

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, NOVEMBER 15, 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: SAN MARTIN, BECKER, BLACK, LACY, MORTON, BECKMANN, PADILLA, MENDOZA; Absent: COCKRELL.

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73-58 The invocation was given by The Reverend Arlis B. Moon, Southside Assembly of God Church.

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73-58 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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73-58 The minutes of the meeting of November 8, 1973, were approved.

73-58 YOUTH IN GOVERNMENT

Mayor Becker welcomed a group of high school students selected by the Optomist Clubs of San Antonio to participate in their annual Youth in Government phase of "Youth Appreciation Week."

Named to the top honorary posts were:

Deborah Ann Beck, MacArthur High School - Mayor  
Gloria Garcia, Brackenridge High School - City Manager  
Rochelle Burns, Highlands High School - Councilwoman  
John Mullen, Churchill High School - Councilman  
Warren Branch, MacArthur High School - Councilman  
Barbara Clark, Incarnate Word High School - Councilwoman  
Danny Gibbens, Garner Middle School - Councilman  
Rosie Wong, South San Antonio High School - Councilwoman  
Daniel Escobar, Lanier High School - Councilman

Mayor Becker introduced the honorary Council members individually and then introduced others in the audience. He congratulated them for their interest in government and invited them to return for another visit.

73-58 ST. ANN'S YOUNG ADULTS CLUB

Dr. San Martin stated that he wanted to recognize a group of young people from St. Ann's Young Adults Club. Student Mayor Deborah Becker read a Citation expressing appreciation for this group's efforts in assisting senior citizens. She then presented the Citation to Father Ted Wesolowsky, sponsor of the Club.

Father Wesolowsky thanked the Council for this recognition and described the work being done by his young people.

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GUADALAJARA TRADE PROMOTION TRIP

Mr. George Carmack, a member of the staff of the Express Publishing Company, spoke to the Council regarding a trade promotion trip made to Guadalajara, Mexico in October. He introduced his wife, Bonnie, who also went on the trip. Mr. Carmack described the highlights of the trip and the impressions made by the San Antonio delegation on the people of Guadalajara. He was particularly complimentary of Dr. San Martin's contribution to the trip. He also stated that Mr. Jack Skipper made a great contribution with his understanding of other people.

CITY PUBLIC SERVICE BOARD REPORT ON FUEL SHORTAGE

The following discussion took place:

MR. KENNETH HARZ: Good morning, Mayor Becker, members of the City Council and distinguished guests. My name is Kenneth Harz. I'm Manager of Customer Accounts Department for the City Public Service Board of San Antonio.

I'm here today for the purpose of informing you as to the information that you have. I believe all of you have copies of the book - the summary of the gas electric curtailment plan of the City Public Service Board. This plan, I'd like to emphasize, is not unique. Throughout the country today, utilities have designed or are in the process of designing similar reports necessary to cope with our national energy crisis. Our plan is designed to complement existing rules and regulations that now exist in the Railroad Commission, Texas Railroad Commission Docket No. 508, which is an interim order. In formulating our plan, we worked with City staff, the City Attorney, in order that we could gain their comments and their general concurrence of this plan. Hopefully, we have that concurrence. Basically, this plan was necessitated to minimize the overall effect of the loss of the reduction of gas or electricity to the citizens of San Antonio by virtue of a contractual obligation of our natural gas supplier being unable to adequately supply the City of San Antonio. Now, this plan is in four phases. I might say here that we are obliged to conform to the Texas Railroad Commission in following our order in order that we can maintain our priority with our natural gas supplier. To name the various phases, Phase I is a conservation phase, Phase II is a voluntary curtailment plan, Phase III is a mandatory curtailment plan and our final phase is a extreme Emergency situation, a last resort procedure.

Now, conservation or Phase I, of course, we're all familiar with this. We've been in conservation for many months now and, of course, this phase is designed to inform and arouse public interest to the need to conserve electric and gas energy in our community. To accomplish this, we intend to do this through news releases, brochures and public speaking engagements. I'd like to take this opportunity to express the Board's appreciation to the City Council and to the news media for the fine work that they've done over these trying months in getting this message to the citizens of San Antonio - the need to conserve our energy.

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Our second phase is a voluntary curtailment phase. Of course, we will always remain in conservation in Phase I, but we may have to move to Phase II, in the event that we have a short supply. This phase is to be invoked based upon our current natural gas supply delivery and anticipated oil deliveries or other systems conditions that may prevail. In the electric system, this would be assessed when our generating plants are using fuel oil for production. Also when our fuel inventory has diminished to 15 days of projected generation using maximum fuel oil firing. Now, in the gas system this would be assessed when our generating plants are using fuel oil for production, are using maximum fuel oil. Our natural gas supplier has informed us of further curtailments that may jeopardize the higher priority customers in our community. We should keep in mind that all the way through this program we are dealing with two separate utilities, gas and electricity. Now, if we have to go into voluntary curtailment as we did last May we would immediately come to City officials, work with them in going to the press to the news media in order that we can properly inform immediately all of our citizens of the desperate need to conserve energy. We will work with large industrial and commercial customers. We will personally be contacting them asking them to reduce their usage and this will be under our voluntary curtailment plan.

In the event we are unable to stabilize our gas and electric system at this time we would possibly have to move into a third phase. Hopefully, we will never have to move into a third phase in this curtailment plan. If we do, though, this would be a mandatory curtailment, and this would be a result of our fuel oils inventory diminishing to eight days supply left in the electric generation of maximum oil firing. In the case of the gas system, this would be when at our gate station our pressure has dropped to 100 p.s.i. Of course, we are in a very critical stage at this point so, again, we will have to go to this time and actually request that large industries, large commercial accounts actually reduce their loads. An (inaudible) curtailment, I might define it, it does not necessarily mean that we would cut off all energy going into an industry or into a commercial enterprise. The extent of the curtailment would depend, of course, on how serious the situation is.

Finally, our last phase is an extreme last resort procedure and this revolves around circuit cycling, electric circuit cycling, and gas district isolation. This is a phase, of course, that we hope San Antonio never has to see. We hope that we never have to invoke it. But if we do, it would be because our fuel oil has diminished to a four day supply in a fire generation, and that our gas distribution system the pressure had dropped to such a degree that it is jeopardizing our entire gas system, and we could completely lose our entire City if we were not to take proper steps.

So, in closing I'd like to ask for City Public Service that the City Council review this plan and, hopefully, they can endorse the plan with a proper resolution or any ordinances that may be that you may deem necessary or applicable in order to safeguard our San Antonio gas, electric energies. Thank you very much.

MAYOR CHARLES L. BECKER: Thank you very much. Let me ask you a question, if I may. I think there's certain general misunderstanding of power requirements - winter time versus summer time. You switch from air conditioning to heating, and is it true that the load is sometimes even greater in the winter than it is in the summer?

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MR. HARZ: Yes, sir, this is true. Now to, perhaps stress the point, this winter, of course, our problem as we see would be in the gas distribution system. We have taken proper steps to fortify our electrical generation through obtaining some 1,100,000 barrels of fuel that we have in storage. So, we feel very comfortable as far as our electric system is concerned. There are some doubts about our gas system.

MAYOR BECKER: I wanted you to clear that up, if you would, because I think a lot of people are under the misapprehension and misunderstanding of the situation that they believe that more power is consumed in the summer than in the winter. It's just really the reverse, isn't it? You have longer hours of darkness. You have a greater period of requirement of lighting and so forth and what would you say, just generally speaking, the load increases winter time versus summer time - 10 percent, 15 percent.....

MR. HARZ: Mayor, I'm sorry. I really cannot answer that. I know that during peak period during the winter time if we hit peak period, of course, there'd be a tremendous demand for gas. As I recall, it's somewhere around 411 million cubic feet of gas that would be required at that time. Now, I could stand corrected. I have in the audience.....

MAYOR BECKER: There's an item I think needs to be covered this morning, and I can tell you in all honesty and fairness that I believe that most business institutions in the City attempted to cooperate to the best of their ability this summer when we were involved in the immediate first stages of this power shortage. I will say, however, that I couldn't help but notice certain firms seemed to almost ignore the urgency and the immediacy of the situation and certain of them didn't in any way, from what I can detect at least visually, didn't attempt to even cooperate. I hate to point it out, but I'm afraid that some of them were not locally owned or locally based firms but were nationally owned, nationally oriented. I think that those people, Mr. Granata, if those various businesses elect to continue to ignore this situation, I think, that we should write them individually and ask for their cooperation.

