, NCB 12811, 7400 Block of Louis Pasteur Drive, from Temporary "A" Single Family Residential District to "B-2" Business District, located on the south-east side of Louis Pasteur Drive, 231.88' northeast of the intersection of Clinic Drive and Louis Pasteur Drive; having 200' on Louis Pasteur Drive and a depth of 249.34'.

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. Padilla made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Dr. San Martin seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,148

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 30 AND 31,
BLOCK 1, NCB 12811, 7400 BLOCK OF LOUIS
PASTEUR DRIVE, FROM TEMPORARY "A" SINGLE
FAMILY RESIDENTIAL DISTRICT TO "B-2"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATting IS ACCOMPLISHED.

* * * *

G. CASE 5626 - to rezone a total of 3.215 acre tract of land out of Lot 8 and tract 4, NCB 14941, being further described by field notes filed in the office of the City Clerk, 5220 Leonhardt Road, from "B-3" Business District to "I-1" Light Industry District; and a total of .612 acre out of Tract 4, NCB 14941, being further described by field notes filed in the office of the City Clerk, from "I-1" Light Industry District to "B-3" Business District.

Subject properties are generally located 250' south of Leonhardt Road and west of the northwest right-of-way line of the M.K. & T. Railroad.

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. Morton 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 adjacent to the mobile homes if it does not interfere with drainage. Mr. O'Connell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

August 1, 1974

-18-

el

AN ORDINANCE 44,149

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A TOTAL OF 3.215 ACRE TRACT OF LAND OUT OF LOT 8, AND TRACT 4, NCB 14941, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 5220 LEONHARDT ROAD, FROM "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; AND A TOTAL OF .612 ACRE OUT OF TRACT 4, NCB 14941, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ADJACENT TO THE MOBILE HOMES IF IT DOES NOT INTERFERE WITH DRAINAGE.

* * * *

H. CASE 5632 - to rezone a 2.871 acre tract of land out of NCB 15335, being further described by field notes filed in the office of the City Clerk, 700 Block of S. W. Loop 410 Expressway, from "B-3" Business District to "B-2" Business District, located on the southeast side of S. W. Loop 410 Expressway being 225' northeast of the intersection of Timbercreek Drive and S. W. Loop 410 Expressway; having 433.77' on S. W. Loop 410 Expressway and a depth of 300'.

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. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. Mr. Padilla seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,150

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 2.871 ACRE TRACT OF LAND OUT OF NCB 15335, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE

OFFICE OF THE CITY CLERK, FROM "B-3"
BUSINESS DISTRICT TO "B-2" BUSINESS
DISTRICT, PROVIDED THAT PROPER PLATT-
ING IS ACCOMPLISHED.

* * * *

A. CASE 5457 - to rezone Lot 10, NCB 11868, 2347 Nacogdoches Road, from "F" Local Retail District and "R-3" Multiple Family Residential District to "B-2" Business District, located on the west side of Nacogdoches Road between N. E. Loop 410 and Lindenwood Drive, having 316.38' on Nacogdoches Road, 517.89' on N. E. Loop 410 and 458.8' on Lindenwood Drive.

Mayor Becker announced that a protest petition had been filed by opponents of Case 5457 which was determined to be sufficient and would require seven affirmative votes to rezone the property. He asked the parties concerned whether they wanted to hear the case or postpone the hearing since only eight members of the Council were present. Both the proponents and opponents asked that the case be heard.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council, provided that a non-access easement be imposed along Lindenwood on the south property line, that a building setback line be imposed along the south line of the 50' drainage easement running east and west through the property, also that there be screening along Lindenwood Drive.

Mr. George Kampman, attorney representing the applicant, First Federal Savings and Loan Association, stated they intend to construct a 9-story building on the front part of the lot north of the drainage ditch. They plan to cover over the drainage area in order to use the back portion of the property for parking. He said they are not appealing the zoning but do seek relief to the building setback recommended by the Planning Commission between Lindenwood and the South line of the drainage easement. He agreed to the screening requirements and a non-access easement on Lindenwood. They hope that in the future they would be able to use the South portion for drive-in window service facilities and other uses connected with First Federal Savings business. All traffic will go out Loop 410 on Nacogdoches.

Mr. Charles Dempsey, architect for the applicant, presented a sketch showing proposed use of the property. He said the proposed setback requirement is 143 feet on the west side of the property line on Lindenwood and 195 feet on the east side of the property line on Nacogdoches. They would like to reduce this to a more reasonable setback requirement.

Mr. Paul Green, attorney representing opponents, reviewed the history of the property and its rezoning. Prior Councils determined that the ditch was a natural buffer between commercial and residential property and circumstances have not changed. He asked the Council to approve the recommendations of the Planning Commission without change.

The following persons spoke in opposition to any change in the conditions imposed by the Planning Commission:

Mr. Stephen Lang, 218 Oakhurst Place
Mr. Bob Fulmer, 227 Treasure Way
Mrs. Dayton Conklin, 219 Treasure Way
Mr. Charles Davis, 223 Treasure Way
Mrs. Margaret Porter, 203 Oakhurst

* * * *

After a lengthy discussion on the matter, the Council asked the proponents and opponents to meet in the conference room to see if they could reach an agreement along the lines discussed; namely, a 100 foot setback with the height of the drive-in tellers structure restricted to one story.

After the conference, Mr. Paul Green reported they discussed a 100' setback as a possible compromise with height and use restrictions only to accommodate drive-in windows. While perhaps an agreement could have been reached on the question of the 100' setback, Mr. Kampmann is unable as a matter of principle to bind his client as to height and use between the 100' setback and the south line of the drainage ditch and therefore the question of whether it was legal and binding was never reached. He concluded by saying his clients will not agree to a 100' setback unless it coupled with restrictions by covenant as to height and use to permit the drive-in windows and nothing else.

Mr. Kampmann stated they would agree to a 100' setback but felt requiring a covenant running with the land was not a reasonable restriction and could not agree to it.

After consideration, Mr. Morton made a motion that the recommendation of the Planning Commission be approved, provided that a non-access easement be imposed along Lindenwood on the south property line, that a building setback line be imposed along the south line of the 50' drainage easement running east and west through the property, and also that there be screening along Lindenwood Drive. Dr. San Martin seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,151

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 10, NCB 11868,
2347 NACOGDOCHES ROAD, FROM "F" LOCAL
RETAIL DISTRICT AND "R-3" MULTIPLE
FAMILY RESIDENTIAL DISTRICT TO "B-2"
BUSINESS DISTRICT, PROVIDED THAT A
NON-ACCESS EASEMENT BE IMPOSED ALONG
LINDENWOOD ON THE SOUTH PROPERTY LINE,
THAT A BUILDING SETBACK LINE BE IMPOSED
ALONG THE SOUTH LINE OF THE 50' DRAINAGE
EASEMENT RUNNING EAST AND WEST THROUGH
THE PROPERTY, ALSO THAT THERE BE SCREENING
ALONG LINDENWOOD DRIVE.

* * * *

74-38 The Clerk read the following Ordinance:

AN ORDINANCE 44,152

CLOSING AND ABANDONING A CERTAIN STREET IN AN URBAN RENEWAL PROJECT, ROSA VERDE TEX. R-78 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED TO SAID STREET TO THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO.

* * * *

Mr. M. Winston Martin, Executive Director of the Urban Renewal Agency, explained that this provides for the closing of a portion of Salinas Street. Last week the Council approved the sale of land to Mr. Robert Callaway which include this part of Salinas Street. The Planning Commission has approved the closing and quitclaim and recommends adoption of the Ordinance.

After consideration, on motion of Mr. Morton, seconded by Mr. Lacy, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

74-38 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: Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin.

AN ORDINANCE 44,153

ADOPTING A SCHEDULE OF HOLIDAYS FOR THE FISCAL YEAR 1974-75.

* * * *

The following schedule of holidays for fiscal year 1974-75 is hereby adopted:

Labor Day, Monday, September 2, 1974

Veteran's Day, Monday, October 28, 1974

Thanksgiving Day, Thursday, November 28, 1974
Friday, November 29, 1974

Christmas Eve, Tuesday, December 24, 1974
Christmas Day, Wednesday, December 25, 1974

New Year's Day, Wednesday, January 1, 1975

Fiesta San Jacinto (Battle of Flowers),
Friday, April 25, 1975

Memorial Day, Monday, May 26, 1975

Independence Day, Friday, July 4, 1975.

* * * *

AN ORDINANCE 44,154

AUTHORIZING THE CITY MANAGER TO SUBMIT
A GRANT APPLICATION TO THE TEXAS TRAFFIC
SAFETY ADMINISTRATION TO SEND TWO ENGINEERS
TO NORTHWESTERN UNIVERSITY FOR A COURSE IN
TRAFFIC ENGINEERING TECHNIQUES.

* * * *

AN ORDINANCE 44,155

AUTHORIZING EXECUTION OF AN AGREEMENT
WITH THE ACCOUNTING FIRM OF HASKINS
AND SELLS, CERTIFIED PUBLIC ACCOUNTANTS,
FOR AN AUDIT OF THE CONSTRUCTION PROJECT
IDENTIFIED AS THE WEST END MULTI-SERVICE
CENTER PROJECT AND AUTHORIZING PAYMENT
TO SAID ACCOUNTING FIRM.

* * * *

74-38 The following Ordinance was read by the Clerk and explained
by Mr. Carl White, Director of Finance, and after consideration, on
motion of Mr. Mendoza, seconded by Rev. Black, was passed and approved
by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell,
Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Morton.

AN ORDINANCE 44,156

AUTHORIZING EXECUTION OF AGREEMENTS
WITH VARIOUS GOVERNMENTAL AGENCIES
TO EXTEND EXISTING RADIO MAINTENANCE
CONTRACTS FOR A ONE-YEAR PERIOD COM-
MENCING AUGUST 1, 1974 AND ENDING
JULY 31, 1975.

* * * *

City of Shavano Park
City of Balcones Heights
County of Bexar
City of Castle Hills
City of Leon Valley
City of Olmos Park
San Antonio Housing Authority
San Antonio Independent School District
San Antonio Transit System
San Antonio Zoological Society
San Antonio Union Junior College District

* * * *

74-38 The Clerk read a proposed ordinance amending the budget of
the Federal Revenue Sharing Fourth Entitlement Period program by
appropriating the additional amount of \$10,800.00 to the Wurzbach
Road Project. This item was withdrawn at the request of the City
Manager as this matter has been taken care of by a previous action.

74-38 The following Ordinances were read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Morton.

AN ORDINANCE 44,157

APPROPRIATING THE SUM OF \$1,000,000.00 FROM FEDERAL REVENUE SHARING FUNDS FOR USE IN THE NOLAN STREET UNDERPASS PROJECT; ESTABLISHING A PROJECT BUDGET; AND AMENDING ORDINANCE NOS. 42527 AND 44040 SO AS TO AUTHORIZE PAYMENT OF CERTAIN COSTS FROM SAID BUDGET.

* * * *

AN ORDINANCE 44,158

AUTHORIZING THE CITY OF SAN ANTONIO TO BORROW FUNDS TO PAY CURRENT EXPENSES OF CITY-COUNTY TUBERCULOSIS FUND DURING THE FISCAL YEAR 1974-75.

* * * *

74-38 The Clerk read the following Ordinance:

AN ORDINANCE 44,159

AMENDING CHAPTER 14 OF THE CITY CODE PROVIDING FOR A "RESIDENCE HOMESTEAD EXEMPTION FOR THE ELDERLY" AS AUTHORIZED BY ARTICLE VIII, SECTION 1-b OF THE TEXAS CONSTITUTION AND PROVIDING FOR EFFECTIVE DATE, APPLICATION FOR EXEMPTION, DETERMINATION OF TAX ASSESSOR, LIMITATION OF EXEMPTION AND DETERMINATIVE DATE FOR EXEMPTION.

* * * *

Mr. Carl White, Director of Finance, explained this Ordinance implements the policy adopted when budget was passed by increasing homestead exemption for elderly from \$3,000 to \$10,000 assessed value. Since this Ordinance is in the City Code, this amendment is necessary to correct the Code.

After consideration, on motion of Mr. Mendoza, seconded by Mr. Padilla, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Morton.

AN ORDINANCE 44,160

MAKING AND MANIFESTING A CONTRACT BETWEEN THE FROST NATIONAL BANK OF SAN ANTONIO AND THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE MAKING OF LOANS, BY SAID BANK TO SAID CITY, DURING THE PERIOD BEGINNING AUGUST 1, 1974 AND ENDING JULY 31, 1975 AND TO PAY INTEREST ON DEPOSITS TO SAID CITY FOR SAID FISCAL YEAR.

* * * *

Mr. Carl White, Finance Director, explained this ordinance implements the second year of the contract with Frost National Bank to permit borrowing of money for the general fund for the year to pay operating costs. Borrowing capacity this year is \$56,400,000 which is 90 percent of anticipated revenues in the general fund. The City pays 3.72 percent on money borrowed. On the other hand the bank pays interest on funds the City has invested ranging from 5.26 percent up to 6.81 percent.

Mayor Becker asked how the work of the Bankers Committee which is making a study to determine whether or not a better way can be found to handle banking of all City agencies.

Mr. White advised they have promised to have a report by the next Committee meeting which is scheduled to be around August 20, 1974.

After consideration, on motion of Dr. San Martin, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

74-38 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Dr. San Martin, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,161

AUTHORIZING THE EXECUTION OF CERTAIN INSURANCE AND BOND CONTRACTS BY THE CITY OF SAN ANTONIO WITH THE SAFEGUARD INSURANCE COMPANY, THE UNITED STATES FIRE INSURANCE COMPANY AND THE AMERICAN & FOREIGN INSURANCE COMPANY, AND AUTHORIZING THE PAYMENT OF INSURANCE AND BOND PREMIUMS IN THE AGGREGATE SUM OF \$42,975.00.

* * * *

74-38 The Clerk read the following Ordinance:

AN ORDINANCE 44,162

AMENDING THE 1974-75 GENERAL FUND BUDGET,
AUTHORIZING THE CITY MANAGER TO EXECUTE
A CONTRACT WITH THE UNITED ORGANIZATIONS
COALITION FOR OPERATION OF THE CONTRACTORS
CONSORTIUM PROJECT, & AUTHORIZING PAYMENT
OF SAID CONTRACT FROM GENERAL FUND APPROPRIATED FUNDS.

* * * *

The following discussion took place:

MR. ROY MONTEZ: Mr. Mayor, this is a continuation of a program that has been in operation for about three years. As a matter of fact, the City Budget that was approved last week included funds for this particular project. It's a minority contractor's assistance center. The ordinance under discussion authorizes a contract in order that the program can be continued in operation. The contract is for an 11-month period, the cost is \$110,000; it includes nine personnel positions and routine office expenses. The principal mission of this center is to assist minority contractors in obtaining skills that will allow them to compete more effectively in the construction field. It hopes to strengthen their estimating skills, preparation of ideas, assist them with obtaining performance bond requirements, volume purchasing, improved payroll and record keeping methods and generally all details in running a more efficient contracting business. It is a continuation program.

MR. W. J. O'CONNELL: Mr. Mayor, I've come on board late and I'd like to speak to this subject. I bring with me a resolution from the San Antonio Subcontractor's Association that really is a little late. They ask that we defer the allotment of these funds because in questioning some 100 firms involved in sub-contracting and they can't see the real value or they can't point to any one success story from this organization. I propose to tell you a lot more that I know about it but time not permitting, let's not go into it. I did also talk to Al Padilla who is very aware of this program. I'd like to say this though, I personally question whether or not they're doing anybody any good, especially the minority I would like to say that I would like to monitor this thing. I believe that I have some help to bring to this organization from learned people in the area. I would like to meet with this organization if I may just to introduce you to some people who can help monitor this thing and if it does a job, fine. I'm all for it. But I'm afraid the word that I have is that it has not done a good job. Perhaps, maybe the people who are condemning this thing would be willing to help. I would like to arrange to meet with you on this subject some time at a later date.

MAYOR CHARLES BECKER: Would you be available to help?

CITY MANAGER SAM GRANATA: Yes, Mr. Mayor, since Mr. Montez and Mr. Rinehart will monitor and evaluate, they'll be instructed to meet with Mr. O'Connell and get any input he has.

MR. MONTEZ: If you will help us with the figures you may have, Mr. O'Connell.

August 1, 1974

-26-

e1

MR. O'CONNELL: I have some things here that are not very good. I don't want to drag them out in the - put the old washing on the line right now. I think that it can be a good project and it could be and I want to get down to criticism that has been brought to me and find out if it has any basis.

MR. MONTEZ: You want to pull this from the agenda?

CITY MANAGER GRANATA: No, it will be on the agenda. I don't think he's asked to pull it.

MR. O'CONNELL: Like I say I'm here too late to do. The program has gone along. I don't know that I can pull it but I'm saying that if it does go through, I want to be sure.....

