REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 30, 1973.

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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, BECKMANN, PADILLA, MENDOZA; Absent: NONE.

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73-46 The invocation was given by The Reverend Charles Kemble, Parkview Baptist Church.

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73-46 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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73-46 The minutes of the Special Meeting of August 22, 1973, were approved.

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73-46 OPENING CEREMONIES - FROST BANK TOWER

Mr. C. Linden Sledge, President of the Frost National Bank, extended to members of the City Council a special invitation to attend the official opening of the new Frost Bank Tower on Friday, September 7, 1973, at 8:30 A. M.

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73-46 AWARD TO DEPARTMENT OF PUBLIC WORKS

Col. James Smith, representing the Beautify San Antonio Association, presented an award to the Department of Public Works for its excellent support of the litter prevention program. As part of its campaign the Association has placed several hundred litter containers throughout the City and the Department of Public Works has been extremely helpful in the program.

Mrs. Cockrell expressed appreciation for the work of the Beautify San Antonio Association and its contribution to the quality of life in San Antonio.

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73-46 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Acting Director of Parks and Recreation, and after consideration, on motion of Mrs. Cockrell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Mendoza; NAYS: None; ABSTAIN: Padilla; ABSENT: Morton, Beckmann.

AN ORDINANCE 42,697

AUTHORIZING CONTINUATION OF THE MENTALLY HANDICAPPED RECREATION PROGRAM FOR 1973-74, APPROVING A BUDGET AND PERSONNEL COMPLEMENT FOR THE PROGRAM; PROVIDING A

CONTRIBUTION FOR A JOINT SHARE OF THE PROGRAM FROM CITY FUNDS AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE BEXAR COUNTY BOARD OF TRUSTEES FOR MENTAL HEALTH AND MENTAL RETARDATION FOR ITS SHARE OF THE PROGRAM COST.

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73-46 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Acting Director of Parks and Recreation, and after consideration, on motion of Dr. San Martin, seconded by Rev. Black, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton; NAYS: None; ABSENT: Lacy, Beckmann, Padilla, Mendoza.

AN ORDINANCE 42,698

CANCELLING THE LEASE AGREEMENT WITH MICHAEL A. WILLIAMS, AN INDIVIDUAL D/B/A MIKE WILLIAMS INSURANCE AGENCY, PROVIDING FOR LEASE OF OFFICE SPACE IN BUILDING NO. 600 AT STINSON MUNICIPAL AIRPORT.

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73-46 The following Ordinance was read by the Clerk and explained by Mr. Mike Kutchins, Assistant Director of Aviation, and after consideration, on motion of Dr. San Martin, seconded by Rev. Black, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Lacy, Beckmann.

AN ORDINANCE 42,699

CONSENTING TO THE ASSIGNMENT OF ALL RIGHT, TITLE, AND INTEREST OF R. V. WILLIAMS IN AND TO THAT AGREEMENT PROVIDING FOR LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT TO ROBERT H. HARDWICK D/B/A HARDWICK AND ASSOCIATES.

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,700

AUTHORIZING EXECUTION AND SUBMISSION OF AN APPLICATION TO THE CRIMINAL JUSTICE COUNCIL FOR A GRANT IN THE AMOUNT OF $18,148.00 TO BE USED FOR FUNDING OF A POLICE DEPARTMENT COMMUNITY RECREATION PROGRAM.

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The Ordinance was explained by Chief of Police Emil Peters, who stated that this grant will provide for supervised recreation programs in four areas of the City. This is the continuation of a program begun last year. Off duty police officers will be used to organize athletics.

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

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73-46 POLICE PISTOL TEAM

Mayor Becker inquired about the possibility of reinstating the Police Pistol Team.

Chief Peters said that a departmental shoot is being scheduled now which will be a start in that direction.

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,701

MANIFESTING AN AGREEMENT WITH BEXAR COUNTY TO PROVIDE ON AN EQUAL BASIS THE LOCAL MATCHING FUNDS NECESSARY FOR OPERATION OF THE METROPOLITAN CRIMINAL JUSTICE PLANNING UNIT, WITH 90% OF THE FUNDING TO BE PROVIDED BY THE TEXAS CRIMINAL JUSTICE COUNCIL, AND TRANSFERRING AND AUTHORIZING PAYMENT OF $1,644.50 TO COVER THE CITY'S SHARE FOR THE PERIOD JULY 1, 1973 - JUNE 30, 1974.

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The Ordinance was explained by Chief of Police Emil Peters, who stated that this will provide continuation of an on-going program which provides for a planner between the City and County. He is under the direction of the County Judge but is supervised by a Council made up of three elected City officials and three County elected officials. He prepares all applications for grants for the City and County. Chief Peters recommended adoption of the Ordinance.

In answer to Mr. Padilla's question, Chief Peters said that the City is represented by Councilmen Padilla and Mendoza. There is one vacancy on the Council.

Mr. Padilla stated that since the present Council took office that he was no longer on the Committee, and that Mr. Bill Holchak, the Director, was aware of this.

Chief Peters stated that the City Council should appoint replacements then for Mr. Padilla and Mr. Ed Hill.

City Manager Sam Granata stated that the appointments to this Committee will be discussed at the next "B" Session.

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

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,702

ACCEPTING THE LOW BID OF CHARLES C. MADDEN CO. FOR CONSTRUCTION OF THE DOUBLE COMPANY FIRE STATION ON RAY ELLISON DRIVE; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING $272,830.00 OUT OF FIRE FIGHTING FACILITIES BOND FUND PAYABLE TO SAID CONTRACTOR, THE SUM OF $13,650.00 AS A MISCELLANEOUS CONTINGENCY ACCOUNT, AND $12,970.63 PAYABLE TO PAUL L. GARCIA, A.I.A., ARCHITECT, FOR ADDITIONAL ARCHITECTURAL FEES.

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The Ordinance was explained by Fire Chief Bart Mulhern, who stated that this is the fourth fire station to be built out of the 1970 bond issue. It will service the Lackland, Valley Hi annexed areas.

Mrs. Cockrell stated that the Fine Arts Commission is supposed to review the plans for all public buildings for architectural design and asked if the Commission has been given an opportunity to review the plans for this fire station.

City Manager Granata stated that this had not been done, but the procedure will be included in all future architectural and engineering contracts to make sure the Commission is contacted.

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

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73-46 The following Ordinances were read by the Clerk and explained by Dr. William R. Ross, Director of the Metropolitan Health District, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann; NAYS: None; ABSENT: Morton, Padilla, Mendoza.

AN ORDINANCE 42,703

AUTHORIZING THE CITY MANAGER TO CONTINUE A CONTRACT FOR THE FAMILY PLANNING PROJECT UNDER CONTRACT PS-012A WITH THE STATE DEPARTMENT OF PUBLIC WELFARE AND DESIGNATING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AS THE DEPARTMENT TO CARRY OUT SAID PROJECT.

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AN ORDINANCE 42,704

AUTHORIZING THE CONTINUATION OF THE SAN ANTONIO FAMILY PLANNING SERVICES PROGRAM, APPROVING A BUDGET & PERSONNEL COMPLEMENT FOR THE PROJECT, APPROPRIATING FUNDS THEREFOR, AUTHORIZING A CONTRIBUTION FROM THE GENERAL FUND FOR SAID PROJECT AND ACCEPTING A GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC WELFARE IN SUPPORT OF THE PROGRAM.

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AN ORDINANCE 42,705

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BEXAR COUNTY HOSPITAL DISTRICT FOR PROVIDING SUPPLIES AND SERVICES TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN CARRYING OUT THE FAMILY PLANNING PROJECT UNDER CONTRACT PS-012A WITH THE STATE DEPARTMENT OF PUBLIC WELFARE AND AUTHORIZING PAYMENT IN ACCORDANCE WITH SAID AGREEMENT.

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AN ORDINANCE 42,706

AUTHORIZING THE PURCHASE OF CERTAIN PHARMACY SERVICES FROM THE BEXAR COUNTY HOSPITAL DISTRICT IN ORDER TO IMPLEMENT THE CITY FAMILY PLANNING SERVICES AT THE EAST SIDE BRANCH; AND AUTHORIZING PAYMENT THEREFOR.

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73-46 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. Beckmann, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann; NAYS: None; ABSENT: Morton, Padilla, Mendoza.

AN ORDINANCE 42,707

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY, THE WATERWORKS BOARD OF TRUSTEES AND STEWART TITLE COMPANY TO PROVIDE CERTAIN TAX INFORMATION TO STEWART TITLE COMPANY THROUGH COMPUTER FACILITIES FOR A FIVE-YEAR PERIOD WITH A SIXTY DAY CANCELLATION PROVISION.