Now, a lot of people wondered what happened with respect to supermarkets and that sort of thing.....why they couldn't turn the air conditioning off. It was explained to them that we're dealing with perishable products. We're dealing with refrigerated cases in those stores and if you don't maintain a certain ambient temperature within the proximity of these cases, which would almost include the entire store, that the refrigeration breaks down. You immediately accelerated the spoilage factor in meat and all the perishables and that sort of thing. As a matter of fact, the cases in many instances will not even function, and they will start icing up and all of that because of the additional load that is imposed on them. I think most of our type of businesses attempted to cooperate, particularly with respect to outdoor signs, the exterior trade signs and that sort of thing. If anyone knows of any instances where we did not well I'll appreciate pointing it out to us.

I'd also like to mention - it's not meant to discourage the Christmas spirit nor in anyway put a damper on Christmas, but I wonder if it wouldn't be well for the areas in the City - some of them have a tradition of having almost every home illuminated from the exterior part which in some cases with hundreds of Christmas lights. We all know it is beautiful and it's inspirational, and it is gratifying

to see the efforts that these people are going to in order to honor Christmas and to pay homage to Jesus Christ and all in the way that they do it. But, I'm wondering if this while at least we're in the throes of this energy crisis if it wouldn't be well for one home in each block perhaps, to be assigned as a voluntary matter, let one home be illuminated and perhaps the rest of them not be. I'm just asking these questions out loud. I don't know how much additional load outdoor lighting places on the power requirement, but I don't imagine it's insignificant. Some of those types of things perhaps should be respected and also discussed on neighborhood basis with respect to the citizenry that's involved in the neighborhood. They might come up with some ideas as to how they might be able to help get over the hump of this thing. We hope that it isn't permanent, what we're going through right now, but on the other hand it might last for several years. So, I think as Americans we should start getting used to some of this curtailment. Any one of the Council have anything they'd like to say.....

MR. ALVIN PADILLA: Mr. Mayor, may I ask Mr. Harz one question? You really got my attention, Mr. Harz, when you figured some 411 million cubic feet of gas required in the winter time. I think we saw shortages on the basis of some 240 million cubic feet required in the summer. Are your figures substantially correct?

MR. HARZ: Let's see if I can get a nod from the audience.

MR. PADILLA: If it's 411 million, I don't know where we are going to get it.

MR. HARZ: Actually, a January average our request would be some 322 million cubic feet. Under a January peak under extreme cold conditions, our request would be for some 427 million cubic feet. Of course, then in February based upon normal conditions this would drop off. So, January figures to be our critical winter month.

MR. PADILLA: And last summer we ran 60 to 70 percent of requirements some of the time, didn't we?

MR. HARZ: Yes, sir. I'm sure that's true.

MR. PADILLA: Thank you.

MR. HARZ: I think our present allotment is 286.5 million cubic feet which is sufficient at the present time with the temperatures the way they are. Of course, we will switch over to oil into our fire generation.....

MR. PADILLA: And divert the gas for heating?

MR. HARZ: Yes, sir.....

MR. PADILLA: .....gas heating. However, we're limited on the amount of fuel oil we can use in the burners, aren't we?

MR. HARZ: We haven't had a great deal of experience with this. We're pretty optimistic at this time.

MR. PADILLA: Thank you.

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MR. CLIFFORD MORTON: Before you leave, sir, I would like to ask this question. Some sixty days ago, we had an executive session with the counsel for the City Public Service Board and board members and members of the City Council. In this session, of course, we had an outline of what the strategy was before the Railroad Commission. We now have had that hearing and the strategy didn't work completely. It seemed to me that might be in order for, as part of our consideration for the various ordinances that I'm sure you're going to be asking us to make that such a follow up meeting also be in order. I'd like to know where we go from here. I would like to suggest that this meeting be held right away, and it would seem to me that you should be raising an initiative on that before you ask us to do this. You understand?

MR. HARZ: Yes, sir.

MAYOR BECKER: Any others? Well, I just made a remark to Dr. San Martin that I'll probably be written up as the guy who shot Santa Claus talking about these Christmas decorations but still it's important and I think it should at least be considered. I'm going to ask also the press to urge the citizens to cooperate in bringing to the attention of business firms that seem to have almost ignored this energy crisis the fact that they don't seem to be cooperating. I'm going to ask them to come active in that connection. May be they'll listen to them when they won't listen to us or the City Public Service Board, I don't know.....

MR. PADILLA: Mr. Mayor, one more thing, if I may. Mr. Harz, I read in the papers a few days ago that we're going to have a request for a rate increase sometime in December from Public Service and this, perhaps, is a very small entry in your book, but in our visits with the Water Board, I know that I and a couple of members of the Council mentioned perhaps consolidation of some operations in an attempt to save money. I mentioned at that time that if a way can be found to bill from one source just the postage can amount to some \$72,000 a year in savings for each utility, and I'd like to mention it at this time so you could take the word back so that perhaps someone can get busy on this kind of thing. That's a lot of money.

MR. HARZ: Yes, it is, and I know that there is a team now assigned to looking into the merits of such a centralization of services.

MR. ALFRED BECKMANN: Mr. Mayor, I'd like to ask the City Manager. On one report I got an article that I got in the paper saying that you invited to decorate your house and the other one not. What unified policy have we got.

CITY MANAGER SAM GRANATA: If I may, Mr. Mayor, at this time, I do have a prepared statement that I'd like to make with respect to the conservation of energy if there are no other questions of Mr. Harz.

Last Thursday, in a telegram to our Mayor, the President of the United States called upon San Antonio to join in a nationwide program to conserve all energy sources. Our own self-interest demands that we make the most effective response possible. Preservation of our local economy, our jobs and family incomes depends upon the response of the country as a whole. As we expect other cities to do their part, we must do ours.

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This will require a total community effort. Local government, its agencies, private business, the news media, and, most of all, the individual citizen must be involved.

A municipality is the level of government closest and most responsive to the people. It is the level where example can be most effective. When the citizens realize that their local government is drawing from the national supply no more fuel than is necessary to its basic mission, they will be encouraged to keep their own demands for fuel to a minimum.

To put the City in a position of leadership, I have issued to all department heads a directive requiring stringent conservation measures. This directive is as follows:

ENERGY CONSERVATION PROGRAMS, NOVEMBER 12, 1973. THE FOLLOWING INSTRUCTIONS ARE EFFECTIVE IMMEDIATELY. DEPARTMENT HEADS WILL AT ONCE ISSUE NECESSARY ORDERS.

1. No City-owned vehicle, except emergency vehicles such as Fire, Police, etc., is to be driven faster than 50 M.P.H.
2. City employees assigned staff cars are to form car pools to reduce the use of staff and employee private cars. Department Heads are directed to issue such instructions as are necessary to insure full compliance.
3. Employees driving personal cars to work are to be encouraged and aided in forming car pools. Questionnaires will be circulated to all employees. The Department of Traffic and Transportation is assigned the task of maintaining an information and coordination center for employee car pools.
4. The Department of Automotive Repair is directed to intensify its program of vehicle inspection and maintenance. Every City-owned vehicle must always be at its maximum operating efficiency to conserve fuel.
5. The Department of Purchasing and Central Stores is directed to review its specifications, to insure that all new motor vehicles purchased are those using the least fuel in doing their assigned work.
6. To conserve other fuels, thermostats in City buildings will remain at 78 degrees for air conditioning and will be set at 68 degrees for heating.
7. The building maintenance activity is directed to inspect all heating systems and to immediately begin any repairs and modifications found necessary to bring such systems to peak efficiency.
8. The present restrictions upon lighting and other use of electricity in City buildings will be continued.
9. Decorative Christmas lighting sponsored by the City will be limited to illumination of the Alamo Plaza Christmas Tree and the Tower of the Americas during evening hours only.
10. All Department Heads are directed to review hours of operation of facilities and vehicles for which they are responsible and to recommend changes which will save energy.

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11. All plans for buildings now in the design stage are to be reviewed by the using agency to insure that the proposed facility uses the least possible amount of energy. Such review will be coordinated by the using agency with the Fine Arts Commission.

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That was the end of my directive.

At its contribution to the total community effort, City Public Service Board this morning submitted a plan for conservation and curtailment of electricity and natural gas. My staff and I have reviewed this plan, and I find that I am in general agreement with it. However, I feel that it must be modified in some respects to make it acceptable, and I propose that my staff work with the City Public Service Board to develop a final draft.

I am aware that the shortage of natural gas places this community in a situation of crisis far graver than that faced by most of the nation. On cold days, our limited natural gas supply may be used almost wholly for heating our homes, schools and businesses. To generate electricity, the City Public Service Board may have to rely on oil, and will be competing for a fuel that is needed by northern communities to heat their homes.