CITY MANAGER GRANATA: Just monitor and evaluate as it goes and it can always be reconsidered as it comes back to the Council as a whole.

MR. CLIFFORD MORTON: I'd like to say this on it and I've said it last year. Roy, I realize that when you start talking about a program where you're trying to upgrade skills and knowledge of people in business or who want to get in business it's very hard to quantify. But I believe it would be hard for them to make a case from the presentation we had here on this sheet of paper that would justify it. It really doesn't say other than one thing. Says that during this 11-month period the project will provide services to over 120 general and sub-contractors. Well, that's \$110,000 and that's only half, isn't it. Their budget is roughly \$200 plus thousand.

MR. MONTEZ: They also receive funding from the Office of Minority Businessmen Enterprises.

MR. MORTON: That's right. So we're talking for whatever benefits each of these subcontractors get, the average cost is \$2,000. I want to make it very plain that I recognize the need for such a program. My concern is that I do not have enough information here to make me feel comfortable. I won't say that I will no vote for it because I would. But I don't feel comfortable with the knowledge that I have here. You say eight people. I'd like to know how much those people make. And I'd like to know if they can really quantify what they did this last year. These courses are offered at San Antonio College. Maybe we're duplicating a service that's readily available at a much lower cost and perhaps is good or even a better program than they have. How many people do they have up to the point to where let's say they're finished estimators. For 200 some odd thousand dollars, that would buy a lot of education.

MR. MONTEZ: In matter of explanation, what we supplied to you in a short memo is obviously very short.

MR. MORTON: There's no way you can make a business judgement on this Roy.

MR. MONTEZ: True but there is much more material in our office and we could supply you with it.

CITY MANAGER GRANATA: One reason in defense of the staff is because, if you recall, they made a pitch to get some revenue sharing funds which we told you were - they weren't eligible for and we were instructed by the Council then to look into the general fund after discussions were made. Now we can give you additional information, give you all you want, Mr. Morton.

August 1, 1974

-27-

e1

55 27

MR. MORTON: I think there is a general agreement here that we want to do this but I want to see a budget break-down that will show the salaries and travel expenses and all these other things where this money will be spent and I would also like to see what their track record is with more detail than you've given us here.

DR. JOSE SAN MARTIN: They gave information at the time that they submitted the request for revenue sharing funds.

CITY MANAGER GRANATA: They were one of the 45 agencies that submitted, that's correct.

MR. MORTON: Uh, uh, Doctor, there was not one page of the Revenue Sharing budget that had enough information on it to make a.....

DR. SAN MARTIN: Not in the regular revenue sharing budget. They submitted a proposal.

CITY MANAGER GRANATA: In the back-up proposal.

MR. MORTON: I've spent a lot of time with these fellows and as I say, I would like to have a complete comprehensive track record.

MAYOR BECKER: The main thing that's obvious on the face of it is that the money's spread too thin across the board to really be able to do any good in any one place, you know.

MR. MONTEZ: You want for us to submit a budget to them.

CITY MANAGER GRANATA: Let me ask a question of you first. When do their contracts - when does their contract expire?

MR. MONTEZ: This one would start September 1.

CITY MANAGER GRANATA: Okay, so it should be - we have a month. Then you could pull otherwise we'll have people like the - people in the EEO, EEA out of a job. Do you want to pass it and then come back and amend it or do you want to pull it and let us come back with a budget. Is there time to pull it? I suggest that you pass it.....

MR. MONTEZ: We have all of this next month, August, in which to answer whatever questions you might have.

MAYOR BECKER: When do you think that Councilman O'Connell and Councilman Morton if he cares to, could meet with these people?

MR. MONTEZ: Tomorrow.

MAYOR BECKER: Tomorrow. At least it would be as rapidly as they'd like to, is that correct?

MR. MONTEZ: I'm sure they'd be willing to do that.

MR. MORTON: Do you think you will have the information summarized by tomorrow, Roy?

MR. MONTEZ: No, we do have an awful lot of information but we don't supply it to you because it gets very bulky. We've got proposals, we've got budgets, breakdowns, expenses, their performance last year and the year before. Yes, we have all those records available, but if we supply

that to you with the packet of information, it may turn out to be 15 or 20 pages of materials. But we'll be happy to get you the information.

MR. MORTON: I'll be very happy to read through the 15 or 20 pages when we start talking about something as nebulous as this particular operation is. I think you need more on it than you do when you say we're going to build a bridge that spans the San Antonio River, you know. There's not too much you can do with that bridge once you send it out for bids. But when you have something like this where the results are as gray as I know they will be and I'm not criticizing you though, I think you need more information than you have on one sheet of paper here.

CITY MANAGER GRANATA: Council needs to decide and instruct staff whether you want to pull it until you get this information or pass it and then amend it after you get this information.

MR. O'CONNELL: I would help you Roy if I could. I'll give you some list of failures, known or alleged failures, for them to answer. That might help you too but I don't think you could get it by tomorrow.

MR. MONTEZ: Well, whatever information you might be able to give us tomorrow or whenever it is, from there we'll proceed to.....

CITY MANAGER GRANATA: We have a month's to lead time.

MAYOR BECKER: May I suggest that we pass it and in between now and next week or next week and.....

CITY MANAGER GRANATA: Now and September 1st.

MAYOR BECKER: That you all meet with these folks and thrash out whatever the.....

MR. MORTON: If we have the understanding that these alleged failures, if in fact they are failures, and they are significant enough that we have the right to say that we are going to withdraw any further support including this \$110,000.

CITY MANAGER GRANATA: You can repeal the ordinance before September 1st.

MR. MONTEZ: The contracts which we use for all of our agencies can and has termination clauses - 20 day termination clauses as a matter of fact and we have exercised that and we have made those recommendations on other programs as you might recall.

MR. MORTON: In addition to their track record, I'd also like to know what their objectives are.

MR. MONTEZ: I'm sure they'll be able to supply you that information. Now, if you pass this, do you also want for them to incur costs or not incur costs until this information is developed.

CITY MANAGER GRANATA: It won't go into effect until September 1st. So if you pass it, then I think by that time we'll have a determination.

DR. SAN MARTIN: Mr. Mayor, I'd like to say that this program has been under scrutiny by Mr. Roy Montez for a whole year. I believe that some questions were also raised a year ago. There were some questions also as to salaries that had to conform. As far as I know, Roy, I am under the impression and I am satisfied that you've kind of kept an eye

not only on this but on every revenue sharing contract, is that correct?

MR. MONTEZ: Yes, we have and like I say, we do have the information but staff finds it difficult to give you as much information as is available on these programs. It gets bulky and I can appreciate the packages you will receive would be quite bulky. We have evaluation reports, all of the audits, we have all that. We have information to show how much in contract value they have generated, over \$9 million worth.

CITY MANAGER GRANATA: Well, Roy, let's get all that together everything you have and then get with Mr. Morton and Mr. O'Connell and let them give you what they have. We've got 30 days lead time. Let's pass it and if you want to make any amendments or pull it or repeal it by September 1st, we have time.

DR. SAN MARTIN: I so move, Mr. Mayor.

MR. LEO MENDOZA: I'd like to second that. I think Mr. Mayor that what Councilman O'Connell was talking about was really working with the program and to try to improve it and better it. I'm sure that they would welcome this to get some technical assistance and technical advise in this program. It is a big program. It's something - it's a pilot project.

MR. MORTON: Remember, really what we're talking about here, Leo, is we're teaching the teachers to teach others. Now there's something wrong with that too if that's the situation. I'm not saying it is. After all, they should be qualified to go out and do this without having someone else teach them.

MR. MENDOZA: Well, no, I'm saying that you offered to help is the point that I'm trying to make and I think that the responsibility of monitoring and evaluation falls on us. So really, it's up to us to recommend whatever we think is best.

MR. MORTON: If you just look back on this for all practical purposes all last year, isn't that right?

MR. MONTEZ: No, sir, we supplied you with quarterly reports, quarterly evaluation reports. We supplied them to the City Council.

MR. MORTON: I'd like to do this this year, on this particular one and there are a few others that are just about as gray, is agree on the objectives and you are put on notice that you are responsible anytime that they are not on track against those objectives that you report to this Council.

MR. MONTEZ: You're absolutely correct.

CITY MANAGER GRANATA: That's his charge.

MR. MORTON: Cause frankly, the feeling that I get in this community is that about half of the revenue sharing budget is nothing but a pork barrel and I think there are people in this community who feel that this money could be much better spent than is now being spent. I would like in conjunction with the thought on this specific one that the City Manager be directed to make a recommendation to this Council no later than September 1 for a structure for evaluating revenue sharing recipients and also evaluating requests, beyond the staff. I'm thinking in terms of having an advisory board of some kind that will be composed of a cross-

section of business and professional community that will assist him in screening these requests because I for one do not feel comfortable in spending X millions of dollars and knowing no more about these programs than I know based on the information that I have. I understand and appreciate why we don't have all this information but I don't feel comfortable with it. I frankly don't have all that kind of time to screen it but I think that somebody should and they should make a recommendation to us on it.

CITY MANAGER GRANATA: We'll be happy to do that. We may not have a problem if the Transit System keeps going, and from what I read in the paper, in the red, we'll have to use it all to subsidize them so.....

MAYOR BECKER: Well, this is something that's going to have to be investigated. While we're talking about this, we might as well be looking at them too, you know. Everybody thinks they're backed up into a money orchard. I don't know what's going on over there either. The whole thing's running hog wild.

DR. SAN MARTIN: I'm agreeing with some of the points that Mr. Morton has made as to an advisory group but in my personal evaluation of these programs find that I cannot depend too much some times on advisory groups. I'd rather go out there and spend a morning or an afternoon or once a month and actually stay in the place where this money's being spent. One of the reasons that I say that is one of the programs that I recommended very highly today, I mean this month for the year's budget was the Barrio Development Corporation and I spent some time actually watching exactly what's going on in that particular area and to me that's worth more than information any advisory group can come and tell me.

MR. MORTON: I'm not disallowing that. I'm saying that in conjunction with that you also have this group that really has the time to spend in evaluating these requests for funds.

DR. SAN MARTIN: Well, there is no question that it's just also that we might get entangled in the selection of the advisory group. In other words, whether they're oriented toward social workers and whether they're oriented in other words of some other kind of business and therefore, we might get into the very same problems that we are in right now. I still feel that if spending some time ourselves.....

MAYOR BECKER: We're going to have to start issuing sleeping bags to you guys and you just sleep wherever you happen to be that night, you know. You're never going to get home.

CITY MANAGER GRANATA: Mr. Mayor and Dr. San Martin, may we offer that the staff give you a monthly report in full details to start off with in 30 days and if this is not to your liking, we will go from there. You still want the advisory structure or.....

MR. MORTON: I very definitely think it's important. Especially when you sit down and evaluate how many requests did we have?

CITY MANAGER GRANATA: We had 45 as I recall.

MR. MONTEZ: Actually, requests in various forms totaled about 78.

CITY MANAGER GRANATA: And you've granted about - how many have we granted?

MR. MONTEZ: We've had about 50 plus within the overall revenue sharing budget. Some of which, as you remember the arithmetic, we prepared that one afternoon here, some of them arrived that same morning as a matter of fact. No time for staff to do any kind of review of their budgets or breakdowns or nothing. Yes, we would welcome that opportunity.

CITY MANAGER GRANATA: Would you rather have a special committee of three Councilmen?

MR. MORTON: Sam, what I asked for was simply this. I asked for you to come up with a recommendation for how you were going to do the best job possible in monitoring and evaluating but also evaluating requests for revenue sharing funds.

CITY MANAGER GRANATA: By September 1st.

MR. MORTON: I'm not trying to tell you how to do it, I'd like to see what you can recommend. It's an area where I feel that we can stand a little help.

CITY MANAGER GRANATA: Fine, we'll come up with something.

MR. MORTON: Okay, and it ought to be good.

CITY MANAGER GRANATA: Well, I hope it's good.

MR. MORTON: I'm not after this one particular program but there's a need to know of what is being done here, at least part of what they say they're trying to do. I support in trying to solve that need.

MAYOR BECKER: Okay, is there a motion?

On motion of Dr. San Martin, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

74-38 The Clerk read an ordinance manifesting an agreement with Alamo Concessions, Inc., to amend the food and beverage contract covering municipal ball diamonds, sports centers, Brackenridge Park, Koehler Park, and the Sunken Garden, so as to authorize certain menu additions and price increases.

Mr. Ron Darner, Director of Parks and Recreation, stated that this is a renegotiated agreement and authorizes various price increases charged by other concessionaires operating under the Parks Department. He contacted Mr. Sheridan and he agreed to the recommended changes except for hamburgers. Staff recommends increase from 45¢ to 55¢. They are asking for 65¢.

Mayor Becker asked if aside from prices, the specifications for the items had been determined.

After discussion, the Mayor asked that this item be postponed until an agreement is reached so that items have some definition as to what they will contain.

AN ORDINANCE 44,163

AUTHORIZING ESTABLISHMENT OF THE FIRST YEAR OF A MANPOWER TRAINING PROGRAM FUNDED FROM A GRANT FROM THE DEPARTMENT OF LABOR UNDER THE FEDERAL COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA), ADOPTING A BUDGET AND APPROPRIATING FUNDS THEREFORE AND ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF LABOR OF \$7,363,440 FOR OPERATION OF THE PROGRAM BY THE CITY, ACTING AS PRIME SPONSOR, FOR DOL MANPOWER PROGRAMS IN PLANNING REGION 18 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH DELEGATE AGENCIES FOR OPERATION OF PROJECTS UNDER THE PROGRAM.

* * * *

The Ordinance was explained by Mr. Cipriano Guerra, Director of Planning and Community Development, who advised that Council in May authorized submitting a plan and applying for this grant. The Department of Labor has now allocated half the money and the staff recommended passage of the Ordinance.

After consideration, on motion of Mr. Mendoza, seconded by Dr. San Martin, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

74-38 The following Ordinances were read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,164

AUTHORIZING MR. MARIANO YTUARTE TO ERECT A THREE FOOT EXTENSION ON TO AN EXISTING FOUR FOOT FENCE AT 3031 PITLUK STREET.

* * * *

AN ORDINANCE 44,165

AUTHORIZING MR. H. M. COX TO CONSTRUCT A 10' CHAIN LINK FENCE ALONG THE NORTH PROPERTY LINE AT 1611 AND 1635 N. E. LOOP 410.

* * * *

AN ORDINANCE 44,166

CHANGING THE NAME OF FEATHERCREST ROAD TO THOUSAND OAKS DRIVE.

* * * *

74-38

The Clerk read the following Ordinance:

AN ORDINANCE 44,167

DECLARING THAT THE STRUCTURE ON THE PREMISES AT 843 W. HARRIMAN PLACE IS A "DANGEROUS BUILDING" AND PRESENTS AN IMMEDIATE DANGER TO THE LIFE OR SAFETY OF INDIVIDUALS WHO COME INTO CONTACT WITH IT; AUTHORIZING AND DIRECTING THE DIRECTOR OF BUILDING AND PLANNING ADMINISTRATION TO CAUSE THE IMMEDIATE DEMOLITION OF SAID STRUCTURE.

* * * *

Mr. George Vann, Director of Building and Planning Administration, explained that the property was owned by Norwood B. and Mary B. Rhodes who were notified that this Ordinance would be considered today. He stated that the premises contained a vacant one-story wooden structure in a run-down, damaged and decayed condition and has deteriorated more than 50 percent of its value. The various City departments have inspected the premises and they have been found to be a fire, health, and safety hazard. He presented pictures showing the condition of the premises and recommended that the Ordinance be passed.

Neither the owners nor a representative were present.

After consideration, on motion of Mr. Padilla, seconded by Dr. San Martin, the Ordinance was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

74-38

The Clerk read the following Ordinance:

AN ORDINANCE 44,168

AUTHORIZING APPROVAL OF A CONTRACT BETWEEN SAN ANTONIO MUNICIPAL UTILITY DISTRICT NO. 1 AND SAN ANTONIO RANCH LIMITED.

* * * *

Mr. Mel Sueltenfuss, Director of Public Works, stated that this had been reviewed by the Council and an addition had been made to the Ordinance as a result of the request by the District Attorney's Office which reads as follows:

SECTION 2. The acceptance of said contract by this Ordinance should be construed as impairing or affecting in any manner the rights of any party in that certain cause No. 73-3378 in the United States Court of Appeals for the Fifth Circuit, entitled Sierra Club et al vs. James T. Lynn, Secretary of the United States Department of Housing and Urban Development et al.

* * * *

August 1, 1974

-34-

e1

After consideration, on motion of Mr. Mendoza, seconded by Mr. Lacy, the Ordinance was passed and approved by the following vote: AYES: Becker, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: San Martin, Padilla; ABSENT: Cockrell.