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,708

APPROVING A BUDGET FOR EXPENDITURE OF FEDERAL GENERAL REVENUE SHARING FUNDS (PERIOD 1973/74) AND REVISIONS IN THE BUDGETS FOR EXPENDITURE OF FEDERAL REVENUE SHARING FUNDS PREVIOUSLY RECEIVED, AND APPROPRIATING FUNDS THEREFOR AND ACCEPTING REVENUE SHARING FUNDS RECEIVED FROM THE TREASURY DEPARTMENT IN THE FIRST SIX MONTH PERIOD OF 1973.

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City Manager Granata said that this Ordinance includes the changes which the Council had made in the budget as a result of the public hearing held August 29, 1973. He reviewed the changes made which are listed in the Ordinance.

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

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,709

AMENDING ORDINANCE NO. 42574 BY ESTABLISHING REVISED SANITARY SEWER CHARGES WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO.

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The Ordinance was explained by Mr. Carl White, Director of Finance, who said that this Ordinance amends the sewer fees established by Ordinance No. 42,574. Since adoption of the rates, the recommendation made by Black & Veatch, Consultants for the Sewer Rate Study, has been under study. Instead of using three winter months to complete water usage it was found more accurate to use actual usage the year around. The minimum charge will remain at $1.10 and the maximum charge will be $3.75 inside the City limits.

Dr. San Martin expressed his disappointment in the report made by Black & Veatch. He said that his vote for the original Ordinance was because the rates would be based on water usage during the three winter months.

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

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73-46 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: Cockrell, San Martin, Becker, Black, Lacy, Beckmann; NAYS: None; ABSENT: Morton, Padilla, Mendoza.

AN ORDINANCE 42,710

TRANSFERRING $3,982.00 FROM THE GENERAL FUND TO THE NARCOTIC ADDICTION REHABILITATION AND COUNSELING OF THE INNER CITY APOSTOLATE PROJECT TO PROVIDE OPERATING CAPITAL DURING THE MONTH OF SEPTEMBER 1973.

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AN ORDINANCE 42,711

AUTHORIZING REFUND OF THE AMOUNT OF $1,442.25 IN UNSPENT GRANT FUNDS TO THE TEXAS CRIMINAL JUSTICE COUNCIL FROM THE PROJECT ENTITLED POLICE COMMUNITY RELATIONS BUREAU - 1ST YEAR.

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AN ORDINANCE 42,712

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS) OF THE CITY CODE: SETTING FORTH LOCATIONS AT WHICH ELECTRIC TRAFFIC CONTROL SIGNALS ARE IN FULL SIGNAL OPERATION: DESIGNATING STOP SIGN LOCATIONS: DESIGNATING YIELD RIGHT-OF-WAY SIGN LOCATIONS: SETTING MAXIMUM SPEED LIMITS ON CERTAIN STREETS: ESTABLISHING PARKING METER ZONES: PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS: AND PROVIDING THAT VIOLATION HEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN $1.00 NOR MORE THAN $200.00.

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AN ORDINANCE 42,713

ACCEPTING THE LOW BIDS OF CENTURY PAPERS, INC., AND LABATT INSTITUTIONAL SUPPLY CO. TO FURNISH THE CITY WITH CERTAIN CUSTODIAL PAPER PRODUCTS FOR A TOTAL SUM OF $26,215.56.

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AN ORDINANCE 42,714

ACCEPTING THE LOW BID OF RCA, COMMUNICATIONS SYSTEMS DIVISION TO FURNISH THE CITY WITH CERTAIN COMMUNICATIONS EQUIPMENT PARTS ON AN ANNUAL CONTRACT BASIS.

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AN ORDINANCE 42,715

ACCEPTING THE LOW BID OF COM-SUPPLY INC., TO FURNISH THE CITY WITH CERTAIN GENERAL ELECTRIC COMMUNICATIONS EQUIPMENT PARTS ON AN ANNUAL CONTRACT BASIS.

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AN ORDINANCE 42,716

AUTHORIZING THE PURCHASE OF EIGHTY-FIVE 1974 CRISS CROSS DIRECTORIES FROM THE CRISS CROSS SERVICE, BARD A. LOGAN DIRECTORIES, FOR A TOTAL SUM OF $2,040.00.

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73-46 The meeting recessed at 9:40 A. M., and reconvened at 10:00 A. M.

73-46 The following Ordinance was read by the Clerk and explained by City Attorney Crawford Reeder, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,717

APPROPRIATING $1,797.50 OUT OF SANITARY SEWER IMPROVEMENT BONDS, 1970, FUND NO. 409-03, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANT NAMED IN CONDEMNATION CAUSE NO. C-983, IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR PAYMENT OF COURT COSTS IN SAID CAUSE, ALL IN CONNECTION WITH THE ACQUISITION OF A 30 FOOT WIDE TEMPORARY EASEMENT TO A TRACT OF LAND IN THE JUAN MONTEZ GRANT SURVEY NO. 6, ABSTRACT NO. 11, COUNTY BLOCK 4007, BEXAR COUNTY, TEXAS, SAID EASEMENTS BEING MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION CONTAINED IN THE PLEADINGS IN SAID CAUSE AND NEEDED FOR THE SAN ANTONIO RIVER OUTFALL SEWER PROJECT.

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73-46 DISCUSSION REGARDING CITY WATER BOARD EXTENSION POLICIES

CITY CLERK JAKE INSELMANN: Mr. Mayor, in connection with Item No. 18, I have an ordinance to read:

AN ORDINANCE 42,718

AMENDING EXHIBIT "C" TO ORDINANCE NO. 42018

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Mr. Mel Sueltenfuss will explain it.

MR. MEL SUELTENFUSS: As we requested Tuesday, we did prepare an ordinance that would basically satisfy some of the requests that were made. Very basically, this ordinance does permit the platting and extension of private water systems within the ETJ. To put it in a simple statement, that's, basically, what it does. The system can be expanded only one well at a time. In other words, if the expansion or the production facilities need to be expanded to serve a new subdivision, the developer may only expand that production facility one well until such time as that well becomes inadequate and then another well can be drilled. This was one of the concerns of the Water Board and we felt was a very reasonable concern.

CITY MANAGER SAM GRANATA: Mel, contiguous or adjacent?

MR. SUELTENFUSS: That means that part of the provisions, too, is that these subdivisions that are platted have to lie contiguous or adjacent to existing platted areas that are served by private water systems. The second part of it was an editing thing on requiring developers to submit plats for review to see whether or not the Water Board is the sole purveyor. I know that the Water Board people had some concern that this addition of this item would not preclude the fact that they still reviewed the plats for a determination of whether or not it met their criteria. We feel it in no way effects that, but I did want to point out that this item merely relates to the fact that if a person submits it to see whether or not they should be the sole purveyor or servicer, it is not applicable any more so that was the reason for the second portion of the amendment. That, very basically, covers the essence of the amendments.

MAYOR CHARLES BECKER: All right.

MR. ALFRED BECKMANN: In your minds' eye, this will take care of the situation?

MR. SUELTENFUSS: This will release the plats in the ETJ that are being withheld. It does not permit expansion of water systems inside the City limits. I want to make that point clear.

CITY MANAGER GRANATA: The one thing it does that would seem a big concern to the Council at the hearing was that this takes away the problem of the lay-off of the people, in other words, put the people back to work in the ETJ. That is the main thing that this particular amendment does is to relieve that problem of laying off people in the new area when they want to expand their system.

MR. SUELTENFUSS: I might say that we did work with a majority of the developers in arriving at this ordinance and they seem to feel that solved their problem.

MR. ALVIN G. PADILLA: Did you work with anyone else, Mr. Sueltenfuss, framing it?

MR. SUELTENFUSS: We also, of course, worked with the Water Board people on framing the language, yes.

MR. PADILLA: All right. I would like to say this before we proceed any further, do the gentlemen from the Water Board want to make any comments at this time?

DR. JOSE SAN MARTIN: Before that, Mr. Padilla, since I was the one who proposed the changes, I would like to ask the City Attorney, Mr. Reeder. I cannot recognize in legal terminology what I said the other day in plain language. So, I need help. Does this in any way exceed the essence or intent of the suggested motion that I made?

CITY ATTORNEY CRAWFORD REEDER: No sir, that doesn't and, as a matter of fact, Doctor, the language that is difficult to understand isn't really legal language, it is engineering language. The only legal thing that is on there is the caption and that is only one sentence long. As I understand the thing, it does exactly what Mel says. I spent a good deal of time with Mel and Mr. Sawtelle and Mr. Shields and, to some extent, Mr. Manupelli and Mr. Henckel and Mr. Lee, wasn't it Mel, I believe. I've got to where I understand it, Doctor, but I can see where you have a little trouble with it. It does, basically, what you said at the last meeting.

DR. SAN MARTIN: It does not exceed in any way. Does, basically, what I intended to do, and no more?

CITY ATTORNEY REEDER: Essentially, basically, and fundamentally what I understood you intended to have. I don't think there is even any disparity between it and what you spoke for.