All businesses are urged to adopt at once those measures which the City has put into effect. In addition, they are called upon to respond to the President's request to eliminate decorative lighting, parking lot lighting and sign illumination. The City Public Service Board has made technical personnel available to aid in lowering indoor illumination levels and establishing other conservation measures.

A community program can succeed only with the wholehearted participation of the individual citizen. Everyone must and can follow the example of the City government, and I ask every citizen to adopt as many as possible of the measures I have taken.

I recognize the pleasure that Christmas decorations bring to children and do not ask their elimination from either businesses or homes. However, the number of lights used in such decorations should be held to the minimum and outdoor illumination should be limited to the hours between dusk and 11:00 P.M.

There are further steps to conserve energy which could be taken by the City. As these require action by the Council, I make the following recommendations to you:

1. Authorize the preparation of an ordinance imposing a 50 M.P.H. speed limit on the expressways within the City limits, to be enacted if and when the legislature imposes such a limit statewide.
2. Garbage collection, brush collection and street cleaning are now on a 48-hour work week. Staff studies indicate that fuel savings amounting to 360,000 gallons annually can be realized if a 40-hour work week is adopted for these activities. Reduction of service in brush collection and street cleaning would not be significant; however, it would be necessary to reduce garbage collection from three times per week to twice a week.

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As any reduction in service is a policy matter, I request your authorization to plan this change. This would involve reorganization of the waste collection activities and such a plan could not be ready before February 1, 1974.

3. It is clear that our limited energy supply must be channelled into only beneficial uses. However, problems sometimes arise in distinguishing between a legitimate public use and what might be termed luxury consumption. As an example, with the opening of schools and the decrease in daylight hours, I ordered the street lights turned back on. An example of action taken by others was the scheduling of night athletic events by the various school districts.

I believe both actions were proper and are legitimate public uses. However, I feel such uses may not be permitted in the future if the energy crisis continues. I would appreciate expressions from the Council as to their thinking on problems of this kind.

In conclusion, I would like to recognize the vital role of the news media. As our overall conservation plan develops, we will rely upon them to do the job they have always done so well - to generate and maintain public support of our effort.

#### FOOTNOTE

I am sending a copy of this message to Judge Blair Reeves, and to the City Public Service Board, the City Water Board and the San Antonio Transit System, as it may be of use to them in formulating their own programs.

MAYOR BECKER: That's very good, Sam. I couldn't help but think while I was sitting up here that we've almost come full cycle. I haven't seen a picture of Washington and the Revolutionary Troops at Valley Forge, I think it was 1776 and what we read in history, they were all freezing to death - had frostbitten feet and everything else. Here we are about to embark on the 200th anniversary of the United States as a democracy and darn it if we're not, don't stand a good chance of entering into a period of complete discomforture, particularly in those areas of the country where the temperature is below freezing and even below zero. So, we're going to have to become innovative, we're going to have to become conservation-minded and for Americans that's something. We never had to impose these constraints upon ourselves. We have probably been the most wasteful nation in the world and certainly one of the most wasteful in the history of the world. I can remember all too well, and I won't go on at great length about this, but when I got to North Africa during the war, I know that the natives over there would fight, and I mean fight, over a piece of lumber that would be anywhere from 12 to 18 inches long and maybe two or four inches wide, something like that. The men would fight with the women and the women would fight with the men and there was a free for all. We had lumber, dunnage, that came out of the ships down at the port area by the ton, and we got to creating a lumber pile in our outfit and the thing became an obsession with us and we had a lumber pile that was probably the size of anything that Weyerhaeuser has today, and we were able to trade that lumber for chickens, goats, eggs, and I don't know, we got everything we wanted through the barter system with lumber. It was more valuable than money. I wonder sometimes if we're not entering into another era like that on a world-wide basis where if we have something that some

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other country wants, we're going to be trading food for raw materials or iron ore or natural resources. It's beginning to happen. So what we're talking about here today isn't a figment of anyone's imagination or any hysteria that we are trying to create down here or Public Service. It's real, and it's with us, and I think that the sooner it is recognized as a reality the better off we are going to be and make the adjustment and adapt to it because we're in the throes of it. It's going to be severe this winter in the east and certain north parts of the country. It's going to be cold and there's a possibility that the people are going to be cold in their homes. It's going to be cold both outdoors and indoors. It's a tragic turn of events, really.

MR. GLENN LACY: Mr. Mayor, I'd like just to suggest or at least propose one thing. The City Manager says that if any of us have any ideas about further conservation, and it occurs to me that in reading a report last night in the newspaper, where the federal government has run some surveys on mileage of automobiles. I was surprised to see that an Impala, for instance, gets as low as eight or nine miles to the gallon. And a Vega gets as high as 24.9. So, it seems to me that maybe we ought to take a look when we replace the police cars and all these inspection cars, that run around to make the inspection, to trade in the larger automobiles for Vegas or Pintos, or something of that nature where we double and triple the mileage.

MAYOR BECKER: The small cars are selling now at the rate of 50 percent of all cars, and they expect it to jump to 60 to 70 percent. Now, I'm speaking of all small cars, imported and domestic. The large car is a luxury these days. It's really becoming a thing of the past. It's happened just this quick. I'm hung with two gas guzzlers giving me quite a bit of concern in my own family. I'm thinking of buying something that actuated with a rubber band or a sail or something. I'm not speaking of the Ferrari when I talk about two of the gas guzzlers. It's the most economical car I have, from gas mileage standpoint. Cliff, did you have something you wanted to say?

MR. MORTON: No, sir, I don't.

MAYOR BECKER: Anyone else? All right, Doctor?

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SAN ANTONIO TRANSIT SYSTEM WORK STOPPAGE

DR. JOSE SAN MARTIN: May I take about one minute before we go into these items to comment on a statement made in the newspaper this morning as to the legal action taken by the Transit System following the walk out by the bus drivers. I don't want to belabor the point, and I certainly don't want to question the wisdom of the action taken. The statement I refer to says that the City Transit System Board went into court asking for a restraining order against the union. It also says that it had City Council concurrence. Now, I would like to state for the record that at the meeting that we held yesterday with officials and the Board of the Transit System, there were five of us present, and I don't recall that any such action was taken. I specifically refer to a statement that I made myself in which I said that I was in favor of some kind of conciliation first and legal action next. Now, if any action was taken by the City Council after that meeting at 2:00 o'clock yesterday, I am not aware of it.

MAYOR BECKER: There wasn't.

DR. SAN MARTIN: There wasn't any. I was sure of that, Mr. Mayor, because you have always been in the habit of contacting us either by telephone or through the regular channels of the City Manager, and I do not recall that the City Council did and others did not. Now, I am not belaboring the point. I'm not saying that it was unwise to do it. I just want to set the record straight that it was not an official City action concurring.

MR. BECKMANN: That's right, Dr. San Martin, and the article I read gave you credit for disagreeing with some of the statements made on the part of some of the rest of us. But, it was not Council action.

MR. PADILLA: That is correct, Dr. San Martin. As you know, both of us were there. I thoroughly agree with you. We met at the request of the Transit Board and at the invitation of the Mayor for the purpose of receiving a briefing before the Emergency Board Meeting. The action that was taken after the briefing was action that the Transit Board chose to take, and it did not receive Council concurrence in any official way. Several members of the Council did individually make statements during the course of the briefing but there was no official action on the part of the City Council one way or the other.

MAYOR BECKER: The only action that was taken was the action by the Transit System Board of Trustees, which I happen to be a member. A motion was made to invoke the injunction, and I seconded it. And that was the only action that we voted upon as a Board of Trustees, but as a City Council it was not an official.....

DR. SAN MARTIN: That is the reason I brought this up, Mr. Mayor, and I'd like to say that I would like to know if, without City Council concurrence, the City Attorney has participated in joining the Transit Board in seeking injunctive relief as - at court level. Mr. Granata? Mr. Reeder?

CITY ATTORNEY CRAWFORD REEDER: Yes, sir. Mr. Tarver, who represents the Transit Board, called me yesterday afternoon before the meeting of either the Transit Board or the City Council and told me that there would be a meeting of the Transit Board and of the City Council and that if there was a concurrence of all concerned or a majority thereof, he would then file the lawsuit, and he wanted me to sign it and I told him I would under those conditions. The papers were sent over to my office, and I was at a meeting at the time so my assistant signed the papers for me which he has the right to do between me and him. I might say that, frankly, I thought we had the concurrence. Now, if we don't have the concurrence of the City Council I anticipate that a legal problem may arise. Right now we've got a restraining order. I don't know what. I'm a little concerned when I just heard that the City Council didn't concur in this thing, because now, I don't know what that will do for our lawsuit. It may not do anything to it, but if the Council feels that we ought to forge forward and take legal action on it which, frankly, for what ever it is worth, I think we should. Then you might deliberate on that right now. This is an emergency type deal.