74-38 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: San Martin, Becker, Black, Lacy, O'Connell, Padilla; NAYS: None; ABSENT: Cockrell, Morton, Mendoza.

AN ORDINANCE 44,169

AUTHORIZING THE CITY ATTORNEY TO COMPROMISE OR MAKE SETTLEMENT OF A LAWSUIT CONCERNING THE DIVISION OF A CONDEMNATION AWARD IN WHICH THE CITY CLAIMS AN INTEREST BECAUSE OF TAX TITLE TO THE SUBJECT PROPERTY.

* * * *

AN ORDINANCE 44,170

ACCEPTING THE BID OF MODULAR AMBULANCE CORPORATION TO FURNISH THE CITY WITH AMBULANCE BODIES FOR \$91,022.00.

* * * *

AN ORDINANCE 44,171

AUTHORIZING PAYMENT OF THE SUM OF \$18,178.00 TO THE CITY WATER BOARD FOR WATER MAIN EXTENSION AND SERVICE AT SAN ANTONIO INTERNATIONAL AIRPORT AIR CARGO TERMINAL FACILITY.

* * * *

74-38 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. O'Connell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Morton.

AN ORDINANCE 44,172

ACCEPTING THE LOW BID OF SHERMAN ELECTRONICS SUPPLY, INC. TO FURNISH THE CITY WITH AUDIO RECORDING TAPES FOR A TOTAL OF \$3,304.00.

* * * *

74-38 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Dr. San Martin, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Padilla; NAYS: None; ABSENT: Cockrell, Morton, Mendoza.

AN ORDINANCE 44,173

MANIFESTING AN AGREEMENT WITH PETE G. LUNA,
TO AMEND THE 1974-75 WRECKER SERVICES CON-
TRACT, SO AS TO REFLECT THE CHANGE IN
CONTRACTOR'S BUSINESS NAME.

* * * *

74-38 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Padilla; NAYS: None; ABSENT: Cockrell, Morton, Mendoza.

AN ORDINANCE 44,174

AMENDING ORDINANCE NO. 44057 TO PROVIDE
THAT MRS. PAUL ESCAMILLA SHALL SERVE AS
CHAIRWOMAN OF THE MAYOR'S COMMISSION ON
THE STATUS OF WOMEN.

* * * *

AN ORDINANCE 44,175

RE-APPOINTING FRANK MANUPELLI TO SERVE
AS A MEMBER OF THE FIREMEN'S AND POLICE-
MEN'S CIVIL SERVICE COMMISSION. (FOR A
TERM ENDING MAY 31, 1977)

* * * *

74-38 The Clerk read the following letter:

July 26, 1974

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

Gentlemen and Madam:

The following petition was received by my office and forwarded to the City Manager for investigation and report to the City Council.

July 25, 1974

Petition of Mr. David J. Haley,
Parliament Square Properties, Post
Office Box 6109, San Antonio, Texas
requesting permission to construct
a series of decorative privacy

August 1, 1974
el

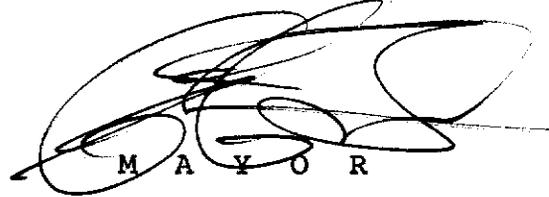
fences each eight (8) feet high along Parliament Drive at the six entrances to the London House Apartments. The proposed fences are to be of solid masonry construction.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned at 6:35 P. M.

A P P R O V E D



M A Y O R

Charles L. Becker

ATTEST:

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

August 1, 1974
el

-37-

112



EXCERPT
MINUTES OF CITY COUNCIL MEETING
OF THURSDAY, AUGUST 1, 1974

74-38 PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 42

The Clerk read the following Ordinance:

AN ORDINANCE 44,143

AMENDING CHAPTER 42 OF THE CITY CODE (ZONING) BY DELETING THE LISTING, "NURSERY, DAY CARE OR KINDERGARTEN (CARE OF UP TO 6 CHILDREN)" FROM THE TABLE OF PERMITTED USES; REVISING THE DEFINITION OF "NURSERY, DAY CARE, OR KINDERGARTEN"; PROVIDING FOR CHURCHES TO OPERATE BALL PARKS, FOOTBALL FIELDS, AND TENNIS COURTS UNDER SPECIAL EXCEPTIONS; REVISING THE PROHIBITION AGAINST ERECTING MORE THAN ONE BUILDING PER LOT; PROVIDING A PENALTY NOT EXCEEDING \$200.00 FOR VIOLATION HEREOF, AND PROVIDING FOR SEVERABILITY.

* * * *

The following discussion took place:

MR. GENE CAMARGO: This ordinance was considered by the Planning Commission on the 5th of June, 1974 and they recommended approval. The Council likewise considered this ordinance on July 3, 1974 and postponed action on it until there was further consideration.

There are three main portions to this proposed ordinance, Sections 1, 2, and 3. I believe that you now have copies of the ordinance that is being considered.

Section 1, 2, and 3 of the proposed ordinance amends the present ordinance to correct a conflict in uses or table of uses. Our present ordinance has a definition of a day care nursery which states that this is an operation which cares for six or more children. Yet our table of uses in the zoning ordinance allows a day care nursery with less than six children in R-2 classification. So the use table and the definition section are in conflict. One calls it a day care nursery and the other does not recognize it as a day care nursery. So the amendments of 1, 2, and 3 are to amend the appropriate sections within the ordinance to clarify this conflict in our present ordinance.

Section 4 of the proposed ordinance deals with non-profit little league ball parks. This amendment adds churches to the organizations which can operate baseball, football fields and tennis courts in any district with an exception being granted by the Board of Adjustment. The procedure to allow churches with an exemption has been followed in the past and until a recent ruling on the ordinance, the churches which had been permitted in the past to operate these non-profit Little League ball parks were excluded from the ordinance. What we're attempting to do is to place this amendment into the ordinance so we can continue with past procedures as we have for a number of years.

August 1, 1974

el

Sections 5 and 6 deal with multiple buildings on a lot. This amendment will allow multiple buildings to be constructed on a lot in all districts except the A, R-1 and R-A single family residential districts. This would mean that if a plan of development with multiple buildings meets all the requirements of the ordinance pertaining to density, height, setbacks and parking requirements, an exception before the Board of Adjustment will not be necessary. A plan which is submitted to the Department of Building and Planning Administration that indicates a violation of one of the requirements in the zoning ordinance, would then be required to go before the Board of Adjustment for a public hearing to seek a variance for these violations in the plans.

Our present ordinance allows the construction of one main structure per lot. So, this being a lot line coming out to a public street the ordinance, without going before the Board of Adjustment for a special exception, would permit the construction of one massive building providing the appropriate setbacks, driveways and parking situations. The ordinance amendment as proposed would allow for the construction of multiple buildings on a lot, a lot the same size but instead of one massive structure would allow a person developing a piece of property to break up this one structure into multiple structures creating additional open space, interior courtyards, etc. and other amenities that you find in some apartment projects and commercial projects for that matter. You have basically the same setbacks that are required for one massive building, but you do have the flexibility of orientating your buildings in different forms and providing space for courtyards for different sections within a project.

Basically, the other sections in this ordinance, Section 7 and 8, are the penalty of severability clubs, which are normally found in your ordinances. The plans of development will continue to be reviewed by all the appropriate departments as they are now and they have been when they went before the Board of Adjustment Departments that check a plan of development include Fire Department, Traffic Department. Under the Building and Planning Administration Department, there are several divisions that review these construction plans, those being the electrical section, plumbing section, sidewalk and trench, air pollution section, Health Department checks construction plans. Public Works Department also reviews construction plans whenever a piece of property lies within a flood prone area. So all of these agencies will continue to check plans as they are being checked now.

MAYOR CHARLES BECKER: Gene, it seems to me that I take several architectural magazines and various things like that, some of them European, the trend from what I've been able to determine for years in Europe has been to try to add green areas and break up large buildings into small ones, make them pleasant, more appealing both visually and otherwise and get away from the concept of building one massive building on a lot. Now, of course, we all know about the Pentagon in Washington and Merchandise Mart in Chicago. It's probably 40 years old or longer now and that type of structure. Now, I know that we're not exactly relating to the buildings of that mass or magnitude. But the new trend is to add the green areas and the open spaces and create a more habitable place for people. So, it would seem to me that this ordinance would be on trend to say the least. Now, we have some people that would like to speak and, if I may, I'll call them as they came to me. Mr. Joe Cumpian. All right, Mrs. Helen Dutmer.

MRS. HELEN DUTMER: I'd also prefer to hear what Mr. Bender has to say first.

MAYOR BECKER: All right. Angelo Di Pasquale. Okay. Now, then Mr. Bender's name is third on this other list that was given to me subsequent to the receipt of this first list that I just called, Mr. Pat Gardner, Mr. Elkin McGoy. All right. R. C. Bender, it looks like it's your day in the barrel. Are you ready?

MR. RALPH BENDER: I'm probably the only one that didn't prefer that. Mr. Mayor, members of the Council, I have been before this body twice on this subject and I hate to go over it again but if you will recall the first public hearing, there were not a whole lot of people here. Mrs. Dutmer was here and I was here and several others and we went through briefly and at that time, the Council requested that it be taken up in a "B" Session. That subsequently was done and at that time I made a presentation, a rather lengthy presentation unfortunately, to the Council concerning that. Unfortunately, Mrs. Dutmer was not here at that time, so she did not have an opportunity to hear my remarks. Now, I was hoping that I would not have to go over all those remarks again this morning but I think in the interest of those people who are here in opposition I think probably they should have the benefit of our total position. So if the Council will bear with me and unless they have some strenuous objections to that, I'd like to go back through that. I realize that will take a few minutes but I think probably in all fairness to them that is the course that conceivably we ought to take. If that is all right with the Council, I would like to do that. I'll try and be as brief as possible.

As you recall, I mentioned that many years ago, the original zoning ordinance was drafted. It provided at that time that only one principle building could be built on any platted lot. Now this was a proviso was instituted by reasons of that fact that there were many corrals built, there many slum conditions built where you put lots of shot-gun houses, with no building control on platted property. It was a very unhealthy situation. One way to counteract that was the provision in the old ordinance that only one single building would be built on a single lot. Now at that time, of course, we didn't have the building techniques, and we didn't build in the fashion that we build today. At that time, there were relatively few things like apartments that we know today or cluster office buildings or cluster industrial buildings, things of that type. So they were not confronted with that problem. They were confronted basically with single family detached houses on particular lots.

Now, at that time, in that ordinance it required because that was the general way things were done, that was the routine way building was occurred, so at that time they required that if you wanted more than one building on a lot, they required that you go to the Board of Adjustment for a variance because at that time that was a variance, that was the exception to the rule. The rule was that you should put and people did put one building on a lot, other than building slum conditions. Now, so that Board of Adjustment variance was required. Now, as early as 15 years ago and even before that, with the emergence of multi-building type projects, apartments, and multi-building office complexes, and commercial developments and industrial complexes, it became a nuisance. When I was Director of Planning here some 16-17 years ago, it was a nuisance for people who were building apartment projects to have to come down and go before the Board of Adjustment to have a variance granted for them to build a proper project in a proper zone. So, and again, as early as 15-16 years ago, we started writing a new zoning ordinance. At that time we anticipated that this we realized that this was a problem, so in the new zoning ordinance we wrote that with proper precautions, if a plan were submitted to the staff and all of the various agencies of the City, all the various departments, the engineering and the traffic and the drainage and the fire, etc. if they all approved of that project,

and said that it was proper and met the law, then that project could be submitted to the Planning Commission for what we called a Planned Building Group Approval.

Now, as you very well know, we at the present time operate under two ordinances. We still have the old zoning ordinance, and we have the new zoning ordinance, which was passed some years ago. Now, in the old zones you operate under the old ordinances and the new zones you operate under the new ordinance. By reason to that fact we always had this situation in the old zones where you still had to go back to the Board of Adjustment except for a period of time it was concluded that you would not have to do that. That you could, even if you had in the old zones, you could go to the Planning Commission and get a Planned Building Group Approval. All right.

We ended up some months ago, actually more than a year ago, with several controversial apartment projects. One of them was a detached single family project and one of them was a garden apartment project. The garden apartment project was on the southeast side of the City. Now, at that time because of that controversial project, the idea of the Planning Commission being allowed to approve multiple buildings, in effect granting a variance, was challenged. It had never been challenged for 12, 13, 14 or however long the new zoning ordinance had been passed. It had never been challenged but because these projects were controversial, the legality of that ordinance was or that proviso was challenged.

Now, with outside counsel and Mr. Pat Gardner is here, and he can address the Council with respect of this, it was established that in effect, it probably was illegal. That the Board of Adjustment actually was the official constituted body to grant a variance so long, as the one building per lot proviso existed on the old ordinance. We talked to Mr. Gardner and established that it was, in fact, probably an illegal proviso. So what this ordinance does now is to say we will eliminate the Planned Building Group Approval by the Planning Commission. We will no longer have that. We will no longer have the one building per lot proviso variance by the Board of Adjustment. What we will substitute in this ordinance is that we will have in zones that are single family zones, the R-1, the R-A, and the other single family zones, there are three, that you can only have one building per lot in those zones, but in all other districts, you will be allowed to have multi-building projects on those kind of properties if you submit a proper plan to the staff and to the City and to the Housing Department for that approval.

Now, frankly, we think that that's the way this situation should be handled. We think there are adequate, more than adequate, safeguards. We can take the staff. It can be concerned with things like traffic, ingress, engineering, fire, fire lanes, hydrants, planning, open space setbacks, spacing and building, zonings, platting, utilities, drainage and the building code. We think if all of those ordinances are recognized and your project allows for that, then you should not have to go to the Board of Adjustment. Now if you want a variance, say, in a building setback line, then you would still have to go to the Board of Adjustment for that variance.

Now, what we have at the present time is the Board of Adjustment virtually and actually has a veto power over zoning. If you have a piece of property that is properly zoned for apartment use, you still cannot go and get a building permit until you go to the Board of Adjustment so that the Board of Adjustment is at the present time the highest authority in this community. The City Council now does not establish the zone. The Board of Adjustment will establish whether you can have

an apartment project. Now, it's theoretically possible to say, well, you can really have an apartment project and you don't have to go to the Board of Adjustment if you build one giant building. If you put, let's say, you had 160 unit project, if you put all of those 160 families in one building, then you don't have to go to the Board of Adjustment. Now I submit to the Council is this as patently absurd that we should, this community should have an ordinance that would, in effect, force apartment builders or any, it doesn't need to be apartment, it could be commercial or an office complex that we should force a one building condition on all of the zones. That would be the only way that you could get this kind of a project approved without having to go to the Board of Adjustment. So, in effect, the Board of Adjustment has a veto power over the City Council's zoning actions.

What it actually does is it disenfranchises those people who have properly constituted zones. If I own a piece of property that is properly zoned for multi-family or apartment uses, I still have nothing. I can't go down and get a building permit to build that apartment project. I have got to go to the Board of Adjustment. I submit that this constitutes a total double jeopardy. If an out of town entrepreneur or some entrepreneur in the City of San Antonio wants to build an apartment project, well, let's say a two-building bank project, on a piece of property. If he gets and let's assume it's a controversial case, and he wins that case before this august body, he still has absolutely nothing because he has to go back to the Board of Adjustment to get approval.

So what I'm saying is that the way we have it now, this proviso, where you have to go to the Board of Adjustment, in effect, negates our whole zoning ordinance. It's totally discriminatory and it's an absurdity. Our particular firm operates all over the United States. We have done various projects and various planning, done a lot of planning activity in many, many major cities throughout the United States. I personally have been involved in planning for the past 20 years. To the best of my knowledge, there is no major or minor community in the United States that requires this sort of thing. Quite frankly, I think it is an absurdity and I think it's something that we should abandon.

Now, I might point out that in discussions - more than one one - with a member of the Board of Adjustment, they don't want that authority. They don't want a veto power over the City Council. Now, that's not what they were instituted for and frankly they don't want that sort of activity. Now, we strongly and there are various people here, Mr. Pat Gardner is here, Mr. Elkin McGoy is here, Miss Barbara MacManus is here, Mr. John Hendry, are here who and they additionally would like to speak in behalf of this ordinance.

Now, in conclusion, I would like to say that the arguments against multiple buildings on a lot properly constituted have absolutely nothing to do with multiple buildings. They have to do with what kind of projects are to be built, whether they're to be built subsidized or luxury. I submit that the project that caused the great deal of concern, the concern was not because we were talking about putting multiple buildings on the lot, the concern was because it was to be a subsidized housing project. If that had been a luxury housing project, non-federally substituted, that particular project would not have been controversial. It's conceivable there might have been some controversy but there certainly would not have been controversy of the magnitude that there was. Now, with respect to the other difficult project, this was a situation where it was a single family zone and multiple buildings were being proposed to be put on a lot in a single family zone. Now, the ordinance that is proposed here excludes the single family zones. Within the single

family zones, the A, the R-1 and the R-A, you still can only put one building per lot. In all other districts, this ordinance proposes that you be allowed to put multiple buildings on a lot and we strongly recommend this. We think the situation we have now is the total negative for the San Antonio community. It makes it incredibly hard to justify coming in here and doing anything on this basis when you're exposed to this sort of a double jeopardy situation. If there are any questions, I'd be happy to try and answer them.