DR. SAN MARTIN: For the benefit of some members of the Council, who may wish to vote on separate items, do we have, to separate the thirty-day request for the Water Board to come back? Some may want to vote on that only and oppose my motion or visa versa. Do we have to include it in the same motion? Or do we need two separate motions?

CITY ATTORNEY REEDER: I think maybe you need two separate motions. You've got this ordinance here before you now which amends your subdivision regulation in the manner that Mr. Sueltenfuss told you and I think the proper procedure would be to vote on that and then you have your motion to give the Water Board thirty days to get that, 28 from today, I guess it is, to get back in here with a report against the very thing you are passing today.

DR. SAN MARTIN: At that time, the Council will have another crack at it at either keeping the amendment or rescinding, is that correct?

CITY ATTORNEY REEDER: Yes, at that time the Council can either rescind or repeal this ordinance that is before you to be passed today. I don't want to be presumptuous and say that you are getting to pass it. At that time, after they come in with their report in 28 days, then you could take any other action that you deemed indicated. I might add that you could do that next week if you wanted to.

DR. SAN MARTIN: That's all the questions.

MAYOR BECKER: Now, do we have any further discussion from the Council members at this time with respect to this proposed ordinance here this morning? Mr. Van Dyke now or Mr. Kaufmann, Mr. Sawtelle. Do you care to be heard this morning?

MR. ROBERT VAN DYKE: Good morning, I am Robert Van Dyke, General Manager of the City Water Board. I received a copy of this document about the same time you did, just a couple minutes ago, although we were apprised of what was in it. I would like to start out our presentation by saying that Mr. Sawtelle and Mr. Shield complied with the request of the City and were present while this was drawn up only to provide technical advice to carry out what the Council asked to be done. They in no way, endorse this document but did provide the technical advice to the drafters of the ordinance.

I would like to point out that there are four areas of the ordinance that is proposed that you should be aware of. Number one, this ordinance allows a private water utility operating in the ETJ to continue its expansion unlimited. Number two, there is nothing in the ordinance that would prohibit an existing water company from selling water to a brand new subdivision not owned by the owner of the subdivision in which the private company is located so that I might, as a subdivider, go out and establish a subdivision next to an existing water company and get service from that company. There is nothing that restricts it to the developer himself. Three, there is nothing in this ordinance that would require the possession of the mains in which the City Water Board has title to as provided by this ordinance to be given to the Water Board upon annexation and, in essence, this means that if the City were to annex an area, even though the title to the main is in the Water Board's name, there is no way that the Water Board can get possession of these mains upon annexation. Three, there is a provision under Section Two, it shows here a roman numeral four and two under that it says "every new subdivision plat received by the Board for a planned development within the cities extra-territorial jurisdiction will be reviewed by the Board except those subdivisions to be served by the expansion of private water systems pursuant to paragraph 1.2. In essence, this means that a water company can go out and it can do whatever it wishes to do without our review prior to the start of the subdivision construction and the installation of the water utility. Mr. Sueltenfuss has pointed out to you however, that the criteria established by the Water Board must be complied with this. But this particular provision prevents us from having an opportunity to review it prior to the time that it actually goes in. Thank you, very much.

MR. JACK KAUFMANN: Good morning. My name is Jack Kaufmann, Chairman of the Board of Trustees of the City Water Board. I think it should be made clear of our role in what is happening here today. The Council has full authority for the adoption of the subdivision regulations which the Council, in its judgment, considers in the best interest of the City. The Water Board's role here is advisory in telling the Council what, in its opinion, these regulations and these ordinances - how they will affect its water system, and, in its opinion, the future of San Antonio. It stands to reason that, having given you our opinion, we will comply with whatever results you reach in determining, in making your judgment and accepting responsibility for the action that you take. I'd like to tell you in quick figuring, this is like Lincoln's Gettysburg Address, Mayor, it's almost on the back of an envelope. Under the present City Water Board regulations, this is going to be very short, the Water Board will get approximately 95 percent of the new customers in the ETJ. Under the proposal before you, Water Board will get perhaps 25 percent of the new customers in the ETJ. The other 70 percent of the customers will be divided among the five or six companies which control 90 percent of the water development that's taking place in that area. The whole thrust of the City Water Board regulations is to increase the strength of the City Water Board by adding customers to the system to help share the planning for the future. To the extent that the Water Board is able to obtain less customers that concept and that system is weakened. To the extent that the Water Board gets more customers that concept in your Water Board is strengthened. I recognize that you have heard from other quarters, from other areas, other concerns have been made known to you. We understand that, and we respect, and we will abide by your decision of what you determine to do.

Now, I think the question of the 30 days in the report has been somewhat misunderstood. The Water Board is not saying to the Council please, please let us give you a report so that you can exercise your judgment more intelligently. We're saying to you, in our opinion, you should have such a report. We recommend that you have it, and we offer to prepare it and present it to you. Whether you choose to receive it, whether you choose to believe it, whether you choose to act on the basis of the facts that it presents is a judgment that you will have to make based on the other information and we recognize that. In summary, in our opinion, what you are doing is weakening the system. In our opinion, the course of action to take would be to table the matter before you today to give the Water Board the opportunity to present a study based on which you can take definitive action rather than doing what you're asked to do today, which is pass an ordinance which will free a substantial part of that development to private water companies and then require five votes to get it back. Thank you, very much.

MAYOR BECKER: Mr. Sawtelle.

MR. ROBERT SAWTELLE: I have nothing else, your honor.

DR. SAN MARTIN: Mr. Mayor, I'd like to have Mr. Sueltenfuss clarify this item here under Roman numeral 4, Section 2.

MR. MEL SUELTENFUSS: Under Roman numeral 4, Section 2, I, personally, feel that the Water Board still has the authority to review plats because the subdivision regulations which were not amended say that they must be submitted. However, as a point of clarification, if we want to say, "only as it applies to the determination of whether or not the Water Board should serve that area," we could certainly add that and could clarify that if we needed to. I think we could agree on the language there, on that part. Okay, he says no.

MAYOR BECKER: I'd like to make mention of something, and I'm going to start off with a bit of levity perhaps. It was said in the paper that out of 58,000 words of testimony, whoever counted them I don't know. They mustn't have a lot to do if they sat down and counted all the words that were spoken here on Wednesday, August 22, but it says that I spoke 8,000 of 58,000. Well, here's something else that was handed to us today. This is a continuation of what occurred on August 28, and if they want to be consistent, I only suggest that they count what I said in this session also and keep a running tabulation of what I say here as to whether the quality or quantity perhaps is unimportant.

But, I will say this, I can only say what I feel about this thing and when we talk about 95 percent of the customers in the ETJ, I say 95 percent of zero is still zero. That's my concern. We are not developing customers in the ETJ with the present policy. I'll repeat, again, that my apprehension about this whole thing has always been that we are even creating larger voids and bigger gaps, not only just in the City of San Antonio which has already been created in the past, but now we're even extending that into the ETJ. We've heard without any question of a doubt that the developers, many of them, not all of them, but many of them have plans to even go beyond the ETJ now and even into other counties. Now, how the constant pursuit of a policy that results in this type of action can be beneficial to the City is something that I fail to understand. I'm certain that other people have the right to their own opinion. I have the right to mine. I am not speaking for the Council when I say these remarks. I'm speaking for myself. I fail to see how that policy benefits the City of San Antonio. Now, it can be the enforcement of a policy, and we can maintain that policy come everything and high water, but is it really acting in the best interest of the City?

Now, I'm going to repeat again, that my request, and I'm hoping that I can also include the Council, those members that want to be exempted from it certainly have the right to say so. I'm hoping that in the interim period here of the next twenty some odd days or whenever it is, that we're waiting the report back from the Water Board, that the City Water Board and the developers of the City of San Antonio will get together and sit down and reasonably and intelligently formulate a policy that has to do with co-existence in the ETJ, also the development of means of paying for the necessary acquisition or the condition of the surface water situation that we've discussed here before. We need to develop that plan and the protection of the aquifer or whatever. But, that they sit down and do these things jointly and together. This constant devisiveness this yammering and quarreling and one trying to outdo the other is accruing only the most detrimental damage to this City. I haven't seen anything beneficial come of it yet. I was on the last Council when this thing was passed. I said it before; I'll say it again. It was my prediction at that time that this would be the result, and it's still my prediction. I haven't seen anything to prove otherwise. Now, I really believe that it's time for everybody to lay down their sabers and their preconceived opinions and all their misgivings and everything else and join hands together in attempting to formulate a plan that will be workable, that will be palatable and will be something that will be constructive and to the best interest to the City of San Antonio. I'm asking it again, and I'll ask it again and again and again until it finally comes to pass.

Now, that's just me speaking. I can't do any more than that. I can't make you all do it, but I'm asking that you do it. I'm requesting it. It's bound to be possible. It's bound to be.

DR. SAN MARTIN: Mr. Mayor, I'd like to proceed a little bit further. Mr. Van Dyke, you heard the comments of Mr. Sueltenfuss on Item 4, and do you agree with that because you took exception to that paragraph. Did you hear Mr. Sueltenfuss' comment on that?