DR. SAN MARTIN: This is the reason I brought up this question.

CITY ATTORNEY REEDER: Yes, sir.

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MAYOR BECKER: Well, I'd just like to say this since this subject has come up this morning. I've met twice yesterday, once I think before that and what day it was I lose track of time, but it was this week, nevertheless, Tuesday, I think it was. And that's the first meeting the offer that was proposed and granted to the bus drivers and the bus workers union, whatever that union happens to be, was explained to the Board of Trustees of the Transit System. All the Board members were in concurrence that, one, it was very generous, fair, equitable offer that was, I think, at that particular time, 12 or 12 and one-half percent increase. Subsequent to that meeting, there was an additional 20 cents, I think, it was per hour, 25, yes. That was offered to the first part, first segment of the contract, and by segment, I mean that period that runs from November 14 I think through April 1, if I'm not mistaken. Four and one-half months, and that offer was even more fair than the other one, and it evolved to where it was \$3.55 or - I have all that business right in front here somewhere. Let me take this out of here, Doctor, I've got my little cards, little index cards here that explain all this thing, that brought the increase, 30 cents increase that brought that from \$3.30 to \$3.60 which would have been effective from November 14 through April 1. And then the second portion of the increase was an additional 15 cents, I think it was, from \$3.60 to \$3.75 which made it from April 1 to August 1. Then, finally on August 1, they were to receive the \$4.00. Now, this annualized is something in the neighborhood of 13.3 percent and in dollars and cents, it was about \$750,000 a year, as I recall, \$659,000 annually, which is what it would have amounted to, and we all felt that that was sufficient, that that was fair that it was equitable, that it was being generous. I still feel that way about it, particularly, when you stop to consider that we're committing and the Transit System is committing the money that they really don't have. Money that must be appropriated by this City Council out of some other funding, out of the general fund, or wherever we can derive the money from.

DR. SAN MARTIN: Mr. Mayor, I'm not questioning any of these items. It's a question of the involvement in the City Attorney in action that has not been officially made by this Council. That's all I'm doing.....

MAYOR BECKER: I'm giving the preamble on this.....

DR. SAN MARTIN: The preamble, okay.

MAYOR BECKER: What I feel is coming here is probably a vote as to how the Council feels with respect to the injunction, whether the City Council does represent that they are in favor of it or if they don't. That's why I asked the City Council to attend the meeting yesterday afternoon at 2:00 o'clock because I wanted them to know since they were going to be involved in making decisions as to the appropriation and the money involved because, after all, we're subsidizing the Transit System. Everybody knows that. That it was finally rest on our laps, and I wanted everyone to be present so they would know exactly what the situation was. Now, I still have the opinion that what we've done at the Transit System is equitable and fair. That there is opposition doesn't make me right and everybody wrong, but I feel that way about it.

DR. SAN MARTIN: Mr. Mayor, may I say that I'm not questioning anything that you have said so far. Now at the meeting yesterday I specifically asked the legal counsel for the Transit System, Mr. Tarver and Mr. Baskin, if the City Attorney was actually involved in all this negotiation, and I was given the explanation that he had been invited but due to a previous commitment could not be there. I'm saying that at the meeting yesterday I specifically asked if the City

Attorney was directly involved in this particular action. I was given assurances that he the Legal Counsel of the Transit System was in contact with Mr. Reeder's office and I thought that no action would be taken by Mr. Reeder as City Attorney without a directive of this Council. This morning I find in the newspaper that the City is a part of this lawsuit without Council action. I'm just asking for clarification of that point because as far as I'm concerned, Mr. Reeder's participation is definitely not the City's policy at this time. It may be within a few minutes but at this time he participated perhaps in action that did not follow established Council procedures.

MR. PADILLA: Mr. Mayor, it occurs to me that we have here somewhat of a fine line that we are trying to establish. I know that by statute the City Attorney is, in fact, the Attorney for the utilities, the Transit Board included. As such, he has to participate in actions that are taken. I conferred very briefly with Mr. Reeder, and I would like to recommend to the Council that we take action that he is prepared to recommend to us for the purpose of setting the record straight. With your concurrence, Mr. Mayor, I'd like to call Mr. Reeder.

MR. REEDER: Well, I regret the misunderstanding. My communications with the Transit attorneys were clear and open, and I suppose that the failure of communication was my fault. In any event, my suggestion to Mr. Padilla and my recommendation to this Council is that you pass a resolution right now ratifying the action taken by the Transit Board of Trustees in filing this legal action because they're in court possibly without authority if you don't. I think that the ratification - that a simple resolution ratifying it would cure any defect in the proceedings. I'd hate for them to have a lawsuit over there that it was filed without authority. I think that the Resolution would cure any defect, that's what I'm saying.

MAYOR BECKER: Thank you, Crawford.

MR. BECKMANN: Mr. Mayor, I so move.

MR. MORTON: I second it.

MAYOR BECKER: All right. Shall we take a vote by roll call?

DR. SAN MARTIN: Please, Mr. Mayor.

MR. PADILLA: Mr. Mayor, could we perhaps see a resolution drawn up by Mr. Reeder and consider it later in the meeting?

MAYOR BECKER: Can you word it right now, Crawford?

MR. REEDER: Well, I was going to say, just tell Mr. Granata that if he would excuse me, or you all would excuse me, I'd go upstairs and draw one up. I can draw one up between five and ten minutes and my secretary can draw it up, I mean type it up in ten minutes after that so in 20 minutes I can be down here with the resolution. I'll put it that way.

MAYOR BECKER: Can the motion and second be held in abeyance until you return to the floor with that resolution?

MR. REEDER: Yes, sir, procedurally you can do that.

MAYOR BECKER: And in the meantime, we can proceed with our other, shall I say, ratkilling? Don't take any of this too seriously down here, Debbie, and you youngsters because you probably won't find parliamentary procedure like this anywhere on earth. He's been like he's been on a rotisserie ever since I got involved in City government.

\* \* \* \*

(Later in the meeting, Mr. Reeder returned with a prepared resolution. The conversation continued.)

MAYOR BECKER: Can we return to our Transit System resolution?

MR. REEDER: Yes, your Honor, I'm ready with the resolution. The Council will probably want to read it because it is not on a par with the Gettysburg Address. It's just the best I could do.

MAYOR BECKER: Well, would you like for me to read it or would you like to read it?

MR. REEDER: I think you would do better than I will.

MAYOR BECKER: You have a lot of confidence in me. Sometimes I don't read too well.

A RESOLUTION (AS PASSED)  
NO. 73-58-70

RATIFYING THE ACTION TAKEN BY THE CITY ATTORNEY AND BY THE ATTORNEYS OF THE TRANSIT BOARD OF TRUSTEES IN INSTITUTING INJUNCTIVE PROCEEDINGS AGAINST LOCAL DIVISION 694, AMALGAMATED TRANSIT UNION, AFL-CIO, ET AL.

\* \* \* \*

WHEREAS, on November 14, 1973, there was an informal meeting by the Members of the Transit Board of Trustees of the City of San Antonio and a majority of the Members of the City Council of the City of San Antonio at which the problem of the current strike and/or work stoppage by employees of the Transit System was discussed; and

WHEREAS, no formal decision was made by the Members of the City Council attending such meeting as to what action should be taken by the Transit Board of Trustees; and

WHEREAS, the City Attorney and the Attorneys for the Transit Board of Trustees nevertheless filed a suit entitled, "City of San Antonio V. Local Division 694, Amalgamated Transit Union, AFL-CIO, Et Al," being numbered 73 CI-12387, in the 166th District Court of Bexar County, Texas; and

WHEREAS, Judge Robert Murray, Judge of the 45th District Court of Bexar County, Texas, on the basis of such suit, issued a temporary restraining order against the defendants, the effect of which order was to enjoin such union and its members from carrying out strike and/or work stoppage, among other things; and

WHEREAS, hearing on such temporary restraining order is set for 9:00 o'clock A.M., on the 19th day of November, 1973, in the 166th District Court of Bexar County, Texas; and

WHEREAS, the City Council of the City of San Antonio now wishes to express its concurrence in the action taken in filing such lawsuit to enjoin such strike and/or work stoppage; NOW, THEREFORE:

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

SECTION 1. The City Council of the City of San Antonio concurs with the action taken by the City Attorney and by the attorneys of the Transit Board of Trustees in filing the aforesaid lawsuit and expressly hereby ratifies such action.