DR. JOSE SAN MARTIN: Mr. Mayor, I'd like to ask Ralph, the statement that you made that the Board of Adjustment, you've talked to them. They don't want the rate of power, I haven't heard anything officially from the Board of Adjustment to....

MR. BENDER: Well, I, no, that's correct. I've talked personally to one member of the Board, yes.

DR. SAN MARTIN: Well, there it is. It seems to me that when you sit on the Board, you do what you're supposed to do under the regulations. Sometimes we don't want to spend too much time on certain things, but we have to do that.

MR. BENDER: That's correct. That's correct. And they certainly are doing it, Doctor. I don't mean to say that they are shirking their obligation. They are.....

DR. SAN MARTIN: This information that you have, was it just informally given to you?

MR. BENDER: That's correct. That's correct. It was informally given to me by one member of the Commission.

DR. SAN MARTIN: Let me ask Gene then. In studying the purpose of this proposed ordinance, did you ask various department heads for their opinions or members of the Planning Commission or members of the Board of Adjustment what their opinions might be?

MR. CAMARGO: We do not have the opinion from the Board of Adjustment on this ordinance. The ordinance has gone before the Planning Commission.

DR. SAN MARTIN: But you did not ask for any comments from the members of the Board of Adjustment either individually or collectively?

MR. CAMARGO: No, sir. I did not.

DR. SAN MARTIN: Did they volunteer any to you informally?

MR. CAMARGO: No, sir.

MAYOR BECKER: Thank you, there are no other questions.

MRS. LILA COCKRELL: May I ask this question just to get it clarified. It is your feeling that previous objections of which you have been aware, had been not in the nature of architectural planning objections to the Planned Building Group, but have been more toward the method of financing or to the Federal nature of the project. Is that correct?

MR. BENDER: That's correct. There was no way that they could challenge the integrity of the project because these projects, the one in question had had the approval of every single solitary agency as well as the federal government, with respect to the quality of these particular projects. So that could not be challenged. Every single solitary ordinance that the City requires and every single solitary agency that has any sort or department that has any sort of jurisdiction or control over those projects had been met. And these were numerable.

MRS. COCKRELL: The ordinance at present as it is now constituted even though it might still have this review authority, the Board of Adjustment does not legally have the power to speak to the issue of what kind of financing there is on any apartment or business project, isn't that correct?

MR. BENDER: That is correct. That's correct.

MR. ALVIN G. PADILLA: Mr. Bender.

MR. BENDER: Yes, sir.

MR. PADILLA: The - the concern I have in this, of course, I can appreciate the - the position of the industry and yourself as an architect. I think I can appreciate your remarks to the effect that you feel that you're faced with double jeopardy and so forth. I realize that most of the opposition that has contacted me comes from a particular part of town that has been faced with - with the problem of this type of federal sponsor in housing. However, I must confess that it bothers me somewhat that if we have this type of legislation we're going to be depriving the citizen of one method that he has used to state his opposition to this type of project when he feels that is saturating an area. Now, I don't know if we take this from the citizen, what in the world they're going to do. I realize that if the opposition is based on one thing, namely, the saturation of a particular type of housing in a particular quadrant of town, if that is the opposition, then if you get the project kicked out on the basis of non-approval at the Board of Adjustment, arbitrary non-approval, that may not be very consistent with what someone in your profession would like to see, but it does give the citizen a particular tool. It's in the nature of a technicality, as it were, but I'm anxious that citizens have some method, some way of registering their opposition in some effective manner when they feel that they have to. I'd like to hear your remarks on - on that.

MR. BENDER: Well, with respect to the City, of course, there are opportunities on newly zoned property. On anything newly zoned, of course, there is the Planning Commission hearing which conducts their activities at a public hearing and the opposition has a chance to manifest their opposition at that time and then at the City Council. At the zoning hearings of the City Council they have an opportunity to manifest their opposition at that time. Now, that was not the case in this particular southeast side project because that property had

already been zoned so that the public hearings were over. Now, I would say that if a segment or an area of this community desired not to have any additional type of assisted housing, then that their remarks and their - their argument needs to be addressed to the federal government, that these projects are not welcome in their area and that they do not want any of those kind of projects. Now, with respect to subsidized housing, it's a moot question at the moment. We don't have any more subsidized housing. It's questionable whether we will ever have any more subsidized housing. The 160 units of subsidized housing that were not built there are irrevokably lost. They can never be reclaimed. That's 160 units of housing that this community desperately needed that we will never have now. But that's beside the point.

My point is that let's not incumber the entire and embrace the entire metropolitan area with this kind of a burdensome procedural operation, merely to keep undesirable projects from occurring in isolated areas. If those projects are not welcome then those communities need to address the federal government and this government here that we do not want that kind of housing in our community and in our area. Then I'm sure the federal government would probably not select those areas. I think there's a great deal of misunderstanding about where these projects are located and why they're located. These projects are very specifically located by this particular project and all federally housing projects are very closely scrutinized by the federal government. They have very stringent guide lines on where you could put these kinds of housing projects. They, to a very large measure, determine where these projects were to be located. It was not entirely the decision of the developer or the entre preneur. So it had to have the blessing of the federal government. Now, my point is that if we don't want this kind of housing which I think would be a terrible mistake, we desperately need this kind of housing. And this kind of housing was built very handsomely and beautifully. There were projects that were - were abused. But by and large there were very fine projects that have been built and were built and people are living in them today. I think we should have that kind of housing, but my point is that if we don't want that kind of housing then it's a very simple thing to tell the federal government, "look, we just do not want that kind of housing in this particular area." If this secture of the City doesn't want any more of that kind of housing then I'm sure they address their remarks to the government, the government would not select housing projects in that area, even though that housing was desperately needed in that area.

MR. PADILLA: This - this is my concern. You see I can't disagree with building industry and - and with the remarks that you make in general. My concern centers primarily on not wanting to deprive the citizens of some sort of avenue to manifest his opposition to this or any other type of project. We've found ourselves here once or twice with an impossible situation in terms of projects that we ourselves or that the City considered undesirable. Yet because the project met all administrative guide lines, so to speak, we're in a position of having to issue the permit or face mandamus, you know. So we had no choice in what I refer to specifically as curb cuts and situations where everybody concerned stated that it was an undesirable situation, but we have no choice because the rules are laid down, the project met the rules, we had to issue the permits.

MR. BENDER: That's correct.

MR. PADILLA: I can appreciate the concern of the citizen in any sector of town, not only the southeast, but any where else. I think my subsequent efforts are going to be aimed at trying to work with staff in terms of how can we provide an avenue of appeal as it were, or some method by which the people can still register opposition when they feel that they have good reasons for doing so. I am concerned that if we, if we just delineate a set of rules and a

particular project meets everything, now on the one hand it would seem that if it meets all the rules then it merits approval, on the other hand, citizens in the neighborhood and - and I'm one person that holds that people in a neighborhood have certain rights, even within that area, and I'm not sure that the federal government sitting in Washington is going to be always entirely aware or sympathetic to their particular feelings, particularly when those feelings conflict with what is federal policy, you see.

MR. BENDER: I appreciate that Mr. Padilla, but we have a local office here. We, these things are administered out of the local office not out of Washington. Now, what I'm saying is that there is a reverse right and we are a government of law. We have written laws, and when those laws are written, then everybody should have the right to be able to understand that those are the laws and if you abide by those laws that then you can continue unencumbered. But, again, I'm not arguing the point. There are many ways that this problem can be solved, but let's not solve it with the absurdity of the multiple buildings, because quite frankly it makes hypocrites out of the people who have to come down and argue against it because there's no way they can argue against the multiple building provision. Their only argument is to say, "look, it is perfectly alright if you put it in a great big building, see." So I think we need to get rid of this absurdity and - and we need to address, if this Council desires to address itself to this other totally different matter then it certainly has a right to do that. But, frankly, with the state of the housing industry today, we need to encourage and not hamstring that industry any more than it is at the present time.

MR. PADILLA: I agree with that.

MR. BENDER: Thank you.

REVEREND CLAUDE W. BLACK: May I just have you clarify that statement because I think that one of the vital aspects of any change in this area, is to be addressed to making available housing to people. I mean I recognize the necessity for, as Councilman Padilla has said, for opportunities to - for the citizens to address the issues that they're against. I also recognize the tremendous need that I personally think in the future for this type of housing where you're going to have many buildings in one area. Is it your opinion then, that a failure to act positively in this regard would tend to deter the erection of this kind of housing in the building industry? Do you think.....

MR. BENDER: There isn't any question about it, absolutely none, whatsoever. It will be and is at the moment at an enormous deterrent for anybody coming into or being here and getting involved in any kind of business, not just necessarily housing, but office complexes, industrial complexes. We're not just talking about housing. Anybody who has a two building industrial plant has now got to go again through the Board of Adjustment. It's an incredible deterrent. As a matter of fact the full ramifications haven't even begun to be felt, if we don't act positively.

DR. SAN MARTIN: Mr. Mayor, I'd just like for information - I want you to attach any special significance to this question, it's just for information. Would you say that most of the cases before the Board of Adjustment are usually granted or denied? I mean just off the top of your head.

MR. BENDER: Doctor, I have no idea. I just have no idea whether they are, I-I don't know where they are.....

DR. SAN MARTIN: What I'm trying to get to is, is it that hard to go before the Board of Adjustment? Yes or no?

MR. BENDER: Yes, it's extremely difficult and time consuming and.....

DR. SAN MARTIN: The question is, how many people are - have no chance because the Board of Adjustment - the records show that 50 percent are turned down?

MR. BENDER: Gene, could you answer that I have no idea.

MR. CAMARGO: As to this last amendment, most of the cases that have gone to the Board of Adjustment on the multiple building provisions without any request for variance on set backs, fences, etc., have been approved.

DR. SAN MARTIN: They have been approved?

MR. CAMARGO: They have been.....

DR. SAN MARTIN: Most of them, would you say?

MR. CAMARGO: Yes, sir, they have been. We never have any variances being requested on set backs and fences.

DR. SAN MARTIN: Just on the question of more than one building on one lot, would you say that a great majority of them have been, in other words, it's just the trouble of going through the motions of getting there, is that correct?

MR. CAMARGO: That's correct sir. It requires application, notification, ten days time and the actual public hearing.....

DR. SAN MARTIN: What's the cost to the developer or proponent to go through the Board of Adjustment?

MR. CAMARGO: Twenty dollars.

DR. SAN MARTIN: Is that all?

MRS. COCKRELL: Let me ask another question. From the Board of Adjustment there is appeal is there not to the District Court? For example, if the Board of Adjustment, I understand the problem and I'm trying to address the concern of the residents. But I'm sure that this is the right way to do it. The concern of the residents is when they feel their area is over saturated with a certain type of federally financed apartment projects and they want to see an effective way of blocking additional projects in their neighborhood, I understand and I sympathize with their concern, but it seems to me that if a Board of Adjustment because of this reason denies an applicant the right to build multiple buildings instead of the single building that, again, there's still that right of appeal to the court and if it would be pretty hard in the courts, you know, to explain why the Board of Adjustment would turn down a valid multiple unit structure. The fact that the court would not consider I don't feel any evidence regarding the fact that it were a federal project if the zoning and other factors were correct. I'm just questioning whether this in the long run is really a valid tool.

MR. BENDER: Well.....

MRS. COCKRELL: It seems to me that there should be other ways of appeal or other ways where citizens could be heard and I'm wondering if our legal staff would perhaps review whether or not in connection with federally financed projects, there could be some type of local hearing that would be directly to that issue rather than to just to the multiple building groups.

MR. BENDER: That's correct, that's how it should be addressed, and not have - it shouldn't have anything to do with the multiple buildings factor.

MAYOR BECKER: Ralph, we'll be back to this subject in-in just a moment, but right now, we have on the docket, the opening of the bids for the \$85 million worth of bonds for the coal plants and so forth.

MR. BENDER: Doctor San Martin, when you asked me the question with respect of the Board of Adjustment's actions, I misunderstood what you asked me. I thought you asked me of all of the Board of Adjustment actions how many do they grant or how many they do not. We're talking about this and I would certainly concur with Gene that and in all probability if they are not controversial that they certainly, would be granted.....

DR. SAN MARTIN: Other than the time and the twenty dollars then.....

MR. BENDER: Well, yes. First, I think that there are other non-seen difficulties involved in that, but what frankly.....

DR. SAN MARTIN: The reason I ask Ralph, if I may finish, is that you mentioned the fact that if this is a definite deterrent to business men either here or from out of town who wants to come in and do something. Now is that really that much of a deterrent?

MR. BENDER: Why would you purchase a piece of property and design a project if you knew that if even though it was zoned you might get turned down by the Board of Adjustment. You just wouldn't do it. You wouldn't purchase the property and, in other words, you have to have a project designed on a specific piece of property before you can go to the Board of Adjustment. You've got to show them what you're going to do. Now most properties are not designed before properties are acquired and before they proceed on that basis so there are enormous difficulties. It's not just the twenty dollar fee, that is of no consequence whatsoever. If I may, Mr. Pat Gardner is here and he would like to address the Council, on the basis of some of Mrs. Dutmer's.....

MAYOR BECKER: I wanted to ask you a question before you left, if you don't mind. Is there anything in this ordinance that would suddenly cause the deterioration in the type of building that would suddenly permit building in an indiscriminate, irresponsible fashion? Would the distances between buildings, the set backs, and all that sort of thing apply just as they apply now?

MR. BENDER: Absolutely.....

MAYOR BECKER: I mean you couldn't just go in there and ravage a piece of property just because of this ordinance?

MR. BENDER: Absolutely not. You are still going to have to have exactly the same approval you had before, you just don't have to have the Board of Adjustment. Absolutely, that's correct.

MAYOR BECKER: Okay, Mr. Gardner.

MR. PAT GARDNER: My name is Pat Gardner. I'm attorney and a member of the firm of Foster, Lewis, Langley, Gardner and Bennach. I'm here to speak about legal problems today, but I would not presume to advise this Council and I regard that you have very competent attorneys of your own. I've been hired by the Greater San Antonio Home Builders Association to represent them. But I'm not going to talk about their problems either. I'm going to talk about my problems. Those of an attorney who represents a developer who wants to build garden type office projects or apartment projects in San Antonio. Now, I'm going

to give you an example that is pretty close to what occurred. A Houston developer comes to see me and says I have decided to build an apartment project in San Antonio. Your market is better here. Do I have any problems? I said well, what kind of project are you gonna build. A garden type project, a usual one, multi buildings, yes. Well, we have a regulation that prohibits the building of more than one building on one lot. And he says, well I've heard that you have a Planned Building Group Provisions down here that can get you around that. I said yes, and you can use them if you like. But in my opinion they're invalid. When you do get your permit, you'll run the risk of someone coming in and injoining the building and establishing the invalidity. He says, why are they invalid? And I said because they confer upon the Planning Commission what is in effect the power to grant a variance. Only the Board of Adjustment under Texas law can grant a variance. And he says that's simple, we'll go before the Board of Adjustment. I says you can do that. But in my opinion, the Board of Adjustment does not have the power to grant a variance. Here I disagree very strongly with my colleague, Mr. Bender, because the Board of Adjustment can only grant a variance where the conditions exist where the plight of the owner is due to unique circumstances and they're not due to the conditions in the districts in which the property is located. This builder doesn't have any unique circumstances and the Board of Adjustment has to make a finding, a written finding, to that effect, and it can't. There's no unusual conditions. The conditions he's facing because of this regulation he faces throughout R-3 Districts.

MR. GARDNER: I said so if you get your variance and if somebody wants to oppose it and appeal the variance, it's going to be set aside. He said well, then what do I do? I said, well if you like, we can test this regulation because in my opinion it's invalid itself. A regulation - any zoning regulation may not be unreasonable, capricious or arbitrary and in my opinion, a regulation which prohibits the construction of the type of apartment project that is almost universally used in the United States today in suburban areas is unreasonable, capricious and arbitrary. He says well, that's great but I didn't come to San Antonio to hire you to file a lawsuit. I came to build an apartment project. I think I'll build it in Austin and I've lost a client, that's my problem but San Antonio's problem is that they've lost an apartment project.

MAYOR BECKER: You might elaborate if you will for a second, Mr. Gardner, on exactly what that loss means to the City of San Antonio when you say an apartment project.

MR. GARDNER: Well, it means a loss of a great deal of taxes and very needed housing.