MR. VAN DYKE: Dr. San Martin, I believe that the City Water Board, as your representative in the water business, should have the opportunity to review any installation of water facility inside the City limits and in the ETJ.

DR. SAN MARTIN: All right, Mr. Sueltenfuss, isn't that possible under this paragraph right now. According to your interpretation, you said it was.

MR. SUELTENFUSS: The purpose of this was that under the present regulations the Water Board has the authority to review plats in the ETJ to see whether or not they should be the person to serve them and this would be no longer necessary if the private system in the ETJ were permitted to expand. Now, certainly, like I say, if it is not clear, we say up above that they have to comply with all the regulations of the Water Board but if it's not clear we can certainly say only as it applies to the review to determine whether they should serve this area.

DR. SAN MARTIN: Do you agree with that?

MR. VAN DYKE: I think the same thrust would be accomplished by striking it from the ordinance, there's no need that there by any exception if it is the intent of the Council to have the thing reviewed by the Water Board.

DR. SAN MARTIN: Mr. Reeder.

CITY ATTORNEY CRAWFORD REEDER: I'm against striking it because Mel and I spent too much time making it up. I don't want to louse up our handiwork.

DR. SAN MARTIN: All right. Now, Mr. Sueltenfuss, Item F, right above Section 2, would you explain that?

MR. SUELTENFUSS: Item F, there's no change at all from the old regulations, Dr. San Martin. Items C, D, E, and F, are re-included in the document merely for re-lettering. In other words, they used to have different letters. But Items C, D, E, and F are not changed at all from the present policy. Basically, what it says is that the developer dedicate and transfer his title to the mains but until such time as a system is acquired, the developer has the use of those mains and that is just like the present policy.

CITY MANAGER GRANATA: Even if it's annexed. There's no change in the present policy in that particular time.

DR. SAN MARTIN: All right, Mr. Van Dyke, do you have any objections to Items E? E and F?

MAYOR BECKER: I think the easiest thing would be is to ask Mr. Van Dyke what he does approve of in the ordinance.

DR. SAN MARTIN: I don't think he approves of anything.

MAYOR BECKER: I'm sure he doesn't

MRS. COCKRELL: My recollection was that Mr. Van Dyke or someone has raised an issue about the time at which or whether the possesion to the mains passed into the hands of the Water Board at the time of annexation. Was that correct? It seems to me, that point was raised in connection with the Board.

MR. VAN DYKE: Yes, madam. In answer to Dr. San Martin's question the wording as contained in E and F, as most as I can tell, from memory is the same as what is in the existing ordinance except that the lettering has been changed.

DR. SAN MARTIN: Okay, but in essence you agree. Mr. Kaufmann, I'd like to comment on what you said about the report that you expect to bring and we certainly feel that you say, Mr. Van Dyke said that it will take at least thirty days. Now, those are his figures. I didn't say thirty, he said at least thirty days. I think that we will certainly welcome such a report. Now, you say you may do with it what you wish but it seems to me that one of the main points that was made here the other day was that the City Water Board and the trustees could not possibly comment on the reports submitted by the Builders Association unless they were given additional time. So this is really your proposal and I'm only extending the Board the courtesy of thirty more days to prepare that report and at that time, I, personally, will consider it a completely new ball game. If, on the basis of that report, it can be shown that what we're doing today cannot possibly be the best thing for the citizens of San Antonio, I will be one of those five votes that will be needed to rescind what we're doing today. So, really, we are working with you when we offer you thirty days. According to Mr. Van Dyke, that was perhaps not enough. So, really, I'm trying to work with you, Jack, and I hope that that report will throw a lot more light than we've been getting lately, not as much heat, but certainly a lot more light. As far as your report is concerned, if you want to have it in twenty days, that's entirely up to you but I'm just going thirty is the figure that I'm borrowing from Mr. Van Dyke. It's not my figure.

MAYOR BECKER: All right. Is there any further discussion of the ordinance today?

MR. PADILLA: Mr. Mayor, I think in view of the fact that we have had a lot of input from other than the staff and the Water Board, it would be appropriate to ask for any comments that anyone else might have.

MR. BECKMANN: Mr. Mayor, I would like to ask Mr. Van Dyke a question.

MAYOR BECKER: Yes, sir.

MR. BECKMANN: Your concern over the fact that an independent or another water company would take advantage of this particular time in, let's say, the thirty-day period or whatever is involved, and expand their water system to a great, as much as possible, as a practical matter, how much expansion can be done in a relatively small time, let's say five weeks?

MR. VAN DYKE: I believe, Mr. Beckmann, that the language that has been drafted here precludes drilling of a multitude of wells. Now, I can drill one well until such time as it's capacity is used by the homes that would be platted. That's what this ordinance says. There is nothing in the language that says there shall be a six-inch well, 24-inch well or a 48-inch well. It would be at the discretion of the developer and I would presume that he would have to put the well under contract and I doubt very much that he could...

MR. BECKMANN: It's pretty hard to find a well driller, isn't it?

MR. VAN DYKE: One well drilled in thirty days, I mean there just aren't that many well drillers around. But that's left to his option under the terms in this ordinance.

MR. BECKMANN: Do you feel that this would be an adequate, temporary solution to what appears to be a pretty serious problem?

MR. VAN DYKE: I think it's a very serious problem for the Water Board just the same as it is a serious problem for the developers. In my opinion, this is not the best solution to do what is being proposed by this ordinance.

MAYOR BECKER: Well, Mr. Van Dyke, you have had now some time to come up with a better proposal, a better solution. I don't see that you've made any progress. Somebody has to get this thing off high center.

MR. VAN DYKE: I'm just giving you my opinion.

MAYOR BECKER: I understand, sir, but somebody finally has to get this thing off high center or we're going to be in this same position, five, ten, fifteen, twenty years from today, still looking at each other like a bulldog and a tomcat. That is not producing anything worthwhile for the City of San Antonio. That's all I can say about it.

DR. SAN MARTIN: Mr. Mayor, I'd like to ask Mr. Van Dyke. I'm actually acting in good faith, Mr. Van Dyke, I can assure you that your position, I understand it very well and I'll sustain it as much as I possibly can. But when the Mayor asks you do you have a better solution and you say no, then I have to wait for that famous report that will be presented in four or five weeks and I hope that at that time you and the Water Board of Trustees will have a better solution than we are here. If you do not come up with a better solution at that time, Mr. Van Dyke, there is very little that we can do except keep what we are trying to do today. So, I think it's up to you and the City Water Board to come up with a better solution since you object to what we're doing right now.

MR. VAN DYKE: The decision is yours, doctor.

REV. CLAUDE BLACK: May I just raise this question? I don't see anything in here that would do this but I just want to ask a question and that is, is there anything in this ordinance, that you see would affect any change of rate or would cause the Water Board to come up within the next few days asking for a change of rate in the water cost to the consumers here.

MR. VAN DYKE: Nothing, that I'm aware of sir.

MAYOR BECKER: All right.

DR. SAN MARTIN: I move the adoption of this ordinance, Mr. Mayor.

MR. LEO MENDOZA: I'll second that motion.

MRS. COCKRELL: Mayor, I'd like to speak against it, sir.

MAYOR BECKER: Yes, mam.

MRS. COCKRELL: I find that I'm not going to be able to vote for this ordinance and I would like to state my reasons. The material from the developers was received by the City Council. We have now, I presume, all read it, had the opportunity to give it at least surface consideration. Prior to taking any action, I feel that it is most important for this City Council to permit its own agency, the San Antonio Water Board, to have the opportunity to make a study of the report that was developed by the San Antonio Homebuilders committee. I feel that before this Council takes action that could very definitely affect the future development, the future of this City that great care should be taken to be sure

we have all the facts. I think that giving the Water Board the opportunity to develop their report, their answers to the questions raised, which might even bring concurrence on their part with some of the positions taken if they were given time to develop all of the facts. I think that we are acting hastily and I cannot feel that I could vote for this and feel that I was doing it in the public interest. Now, I, in all sincerity know that many of my colleagues on this Council feel very sincerely after their study that they are doing what they think is right and I don't challenge a single person on this Council. But just from my point of view, I don't feel that I could cast my vote and feel that it was in the public interest. Thank you.

MAYOR BECKER: All right. Are we ready for the question? Okay, let's do this on an individual basis by roll call, please Jake.

DR. SAN MARTIN: Yes.

MAYOR BECKER: Yes.

REVEREND BLACK: Yes.

MR. LACY: Yes.

MR. MORTON: Abstain

MR. BECKMANN: Yes.

MR. PADILLA: Yes.

MR. MENDOZA: Yes.

MRS. COCKRELL: No.

MAYOR BECKER: All right, the motion to the ordinance is passed.