SECTION 2. The City Attorney is instructed to cooperate fully with the attorneys for the Transit Board of Trustees in pursuing this and any other legal remedies which the City and the Board of Trustees may have to avert or to stop the strike and/or work stoppage by the Transit employees which have precipitated this legal action.

\* \* \* \*

MR. BECKMANN: Mr. Mayor, I'd like to ask the City Attorney, isn't the word, strike, really admitting that they're on strike when they're not supposed to be on strike.

MR. REEDER: I don't mind admitting that they're on strike, they might not like it so well.

MR. BECKMANN: Well, it is the legal technicality in there as I understand it.

MR. REEDER: We could say strike and/or work stoppage. I put work stoppage just because.....

MR. BECKMANN: It may sound like knit picking but.....

MR. REEDER: You may wish to reword it in that respect. The main reason for the Resolution, of course, is to pick up a loose end, namely, the Resolution by the Council directing the filing of the action which may not even be legally required. I'm not satisfied that it is but the idea is that we have a hearing this coming Monday on whether this temporary restraining order is going to remain in effect or whether it's going to be converted into a temporary injunction and we can't afford to go into court with loose ends flying around.

MR. BECKMANN: That's right. I agree but this is just a word I think that .....

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MR. REEDER: Well, we could change the word, strike, to wherever the word, strike, appears to work stoppage. You can change that to work stoppage--just line through it and say.....

MR. PADILLA: Why don't we use the term as it reads and/or work stoppage and let the court decide.....

MR. BECKMANN: That's fine with me, that's fine. That may be better.

MR. REEDER: All right, we could say and/or work stoppage.

MAYOR BECKER: Now, that appears three times, one, two, three, four paragraphs down. All right, let's see where it appears.

MR. BECKMANN: Sixth paragraph.

MAYOR BECKER: Current strike and/or work stoppage in the first paragraph, right?

MR. BECKMANN: Right and on the sixth paragraph.

MAYOR BECKER: And down in the fourth paragraph, right? The last line? In the fourth paragraph?

MR. REEDER: In the fourth paragraph, we have strike or work stoppage.....

MAYOR BECKER: Let's put strike and/or work stoppage. Now then and then down in the sixth paragraph where it says enjoin said strike, right? And then where else is it?

MR. BECKMANN: Section 2, next to the last line.

MAYOR BECKER: Section 2? And/or work stoppage, now, let's see how many times it appears, there's one, two, three, four times, is that correct?

MR. BECKMANN: That's all I can find, your Honor.

MAYOR BECKER: Okay. Now, with that amendment in mind and with the fact that it's going to be changed, are we ready to vote on it?

MR. BECKMANN: I am, I made the motion for it.

MAYOR BECKER: Is there any discussion?

REVEREND BLACK: Yes, Mr. Mayor, I'd like to make a statement regarding this because I feel that it possibly could set a precedent in terms of the procedure of the Council in dealing with this kind of problem, and I would like to simply bring to the attention of the Council, the fact that I rather feel, first, that this Resolution is premature in terms of the kind of hearing or the kind of exposure that the Council had had. Now, I could understand if there was built into the Charter an administrative function of the City Attorney to move into this. But once the Council is called upon to take such actions it seems to me that then - it then participates in it as a government of our community. I feel that this government is not only the government of the Transit Board but is the government of the Transit workers. It seems to me that it is premature in the sense that it has not had, it has not listened to the position of the bus drivers who also indicate that they feel that there is something wrong with the offer. Now, I'm not saying that we will necessarily agree with the bus drivers, but I'm saying that I feel that this

Council has the responsibility as the only...as one of the major sources of remedy in dealing with the problems of citizens that have to do with their employment with the Transit Company to at least hear and to invite those persons here to hear what they have to say. I think this ought to be the procedure before we enforce the kind of action that this leads to because I think that in so doing we would tend to jeopardize the resolution of the problem in conversation with the bus drivers. I think this tends to agitate it rather than bring about a solution to it. Now, my whole feeling is that our major task as City government is to see that the proper services - transit services return to the streets of the City. I think this is the major task of ours. I think, though, that the procedure in doing this is extremely important, and I'm taking the position that we are lacking in the needed information in order to take this position. I share Councilman Morton's position, not with reference to its total approach to these things that if you're going to make a decision regarding them you ought to have adequate information. I don't think we have adequate information for a decision.

MAYOR BECKER: The only problem with that, Reverend, is that the law prevents us from actually engaging in any conversation or in any communication or having any rapport or any contact with the opposite side, you might say, just like in parties. Now, I think really that, with all due respect to what you say about representing the union members, I am quite in agreement. I think this Council does represent the citizens of this City. However, it's been deemed necessary by the Board of Trustees of that agency to ask for this injunction and have it served on the Union and certain of its members in order to get these buses back on the streets. Now, most of us in this country are subjects of the law of the land. Most of us respond to those laws. I think all of us have that obligation whether we agree with the law or not. It happens to be our due process of operating in this nation of ours and there are many things that occur in this country that I don't agree with but yet, and I was recently caught up in one and reminded of the fact that I was also subject to the law in the matter of this price control thing. The government putting us out of business, price-wise, and I objected to it and took matters in my own hands and got my wrists slapped for it. So, I, too, was subject to it, and I had to react accordingly and respond accordingly. Now, I really think this is why we're talking about here today is whether any of us is exempt from the edicts of the court.

MR. BECKMANN: Rev. Black, I think what we are doing here is following a process which really allows the bus drivers to be heard. This is a legal procedure that really puts them into position to be heard and we're going through the courts to solve this problem. This is really what it amounts to and for that reason I heartily endorse this as a way of doing it.

REV. BLACK: May I raise this question then with our City Attorney? Would we be in violation of the law I'm not asking that the Council would be negotiating any kind of interest, but I'm simply saying would we be in violation of the law to hear, even hear anybody that would express a view with reference to this what has happened in our City?

MR. REEDER: Rev. Black, I can't say that you would not be, but I will observe that many times in the past the Council has heard representatives of unions and has heard representatives of the Police Association, of the Fire Fighters Association and, very frankly, I think that common sense would indicate that if the members of this union wishes to talk to this Council about the situation that you wouldn't be violating

the law if you listened to them. If you did, well okay so be it, you're just violating the law that's all. But, I would say that this resolution doesn't keep you from doing that nor does the pending court hearing keep you from doing that. You can always settle a lawsuit and we've got some time. We got the rest of today and all day Friday and all day Saturday and Sunday and early Monday but the idea was that we're getting ready to go to court and if there's going to be any talking they better get ready to do the talking. I just kind of wanted to pick this loose end up so it wouldn't get away from us, that's all. That's the whole purpose of this. This doesn't do anything legally except maybe cure a formality that wasn't taken care of yesterday that I thought had been.

REV. BLACK: I think what it does though it endorses the procedure. It does not, of course, as we state it does not keep some of the things from happening that we've indicated but it does endorse a procedure and this is why I said in the very beginning of this that for me it is important because I'm not too sure that we aren't going to have other situations of this same nature, and I'm particularly interested in the procedure. How do we proceed in dealing with problems related to the City, and those persons who are employed by agencies of the City and whether or not those persons employed feel that they have just as much right to make their basic appeal to this Council and will accept that and recognize that they have that kind of sympathetic concern over against those who are administratively responsible in the sense of yours boards and so forth. I simply would feel that this Council possibly before it takes any action on this resolution would simply say to the bus drivers or to extend an invitation to those and have them come and lay before us their case. Then take the proper, this kind of action if we felt it was necessary after hearing them.

MR. REEDER: Well, now that's all well and good except remember the hearing in court is this coming Monday, and you've got one day left.

REV. BLACK: Well, I would imagine you could hear them this afternoon, if they knew that we were inviting them.

MR. REEDER: Well, I don't guess there's anything to keep somebody from picking up a telephone and calling the head man of the union and tell him to get over here if he wants to present his grievances. The most you're subject to is censure by the public. I don't even find any penal provision in Article 51-54C so if you wanted to do that, that would be all right. I won't say it is all right, that's a question for the Council to decide but the point is that this - maybe you wouldn't have been ready to tell me and the Transit Authority people to file suit yesterday, I don't know whether you would have been or not. I gathered from the discussion that took place earlier that precipitated my drawing this resolution that at least some members of the Council wanted to pass this resolution so that we could make procedurally correct that which may not have been procedurally correct otherwise.

MAYOR BECKER: Crawford, everything that I've heard, everything that's been explained to me, everything that we've been admonished, we've been lectured, we've been excoriated, I don't care what words you want to use, there have been people appear before us that have demanded legal counsel from other association and what and reminded this Council of the various laws that pertain to this type of situation, that we are absolutely forbidden to involve ourselves as a City Council to engage in any type of negotiation, and so forth and so on regardless of how human and concerned and interested we are and sincerely motivated and all these things. We've been told time and time again that we

can't do it. Now, I'm not an attorney. I don't know anything about that sort of thing except that a great deal of time was spent the other day by the Transit System reminding us of our position as one, Board members, and two, Councilmen, you know.