MAYOR BECKER: Plus employment.

MR. GARDNER: Plus employment, a great deal of employment. Again, the employment of some of my clients. I personally do not see subsidized housing as an issue here or further hearings on the issue here. We can go before the Board of Adjustment as much as we want to but I think we run a very bad risk and, in fact, I just wouldn't countenance a risk because the Board of Adjustment's decision in this regard would be set aside. Nobody ever appeals them when they're non-controversial and to my mind no controversial one has ever been contested in a district court. I think that under the laws that presently exist in the State of Texas, the only hearing that this Council can give citizens of the City of San Antonio who want to oppose an apartment project or an office project or a shopping center, we have the problems in all three kinds of projects, is the zoning hearing which the law provides for. That's the only hearing you can really give them. If you try to use the Board of Adjustment in a manner in which it's been used or the Zoning Commission under this Planning Building Group or the manner in which it has been used, you are misusing both your Zoning Commission and your Board of Adjustment and sooner or later, it's going to be established. That's all I have to say.

MAYOR BECKER: I'd just like to point out that right at this present time that the President of the San Antonio Chamber of Commerce, General Bob McDermott, who's the chief executive officer of the USAA Insurance Company is attempting to establish an economic development foundation through subscription of business institutions, lawyers, doctors, architects associations, whoever would like to join. The requisite of and the incremental values of membership commence at \$10,000. Now, he's attempting to raise \$3 million over the next three year period of time, a million dollars a year. This money will be devoted and dedicated to the creation of an institution that will hire a very capable qualified type person who will bring industry, commercial development, commercial activity to this City. Now we're not talking about U.S. Steel and Bethlehem and all that sort of thing. You couldn't get them here if you gave them the building, plant, site, free taxes forever and everything else. This isn't that type of a community nor is it geographically located in any way that would assist them. What we are talking about is clean industry, electronic industry, and things like that. Now why is this important? Simply because San Antonio needs job opportunities. San Antonio needs an improved level of per capita income. It's the eleventh largest city, I think in the United States and 49th, I believe it is, on the per capita

income scale. Something that I don't think we should be proud of. We also have other shortcomings and it was borne out in the newspaper article here lately an editorial in the, I think, the San Antonio Evening News that in the first six months in the State of Texas this calendar year, 157 new plants, factories, business, industrial investments, capital investments came to the State of Texas. Twenty-nine of them I believe it went to Houston, several went to Austin, several went to Longview, Midland, Dallas, Fort Worth, of course, and all these various areas and San Antonio got one, out of 157.

Now, what they're trying to say here I think this morning addressing this matter of how the present condition of this situation adversely affects this City, is in many ways hand in glove with the problems that we're trying to overcome with economic development foundation. You cannot build a thriving community where everyone has a chance to earn a decent living and raise his standard of living and all that sort of thing and have all these impediments wrapped around the necks of everybody that tries to do anything. Now we're not talking about trying to destroy the City or make it uninhabitable or turn it into slums or any of that sort of thing. We're merely trying to bring out an archaic situation that does exist, that seems to, from what I'm told here this morning, seems to not exist anywhere else in any major City in the United States. I don't know that we should be unique in this respect. Do you have anything else to add to your discussion?

MR. GARDNER: No, I do not, Mr. Mayor. Other than to say that we're unique in many, many fine respects and I don't think this is respectfully what we need.

MAYOR BECKER: Any questions for Mr. Gardner? Okay. Thank you, sir. All right, next on the list I don't know how you all want to start again because since we're on this list, I guess we'll finish with this list or we have then Mr. Elkin McGoy.

MR. ELKIN MCGOY: I'm Elkin McGoy. I'm the president of the Greater San Antonio Builders Association. I think I speak for all 1400 of our members when I endorse what Mr. Bender and Mr. Gardner have said. They explained it very, very well. I think what we really have to emphasize is that we have to have a set of rules to operate by. We can't have the Board of Adjustment have a reserve clause to shoot down any project at the last minute. A man has to be able to come into San Antonio, find out what he can do, where he can do it. If he's going to buy a piece of property, it, of course, has to be zoned. If it is zoned, there are a set of rules that apply to that zoning. In a town that has literally hundreds and hundreds of multi-building projects, it's just not good horse sense to have a rule that says you can't have but one building on one lot in R-3 and I-1 zones and, of course, other zones too. So I would just like to emphasize that I think the building community has a right to expect a clean cut set of rules. We have all those rules for multi-building projects. We just have to remove this one clause that says one building, one lot, and we're on a track where we're reasonably controlled and a man knows what he can do. I would like to say one thing about the federally financed projects they do get some review at Alamo Council of Governments, isn't that right Mrs. Cockrell? They're not just something that the developer comes in here and does - any federally funded projects do get reviewed several places and they're hard to get through the federal government. So we thank you for your time and endorse the staff's recommendation of this change.

MAYOR BECKER: Elkin, before you leave you said you represent 1400 members of the Home Building Organization. You do more than that. Those 1400 members employ approximately how many thousand people that are in the construction industry? Carpenters, plumbers, electricians, cement finishers, and metal lathe and plaster, I've heard there was 50,000 people that are presently engaged or consider themselves to be a part of the construction industry in the City of San Antonio?

MR. MCGOY: I would think 50,000 would be light if we took the whole construction industry as big a part of San Antonio's economy as it is. Of course, that's our point that we have to make this thing operable for all these people that are working.

MAYOR BECKER: Then you have all the other ancillary services. The people that sell light fixtures, roofing materials, lumber, nails, bathroom fixtures, and everything else, furniture, carpets.

MR. MCGOY: That's correct, you know, I would like to say one thing too. Going to the Board of Adjustment is a pretty expensive proposition because you may have to buy a piece of land and develop it and draw a set of plans before you can get to the Board of Adjustment. There's just many, many places for it would be a tremendous deterrent and a very costly one. Thank you, very much.

MAYOR BECKER: Yes, madam.

MRS. COCKRELL: I did want to comment on one thing Mr. McGoy said. You mentioned the Alamo Area Council of Governments as a review agency. Actually, the review procedures there I think are not in the nature of public hearings.

MR. MCGOY: I understand.

MRS. COCKRELL: Or opportunity for a citizen's input. They are reviewed primarily from the basis of any adverse environmental considerations or if they did not pursue the legally established processes of local government and that type of thing.

MR. MCGOY: I was only saying that the environmental part of it is what their consideration is.

MRS. COCKRELL: It is not a place where a citizen can come as in a public hearing. I thought we should clarify that.

MR. MCGOY: I understand it is not a public hearing but I understand it is published in their mail-out publication.

(At this point, the Council considered the bond bids which had previously been received. The hearing then resumed.)

MS. BARBARA MacMANUS: Mr. Mayor, members of the Council, my name is Barbara MacManus for the record. I'm here this morning as president of the San Antonio Apartment Association and also in my own behalf to make my own comments. I have with me this morning a letter from the San Antonio Apartment Association and to save ten cents I hand carried it. This letter is addressed to Mayor Charles Becker and members of the City Council of the City of San Antonio, Texas.

"The San Antonio Apartment Association is a trade organization representing builders, owners, managers, and residents of more than 25,000 apartments in the San Antonio Metropolitan Area. The members of this organization feel that the added time and expense involved in obtaining a variance to allow more than one building on a property is an undue burden. The process which must be gone through to build apartments or commercial buildings of any kind, obtain appropriate zoning, vacating and replatting the property, obtaining approval of the plans and specifications by Housing and Inspections, obtaining building permits, etc. is certainly adequate safeguard against misuse of property.

The original intent of the requirement was to prevent garages from being converted to living quarters, to prevent outbuildings from being thrown up in back yards of homes, etc. and the requirement in that respect is good. However, for new construction it is hardly necessary. Therefore, the San Antonio Apartment Association wishes to take this means of going on record in support of the proposed City ordinance allowing multiple buildings on property with zoning other than single family residential zoning." Respectfully yours, Barbara MacManus, President.

A couple of comments in listening to what's been said this morning. My business is the management of properties, various types, commercial, residential, multi-family. We, in the management business would love to see buildings where all units were in one building. It certainly would make our job easier in the maintenance of these buildings but we couldn't sell it to the public. The public would not reside nor would they office in very large buildings, with no green spaces, to speak of, and very little control of traffic throughout the property. With the multiple buildings on a property, we are able to channel traffic so that they are not in each other's way. They do have the ability to get where they're going with ease. I've also observed in San Antonio many ways of getting around the business of going before the Board of Adjustment for a variance. I know two or three people in San Antonio who have built buildings under the old zoning and rather than go before the Board of Adjustment, they have built covered walkways and so forth, just so it was all under one roof and could conform to the one building ordinance. So they get around it and it does make a much poorer property, poorer project, in that respect. It is very difficult to design a large building all under one roof and have it an aesthetically acceptable building in this day and time. So for myself and for the Apartment Association, I would like to go on record in favor of the ordinance. Thank you.

MAYOR BECKER: Thank you, very much. Any one have any questions of Ms. MacManus? Thank you very much. Okay, now then we'll start with the other list again. Mr. Joe Cumpian.

MR. LEO MENDOZA: Mr. Mayor, I think there's another gentlemen.....

MAYOR BECKER: Oh, I'm sorry.

MR. JOHN HENDRY: I'll make this very brief because I know everyone is getting tired and seems like we don't quite have the chance to take the short breaks that the Council sometimes leaves the council room for. So, I'll make this very brief. I'm John Hendry. I'm an individual builder and I office at 4318 Woodcock. I just wanted to make one thing clear that I think most of the Council members and staff know, but possibly some people here in the room don't know. Approximately two-thirds of all of the housing units in the City of San Antonio in

1974 have been of the multi-family variety. This was also true in 1972. This was also true of the City of Dallas, and the City of Houston who we try very desperately to keep up with when we can. In other words, the trend is to multi-family living whether we like it or not, and there's specific reasons for that and the reasons are basically these. We are having a change in the population mix. The demographics indicate that there are larger quantities of people between the ages of 50 and up as far as the growth in the next ten or fifteen years and larger percentages of people in the ages of 25 to 35. Those are your two main apartment dweller groups. So, therefore, the people's ages indicate multi-family living. Everyone knows we have a lower fertility rate which means we have more 1 and 2 people families or less larger families. That's a trend that's continuing very fast.

It's more economic to build multi-family housing because you get more units of housing on land so, therefore, your land cost per unit is cheaper. There are higher maintenance costs and operating costs living in a single family home and all of us here are well aware of that due to your higher utility costs that we've all experienced - some of them doubled. The cost of operating an apartment or living in an apartment unit for utility cost is cheaper due to the construction of more than one unit in a building. There are also additional recreational facilities available at apartments that single family dwellers in most cases do not have access to. This also makes multi-family living more popular. So therefore, there are many reasons for the multi-family trend and I think many single family home owners that are not in the business or not on the City Council are not aware of these trends.

Any extra time that it costs to build a multi-family project, costs money. I think the City of San Antonio has been very in just approving a bond issue of less than seven percent. The rate that builders have to pay now for interim money is closer now to 14 percent. For long term money, it is closer to ten percent. Any delay in time costs interest, loss of rents and increases the costs of the building. When this happens, that cost has to be passed on to the apartment dweller which means more rent, and I think all of us would like to keep our housing cost down for the citizens of San Antonio. Therefore, any red tape that we can eliminate, that saves time and therefore saves cost and therefore saves rent, we should eliminate. Thank you very much.

MAYOR BECKER: John, in your computations of arriving at 14 percent, for interim money are you including in there the usual request for compensating balances.

MR. HENDRY: I am not - that's an addition to that.

MAYOR BECKER: That'll run you up to sometimes to 18 or higher, you know.

MR. HENDRY: That's in addition, yeah.

MAYOR BECKER: Okay.

MR. HENDRY: Thank you.

MAYOR BECKER: Thank you, sir. All right, Mr. Joe Cumpian.

MR. JOE CUMPIAN: My name is Joe Cumpian, and I'm an attorney at 1805 Tower Life Building, and I reside in the southeast part of town. First of all, it is with regret that I say this since I've always worked for the Mayor and defended him, but I think that many remarks that you have been making about what the City would lose by just letting multiple buildings go on up, seems to me to be your opinion and you're trying to possibly influence the Council. To me, it doesn't strike very nice, Mayor. I'm mighty surprised at what you have said and.....

August 1, 1974
nsr

-17-

MAYOR BECKER: I'm entitled to an opinion.....

MR. CUMPIAN: You're entitled to an opinion, yes, but you have a lot of influence on a lot of people, and I'm surprised, I really am.

MAYOR BECKER: Well, perhaps.....

MR. CUMPIAN: Let me continue with what I have to say. First of all, Mr. Bender pointed out the fact that you people here in the City of San Antonio, we had it, the Planned Building Group, for many years and it was never challenged. The fact that it was never challenged does not make it right. Sometimes people get to the point where they have to draw a line and we've drawn that line. We've thrown the gauntlet and we're going to fight it. If some of you people think that we're not serious about this we are. We are very serious about it. The Planned Building Group has been knocked out. Let it be where it is. We have put it to rest, leave it there. Why is it that always the ordinary workman, the ordinary citizen, is the one that is ripped off. He's the one that has to do all the fighting. He's the one that has to carry the burden of proof all the way up through the administrative agencies and into the courts. Why not, for a change, put it on the special interests. The people that want the law for their own convenience and so forth. Why is it that the citizen always has to be the one that is ripped off? I don't understand it. It is beyond my comprehension why we always have to give in to the special interests and I think that by giving into the special interests is what has caused us the grave concern that this country is in right now. I would say that that's what brought the constitution down here not to pass because of the special interest provisions in the constitution of the State of Texas. It's a shame that they have to put those provisions in there. That's why it died. That's what we had here, special interests verses the ordinary citizen.

Now, I'm for the growth of San Antonio. I don't want to see San Antonio decay. I want to see it grow. I've got four children and I hope they live here in town. But, I'm not an obstructionist, you never have seen me marching, you never have seen me signing stupid petitions about impeachment and so forth. I don't do a thing without thinking things through. I think that I thought this thing through and I think that I'm right. Now, Mr. Bender talks about double jeopardy. Well, you buy land subject to the restrictions that are on the land and then subject to zoning, getting the proper zoning. Then you go and get your proper zoning and then you start the building. It's all that simple. You don't invest any money, you don't buy the land without - you don't tie yourself up without properly getting the zoning first. This idea of a lot of agencies that we have now, a lot of times the skids have been greased and the poor citizen does not have a chance to come in. By the time he comes in it's too late. I'll give you an example. We've been contesting the property over there which you are very familiar with. Mrs. Dorothy Burke came up here very piously to you the last time we were here and before we knew it she had gone under the Planned Building Group and gotten herself a permit. Now, those are the kind of people that bring builders like Mr. Morton and other builders a bad name. Those are the kind of builders that we're concerned with.

MAYOR BECKER: It seems to me, if I remember correctly, Mr. Cumpian, a compromise agreement was reached with the groups that were opposing Mrs. Burke's project and I think that it happened right out in the hall or in some ante room around here and they came back in and everybody was thoroughly in accord.

MR. CUMPIAN: Yes, but.....

MAYOR BECKER: That's my recollection.....

MR. CUMPIAN: Your recollection is correct, Mayor Becker, but she still had to go before the Board of Adjustment to get a variance for multiple housing for multiple buildings and she didn't do it. She snuck in here without even letting us know about it. Well, I'm telling you that's what happened. Okay, number two, there's no double jeopardy. A builder can protect himself, an investor can protect himself if he

takes the proper procedures. I'm just a one man lawyer and I give my clients, I would say, good advise and I don't represent no special interest. I just represent John Q. Public and I always tell them, look this is what you have to do and they follow those procedures and if nine times out of ten, they get what they want and when they don't they don't buy the property.

I refuse to believe that land is going to lay vacant in the City of San Antonio, and the County of Bexar just because we don't have this Planned Building Group. I refuse to believe that. There are other things that can go in there. Now, he talked about the fact that we got organized and that our group of the Southeast Citizens Committee have been objecting to multiple housing apartment housing based on ethnic and economic matters. That's not true. If you don't believe me you can check my bank account and for ethnic all you have to do is look at me. I've been called Mexican, spic, a greaser, and I've gone to schools that are segregated. I've been deprived of going to swimming pools, to theaters, so I'm no racist. As far as financially we were migrant laborers. The fact that I worked myself up I don't think you should hold it against me and I don't think Mr. Bender should hold it against me.

MAYOR BECKER: I wasn't aware of anyone holding anything against anybody.