DR. SAN MARTIN: Mr. Mayor, I believe that Mr. Reeder suggested that we pass a separate motion for the thirty-day report. Is that required or can we.....?

MR. REEDER: I don't think you.....

DR. SAN MARTIN: You don't think it's necessary? Cause they know what we asked them to do it, they said they would and that's enough, okay?

MAYOR BECKER: Cliff, did you want to make a statement?

MR. CLIFF MORTON: Yes, I would if Chairman Kaufmann would come back in, I'd like to say something to him.

MAYOR BECKER: Well, we can ask him to.

MR. MORTON: Would you ask Mr. Kaufmann to come in please and Bob Sawtelle.

MAYOR BECKER: Mr. Van Dyke is still here. There he is. I thought you had left the room. Jack, and.....

.....Mr. Sawtelle, one of the councilman had some remarks he would like to make with respect to the thirty day report. We just asked that you come back in, please, so we could hear them.

MR. MORTON: If we could, the question has been asked while you were out of the room, Jack and Bob, did we need an ordinance for our thirty day report? I, as I look at this and I have my councilman's hat on firmly when I say this....this controversy of the Water Board, developer, and the City is like a tennis court and the game now is in your court. You bring a report back then we are going to get a rebuttal from the developers and then you are going to rebut that and I really wonder where it is all going to end. I think that if we can all put our city hats on, I would like to suggest this....I would suggest that, first of all, the Water Board and I'll direct that to you, Chairman Kaufmann, you would be asked to have your management and your board, if necessary, to meet with the developers and address these questions: first of all, what is a fair main extension policy? Number two, that you also address something that we talk about when we have these controversies but if it is always used as an argument against a change in the system, that you make a proposal on sharing of all costs related to the development of surface water that would be shared by all suppliers, because I think that we are all in agreement that beyond ETJ at the present time you do not have authority. Now, how do we go about getting those folks to where they pay their fair share, too? It is the same line of argument that we had yesterday afternoon on mental health and retardation, as far as other cities are concerned where we are footing the bill yet they can use the service.

MAYOR BECKER: You are talking about separate municipalities?

MR. MORTON: Yes, yes I am talking about anyone that isn't paying their fair share now that's going to get to use it. This might come as quite a surprise and I know I have been catagorized as a....the person on the other side as far as my position when I was president of the Home Builders. But, really what I was trying to say the other day when I talked about the aquifer policy, it probably would surprise you, but I really think that the people that are the most qualified at this time and probably ultimately should be responsible for not only the policy, for development over the aquifer, but also see that that policy is enforced is an agency that exists today without the power to do it and that is the City Water Board. I don't object to your being purveyor of surface water. Perhaps we need additional power to give you in order for you to really be able to exercise this as you should. I think, obviously, you have to have powers that neither the county or the City has at this time to do the job that really has to be done. You are the largest water purveyor in this area, why shouldn't you be the one that the whole foundation is built around. I don't think you can do this when there is the attitude that you have today. There has got to be some changes here. I am not saying the developers are right, I am not saying you are all wrong, but it seems to me that there is some room for a meeting of the minds to give the kind of support that ultimately will be in the best interest of the City of San Antonio.

A third item that I would ask the City Manager to do is that he direct his staff to meet with members of the Water Board staff to determine whether there are ways that you can reduce your cost of operation over there without decreasing the quality or quantity of service such as the items you and I talked about before regarding a combination of meter readers between the City Public Service and the City Water Board, a combination of billing of the City Water Board and the City Public Service bills and, in the case of the City of San Antonio

staff, in what areas can we consolidate some of the administrative, or all of the administrative functions of the City Water Board with the City of San Antonio not taking away any of your identity at all but with the total view of reducing the cost which ultimately has to be paid either in the form of rates or by the consumer taxes. All three of these courses of action be taken with this criteria-what is in the long range best interest for the City of San Antonio. I would ask that we have a report on this within thirty days, as far as progress. I do not expect you to solve all of these problems, but I think it is something that we address ourselves to I think it takes a change of attitude in order to be able to accomplish it. I'll put that in the form of a resolution, if I may.

DR. SAN MARTIN: I'll support it Mr. Morton, and I'll even second it. My intention of presenting the ordinance that was just passed is that thirty days would be a report, not a progress report. You're talking about other items.

MR. MORTON: I think what we are doing here, sir, is our whole attention is on one specific item, I used a statement the other day, while Rome burns, I'm looking down the road a long way and saying this is a separate item entirely. Let's see if we can't get a change of direction and attitude regardless of who is right and who is wrong, because I think ultimately the City is the one that is being hurt by the attitude and the policies that are being applied.

DR. SAN MARTIN: Now, what we need are two reports, one thirty days, and a little longer range report.

MR. MORTON: This is the long range report I would just like to have on a thirty day basis, a report of how we are coming on this. Now, let's get down and work together and solve the problem.

MAYOR BECKER: There ought to be a solution to it.

MR. MORTON: Yes.

MRS. COCKRELL: Would you enumerate your points again so I'll be sure to know.

MR. MORTON: Okay. First of all, that the Water Board and the developers and I'd recommend the three man committee from the developers, meet to come up with a main extension policy, whether it be in the City limits, or the ETJ, that they can say is in the best interest of the City of San Antonio. That would be the criteria. Number two: that this same group come up with a recommendation on sharing of all costs related to the development of surface water by all suppliers. Obviously, the Water Board is the one who has the greatest input, but here we are talking about people who are in the same business, so why shouldn't these people sit down and say how we go about sharing the cost for something that ultimately we are all going to have to work with. That has been the assumption and I'm assuming the conclusion, that ultimately we are going to have to have it. I don't know it myself. Thirdly, that we ask our City Manager here to have his staff meet with their counterparts or other appropriate people with the City Water Board with views towards reducing costs of operations which ultimately would have to be reflected in the case of the Water Board in a rate study.

MRS. COCKRELL: Well, I might say that, certainly, I am very concerned about the problem of the aquifer, and I really support a 100 percent the idea of going out and trying to develop policies. I know that our City Water Board, for example, is not the one that can control policies which, obviously, you understand that it can certainly take some leadership in investigating and working with others. I do have some concern about the first statement that you made, the part about the mains.

MR. MORTON: I am not taking a position on it. I'm just saying this is the heart of the controversy rather than receiving this thing back and forth back and forth, what is wrong with them trying to come up and work something out that they would recommend to this Council as being in the ultimate best interest of the City? Both parties. This business of report back in 30 days and then home builders, I guess, we will give them 30 days to answer and then their answer we will give another 30 days to the Water Board. Why don't we say, "Fellows, sit down and work it out."

MRS. COCKRELL: Let me just comment on that. The Water Board, of course, has the authority within the city limits to make the policies. We would be saying by this that we are asking them to consider meeting to consider amendments to those policies. Quite frankly, on the matter of the mains and the acquisition of the mains and so forth, I am a very strong supporter of the Water Board's policy. I feel that having these developed at the cost of the developer and coming without cost to the city, is in the public interest. So I am not too interested in telling the Water Board that I want them to meet to change those policies. I am very much interested in looking at other people to help pay for the cost of water development to control the water system in the aquifer and all of this sort of thing, so I could support that part of it, but since I think their policy, as I understand it, is excellent in regard to protecting the public interest on these water aains, I really don't believe I want to go tell them to go change it.

MR. MORTON: I didn't ask them to change it, that's the point of my motion. I said...ask this group to come with a program on main extensions in the city limits and the ETJ, that they feel is in the best interest of the City of San Antonio. We may come down on this point and they may never be able to agree, but at least we have got it very concisely there, one position or the other. Ultimately, what we are telling them is that we would like for them to come up with something that they could both agree and support that they could recommend to this Council for adoption. I'm not necessarily saying change it.

MAYOR BECKER: All right, did you second it, Doctor?

MR SAN MARTIN: Yes, short range and long range.

MR. KAUFMAN: As Mr. Van Dyke pointed out, you will require us in thirty days, calendar days, to develop the information to determine whether the March 29th ordinance and regulations are working or not working. Whether the experience under those regulations has been in the interest of the City or not in the interest of the City. What you are suggesting now is, that before we make that factual determination of what the result of the experience of the March 29 regulations are, that we sit down with a group of sessions with the same people that we have had groups of sessions with.....

low these many months. Maybe one of the reasons why we're not able to agree with the developers is that we don't agree with the basic premise of whether these regulations are or are not in the public interest, whether they are or are not affecting the growth of our City. I would suggest this to you, we'll prepare our report in thirty days and I would ask and, I don't know any way to enforce this, one of the main sources of information, one of the complaints that I hear Mr. Morton voicing is they don't listen to us. We tell them and they don't listen to us. Or if they listen, they don't believe us as to what the facts are. I would say then, that if we then give questions in writing to the various developers and private water companies that within some very short period of time, say seventy-two hours, they furnish us written replies, including subdivision plats and other information so that we can use the data that they have. Let's see what their information is. let's see what their plans are, let's see where their plats are, let's see what their building plans are and let us ask them for information to get input to put into our study. We will get independent information as well, but I think it would be, as a public agency, I think it would be unfair to the statement that I made in thirty days we'll come back with a fair, objective report to you. I think one of the very basic sources of the information to be contained in that report is the very people who are saying that these regulations don't work. Rather than accept simply their conclusions, let's have them prepare for us and give us the raw data based on which we can assimilate it and give you our conclusions.