MR. REEDER: That's correct, your Honor - the statute expressly says that it's against public policy to bargain with them. It doesn't, however, contain any penal provisions and the position that I have, the only one that to me makes any sense is that you all are the governing body of the City of San Antonio, and you're going to have to solve these problems. Either you or the courts - one of the two - all I'm trying to do is get it set up so that the court can get down to the gut issues of the thing without getting balled up in a bunch of procedural inadequacies which probably resulted from my being asleep at the switch because I should have found out whether you all had voted to file this lawsuit before I ever signed. But no matter whose fault it was it wasn't done, and this is just trying to cure up that little loose end, that's all.

MAYOR BECKER: But, I think the thing was born of a desire to get the buses back into operation.

MR. REEDER: There's a sense of urgency, that's right.

MAYOR BECKER: For the average citizen a person that uses them would be stopped and they would cease and desist from this work stoppage or whatever you care to call it. I mean there is a responsibility that this Council does have. Perhaps it has a duality or responsibility. One of seeing that the law is upheld if we possibly can assist in that. The other, of course, is the duality of being responsive to the various citizens of this community. I don't know which precedes which, or which takes precedence or anything else but I do know that they've been asked to go back to work, an injunction was filed. They've ignored it. I think you have to finally get on with things.

MR. LACY: Mr. Mayor, the way it appears to me right now, the very moment that Judge Murray signed that, as soon as they knew that he had signed it they had the obligation to return to work right then because they were enjoined and restrained all that time. So right now they are in contempt of court, the way I see it, by not going back and then if we had them come over and negotiate it we'd be almost acquiescing to a point well let's talk about it and ignore the order of Judge Murray who has already issued this and they're defying it right now by not going back to work and they are, as I see it, in contempt of court right now.

MR. MORTON: Well, not only that but in addition to ignoring the judge you are also ignoring management, the Transit, and you're ignoring their Board. I concur with the objective that you're trying to achieve, Rev. Black, as far as the basic premise that certainly the drivers have a right to be heard at whatever level they can get people to listen to them. On the other hand we have delegated the responsibility for negotiating with labor to that man. Now, it would seem to me that issues really this or that, do you or don't you support the management. If you don't support the management, then you change the management.

REV. BLACK: Well, I think if we're going to ask that question that we've got to get the information with regard to our support of management. I'm not challenging management. I'm simply dealing with the process that I think government has an obligation to and that is that you're dealing with the total City. This is the only thing I'm trying to insist. It might be that once we heard them, that I would then go along. But,

once you present this resolution to this body - now, if you've never presented this resolution, once you present this resolution to this body that I am a participant in the procedure that the management is using in resolving its problems, and I'm not restricted to that management only. I am a Councilman involving the total City and this is why I think that we've got to be sensitive to the kind of procedure that we use in resolving these particular issues. The only reason I'm simply saying that we ought to hear from the bus drivers before we make a decision.

MAYOR BECKER: Please let me just answer that if I may please, Reverend, and this isn't an exact answer to what you just said, but after hearing this analysis and this appraisal of this offer that was made, I don't think anybody here would accuse me of being exactly always in agreement with the utilities in this City. But when I heard what had been offered and as comparing it to what other cities have in the fringe benefits and the whole spectrum of the thing from A to Z as to pay raises and so forth, I made a judgement of that effort in my own mind and judged it a fair equitable offer. Now, we would all like to have the moon. We'd all like to have everything we can possibly get but a 13.5 whatever it is percent increase in wages, is a considerable increase in wages. This has also been viewed by people other than the Board of the Transit System as being equitable and by that I mean certain people who do nothing but involve themselves in these type of situations. So, I'm inclined to think that the Transit System has done what it should do. Had it not, I'd be the first person in this room to denounce it and to be critical of it. But I think they have and for that reason I have based by judgement on the fact that I thought that they should go back to work and if they want to adjudicate it later and all that business, they can still do that. But their first obligation now is to go back to work and...(INAUDIBLE).

MR. MENDOZA: Well, Mr. Mayor, I'd like to just for the record say that the way I understand this, Mr. Reeder, and you can correct me if I'm wrong, is that we are not taking sides at this point. What we're actually doing is following the law.

MR. REEDER: That's precisely correct. You're following the law and doing just exactly what the law says to do and you're going to court and saying to the judge "let's hear the case" and the judge says, "alright". I'm temporary ordering them to go back to work pending a thorough hearing on this matter Monday and that hearing Monday is going to be a full hearing. That's the thing that I'm.....

MR. MENDOZA: So we're not really saying we're supporting management or we're supporting this or we're not supporting. I think that it's just that simple. That what we're saying is that we have an obligation to the citizens of San Antonio that we have a law that specifically says that this is the way it should be and at this point we haven't, like Rev. Black, I have not heard the other side of the story, as a matter of fact I haven't heard any side at all except for the proposed action that has been...that we're taking here today so I'm only saying that our first responsibility should be to the citizens of San Antonio especially those people that depend on the service.

MR. REEDER: That's right. You're right.

MAYOR BECKER: Are we ready for the question? There was a motion and a second. All right, let's take the vote by roll call.

CITY CLERK: Mrs. Cockrell - (absent); Dr. San Martin....

DR. SAN MARTIN: Mr. Mayor, may I qualify my vote by saying first of all that my position yesterday afternoon was that according to the information that I had I felt confident that, perhaps, a counter offer even last night or this morning would have brought the buses back running this morning and have the citizens of San Antonio enjoy the service this morning rather than Monday morning or Tuesday morning. Also, I am going to predicate my vote by saying that even though it is a futile gesture but I would like to raise a mild protest as far as ratifying action that has already been taken and because I feel that there was a good chance of a counter offer settling the strike either last night to ratify action that has already been taken, I am going to vote no on this matter.

CITY CLERK: Mayor Becker?

MAYOR BECKER: I'm voting yes and I'll qualify my vote for the fact that they should have been back to work already when the injunction was served. So I'm voting yes.

CITY CLERK: Reverend Black?

REV. BLACK: No.

CITY CLERK: Mr. Lacy?

MR. LACY: I'm voting yes and for the same admonishment that they should be back to work. It is a court order and I'm merely following the law and that is that I'm sure it's the law.

CITY CLERK: Mr. Morton?

MR. MORTON: Yes.

CITY CLERK: Mr. Beckmann?

MR. BECKMANN: Unqualified Yes.

CITY CLERK: Mr. Padilla?

MR. PADILLA: Yes.

CITY CLERK: Mr. Mendoza?

MR. MENDOZA: Yes.

CITY CLERK: Motion prevails.

MR. MORTON: Mr. Mayor.

MAYOR BECKER: Yes sir.

MR. MORTON: If I could, I would like to ask the City Manager to ask the City Attorney to give us a briefing that would outline those areas of legal activities of the utilities that require a resolution such as the one that we just passed this morning. I'm not an attorney but it strikes me as very strange that this resolution was necessary in the first place. So, what I want him to do is to outline that class of legal actions that the utilities are enabled to enter into without our support and those that require our concurrence because I do not want to let this action that we're taking this morning lie as a precedent for future actions of this

City government if, in fact, the law does not require us to do it.

MAYOR BECKER: Well, you're also including the City employees as well.

MR. MORTON: I am talking about City employees, I'm talking about utilities as well. It seems to me that essentially what we've done here this morning, if you want to get right down to it, is that we have said that Mr. President, you do not have the authority to make war without coming to the Congress and getting our concurrence and to me that doesn't make sense.

MR. REEDER: I'll tell you how that came about. If this had happened last week I would've said that their action in filing that did not need a resolution and that we could file it just because we thought it ought to be filed. But the Fourth Court of Civil Appeals handed down a decision yesterday that denied the Water Board the right to file a condemnation without a resolution of this by the City Council finding a public necessity for it and that's a case of first impression. It's a precedent making case. I'm sure it's going to be reviewed by the Supreme Court. I don't know for sure what the law is right now.

MR. MORTON: You know that one is going on.

MR. REEDER: Yeah. That's going to the Supreme Court, and I might add that if that stands up that the thing that you all have been trying to get for quite a while, Mr. Morton, the court is going to give you a lot of control over these boards because they're not going to be able to move without your concurrence on a great many things from now on if that opinion stands up. That was what precipitated my little action here this morning. I haven't read that decision real close. I've got it on my desk, and I was scanning it while I was up there and it looks like it might require this resolution, you see.