MR. CUMPIAN: Well, he accused our group of attacking this on economic and racial grounds and it's not true. I'm defending the group. Now, I consider myself a member of the group. I'm one of the officers and I take that very personal. The other thing that I want to say is that our primary objection was the saturation, the congestion, of that type of housing. In that area of town within three miles more than fifty percent or more than 75 percent of the units that were fairly subsidized were within three miles of that area. Now, be that as it may, besides how the project is funded it makes no difference, but we still feel that the Planned Building Group is what somebody expects to put up in that building. It does not give the citizen a chance to do anything. Before the citizen knows what's going on, something already has started and by that time it's too late for him to do anything about it. Ordinary citizens can't go to court and file an injunction like Mr. Bender said, and like Mr. Gardner said because you have got to post a bond and we are not worth that kind of money. It takes a lot of money to post a bond as Mr. Lacy can tell you, he being an attorney. You, Mayor, I'm sure know all about bonds being in the business world and so forth. It's not that simple to go into court and block things. It's just not that simple.

MAYOR BECKER: We had a case here, I guess nine months ago or something like that, where one individual and a group in his neighborhood absolutely blocked the construction of an office building that was attempted to be started on the very, very limited size piece of land and this gentleman persevered and won his point. So, you know, it's not easy, no, nothing's easy. But he did it and won it, as I recall it.

MR. CUMPIAN: For every one of those cases that you show me, I'll show you a thousand that didn't win.

MAYOR BECKER: I don't know that there's that many violations, Mr. Cumpian, of what.....

MR. CUMPIAN: It's not a question of violations, it's the question of people getting those kind of permits.

MAYOR BECKER: And the rip off that you speak of.....

MR. CUMPIAN: I'm talking about the rip off - it's that the burden is always put on the citizen.....

MAYOR BECKER: The special interest group.....

MR. CUMPIAN: We, the special interest don't get, they don't get the burden put on them. We're the ones that carry the burden. Most of the time the special interest groups know the members of the Board by first names. They belong to the country clubs and so forth. The ordinary citizen, the only thing he knows about the country club is when he drives by there and knows what it is because he sees a sign there. I'm talking about.....

MAYOR BECKER: Well, I don't think that has any application to this Council at all. I don't know of a single member of this Council that has any country club membership as far as I know.

MR. CUMPIAN: No, it does very much so in this respect. We've been up and down this administrative ladder so many times that we feel like a yo-yo. Every time we have gone, we have felt that the skids have been greased and ultimately, let me finish, ultimately, our feeling was correct because the decision was always adverse. It was always adverse.

MAYOR BECKER: Well, special interest groups to me perhaps have a different connotation than they might to you or someone else. I view a group such as the home builders, the apartment house developers and all that group, if they be considered special interest groups, then I also have to look at what they contribute to the community, you see. They're contributing again, I'll say employment, which is a very necessary ingredient for the economic life blood of any community. They contribute taxation to help run this government and I don't view them as the onerous vestil type of creatures that the usual connotation of special interest group denotes. I cannot accept it you see because I guess my viewpoints in this matter ultimately and unquestionably are different.

MR. CUMPIAN: Mr. Mayor, there's no way that I can convince you after what I have heard and I'm sure that there's no way that you can convince me after what I have said, Mayor, I mean that's all there is to it about this thing here. Now, the other question I wanted to bring up was this. In the first place, why should anybody, why should any particular group be given special treatment? Why not treat everybody the same? If I own a big plot of land and I want it developed, why shouldn't I have to do what anybody else would have to do? Why should you give me preferential treatment if I happen to be a builder or if I happen to be an apartment manager or the builder of apartment houses. Why should you give preferential treatment? Why favor me over somebody else?

MAYOR BECKER: I don't know that that's the case.

MR. CUMPIAN: Obviously it is when you are doing that.

MAYOR BECKER: That's your interpretation of it. Again I say it's not mine.

MR. CUMPIAN: So in conclusion I would say that I'm against the amendment of the ordinance and that we should once and for all leave the Planned Building Group dead and not come up again because it is unconstitutional due to the fact that, well, there are many provisions I don't want to go into but it's been declared unconstitutional already by many lawyers including Mr. Gardner who was here talking about it and when we were first talking about taking it to court. It's just not right for people who are going to live adjacent to an area where something is going to be built not to be apprised of what's going on in their neighborhood. After all they pay taxes too, you know.

MAYOR BECKER: Well, I mean.....

MR. CUMPIAN: They spend money too.

MAYOR BECKER: I was under the impression that they would still know what was going on in their neighborhood.

MR. CUMPIAN: They don't. Not with the Planned Building Group they don't.

MAYOR BECKER: I don't interpret it that way. I'll be happy to have either someone on the City staff or Mr. Bender or Mr. Gardner explain it as to how you can create a building out there without first of all coming down here and bringing it to the attention of the City Council and all that.....

MR. CUMPIAN: Well, the City Councilmen they might have to notify you people in the other administrative agencies but they don't have to let the homeowner down there in the neighborhood know about it.

MAYOR BECKER: Well, let me just find out.

MR. CUMPIAN: Ask Mr. Morton about it.

MAYOR BECKER: George Vann, you or Gene Camargo or which one of you would like to address yourself to that statement?

MR. GEORGE VANN: I think what we're talking about if a piece of property is going to be zoned the neighborhood is notified within 200 feet as the statute provides. Now if the property is properly zoned, of course, there's no notice. Obviously, if they see a building going up, then they can always call my office and find out what the building's going to be.

MAYOR BECKER: Are there not though - let me ask you....

MR. CUMPIAN: By that time it's too late, that's what we're trying to avoid.

MAYOR BECKER: George, let me ask you a question. Are they not though still controlled by the existing building codes as to what can and cannot be built, how it must be built, the standards it must meet, and all that sort of thing?

MR. VANN: That's correct. The only thing that we're debating here, Mr. Mayor, is that you can build more than one building on a lot, that's all. Every other law that we now have on the books will apply.

MAYOR BECKER: So you know, I don't - but that's what makes horse races, so.....

MR. MENDOZA: Mr. Mayor, I want to make sure that I understand this. In other words, if it's properly zoned, then you don't have to go to the Zoning Commission, of course, you know if it's properly zoned. What we're really talking about now you just mentioned the fact that it's more than one building. In other words, they can have construction on that one building, I mean on that property if it's one solid building.

MR. VANN: If it's property zoned, you.....

MR. MENDOZA: So how do you do it now, you don't.....

MR. VANN: At the present time you can only build one building on that particular piece of lot.

MR. MENDOZA: Okay, if it's properly zoned.

MR. VANN: Whether it's 50 feet by 120 or whether it's 50 acres. Now what we're seeking to do here, what we're debating is that under this amendment, you can build more than one building on a particular piece of property.

MR. MENDOZA: But with restrictions and...

MR. VANN: Of your R-A, your R-1, or your A, which are your single family zones. You can only do this on anything that's zoned R-3 which is apartment on up in the commercial zoning.

MR. MENDOZA: So this does address the problem then that perhaps that may be there, is this correct?

MR. CUMPIAN: Well, Mr. Vann, did you know that if a person owns a lot and even though it's properly zoned that he can always come in and replat it if he wants to.

MR. VANN: If it's large enough. But you still have the question of density.

MR. CUMPIAN: That's what we're trying to avoid also, density. Now, they talk about the different agencies that check into things. Nobody ever knocks at any of our homes and ask us did you know about this or did you know about that? Nobody from AACOG, nobody from City Hall, nobody ever went out there. Now, all of the reports were affirmative all the way down in this particular project that I'm talking about. None of the people know anything about that property there like we do. They talk about there being no drainage problems. There were drainage problems. They talk about various and sundry matters which were not true. A lot of those decisions were made in a white marble palace without the people getting down there and hooking it and being down there with the people to make a proper determination and I submit that that is not the proper way that things should be done. For that reason, I submit that a lot of times the staff report that you make are colored to a certain extent because they're not down there with the people. Any other questions?

MAYOR BECKER: Anyone have any questions for Mr. Cumpian?

MR. LACY: Did you say that it has been declared unconstitutional?

MR. CUMPIAN: No, when we were discussing a lawsuit against this matter, Mr. Pat Gardner who was here talking for the homebuilders, he, himself, finally decided that we were right, that it was unconstitutional.

MR. CLIFFORD MORTON: What is the constitutional issue?

MR. CUMPIAN: The constitutional issue mainly is the one of not notifying the person, number one.

MR. MORTON: I mean, I mean - I don't see the constitutional issue. I'm not debating the issue.

MR. CUMPIAN: It's also the fact that you do not have any appeals. Your appeals are to the courts or you're deprived of an appeal to the courts by the Board by this Planned Building Group.

MR. MORTON: You mean you couldn't take it from the Board of Adjustment to the District Court.

MR. CUMPIAN: Yes, but what they're trying to do is do away with the Board of Adjustment. You can take it from the Board of Adjustment to the District Court but then it's under the substantial evidence rule because the Board of Adjustment is administrative agency and all courts are guided by the substantial evidence rules which guides administrative agencies. It's an uphill fight. Now, that's one of the reasons that

the builders don't want to go before the Board of Adjustment because if they do lose, they know that their chances of winning in court will be nil because of the substantial evidence rule and by the same token it works against the citizen too. But the Planned Building Group, when a Planned Building Group grants multiple buildings in a lot in a private land, there's no appeal to the courts from its decision.

MR. MORTON: But really what we're saying Mr. Cumpian, in a nutshell is simply this, that if a man has a piece of property zoned, he can build one building on that lot, as long as the use is within the zoning that he has on it, and you have nothing to say about it whatsoever.

MR. CUMPIAN: That's correct.

MR. MORTON: But on the other hand if he wants to build one or more, and still be within the same use, then you do have a right to a hearing. You would be going to the Board of Adjustment. Isn't that right?

MR. CUMPIAN: Right, but you would not have to go through any kind of a hearing if you want to put the Board of the Planning Building Group because automatically.....

MR. MORTON: But essentially what you're saying is, you dislike development where you use more than one building in a lot. Is that right? In other words, you prefer to have all of the apartments in San Antonio in one building for a project...

MR. CUMPIAN: No, that's not what I'm saying.

MR. MORTON: Well, I mean, I'm trying to get to that. I don't follow you but I'm not debating, I'm trying to get to what you're really trying to say.

MR. CUMPIAN: What I'm saying is that I'm not in opposition to multiple housing in a lot provided that the citizenship is given an opportunity to see what kind of multiple buildings is going to be put on a lot, provided that the citizen is aware of what's going to so he can either take whatever recourse he wants to take to protect his interests. For example, let me give you an example. When I bought my property, when I bought my house, I know what restrictions were down the street.

MR. MORTON: Within the subdivisions.

MR. CUMPIAN: Within the subdivisions. I know what restrictions were there because I checked it out because I wasn't about to make an investment without knowing what I was going to get out of it. I knew what the restrictions were there and I knew that I could live with those restrictions. But then when they tried to sneak in that Planned Building Group and put in quite a few buildings that wasn't within my contemplation and not - and that was not within the contemplation of zoning either.

MR. MORTON: Well, I don't know all the facts on that particular case but apparently, there is something that is more offensive or potentially offensive about a project that has more than one building on a lot because you're not complaining about the fact that you do not have a right to a subsequent hearing after a piece of property has already been zoned and he built one building on the lot. Why are you not complaining about the right to hear about that and the congestion and everything else. You're only attacking one thing over here.

MR. CUMPIAN: Because by the time I buy a property, if the property has already been zoned or if I already own property and there is a zoning change requested, then you people have to notify us about the fact that so and so has made an application to change the zoning of the property.

MR. MORTON: Well, I'm not following you. Let's just assume that this piece of property is zoned before you buy your piece of property over here. And it's zoned R-3. You can come in and build as many units as the zoning will permit, as long as you build it in one building, and you don't get notified. But you're not complaining about that and this is what I don't understand in the consistency of your logic. You're saying you can build one building - I'm not complaining about the same number of folks or anything else but once you break this building apart and have a series of buildings with the same number of folks in it, then I'm complaining. And this is what I don't understand.

MR. CUMPIAN: Well, the Planned - the Multiple Building will give rise a lot of times to undesirable development of the property and the density applicable to that particular property.

MR. MORTON: How would it have any effect on the density? Density is by zoning.

MAYOR BECKER: I would think it would have - I think it would bring about the less density.

MR. CUMPIAN: Not if you put apartments in there. If you have a shopping center, your density is in and out. If you have an apartment complex, your density is permanent.

MAYOR BECKER: Well, but...

MR. MORTON: Let me be very frank with you. I can put more density if you give me one building than I can if you break them apart.

MAYOR BECKER: That's what I'm trying to say.

MR. MORTON: The less units you have per building, the less the density is going to go. Mr. Cumpian, that's pretty hard to figure out, you don't have your side yards, which you wouldn't have if you put them all in one building. You immediately.....

MR. CUMPIAN: Well, I realize that but it leads to nobody and you know that nobody is going to finance a project for apartments, for example, unless it has multiple housing because they know that it just won't go.

MR. MORTON: You mean more than what did you say?

MR. CUMPIAN: More than more than one building.

MR. MORTON: Well, sir, that's not true.

MR. CUMPIAN: Unless it's one.....condominium and so forth.

MR. MORTON: No, sir, that's not true. If you'll go over on the west side of town, there's a project on Highway 90 West that's under construction right now, it's a low impact project I grant you federally subsidized and it's what I call a doughnut. They are being financed....

MR. CUMPIAN: But only because of governmental agencies in (inaudible) there, but in private industries, as a general rule, they're not financed.

MAYOR BECKER: Cliff, would you please explain to Mr. Cumpian that the very essence of whether or not it will bear debt service and mortgage payments and all that sort of thing and that's a function of not only the cost of the land but the cost of the project as to how expensive it is per square foot or unit plus the rent that's going to be charged. Isn't that all part of the equation?

MR. MORTON: That is correct.

MAYOR BECKER: Now whether it's one building or several buildings or one story high or a hundred has nothing whatsoever to do with all that sort of thing, it gets down to a matter of economics and arithmetic. That's all the mortgage people look at. They don't look at anything else.

MR. CUMPIAN: Well, if the Council in its wisdom saw to do away with the Planning Building Group before, why should they revive it now?

MR. MORTON: It's all under discussion in this City. How many years has this thing been talked about. Six years or seven or eight, or I don't know.

MAYOR BECKER: It's like a lot of things.

MRS. HELEN DUTMER: I know I'm next on the list.

MAYOR BECKER: Mrs. Dutmer, yes, I was just getting ready to....

MRS. DUTMER: For the record I'm Mrs. Helen Dutmer. I reside at 739 McKinley Avenue. In the first place, I think you were comparing apples and oranges again. We were talking about people density versus building density, which is a lot of different densities to consider. All right, and at the opening of the remarks of this hearing, I heard the word massive mentioned five times, the word huge mentioned three times, one great building mentioned twice. I don't think that the issue here today is one huge or one massive building versus anything. At issue here today is the issue of non-notification of the citizenry and the right of the citizenry to an appeal avenue. When you go into a courtroom, the first thing the judge will ask you is have you exhausted your administrative remedies. We are provided none in this. Now when I first came to you with this ordinance, I did not come as an unreasonable person. I asked for two things. One - notification of the citizenry; two, give us an avenue of appeal, that is our only hope. I was granted neither and in his own wisdom, attorney Pat and I started to say Kennedy but that's not.....

MAYOR BECKER: Gardner.

MRS. DUTMER: Pat Gardner, in his own wisdom is the one that drew up the ordinance agreed that it was unconstitutional toward the citizenry. Now we come back it's unconstitutional toward the developer. Let's face facts, the whole blasted thing is unconstitutional, period. It was in this zoning code for seven years before it was ever used. Ours because it was the first time that a Planned Building Group concept was used naturally is the first case and the largest case. For seven years, it laid dormant within your building zoning code. Not one developer found a use for it. All of a sudden, subsidized housing came in, they knew it was an issue that had been before the previous Council any number of times not by the southeast citizens but predominantly by your northside citizenry who were up in arms about it.

Now, at the risk of personal exposure, I raised a daughter who's just as independent as her mother, be that good or be that bad, because of a personal mishap in her family, she chose that she was going to take her three children and rear them herself. So therefore, it would be a little bit hard for me to go against these housing apartment dwellings on the basis of economics since my daughter and my three grandchildren who are the dearest things in life to me reside in one of Mr. Quincy Lee and Ralph Bender's subsidized housing projects.