MAYOR BECKER: I imagine they'd be happy to do that if that will help the case at all.

MR. KAUFMANN: After we make our report and after we determine what the facts are, as Mr. Morton says, the ball's in our court now. They've got the right to extend their private water system. The urgency is over-with, except for the long-range goals and needs of the City. Now, within that framework, we ought to prepare our report. We ought to get our factual information and then sit down with them and see what we can agree on.

MAYOR BECKER: Jack, there has to be an attitudinal change, as Mr. Morton has attempted to point out here this morning, on perhaps the part of all parties concerned. We're not just singling out the Water Board. I think that the homebuilders are guilty, the developers of being completely intransigent about this thing, unyielding and all that, then they are deserving of condemnation. I think if the Water Board, by the same token, if guilty of it, the Water Board's also quilty of condemnation. Now, what we're dealing with here and what Cliff's trying to point out here today is, of the moment is certainly of concern. We are all concerned with that. Looking down the road is something that even is of greater concern to me as well as I think it is to Mr. Morton and many of these other Councilmen here as it is probably to even the homebuilders that are represented here today or a member of that association and certainly of the citizenry of the City of San Antonio. We are all in the same nest here whether we know it or not. We're residents for the most part, citizens of this area, of the City of San Antonio and its environs.

MR. KAUFMANN: Mr. Mayor, simply all we're trying to decide is how much of 2 1/2 million dollars the Water Board now saves by having the developer contribute his on-site main. How much more to raise the rates are?

MAYOR BECKER: We're not talking about that now Jack and that's where we always get hung up on this thing is jump to false conclusions.

MR. KAUFMANN: One and a quarter million, let alone one million, two million....

MAYOR BECKER: I'm going to say this to you, Jack, and I'm not trying to be rude or oppressive or anything like that, but I think it's taken very little imagination to come up with just an iron-clad point blank type of a conclusion like that. What I suggested here the other day, was that the homebuilders go off and do some creative thinking, if that be the proper type of phrase, some imaginative thinking, that the Water Board do some, and try to devise a formula that will be in the best interest of the citizens of the City of San Antonio and everybody else. Now, it's hard to get all these raccoons up one tree, I realize that, but that is why you're in your job and we're up here in this job. We're charged with these responsibilities whether we like them or not. I can only say this to you, that I don't think that much, really, much thinking has been given to this problem. It's just been kind of a take it or leave it, hurrah for me and you know what with you, sort of a thing and I don't think we're ever going to arrive at a meeting of the minds as long as that is the situation.

So, in that connection, then I can only say to you that if it would help by taking in laundry or chopping cord wood to get this thing done, I don't think there's a member of this City Council that wouldn't pitch in and be willing to help on night-time sessions, daytime, weekends, Saturdays and Sundays, or any other time if we could have some affect that would accrue some good to the situation. So, you know, we're not just saying here you take it now and dump it back on you because we're not approaching in from that standpoint. What we're trying to do is find a solution to this thing that seems to be headed for a rather chaotic future. It has a rather hectic past, we can certainly read that into the record because that's all known to everybody. Now what are we going to do about the future of it? That's all. Maybe the Water Board has to give, maybe the homebuilders have to give. Maybe everybody has to give but maybe that's what our role is, maybe we're here to affect whatever compromises are necessary. That's all.

DR. SAN MARTIN: Mr. Mayor, I'd just like to amend a little bit of Mr. Morton's resolution by including the date of September 27 as the date for the initial short-range report Mr. Van Dyke, September 27 and Mr. Granata said nothing complicated can be scheduled for that day. That will give them 28 days to do that and I certainly would concur with items brought up by Mr. Morton, Mr. Kaufmann, as to the consolidation of activities with a view of saving some money. I'm all for consolidating as much as we can. I'm sure you've heard Mr. Morton make some points as to the consolidation of some activities. I certainly think that they merit the most serious consideration from your Board.

MR. KAUFMANN: I hear what he says and we're certainly willing to talk to them about it. I suggest that we get the facts before us first before we sit down and talk to them. It's also part of the problem.

MR. MORTON: Mr. Kaufmann, again, I'm really asking for an attitude of negotiation on your part. You directed all of your rebuttal and that is really what it is, to this one item of main extension. There were two other items that I asked there, that every time this thing comes up you say, oh, we can't do it because we have the cost of surface water on our back. Nobody else is going to pay for it. I'm saying that you're talking to other suppliers who are, you're pointing your finger at them and saying, we're going to put this in but you guys are going to benefit from it in the interim. Have you ever sat down and talked with these other competitors of yours about how we're going to share this cost?

MR. KAUFMANN: We have discussed it but no conclusions.

MR. MORTON: Okay, we'd like to get it down to where you can come up with a recommendation on how the City shares those costs with everybody who's in the business and the third item on cost reduction. We're talking about developing those. You and I have discussed that and we talked about $300,000 just on the surface. Of costs that we knew that we could save.

MR. KAUFMANN: I believe that was your figure.

MR. MORTON: Well, now we just added them up. We talked about twenty-five meter readers and we projected the cost on them. We took the costs of running a car for twelve months out of the year and then we talked to eight cents on a stamp for 155 users and it's not too hard, it doesn't take a Harvard genius...

MR. KAUFMANN: I believe one of the answers that we gave to you, there's a lot of people in this town who can't afford to pay two bills at one time and face the fear of having their utilities shut off.

MR. PADILLA: Make a bill with a stub so they can tear the stub off and pay one bill, then pay the other one. I was calculating, Mr. Kaufmann, and I assume you're interested, that we pay an 8¢ stamp with today's technology, things could be consolidated and we've talked about that. An 8¢ stamp to 156 thousand customers is $144,000 a year.

DR. SAN MARTIN: Mr. Mayor, I would suggest that the resolution be acted upon. I think it's very clear what the intent of this Council is at this time. I don't want to preclude any more questions and answers, especially for Mr. Padilla but I think we're.....

MR. PADILLA: I think I'd like to finish this, Dr. San Martin, and then I'll be very brief. An 8¢ stamp, you figure of 156 customers is $144,000 a year for postage. If you and the other utility can get together, each of you can save $144,000 between the two of you, that's $72,000 a year. That's just the very obvious thing. Of course, the mechanics have to be worked out but with today's technology of computers, there are firms that are billing from San Francisco, California. I'm sure we can bill from San Antonio, Texas out of one computer if we work out the details.

MR. KAUFMANN: These suggestions that you're making are all valid. I'm not discounting or disagreeing with any of them and I'm saying that we'll be happy to talk about them, we'll be happy to try and implement them. But I'm saying, in the context of what I'm hearing here, somebody says make this study, somebody says make that study, somebody says sit down here and negotiate on three different things with people that you try to negotiate for months and come up in 30 days' time with a conclusion on all of it. I'm simply saying to you, as Mr. Van Dyke said, if we're not interrupted, there's no untoward circumstances....

MAYOR BECKER: You won't be interrupted for another thirty days.

MR. KAUFMANN: If the developers and the private water company people within 72 hours respond to our written request for information with documents and data, in 30 days' time, we will have a factual grasp of where we are. At that time, we'll sit down with anybody and everybody and talk to everybody's heart's content, and anything good we come up with, we're just as tickled about it as you are.

MAYOR BECKER: Jack, we're in a changing world. You know this council used to be able to meet, I understand, they'd get started at 8:30 or 9 o'clock in the morning, by ten o'clock, they were finished. We've spent 3½ days down here just this week alone almost, with revenue sharing, I don't know what all we've done this week. You lose track of the time finally. We are in changing times. It's a different world. All we're asking is that everybody get in step with us, just get in step with us, you know, everybody, so we can all march together. Okay?

CITY MANAGER SAM GRANATA: Mayor, I don't want to, if I may please, I don't want to prolong this, but I'm a bit confused in getting the agenda ready. On September 27, does the Water Board report back on the motion which you're about to pass now on the short-range, long-range interim report? Plus, I think they have the idea, too, that you gave them instructions to come back and either accept or refute the builder's report that was submitted Tuesday. Is that an additional? Two items, o.k., I just wanted to make that certain. Your talking about both items.

DR. SAN MARTIN: And a some long-range thing that would take a little longer.

MR. MORTON: We don't expect to solve a long-range problem like that in thirty days. We are asking for a progress report. I don't think there would be anything wrong with having a progress report every thirty days until we get a recommendation that you want to present.