MR. MORTON: Could you brief us on that next week?

MR. REEDER: I will, yes, sir.

MAYOR BECKER: Okay. Is that all that needs to be said on that subject?

\* \* \* \*

73-58 The Clerk read the following Ordinance:

AN ORDINANCE 43,013

MANIFESTING AN AGREEMENT WITH TEXAS INTERNATIONAL AIRLINES, INC., TO AMEND THE CURRENT LEASE AGREEMENT PROVIDING FOR LEASE OF SPACE IN THE INTERNATIONAL AIRPORT TERMINAL BUILDING, BY DELETING 936 SQUARE FEET FROM THE LEASED PREMISES, AND REDUCING RENTAL ON SAID LEASE CORRESPONDINGLY.

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The Ordinance was explained by Mr. Tom Raffety, Director of Aviation, who stated that Texas International does not require all of the space it has leased and has decided to surrender 936 square feet of space. The Ordinance will reduce the total rent accordingly. Braniff International will lease the space being given up.

Mr. Morton asked why space is still being rented at the old rates when it is a well known fact that prices on everything are going up.

Mr. Raffety replied that there is a variety of rental prices in the terminal building because there is a variety of leases. All air-line leases are identical and were entered into many years ago. They will expire in 1975 at which time rates can be renegotiated.

Mr. Morton suggested that the next time the leases come up for renewal that serious consideration be given to a cost index factor.

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

73-58 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Becker, Black, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Lacy.

AN ORDINANCE 43,014

MANIFESTING AN AGREEMENT WITH BRANIFF AIRWAYS, INCORPORATED, TO AMEND THE PRESENT LEASE AGREEMENT PROVIDING FOR LEASE OF SPACE IN THE INTERNATIONAL AIRPORT TERMINAL BUILDING, BY ADDING 936 SQUARE FEET TO THE LEASED PREMISES, AND INCREASING RENTAL ON SAID LEASE CORRESPONDINGLY.

\* \* \* \*

73-58 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mr. Padilla, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin.

AN ORDINANCE 43,015

AUTHORIZING EXECUTION OF AGREEMENTS WITH AIR CARRIERS AT INTERNATIONAL AIRPORT, PROVIDING FOR THE CITY TO BE REIMBURSED FOR ITS COSTS IN ESTABLISHING LAW ENFORCEMENT SURVEILLANCE PROCEDURES AT SAID AIRPORT FOR THE PERIOD FEBRUARY 1, 1973 THROUGH DECEMBER 31, 1973.

\* \* \* \*

73-58 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Mr. Padilla, seconded by Mr. Beckmann, was passed and approved by the following vote: AYES: Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin.

AN ORDINANCE 43,016

AUTHORIZING PAYMENT OF \$24,800.00  
ADDITIONAL ARCHITECTURAL FEES TO PETER  
CALLINS AND ASSOCIATES FOR SERVICES IN  
CONNECTION WITH THE NORTHEAST COMMUNITY  
PARK AND SPORTS COMPLEX.

\* \* \* \*

73-58 The Clerk read the following Ordinance:

AN ORDINANCE 43,017

AUTHORIZING THE EXECUTION OF AGREEMENTS  
WITH THE FAMILY REHABILITATION EDUCATION  
EFFORT (PROJECT FREE), SENIOR OPPORTUNITY  
SERVICES, HOUSE OF NEIGHBORLY SERVICE,  
AND SOUTHSIDE NEIGHBORHOOD ASSISTANCE  
CORPORATION FOR PROVIDING SERVICES TO THE  
CITY IN CONNECTION WITH THE METRO SAN  
ANTONIO COMPREHENSIVE NUTRITION PROJECT  
AND AUTHORIZING PAYMENT OF SAID CONTRACTS  
FROM PROJECT FUNDS.

\* \* \* \*

The Ordinance was explained by Mr. Arden Lewis, Administrator of Metropolitan San Antonio Office on Aging, who said that it will permit agreements with four agencies to serve as subcontractors in connection with the Metro San Antonio Comprehensive Nutrition Project.

Mr. Morton raised a question about cost of meals which Mr. Lewis estimated at \$1.07 per meal. He also asked about the duties of the subcontractors and about recruitment of volunteer workers and the training of the volunteers.

Dr. San Martin concurred with Mr. Morton in feeling that the Council had not been provided with sufficient information with which to form an intelligent decision.

After discussion it was decided to withhold action on the Ordinance until more detailed information could be furnished. Later in the meeting Mr. William T. Donahue, Director of Human Resources and Services, appeared before the Council at which time the following conversation transpired:

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CITY MANAGER GRANATA: We feel that we now have enough facts to go back to Item 5. I understand that there is a Monday deadline. I would like for Mr. Donahue who was not here earlier, to come before the Council. If this is sufficient I would like for you to reconsider Item 5. If it is not we will do whatever you desire.

MR. DONAHUE: This morning we did not address the cost factors relative to the budget. In our haste to meet a deadline we omitted it. I am prepared to address what I understand the questions were this morning if I may.

In the first place I have been given to understand that one of the questions was about the number of volunteers and the recruitment of volunteers if, in fact, this had been ascertained Dr. San Martin. The answer is that the schedule calls at this point for four volunteers per center per day with a total of 400 volunteers when the total program is in operation. We intend, however, to implement the program in stages with, according to the proposal, four projects opening, or sites opening, this coming Monday. If that happens to be the case the answer is yes, we do have 26 which is 10 more than the 16 volunteers that would be necessary for opening operations for the four sites on this coming Monday if this should come to pass.

The recruitment of volunteers at this point is going extremely well but, as I have indicated before, because of the phase in period we have no reason at this point to be alarmed. We have more volunteers than we need thus far.

DR. SAN MARTIN: There were two major things that were discussed several weeks ago when you had that meeting with Rev. Black, Mrs. Cockrell and I. The main item was that as much money as possible would be directed to the actual feeding of the citizens and cut down the administrative cost as to the cost of meals factor. I think this is what Mr. Morton was addressing himself to plus the question of volunteers.

MR. DONAHUE: The program simply will not work without volunteers the way it has been written. We have no reason to believe that we will not have the number of volunteers required. Again, for Monday's operation, should this pass we have ten volunteers more than are required. We are confident that the subcontractors---we know the subcontractors are in the business of recruiting training volunteers at this point. I would point out that all four subcontractors are those who had established records and who, themselves, because of their projects, have had to rely on volunteers very heavily. I would assume that these will provide a nucleus for other volunteers.

DR. SAN MARTIN: Are the volunteers selected by the managers of the centers?

MR. DONAHUE: The way it is structured the volunteers will be working with the managers of the centers. The major subcontractor has the responsibility for making certain that should he falter in this area, should there not be enough volunteers that volunteers would be called in from other areas. Principally, what we are hoping to do is to be able to call volunteers from the immediate neighborhood. If this does fail, other churches and I could name them if you like, and other organizations whose whole business is one of volunteerism - for example, R.S.V.P. who has indicated that they will supply us with volunteers should we feel we need additional ones. At this point I do not think we will be needing their services.

DR. SAN MARTIN: How about the cost per meal factor?

MR. DONAHUE: Fine, sir. When we wrote this proposal some four months ago I would remind the Council that at that particular point the cost of food was somewhat unstable and we felt that we needed to anticipate, and it was a guesstimation and nothing more than that, later it turns out that

it was fairly close. We felt we needed to have a figure that would be ample to provide one third of the daily minimum requirements. We chose 90 cents as that estimate. We have checked - I checked this morning when I received a phone call in my office - with the Governor's Committee on Aging. The program director informs me that the average cost per meal at this point for raw food value is 87 cents. The City of San Antonio has run St. Timothy's Nutritional Day Care Program which is a prototype of what we are proposing here for the last nine months. The cost is indicated at this point at 80 cents as the figure we are currently spending. So our 90 cents wasn't very far off. May I interject at this point that this is a cost reimbursible situation which, at this point, the way it is structured though we have programmed 90 cents which is only 3 cents away from the state average and 10 cents shy of St. Timothy. The way it is structured.....

MAYOR PRO-TEM MORTON: What difference does it make whether the cost is reimbursible or not?

MR. DONAHUE: The difference, Mr. Mayor, is that they will have to present us with receipts and if their receipts reflect that they paid 90 cents for raw food cost we will pay them that. If the receipts reflect that they paid less than that we will pay them less than that.

MAYOR PRO-TEM MORTON: What kind of restraints are you putting on them as far as how they buy this food.