In the second place, we have heard an awful lot here about the nuisance value to the developer of having to go to the Board of Adjustment. What about the nuisance value and the hardship of the people who are going to have to live with these projects for the rest of their lives because they have put everything they have within their own home dwelling. Now, it says right here in your own zoning codes, your own, by your own hand, it says the erection under Section 42.31 Nuisances. The erection, the threat of erection, the construction or the maintenance of any building or the use of any premises in violation of provisions of this chapter shall be and is hereby declared to be a public nuisance. When such a threat, now get this, when such a threat or traffic hazard interferes with the reasonable peaceful enjoyment of their homes while the citizenry living in the vicinity of such a building or a premise. Now I would just ask each and everyone of you, I have nothing against developers, I have nothing against apartment dwellers, that be their own choice but I would say those of you who have put everything you have in your home ask yourself, would you like to wake up in the morning without notification of any sort, without any recourse of any sort other than to dig down in your already sparse pocketbook and go to the court to fight an apartment dwelling that does and don't say that double-story apartment dwellings do not interfere with the privacy of your home and in the enjoyment of your property. The City Council has the ability to get through with that. Furthermore, it has been pointed out to me that the ordinance that you're seeking now seeks to give you permission to build these multiple family or multiple family that's not the issue. Multiple buildings on one piece of property. The only exclusions are R-A and R-1. Presently, you cannot build multiple buildings under R-2, R-5, R-6, B-3, I-1, or I-2. You do have other tables of private residency within your zoning code. Namely, R-A, residential, agricultural, R-1 one family residences, R-2, two family dwellings, R-5, one family residences. So if we give you the privilege of building in any area, other than R-A, or R-1, then you are gaining three or four things that you don't have in the old ordinance. Do you agree with me, Mr. Morton?

MR. MORTON: Based on what you've told me, I do.

MRS. DUTMER: That's right. Well, that's why I'm here. It can be based on anything you want to. Furthermore, if it were only subsidized housing and if it were only apartment dwellings, and if it were only the southeast citizenry who are up in arms about this thing, why have we been joined by your two northside community groups who are also opposing this Planned Building Group. We do not stand alone. I did not come to this City on the same boat of greenwood that you did arrive on, Mr. Mayor.

MAYOR BECKER: Let me tell you something a minute, Helen. You talk about quiet enjoyment. Since I've been living in apartments, I've had more quiet enjoyment than I ever had living in a very expensive home - in what was considered to be one of the most exclusive neighborhoods in San Antonio. Because next door to me, I had a group of people who neither cared about their yard or the stagnant water that collected in their swimming pool from infrequent rainfall. I had a mosquito-infested

situation that was akin to the Louisiana swamps. And across the way, I had a rock band that used to practice in a home that would cost at least a quarter of a million dollars today to build and the noise that emanated from that building was unreal. Thank God, I no longer live in that area. I have not been subjected to any of that type of stuff since I moved into an apartment complex, so you know.....

MRS. DUTMER: Mr. Mayor, I would say that you are the very person who should live in an apartment complex. These people bought their single family dwellings so that they would have the privilege of enjoying it.

MAYOR BECKER: Well, if you call that a privilege, if you call that a life, that's inherent to any homeowner to make life untenable and unbearable for his neighbors, then I'm afraid that I don't understand that rationale, you see.

MRS. DUTMER: Well, of course, I'm not getting anything in chronological order, I'm just going across these things as they came to mind as I wrote them down. Alright, the other objection that we have is that it was mentioned awhile ago, an outside developer can come in. He comes before this City Council and before the Planning Group and he presents the most gorgeous plans that anybody could ever imagine in their wildest dreams with instant grass and instant trees and all the beauty that's inherent to mankind's eye. But the sad fact is that after the citizenry has arbitrated, after they have given in and after they have won their zoning, you cannot enforce what that person has brought before you. Now what we need, is we need help at our state level in enforcing your zoning granted. After you have granted the zoning there should be some sort of a stop-gap, shall we say, put on your zoning that you have granted, whereby that person is held to what they said they are going to build on there for a certain period of time. If they have not conformed to it, the zoning should revert back to the original zoning. We have many many pieces of property within this City that were zoned back when we first put a zoning ordinance into this City for the protection of the citizenry supposedly. And there are many many. Now most of these lands have lied fallow on the southside because it is the older section of the City. We do have an awful preponderance. The eastside is another one that's affected by it. We have a preponderance of properties over there that are zoned under the old zoning, in fact, right in my front door, and I'm not going to hide behind the door on this, I don't want multiple family dwellings over there. If I give in to this ordinance now, they can come in under the old C apartment and build high density apartments on that 7.10 acres of land right in my front door under the Planned Building Group. So you see, there is a selfish motive and I shall not hide behind it. I will not hide behind it. I've been before the Council at least five times on that one piece of property in my front door, in fact, I didn't even know we had a City Government before they started that and that's when I decided to get in a fight, aren't you all sorry now. Alright.

As far, as far as building either multiple buildings or building a one, massive, huge, large whatever terminology you want to use building, the great deterrent is not this ordinance. The great deterrent to building it is simply that the insurance people are no longer interested in building. The financing is not there. The money is not there. We need housing, we need it desperately, but just so long as the high interest rates, so long as the high building costs and related industries to the building, the labor, so forth, are at the exorbitant rates that they are right now, that is the reason you find more apartment dwellers simply because they cannot afford their own single family dwellings. Ask anyone of the young families and they would tell you they would love to have a home, but they simply cannot afford it period. So there we need to jump above the state level and go directly to your Federal Government, because that's where the strings are attached to it. Alright. Now those are the things I know that you can't do. Now rather than pass this ordinance today as it's written, allowing these developers to go the Planned Building Group route except in R-1 or R-A, let's sit down and let's talk the thing over and let's see if we cannot put some protection in this ordinance for the ordinary citizen whereby, Mr. Gardner represented 1400 people, whereby our apartment lady, I do not know how many people she represents, but I can stand here before you and tell you honestly that Helen Dutmer represents no less than 3,000 signed people of the south and southeast section of this City. Thank you.

MAYOR BECKER: Mr. Angelo Di Pascuale.

MR. ANGELO DI PASCUALE: Good morning, Mayor. My name is Angelo Di Pascuale for the record, and that's not Irish. But I'd just like to make a few comments. I think the ground has been pretty well covered, and I just would like to add a little to the record. I'm

not an accomplished speaker so I had to make notes, so you're gonna have to bear with me. First of all, I'd like to say that the citizens are the City, as you well know. We as citizens need rulings to protect our areas and our interests. We feel that the present Planned Building Group ruling as it stands leads us very well, and we're happy with it just as it stands. We feel that multi-building can still be accomplished with present ruling through the Board of Adjustment and at no great difficulties to any builders. Since the abolishment of the Planned Building Group ruling, no worthy cases of multi-building that have been presented to the Board of Adjustment has been turned down. So they haven't stopped production as they lead you to believe. They still have continued to build multi buildings in business and apartments. That hasn't stopped since this ruling has been abolished.

So if you allow the Planned Building Group ruling to be amended now, the protection that you have given us, the citizens, to protect our area against undesirable multi-building projects, not only apartment projects, but even undesirable industry is gone, if you take this away from us. All we ask is consideration be given to our rights as citizens and to protect our rights as citizens to protect our homes and our areas. This is what we have right now. If a project is worthy and is of benefit to San Antonio, I'm sure that the citizens will not oppose it. We welcome apartments and clean industry. In fact, we want industry to increase job opportunities for our children and their children. We want them to stay here. We don't want to raise children and then see them leave San Antonio to find a decent job. We want industry to come here. That's what we want.

The ruling as it presently stands, doesn't jeopardize legitimate businesses and legitimate builders. That will benefit San Antonio. We have no intention of trying to deprive a legitimate business or a legitimate builder from doing what's right for San Antonio. But we feel we should have some protection, and we feel that this ruling does give it to us. The present ruling affords a citizen home owners a form of protection for his area and for the City of San Antonio. So on behalf of the Southeast Citizen's Committee, and all the citizens of San Antonio, we respectfully request that you retain the present ruling and not permit the Planned Building Group Ordinance to be amended as proposed. Thank you very much.

MAYOR BECKER: Well, we appreciate your remarks, Mr. Pascuale. It's a reasonable approach that I think seems to work you know quite often. I'd like to ask Mr. Bender and Mr. Gardner, if you'd come forward please and the other Councilmen may have questions they'd like to ask.

MR. BENDER: Do you have anything else to say?

MAYOR BECKER: Oh, I'm sorry well. No sir, not unless you want to you can be seated right there next to Bella Senorigna.

CITY MANAGER GRANATA: Ralph, she's Italian too.

MAYOR BECKER: Let me ask you a question. In your opinion or in the opinion of Pat Gardner, and I'm sorry that he's not here, are these people deprived of the right of knowing what's gonna be built there? Are they deprived of the right of appeal? Are they deprived of the right of being able to have all the protection that they are rightfully entitled to if this thing passes? Now, I just want to ask you the dirty honest question.

MR. BENDER: There is no question that they will have all of the protection of the law. Now if I can clarify that answer a little bit. There has been, it's been remarked, and I remarked that Mr. Gardner, when he originally looked into this situation when we were arguing the merits of the Planned Building Group approval before the Planning

Commission concluded that so long as the Board, the Board of Adjustment was vested with the right to grant a variance on one building on a lot, so long as that one building per lot proviso existed in the ordinance, that it was, therefore, in all probability illegal for the Planning Commission to be granting a variance that was vested in the Board of Adjustment. Now, the ordinance that was passed, the interim ordinance, the one that you are operating under now, Mr. Gardner testified today, and it came as somewhat of a shock to me, stated that the ordinance that you are operating on now is also illegal because the Board of Adjustment does not have that kind of authorization to grant that kind of variance. He testified to the fact that he had a client who came in here and when confronted with that evidence decided not to build in this community. He went to Austin. Now, what the ordinance that is being done, the ordinance that is requested today, is actually making a legal ordinance. What it is saying is that henceforth, you can only have one building on a lot in a single family zone, but in all other zones, you can have multiple buildings on the lot. Now we are doing away with Planned Building Groups. We're whipping a dead horse if this or if this zoning ordinance passed. We're not re-instituting Planned Building Groups, that will be something that will disappear from the ordinance. It merely says that now the law of this community and its zoning ordinance states that you can have multiple buildings on a lot if you are properly zoned. Now it's just basically that simple. What these people are requesting and what they have at the moment, is a veto power. There is a veto power over the actions of this City Council, and of this City Government that in a properly constituted apartment zone if you want to build an apartment project you cannot build an apartment project if you're going to put more than one building on that lot. You can build it if you build one big building, but you can't do it if you build two buildings.

Now I submit that what we have heard today is argument that have absolutely nothing to do with multiple buildings on a lot. What it has to do with is a veto power over projects, period, be they apartment office, industrial, anything, and what we're addressing ourselves to today, what we should be addressing ourselves to is the merits of multiple buildings on a lot. I submit that none of the evidence here has challenged the validity or the desirability of having multiple buildings on a lot. Mrs. Dutmer just suggested that she has a piece of property across the street from her house, that is a C zone. That's a multi-family zone. Anybody can go in tomorrow and build an apartment project on that property if he puts all of the units in a single building. Absolutely. All you need to do is get a building permit and submit that project. Now the point is, conceivably the land across from her house should be re-zoned something else. But what we're talking about are the merits of whether you ought to be allowed to build multiple buildings on a lot. That's what we're addressing, and none of the rights that they have ever had will be deprived from them. And what we are talking about this ordinance is not illegal. One, we finally are coming up with hopefully if this Council adopts it will be a legal ordinance for the first time in 25 years.

MAYOR BECKER: Well, we heard some - some mention of usage of covered walk ways as a means of joining buildings so as to make them be considered as one building. Now that's a subtrafuse....you know, so if that was done then we in effect had multiple buildings on lots, but all you had to do was just join them with a covered walk way and it seemed to pass muster. Now, what I'm trying to do and I think most members of the Council, in fact, all members of the Council are not trying to disenfranchise the rights of any of the citizens. We're not trying to place them in jeopardy. We're not trying to create a situation where they have absolutely nothing to say. They don't have any remedial action. They have no protection. Anybody would be a fool to even consider such a thing as that, whether he was a Council-

man or not a Councilman, it wouldn't make any difference. That would be, that would be lousy, you know, let's just use that phraseology, because I think that probably covers it pretty well. But what I want to know is simply are we placing these people in jeopardy and so forth, you know. Now Mrs. Dutmer is standing up back there and has some.....

MRS. DUTMER: I just want to refresh Ralph's memory that under the old zoning code the C apartments - it was duplex that was zoned across the street from me.

MR. BENDER: Well, C it's not an apartment zone. If it's just a duplex zone well then that's something else and it would only allow duplex apartments. C is an apartment zone.

MRS. DUTMER: (Inaudible).

MR. VANN: You could allow a duplex also.

MR. BENDER: One point is what I'm saying is that if there is a C zone across, and this is an entirely different subject, but if across the street from her property, she has C zone and if I buy that property and I design a single unit apartment project that meets the proviso of this present City ordinance, I can go down and get a building permit and build that project. So this ordinance isn't taking anything away from them. Believe me, and I'm an architect and a planner. I'm not interested in desecrating this community. I didn't spend 20 or 25 years of my life you know trying to do that, what I'm telling this Council is that we've got a hideous situation here that it's going to cause horrendous problems with this community and, believe me, I have a lot of other things I can do. I don't like to come down and harange this Council, but I'm very very concerned about this thing and I think this Council needs to be concerned. Now the other problems that they have raised this council should address themselves to those other problems, be assured. We have a lousy zoning map, I agree with that. We've had it for a hundred years. But we should address ourselves to those problems. Let's not burden an entire community, you know, because of that other problem. I'm fine, I'll be happy to work with Mrs. Dutmer in any way, shape, or form, morning, noon, or night to solve the problem she has. But let's not, let's not put one more, let's not bind up this community one more time. We've got enough problems in this community not to be trying to solve the solveable ones, and this a solveable one.

MRS. DUTMER: (Inaudible).

MR. LEO MENDOZA: Ralph, other than the legal action that the citizens have you know as far as an alternative here, what other, you know, how are they protected, how else I mean you know this is a simple question that I'm asking in other words, how are the citizens protected?

MR. BENDER: By the laws of the City of San Antonio, by the zoning laws, and in other words, we have to build proper buildings, we have to be properly platted, get the drainage, we have to get the fire department's okay, we have to get some traffic department's okay, we have to get every single solitary department in this community to okay those projects before you can get a project. Now again, this is the protection that we all have, I mean we all operate under this zoning ordinance, so they have all of the protection. We're not trying to take their protection away from them. What we are saying, is that the veto that they want is disastrous. I mean we can go ahead and work for a long long time and get to the very end and it can be vetoed, you see. And everything is down the drain, you see. Nobody's going to come into this community.

MRS. DUTMER: (Inaudible).

MR. BENDER: Well, believe me, the project that was the controversial one of course, was vetoed.

MAYOR BECKER: Well, what did happen with the Dorothy Burke project? Well, I recall it here you know, as being agreeable and in accord with the wishes of everybody. Now then the other gentleman who spoke said that she had gone under the fence and all that sort of thing, you know....

MRS. DUTMER: (Inaudible).

MAYOR BECKER: Well, that was my impression of the situation. Now if this ordinance is passed, and the citizenry is unhappy with the type of buildings and structures and whatever the other conditions might be that they don't care for, they still have (inaudible) they still have recourse, do they not?

MR. BENDER: If what is being done is illegal and not in agreement with the laws of this City, then certainly they have recourse of the courts.

MAYOR BECKER: Alright, now then. The thing, let me ask you George, the thing that has to any building, and I'd like to have this restated, any building regardless of what kind it is, must conform to the building codes and all that sort of thing, is that not so?

MR. VANN: That's correct.

MAYOR BECKER: Now are the building codes in the City of San Antonio so flimsy and so unreliable that a person can put up lean-tos and just any type of structures and things just for the sake of expediency?

MR. VANN: No, sir. The building codes in San Antonio and we're accused of this by the Home Builders and they're here, that we have one of the strictest home, I mean one of the strictest building codes in the country. Mr. Elkin McGoy will probably tell you the same thing. So our building codes here are up to date. We're using nationally recognized codes. We enforce them very very vigorously, and there's no lean-to that I know of being built today. So we not only have the building codes to go by the FHA regulations in this part of the country, by the way, and the Home Builders will probably attest to that fact too...are much more vigorously enforced in San Antonio and in this district than other districts.

DR. SAN MARTIN: Mr. Mayor, I still don't get the answer, I think you asked and several other people have asked. They do have protection under the building codes, but only after they start building.

MR. VANN: That's correct, but I don't think really, Dr. San Martin, excuse me for interrupting. I don't think that's really the point that we're.....

DR. SAN MARTIN: But it's not the point.....

MR. VANN: The point that we're.....no that's not the point Dr. San Martin, even Helen agrees with me.

DR. SAN MARTIN: That's not an answer. That's not the point but I.....

MRS. DUTMER: Let me give you an example.....

DR. SAN MARTIN: Let me speak to George, Mrs. Dutmer, please. From your standpoint, give me, give me an answer. Give me an answer, I haven't heard the answer. I know it's not the point, but I feel there's a question that has been raised and I haven't heard the answer.

MR. VANN: The answer I think that these people are seeking is that they want to be notified if there's going to be more than one building built on a particular piece of property.

DR. SAN MARTIN: Okay, how can you accomplish that?