MR. KAUFMAN: Would I be rude to ask that anybody who understands what we are talking about, to raise their hand. I really don't, Mr. Mayor. Mr. Morton and Dr. San Martin seem to be the only two who understand what we are and the Mayor.

MAYOR BECKER: I know what they're talking about.

MR. KAUFMAN: Then, we agree that in thirty days time the Water Board will make a report in which it will comment on the report made by the developers, and prepare it's own data and at that time, we will report back to you what the experience under the regulations was.

MAYOR BECKER: That was originated the other day, wasn't it?

MR. PADILLA: The mayor directed the Water Board to come back in thirty days.

MR. KAUFMAN: The reason that we said we would need thirty days was if we didn't have any untoward circumstances such as walkouts, strikes or negotiating with the developers or anything else. Now, you are taking the negotiation out of the thirty day period, you are going to give us thirty days to come back with a report, then we are available, ready, willing and able to sit down with anybody that will listen to us. Fair enough?

MR. PADILLA: In addition to that, know that this is one item you see, because I think I understand also as well as the Mayor and Dr. San Martin what Mr. Morton said. That as a separate and distinct item, Mr. Morton suggested what he has call his long term report and he suggested that you come back in thirty days with an interim report of what you are doing in that area. You know, if I was in your shoes, I could come back in thirty days and say that I have been working on the first one but we haven't had time to do anything on the second one. That is an interim report. That's one way of handling it.

MAYOR BECKER: Well, let's get on with it, cause this kind of thing is trivial and petty. Well, let's vote on it anyway. All in favor. Opposed.

MRS. COCKRELL: This was on all the items that were included. All right, since I agree on some of the items, in an effort to be friendly, I'll vote AYE.

DR. SAN MARTIN: Aye.

MAYOR BECKER: Aye.

REVEREND BLACK: Aye.

MR. LACY: Aye.

MR. MORTON: Aye.

MR. BECKMANN: Aye.

MR. PADILLA: Aye.

MR. MENDOZA: Aye.

MAYOR BECKER: That's what we need, is love in this world. We are going to put it down in letter form, hand carry it to the City Water Board headquarters outlining exactly what we have said today with this resolution on top of the other thirty day deal. It will be spelled out. Mr. Reeder and Mr. Granata, would you see that that is done today, please.

MR. GRANATA: Yes, sir, as soon as we get the transcript.

MAYOR BECKER: And hand carry it over there and save the eight cent stamp.

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73-46 CITY MANAGER REPORTS

FLOOD INSURANCE

City Manager Granata announced that the City of San Antonio became eligible for Federal Flood Insurance on August 15.

SAN ANTONIO TRANSIT SYSTEM

Dr. San Martin stated that he had asked the City Manager to determine if federal grants to the Transit System would be affected if the operation came under control of the City.

City Manager Granata said that the matter is still being looked into, but it appears that the problem would not be insurmountable.

73-46 CITIZENS TO BE HEARD

MR. LANNY SINKIN

Mr. Lanny Sinkin, Executive Director of the Urban Coalition, stated that the Urban Coalition has monitored the Emergency Employment Act as the funds were used by the City of San Antonio. Based on unemployment rates he felt that San Antonio received only a fraction of the funds it deserved. He recommended to the Council that they join the local Coalition in asking National Urban Coalition Office in Washington to request that a team be sent to San Antonio to conduct a study of statistical gathering systems utilized by the Texas Employment Commission. As a result of this study, it might be advisable to join with Coalition to file suit against the Department of Labor to change its statistical methods and result in a great increase in manpower grants to San Antonio.

Mayor Becker advised Mr. Sinkin that the matter would be taken under consideration and discussed with the City Manager.

Dr. San Martin asked Mr. Sinkin to give Council members a brief written description of the problem for study which will be done.

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MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez took exception to a newspaper story criticizing Mayor Becker. He suggested that Mayor Becker discontinue his advertising program in that paper.

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MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley, stated that the City needs to take a look at the amount of money being expended through the various drug programs and claimed that these programs are not producing.

Mrs. Dutmer stated that someone must be in over all authority over the water situation and asked that the Council give this matter its attention.

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CLASS FROM INCARNATE WORD COLLEGE

Mayor Becker recognized a class of students from Incarnate Word College and their instructor, Miss Mary Ann Vara. He welcomed them to the meeting and asked that they come again sometime.

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73-46 APPEAL OF MR. V. H. EHLERS TO DENIAL OF HOME IMPROVEMENT CONTRACTOR'S LICENSE

Mr. George Vann, Director of Building and Planning Administration, recalled to the Council that this case was heard last week at which time the Council asked him to check on various jobs done by Mr. Ehlers during the last year. An inspector did check and some of Mr. Ehlers' jobs were found to be defective. He said also that Mr. Ehlers has answered in letter form what he intends to do regarding the 16 complaints on file with the Better Business Bureau. However, the

Better Business Bureau said that these files would remain open until Mr. Ehlers actually did something about them. Mr. Vann stated that three persons had volunteered to come to the Council and testify regarding some of the cases.

Mr. Robert C. Cowan, an attorney, said that Mr. Ehlers had called him last night to represent him at this Council meeting He said that he had had no time for preparation and asked that the case be postponed.

Mr. Vann spoke in opposition saying that Mr. Ehlers has already had one postponement and has had ample time to prepare his case.

After discussion, it was decided that the case would be heard.

Mr. Patrick Mackey, 203 Haverford, said that he had employed Mr. Ehlers to replace his roof in November, 1972. He paid Mr. Ehlers $200.00 in advance. Two days later a crew came out and removed the roof and put down a layer of felt. As per the agreement, Mr. Mackey replaced some rotted plywood then called Mr. Ehlers to complete the job. He made repeated attempts to get Mr. Ehlers and to no avail. Finally, Mr. Mackey was awarded $115.00 in small claims court after which he contracted with Acme Roofing Company to complete the work sometime late in May.

Mr. and Mrs. Albert Scott, 165 Hillview, stated they had contracted with Mr. Ehlers on April, 1972, for a new roof. Mr. Scott described the poor workmanship, lack of equipment, and lack of performance. His home was damaged by rain. It became necessary to take legal steps to have the contract broken and then he had Sears to finish the job. Mr. Scott had paid $760 in advance to Mr. Ehlers.

Mr. A. J. Droitcourt, 135 Gazelle, stated that in December 21, 1971, Mr. Ehlers contracted to reroof his house. In February, 1972, many leaks appeared, and it was late in March before anyone appeared, but he failed to fix theleaks. It was after complaining to the Better Business Bureau and contacting Mr. Lindley, Assistant Director of Building and Planning Administration, the roof was finally repaired. An inspection on August 25, 1972, revealed that no permit had been taken out for the work and no flashing had been put in the valleys.

Mr. David Karam, 126 Shady Rill, testified that his experience with Mr. Ehlers was similar to the preceding witnesses. He paid Mr. Ehlers $713 for repairing his roof then later discovered the roof still leaked. After repeated attempts to get the roof repaired, Mr. Karam reported Mr. Ehlers to the Better Business Bureau and also filed a suit against Mr. Ehlers which later resulted in a judgment of $1,500.

In summary, Mr. Vann reviewed the record of Mr. Ehlers and enumerated 15 instances where he had failed to take out building permits.

Mr. Ehlers read copies of replies he had made to the Better Business Bureau explaining his version of the complaints described above.

There was a general discussion between Mr. Ehlers and his attorney and members of the Council concerning his business affairs and problems. Mr. Cowan assured the Council that Mr. Ehlers would obtain building permits in every case in the future and asked that they not deny Mr. Ehlers a license.

After consideration, Dr. San Martin moved that the license of Mr. Ehlers be revoked. The motion was seconded by Mrs. Cockrell and carried by the following roll call vote: AYES: Cockrell, San Martin, Becker, Black, Morton, Beckmann, Padilla; NAYS: None; ABSTAIN: Lacy; ABSENT: Mendoza.

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73-46 The meeting recessed for lunch at 1:20 P. M., and reconvened at 2:25 P. M.

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73-46 ZONING HEARINGS

D. CASE 4961 - to rezone a 7.100 acre tract of land out of NCB 13732, being further described by field notes filed in the office of the City Clerk, 1400 Block of Jones Maltsberger Road, from Temporary "A" Single Family Residential District to "R-3" Multiple Family Residential District; and a 0.716 acre tract of land out of NCB 13732, being further described by field notes filed in the office of the City Clerk, 1400 Block of Jones Maltsberger Road, from Temporary "A" Single Family Residential District to "B-3" Business District.

The "R-3" zoning being located on the southeast side of Jones Maltsberger Road, being 855' southwest of the intersection of Lockhill-Selma Road and Jones Maltsberger Road; having a total frontage of 696.15' on Jones Maltsberger Road and a depth of 360'.

The "B-3" zoning being located on the southeast side of Jones Maltsberger Road, being 1276.15' southwest of the intersection of Lockhill-Selma Road and Jones Maltsberger Road; having a total frontage of 250' on Jones Maltsberger Road and a depth of 125'.

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

No one spoke in opposition.

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

AN ORDINANCE 42,719

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 7.100 ACRE TRACT OF LAND OUT OF NCB 13732, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND A 0.716 ACRE TRACT OF LAND OUT OF NCB 13732, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

E. CASE 5015 - to rezone Lot 3, Block 4, NCB 14688, 8900 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located south of the intersection of Huebner Road and Oakland Boulevard; having 120' on Huebner Road, and 221.69' on Oakland Boulevard.

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. Mrs. Cockrell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Black.

AN ORDINANCE 42,720

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 3, BLOCK 4, NCB 14688, 8900 BLOCK OF HUEBNER ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

F. CASE 5150 - to rezone a 4.845 acre tract of land out of NCB 14952, being further described by field notes filed in the office of the City Clerk, 11300 Block of I. H. 35 Expressway, from "B" Two Family Residential District to "I-1" Light Industry District, located on the south side of Interstate Highway 35 North Expressway and approximately 1,665' southwest of the intersection of O'Connor Road and Interstate Highway 35 Expressway with a maximum depth of 993.30'.

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 replatting is accomplished. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Black.

AN ORDINANCE 42,721

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 4,845 ACRE TRACT OF LAND OUT OF NCB 14952, 11300 BLOCK OF I. H. 35 EXPRESSWAY, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

G. CASE 5155 - to rezone the northwest 104.35' of Lot 33, NCB 12101, 2754 Woodbury, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the southwest side of Woodbury Lane, being 736.1' from the intersection of Nacogdoches Road and Woodbury Lane; having 104.35' on Woodbury Lane with a maximum depth of 203.7'.

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

No one spoke in opposition.

After consideration, Mr. Mendoza made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence be erected along the west and south property lines. Mrs. Cockrell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Black.

AN ORDINANCE 42,722

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS THE NORTHWEST 104.35' OF LOT 33, NCB 12101, 2754 WOODBURY, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE WEST AND SOUTH PROPERTY LINES.

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H. CASE 5156 - to rezone Lots 27 through 30, Block 4, NCB 1602, 601 Delmar Street, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located northeast of the intersection of Gevers Street and Delmar Street; having 150' on Gevers Street and 100' on Delmar.

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

No one spoke in opposition.

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

AN ORDINANCE 42,723

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 27 THROUGH 30, BLOCK 4, NCB 1602, 601 DELMAR STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

* * * *

A. CASE 5065 - to rezone Lot 1, NCB 11886, 8115-8123 N. New Braunfels Avenue, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the west side of N. New Braunfels Avenue, being 150' north of the intersection of East Sunset Road and North New Braunfels Avenue; having 150' on N. New Braunfels Avenue and a depth of 294.2'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be denied by the City Council. He said that this case was heard by the City Council on August 2, 1973, at which time a decision was postponed to allow the applicant, Mr. O. H. Lanier, to develop plans for the proposed development.

Mr. Bob Strickland, representing the applicant, showed to the Council a preliminary design for the development which had been prepared by Mr. Adolph Arciniega. The layout was shown to the Council, and it was explained that the proposed building would be masonry and have 24 living units. Parking for 43 automobiles would be provided. There would be one driveway 30' wide for ingress and egress to New Braunfels Avenue.

There was considerable opposition to the proposed development. It was claimed by opponents that traffic would be greatly increased in an already congested area, that there are too many units provided on a 1.1 acre tract. Residents of the area said they also wished to keep the neighborhood as a single family residential area.

Those speaking in opposition were:

Mr. Roy M. Mueller, 110 Camellia Way
Mrs. Audrie Goddard, 391 E. Sunset
Mr. and Mrs. Edward M. Wright, 105 Camellia Way
Mr. and Mrs. otto Boerner, 93 Camellia Way
Mrs. Eileen Barrett, 62 Camellia Way
Mrs. W. L. Moore, 125 Camellia Way
Dr. Reeves Smith, 115 Camellia Way

* * * *

In rebuttal, Mr. Strickland stated that the adjoining property owners had expressed their approval of the rezoning. He asked that the Council give favorable consideration to the request.

After consideration, Mr. Beckmann made a motion that the recommendation of the Planning Commission be upheld and the rezoning denied. The motion was seconded by Dr. San Martin and carried by the following roll call vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

B. CASE 5127 - to rezone Lots 1 through 4 and 98 through 101, Block 3, NCB 9005, 5400 Block of San Pedro Avenue, from "B" Two Family Residential District and "D" Apartment District to "B-3" Business District, located on the east side of San Pedro Avenue between Lovera Boulevard and Hermine Boulevard; having 100' on Lovera Boulevard, 316.1' on San Pedro Avenue, and 100' on Hermine Boulevard.

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

Mr. Bill Stolhandske, representing the applicant, Mr. David Hernandez, reviewed for the Council the zoning of property in both directions on San Pedro Avenue and the high density business uses. He stated that his client wished to operate a used care lot on the property and would be willing to erect a screen to protect the residences on the east side. He asked for the Council's favorable consideration.

Mrs. Vivian Stewart, 292 Lovera, spoke in opposition to the rezoning because she felt that an auto sales lot would be detrimental to her property.

Mr. Maurice Thorman, one of the original developers of this area, said that it was never intended that business would be developed on the east side of San Pedro. He said that it whould be kept as an area for single family residences.

Mr. Morton raised a question about set backs on Lovera and Hermine Streets. Mr. Camargo stated that normally the building set back would be 25 feet from each street, but that in this case cars for sale could be parked to the property line.

Mr. Morton suggested that a hedge be installed to screen these automobiles from adjoining homes.

Mr. Morton's suggestion was agreeable to the applicant who said that it would be taken care of.

After consideration, Dr. San Martin moved that the recommendation of the Planning Commission be overruled and that the application for rezoning be approved. The motion was seconded by Mr. Morton. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,724

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 4, AND 9 THROUGH 101, BLOCK 3, NCB 9005, 5400 BLOCK OF SAN PEDRO AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE EAST PROPERTY LINE ADJACENT TO THE SINGLE FAMILY HOMES.

* * * *

C. CASE 5148 - to rezone the remaining portions of Lots 38 and west 1/2 of 39, Block 33, NCB 2991, 634 McKinley, from "B" Two Family Residential District to "B-3" Business District, located southwest of Interstate Highway 37 Expressway being 110' north of the intersection of Hicks Avenue and Interstate Highway 37 Expressway; having 66.58' on Interstate Highway 37 Expressway and a maximum depth of 50'.

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

Mr. Stanley E. Singleton, the applicant, stated that he cannot use the property under consideration as it is now zoned because of its size. He asked for B-3 zoning so that a billboard could be erected on it.

Mrs. John W. Jones, 557 Hicks Avenue, spoke in opposition to the rezoning. She said the lot is unkempt and Mr. Singleton would have no way to get entry on to the lot without going across private property. She asked that the application be denied.

After consideration, Mrs. Cockrell moved that the recommendation of the Planning Commission be approved and the rezoning be denied. The motion was seconded by Dr. San Martin and was passed and approved by the following roll call vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

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73-46 The Clerk read the following Ordinance:

AN ORDINANCE 42,725

AUTHORIZING TRANSFER OF THE SUM OF $132,600 FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO SPECIAL PROJECTS ACCOUNT 18-10-04, AND AUTHORIZING PAYMENT THEREOF TO THE STATE DEPARTMENT OF PUBLIC WELFARE AS THE CITY'S SHARE OF FUNDS FOR THE CONTINUATION OF THE COORDINATED DAY CARE PROJECT.

* * * *

City Manager Granata stated that this Ordinance was a result of the agreement reached by members of the Council during the Revenue Sharing hearing on August 29, 1973.

Mr. Cipriano Guerra stated that he had met with Four C's and E.O.D.C. regarding the Day Care Program. They had agreed that E.O.D.C. would be the prime contractor with the City for this project.

After consideration, 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, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

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73-46 The Clerk read the following letter:

August 24, 1973

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

Gentlemen and Madam:

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

August 21, 1973 Petition of Mr. W. C. Archer, 2927 Anza, San Antonio, Texas, President of Highland Rockets Booster Club, requesting permission to use the lights at Hi Lions Field for three hours each Saturday for ten weeks in order to carry out the Pop Warner football game schedule.

August 22, 1973 Petition of Mr. Alvaro M. Ramirez, 602 Menefee, San Antonio, Texas, requesting permission to construct a seven (7) foot fence at 315 Elvira Street to alleviate the throwing of trash onto this lot.

August 24, 1973 Petition of Mr. Tom M. Sandoval, in behalf of Allied Electric Company, requesting permission to install an eight (8) foot fence with three strands of barbwire on top of fence at 511 Hoefgen Street, for security reasons.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned at 4:20 P. M.

A P P R O V E D

M A Y O R
Charles L. Becker

ATTEST: J H Inselmann
City Clerk