MR. VANN: There is no way that I know if that can be accomplished except at the time the property is zoned if this amendment goes through. Now, the way the law now reads is that the property has to be zoned then after the property is zoned, if the developer seeks to build more than one building on that particular piece of property, he must go to the Board of Adjustment. Consequently, here's what he has to go through. He has to go through the Planning Commission to get a hearing for his zoning. He has to come to the City Council to get a hearing for his zoning assuming that he passes that, then if he comes into my office and he says I want to build two buildings on this lot, I say to him you cannot do it unless you go to the Board of Adjustment and get a special permission from them to do it. Now that's it right there. Now, at that point, the property owners in that area are notified, the Zoning Commission I mean at the Planning and Zoning Commission at the Council, then again at the Board of Adjustment.

DR. SAN MARTIN: So they have three cracks at it?

MR. MORTON: When he comes into your office to get a building permit, is that right? So when he comes in your office he already has a set of architectural plans.

MR. VANN: That's correct. Yes, sir.

MR. MORTON: So what I'm trying to figure out why Ralph is against this. I can see where he can get a lot more businesses this way.

MAYOR BECKER: Let me finish something with Mr. Vann, please Helen. George, now let me ask you a question. One building at \$25 a square foot, if it's an apartment project, or two buildings at \$25 a square foot with exterior finishes the same, roof structure the same, interior and all that basically the same, what on earth could be the difference? Except that instead of one building you have two. You have some yard, you have some air space, you have perhaps a more attractive type of an arrangement. What on earth can be the difference? I don't fail to see the difference. I don't understand it.

MR. VANN: I personally would much prefer to live at an apartment complex that has four or five buildings than I would in one building.

MAYOR BECKER: I would too.

MR. VANN: That's the only thing that we have before the Council.

MAYOR BECKER: Now, I know one in town here and I'm not going to pin point it but it looks like a GI barracks and if those of you who are acquainted with the buildings in San Antonio probably recognize it instantly. It is one structure about 300-400 feet long, it appears to be from the highway where you pass by it. It is joined together from one end to the other, one solid thing, and the sorriest looking thing I think I ever saw in my life. But it probably subscribes to the code-probably subscribes to this situation that we're talking about here. I know of others that are broken down into various pieces and a multitude of little series of buildings joined around with walks and planting and all that are attractive that are 1000 percent better. I fail to get the difference. I honestly don't.

MR. VANN: Mr. Mayor, there are only two points. There are two points that these citizens are seeking and one of them is that there be a hearing before the Board of Adjustment on the multiple buildings and that they get notice of that hearing. Those are the only really two points that we have here that...

MAYOR BECKER: But a man can't come into a neighborhood and put together something made of corrugated iron that he bought someplace at a surplus lot or somewhere - a salvage yard just because it's a multiple building situation. He could put one barracks building in there but he couldn't put two, that's what it gets down to. But I mean the building code itself though forbids that sort of thing.

MR. VANN: It forbids that sort of thing if we're talking about that type building that moves from one area to the other. That type of building we inspect them out at wherever they're bought and if they are, then they go to the Board of Adjustment to get special permission to move the building in the area, but basically that's what we're talking about. They can put one barracks building in there really but they couldn't put two unless they got special permission to put the second.

REV. BLACK: Mr. Mayor, it seems to me that what I gather from the discussion is that if you have a single building that has to be put in there that it tends to discourage developers from putting in any kind of high density living and therefore if you keep that responsibility there, then you won't have as much of this done. It seems to me that this community is going to have to make up its mind about its development because I get this impression from a lot of groups that have come down here about single family dwelling over against multiple family living even in multiple building areas. I began to look at the area in which I live and I wonder whether or not that can't be recovered - can that recover as a single family community that it was because of the economics of it. It seems to me that I'm almost forced by my desire to have that community redeveloped when I look over and see all the deteriorating single dwelling houses in there. If that community is going to be redeveloped, it's going to have to be redeveloped on the basis of some kind of multiple plan for building - the economics of it. So I don't know whether or not, I think one of the real debates that we're making here is one of whether or not we're going to embrace a program that allows the kind of living that it seems to me that we're moving toward and that is where you will involve a number of families in projects and that the builders will have a tendency not to put up those kind of buildings when they are solid just one building whereas they will put them up if they can break them up. I think we've just got to come to that kind of decision.

MAYOR BECKER: We've moving toward a European way of life, that's what we're moving toward. The average home this year, according to statistics, the average home in the United States, new home cost \$43,000. Now that's not the homebuilders fault. I don't know whose fault it is let's blame it on inflation. They'd sell ten times as many homes of 2,000 square feet at \$25,000 as they will 2,000 square foot homes at \$43,000. They don't enjoy this any more than I in my business enjoy seeing pinto beans selling for a four pound bag for \$2.79. Or meat selling for \$1.89 a pound or whatever it is. High prices do not help business, they'll wreck business in time, they'll destroy business. So, I think what Rev. Black just said is probably the most intelligent observation that I've heard here today because the facts of the case are, we had some youngsters down here, I say youngsters some young people down here a couple of weeks ago, looking - trying to stay with the City of San Antonio on the payroll when they knew that their employment was temporary from the very day they were signed on. One of them had gone out and bought a \$32,000 house. You have to be well-connected these days to be able to build any type of structure and that's other than considered modest and at \$43,000, the structure might be modest but the price isn't. Folks are going to be living in apartments like they've never been living in them before, I think it's what it all amounts to.

And I can understand the logic behind the Reverend's. Yes, Elkin.
Excuse me, Helen, I didn't.....

MR. MCGOY: Let me make one short statement - I think will answer Dr. San Martin and Mr. Mendoza's question about if we passed this ordinance what protection will the citizen have? The protection is the zoning law. Every piece of property is zoned something. A person who lives in that neighborhood can go over there and find out what it's zoned, and he can come to the office down here, find out what's permitted in that zone so he knows what can be allowed in there. If that zoning is to be changed, the people within a 200 foot distance of that property have to be notified. That is the protection and it's available to everybody who's interested in that neighborhood. That's all the protection there should be because after somebody buys a piece of property and gets started, he knows what he can do and they know what he can do and from there he should be able to do it. I think that's the simple answer to that question and not just out on left field because every piece of property is zoned something and it's available information.

MAYOR BECKER: I know of a condition over on Tuxedo Avenue where people built right across from a cement plant, where they have to blast every so often to get the product loose that they make the cement out of the limestone. Yet knowing all about this and knowing about the blasting and everything that's just indigenous to the business and a necessary part of it, they raise thunder about the blasting. I don't understand that type of business, you know. It looks to me like if you know, you got a swimming pool full of crocodiles the least you can do is stay in the shallow end, you know, and not get in there where you can't move about. So, I don't know - I think it's probably time to call for the question. Helen, what else did you want to say?

MRS. DUTMER: What I wanted to explain to you and give you an example of is in answer to the question that Dr. San Martin asked. These people that moved into this area and I'm going to use this piece of property as an example because it is the one that was in controversy. These people moved into the area. They realized that this was zoned, a commercial piece of property, that at the time that it was zoned, a commercial piece of property H.E.B. promised these people that they were going to build their store on this piece of property with perhaps some little side shops. The people bought their homes full well knowing that and agreeing to it. It was not the multiple building. But then along comes Mr. H.E.B. and decides that he is not going to utilize this piece of property so they want to turn it over into high density multi-family dwellings of two-story nature. Now, the prevailing breeze in this City is from the southeast area. The people out here at Park Ten are just on their ear whether you realize it or not because their breeze has been cut off with multiple storied buildings. They are in a hot box over there and whether you realize it or not, whether you are aware of it or not, they are unhappy. They moved there full well knowing there that there was a large piece of property but at the time it was not zoned that either. It was zoned for use for this by Mr. Gillespie, but they had never utilized it because they had incorporated it within their family estate out there but then when it became economically feasible for them to sell the piece of property, they could have cared less about what the citizenry wanted. Now, this is my point. There are many pieces of property in this City that will never come up for rezoning. Under this ordinance, as you propose it, there is no protection for the citizenry, we will not be notified and we have no avenue of recourse and we have no other recourse than to challenge this thing in the courts and as I said before, this Council once before, it seems a doggone down right shame that everything that's to be accomplished for the citizenry in this

City has to be accomplished because the citizenry has to reach into their pockets. Why not let's leave this thing as it is now and if it wants to be challenged, let's let the developers reach in their pockets and challenge. Thank you.

MAYOR BECKER: Leo.

MR. W. J. O'CONNELL: I'd like to move, I'd like to move the adoption of the ordinance.

MAYOR BECKER: All right. Is there a second?

MR. LEO MENDOZA: Mr. Mayor, I was going to make a recommendation - there's, if I'm in order....

MAYOR BECKER: All right, sir.

MR. MENDOZA: I was going to suggest, I don't know that we had a report of whether or not the proponents and opponents of the ordinance have met and discussed this. I'm sure that they've done a lot of research but have they tried to you know, work something out. I see this ordinance here is something that I'm sure if the citizens had an assurance of some type of where they could feel a little comfortable in it, I think that they would agree with it. I don't know that they're against the ordinance itself, Cliff, I think really what they're saying is that they just want an assurance. Now, how can we provide that I'm still searching trying to come up with an answer. I think we can accomplish both things, I really believe that, maybe I'm wrong. But is it possible that, and Mayor with your permission, if Mr. Bender and Mrs. Dutmer would, we have a conference room right over here if they could just sort of inject something into it that would give us the two things that both parties want, I don't know that the citizens are asking for anything that's unreasonable. I think it's just a matter of maybe a word or something in the ordinance.

MAYOR BECKER: Do you think it's possible for miracles to occur in one of these little rooms down here in the City Hall.

MR. BENDER: Mr. Mayor, we implore you to adopt this ordinance today and but along with that, I will be happy to meet with Mrs. Dutmer right now and try and work out her totally different problem and see what we can come back to this Council on to resolve that problem because I don't say that they don't have a problem, but not now in adopting this ordinance is not the solution to their problem and I implore you, urge you, not implore, urge you to pass this and I will be happy to at this moment to leave and talk to Mrs. Dutmer and see if we can't iron this other problem out. This City needs this ordinance passed today.

DR. SAN MARTIN: Mr. Mayor, since there was no second to Mr. O'Connell's motion, at least I have not heard, I'd like to move that no action be taken at this time and that the City Attorney be instructed to resolve first of all, the so-called constitutionality of the present ordinances or ordinance, and second, a recommendation as to how we can have a new ordinance which will give citizens their legal right to be heard on appeal and still come within the purposes of this new proposal.

MR. PADILLA: Mr. Mayor...

MAYOR BECKER: Yes.

MR. PADILLA: I was waiting for Mr. Mendoza to finish his remarks. I would like to second the motion and I'd like to explain why...

MAYOR BECKER: Which one?

MR. PADILLA: The one Mr. O'Connell made. What I have gathered from this discussion is that the concern of the citizens and particularly as relating to the southeast side project, at the time that the citizens took this to the Board of Adjustment, I generated in my own mind quite a bit of sympathy for their position because they made the point and I think it was well taken that the area was being saturated with a particular type of project and I well appreciated their concern. However, what I heard this morning, I've heard two things. One has to do with the right of a developer to locate more than one building on a particular piece of property. I can appreciate the concern of the building industry in this respect. The other is quite removed, the other I think is a concern or at least I understand it to be a concern of the citizens that they have, as it were, one more shot at undesirable or what they consider the undesirable type of developments. I can appreciate that. I think the solution lies not in limiting a piece of property to one building and then having the recourse of going and lobbying or discussing or pressuring as the case may be, the Board of Adjustment, in a subsequent action after the zoning but I think the answer might lie in taking a good look at the zoning ordinances or other City ordinances that we might be able to look at to prohibit the type of development that a neighborhood and I think the people in a neighborhood do have certain vested rights to protect themselves and should have recourse to protect themselves. We might want to look at the zoning ordinances and I don't know, I'm not an attorney, I don't know what's legal but I know what will be desirable as far as I'm concerned. To say that a piece has a particular type of zone and then you can put anything you want in there as long as you meet that particular type of zoning. I think the law should go beyond that. The law should provide for the citizen to come forth and say, all right, we don't oppose apartments but here are certain circumstances that should be considered. It should be perhaps at that level that the citizens might take action. I do not deem it logical to prevent or to force developers to go to the Board of Adjustment simply when the development takes on the nature of more than one building. I can't help but agree with the logic that where I, with my limited or none as the case may be, expertise in turns of you know, what's desirable in a building, to me personally, if you take a multi-family unit and build something 200 feet long, 100 feet wide, it will be much more desirable to me as an individual to break this single units up into more than one building.

So, I do not see that the issue is a matter of building is opposed to more than two or more than one. I think what the citizens want is some means by which they can protect their neighborhoods and I think in that respect they're asking for something that the law should legitimately provide for. Though I seconded the motion, I did because I think that the one issue should pass and I would ask the Council to pass it, the issue of the citizen having a way, mode of protecting his neighborhood, should also be considered and I would work with the citizens and I think with anyone else that's that concurred with me that the citizen should have a way of protecting himself towards looking at the laws be they zoning or anything else, to guarantee that he has this protection. Thank you.

MAYOR BECKER: All right. Well, there's been a motion and it's been seconded. Are you ready for the question? Okay. I guess you better call the roll.

August 1, 1974
el

CITY CLERK: (Roll Call Vote)

REV. BLACK: Aye.

MR. LACY: Aye.

MR. MORTON: Abstain.

MR. O'CONNELL: Aye.

MR. PADILLA: Aye.

MR. MENDOZA: Aye.

MRS. COCKRELL: Absent.

DR. SAN MARTIN: No, I'm going to vote no, Mr. Mayor, until we address ourselves to the question that I requested from the City Attorney.

MAYOR BECKER: All right.

CITY CLERK: (Roll Call Vote continued)

MAYOR BECKER: Aye. Now, may I suggest that the Council with the City Attorney follow Mr. Padilla's suggestion and Dr. San Martin's and the wishes of all of us, I think, on the Council that something be implemented in overall zoning that gives protection to the citizenry. I'm going to make a statement, of course, that will probably just take the hair off a brass monkey but I can't help it. I operate in several cities as some of the homebuilders do and the developers, and I think the zoning laws of San Antonio have led more people down the primrose path than any other thing I've ever seen for the simple reason that they are in many ways deceiving, they are fallacious, they're not true and conditions do change and what you thought was a piece of residential property across the street can become commercial, if it's zoned commercial or rezoned. I know people say, well, we should move but I know how it is in other areas and particularly Houston. You have areas there where the land is deed restricted against anything but homes and not a single thing can come into those areas but homes or apartments or however the deed restrictions run. Now, am I right or am I wrong? Ralph, you know a great deal about this and Elkin and all of you. And those deed restrictions run for what - 25 years? And they can be extended with a vote of the citizenry, the homebuilders, the homeowners rather. Now, right down the street can be land that does not have deed restrictions and you can build supermarkets or whatever kind of a thing I guess except for hide plants and they do have some things that are forbidden. But this is the only way I know that you can have absolute guaranteed protection. I've seen time and time again where people thought that they were entering an area that was going to be tranquil and all this sort of thing and rezoning or reclassification of a piece of property came about and changed the whole thing for them. I think if there ever was a deception that's been perpetrated on the people of the City of San Antonio, it's been this zoning. That's just my own ignorant, humble opinion about it. I'll say it because I believe. Yes, sir.

MR. PADILLA: Mr. Mayor, I want to agree with you and I want to remind the City Manager, one of the things I would like him to look at - it was a point made I believe by Mrs. Dutmer. I have seen it here as a matter of fact, I think the term instant grass was used by me in reference to a plan that Mr. Bender brought before us - instant trees and so forth.

I think I was able to show that time that there were trees on the plan that really did not exist on the part of the development that hardly was in existence. I'd like to see what we can do. Perhaps this would require a legislative action at state level. I do feel that many times people come in here and as we handle zoning on a case by case basis, we see many pretty pictures and nice plans and so forth and the zoning is approved and in some cases, the development doesn't take place or doesn't turn out as it was represented. To me, I think morally at least this is a case of misrepresentation. I know that we cannot zone a piece of property for a particular development only and qualify to that extent but I would like to see if we can somehow structure the law to guard against misrepresentation because that's what it amounts to, whatever the circumstances. I realize that in many cases people are sincere when they come before us and things don't turn out. In such a case, we might be able to structure the law to where it would revert to the old zoning. I'd like for the Manager to check into that also as well as the other things.

MR. O'CONNELL: Mr. Bender has offered to help us. Let's take him up on it.

MAYOR BECKER: All right. Fine. I think it's a fine thing.

CITY MANAGER GRANATA: Well, before you recess, my good friend Ralph, I want to correct him on one point, have him help me. He said the City of San Antonio has a lousy zoning map. I just want to ask him if that's the same map that existed when he was our fine Planning Director.

MAYOR BECKER: I'm not going to even discuss that.

-END-