MR. DONAHUE: The food will have to be bought in bulk because of economic considerations. I do not personally possess nor do I dare say these agencies with the possible exception of Project Free the kind of expertise that is necessary. Our Purchasing Department has indicated, however, that they would be happy to give us some voluntary expertise. The City of San Antonio itself cannot do the purchasing because it is not the way we are handling it-it is not a City agency.

MAYOR PRO-TEM MORTON: Have they been contacted on it?

MR. DONAHUE: Yes, they have.

MAYOR PRO-TEM MORTON: The Purchasing Department?

MR. DONAHUE: No, they have not but we have got the specifications, and they have agreed to look at the specifications with us before any purchasing is done.

DR. SAN MARTIN: Mr. Mayor, I think the basic question of this proposal that we have here before us, Mr. Donahue, still remains that the specified services to the project I'm not---I haven't seen them. The project manager or subcontractor for \$1000 per month---how many meals is he going to serve.

MR. DONAHUE: I'll be happy to address that. That was one of the things I.....(inaudible).

MAYOR PRO-TEM MORTON: Let me ask you on this question, Mr. Donahue, I think that you weren't here this morning when this was originally brought up but it would seem to me that essentially what you are reflecting on this proposal is your own thought process in the way that you evaluate the program and if it is I am concerned. To begin with this proposal has nothing to indicate, number one, what kind of an impact are you trying to have on the community? If you were in business the first question you would ask, and you were in this business, is how big is the market? That should be the first thing that you ask. How big is the market for this particular service that you are going to offer? Can you give me the answer to that question?

MR. DONAHUE: Yes, sir. If I can back up.

MAYOR PRO-TEM MORTON: Do you agree that is the first question? You are in business.....(all talking).

MR. DONAHUE: We are proposing to serve 2200 meals per day. According to the census tract information that was designed and approved by the Governor's Committee on Aging there are those times that many people who are eligible.

MAYOR PRO-TEM MORTON: Okay. You don't show here what your market is. What is your market? What does it take to be eligible for it?

MR. DONAHUE: Eligibility at this particular point is one must be 60 years of age or older and that is basically the only criteria.

MAYOR PRO-TEM MORTON: In other words, if I were a millionaire and I was 60 years old I could drop by and get a free lunch. Is that right?

MR. DONAHUE: I'm sorry. If during the interviewing process for eligibility it was determined you were a millionaire you would then be asked to pay a pro rata cost. However, we would feel that though you were a millionaire now there are certain kinds of disadvantages that the elderly people have whether they are millionaires or paupers. One of them being loneliness another being lack of mobility and a third being lack of access to recreation. All of these things we hope to provide. This program is not designed specifically for those people who are poor. Those persons who can afford to pay for meals will sir. I might also point out that though I have had, and I admit that, have had considerable input in the proposal so has AACOG and so has the Governor's Committee on Aging and so has the rest of your city staff within the Metropolitan Office on Aging.

MAYOR PRO-TEM MORTON: Bill, I'm not trying to hold you individually accountable. All I'm saying is this proposal right here-----it should start out at the top and say here's what we are trying to do as far as the market. Here's what kind of impact we are going to have on it. Here's what the market is and here's what the cost per meal is. Here's how much the subcontractors are going to make out of it that are doing it. And here are their responsibilities, one, two, three, four, five. Now, none of those items which are basic are in this proposal.

MR. DONAHUE: I'm sorry, sir. I am prepared to give them to you at this point. We have, in fact, a 44 page document.....

MAYOR PRO-TEM MORTON: I can put all that on one page.

MR. DONAHUE: And we probably could, too, but HEW requires 44 pages and that's the reason we submitted it.

MAYOR PRO-TEM MORTON: You're not dealing with HEW this morning, Bill. We are asking this on question, it seems to me - the consensus that I get - the thrust is we want to either offer better service or more service and we want to cut out as much of the intermediate as we possibly can in order to do it with the same number of dollars. That's the concern. So, fire away.

MR. DONAHUE: If you are satisfied with the food costs, again the figure being 90 cents on a cost reimbursible basis. The state average being 87 cents. St. Timothy's our own experience being 80 cents. This is a program that would feed a total of 548,000 meals or people at a cost of \$493,000 for 260 days of the calendar year. The meal again one third of the daily nutritional requirements would include a really balanced meal - meat, vegetable, starch, milk, bread and dessert. Again, as I talk about the flexibility that we were attempting to work with the unknown quantity we have experienced just recently at our St. Timothy an increase of 6 per cent in milk. So we feel that the 90 cent figure is adequate when we look at the state average and we look at our own experience factor.

The \$1000 that we are paying the subcontractors seems to be a question. I would indicate here as a preface that each subcontractor will be responsible for five sites. This breaks down to \$9.25 approximately a day for the responsibility of these five sites. Those responsibilities include but are not limited to, at this point they must take out of this \$1000 their own travel that will be necessitated by having to

travel from one site to another. They must also recruit, schedule and train the volunteers that will be working in the five sites under their supervision.

MAYOR PRO-TEM MORTON: Who trains the volunteers?

MR. DONAHUE: Who trains the volunteers? The major subcontractor will have some responsibility there. AACOG's aging office will have some additional responsibility there as well. Probably more specific would be that AACOG will end up - we're still playing with this - AACOG will end up training the major subcontractors who will end up training the volunteers. This is what we expect to happen at this point.

In addition to the three things I have indicated, they will be responsible for verification of reimbursement cost which are submitted to our office which later will be submitted to the finance office. They are responsible for not only the proper maintenance of but the accuracy of financial records as well as report records as well as all of the additional kinds of data that we have to have in compliance with the application. They will also be responsible for supervising, or supervision, of the site manager himself to make sure he does what he is supposed to be doing. They will also have a role in the procurement of food. We felt that \$1000 or \$9.25 per day for this service at five centers which is 1000 people per day, we thought we got a good bargain out of it.

We have taken unto ourselves a staff adequate to handle this when you consider we have five centers and they are disbursed throughout the City it would have cost us more than \$48,000 we felt.

MAYOR PRO-TEM MORTON: Over what time?

MR. DONAHUE: Over the next twelve months.

MAYOR PRO-TEM MORTON: Let me ask you - would it be possible to serve as one of these subcontractors and have another job as well?

MR. DONAHUE: Perhaps, it's a question of nomenclature, Mr. Mayor, when I mention subcontractors I am referring to an agency and not an individual.

MAYOR PRO-TEM MORTON: Would it be possible for an individual to also be an agency?

MR. DONAHUE: My response to that, Mr. Mayor, is that it is possible but not probable. One of the constraints that our contract with the subcontractor is that they must perform a job. Now, if they perform our job for us and do that job well.....

MAYOR PRO-TEM MORTON: I'm just trying to see how big a job you really think this would be. Is this something that you could do on the side?

MR. DONAHUE: I wouldn't think so. I would think that the agencies we have chosen to be subcontractors are those with considerable expertise over the years of doing the kind of things they are doing and I would really not think this is something they could do on the side.

DR. SAN MARTIN: Did you ever think of the possibility of contracting for these services on a reimbursible basis so that we could monitor the profits or.....

MR. DONAHUE: We felt, Dr. San Martin, that to do that we probably, again, would end up spending more money than we are at this point.

MAYOR-PRO-TEM MORTON: Are there any further questions?

MR. PADILLA: I move the question.

CITY CLERK: We need a motion.

MR. PADILLA: I so move.  
DR. SAN MARTIN: I second it.  
MRS. COCKRELL: Absent.  
DR. SAN MARTIN: Yes.  
MAYOR BECKER: Absent.  
REV. BLACK: Abstain.  
MR. LACY: Yes.  
MR. MORTON: Yes.  
MR. BECKMANN: Absent.  
MR. PADILLA: Yes.  
MR. MENDOZA: Yes.

\* \* \* \*

73-58 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Beckmann, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Beckmann, Mendoza; NAYS: None; ABSENT: Cockrell, Morton, Padilla.

AN ORDINANCE 43,018

APPROPRIATING THE SUM OF \$24,470 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE TO CERTAIN LANDS AND EASEMENTS OVER CERTAIN LANDS, SAID LANDS AND EASEMENTS TO BE USED IN CONNECTION WITH THE BABCOCK ROAD WIDENING (DRAINAGE), THE STORM DRAINAGE #83-X (SIX MILE CREEK) AND THE PERRIN-BEITEL CREEK PARK SITE PROJECTS; AND AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH MARCELINO L. CAMPA ET UX, PROVIDING FOR THE CITY TO ENTER UPON CERTAIN LANDS FOR DEPOSITING FILL MATERIAL THEREON IN CONNECTION WITH THE STORM DRAINAGE #83-X (SIX MILE CREEK) PROJECT.

\* \* \* \*

73-58 The Clerk read the following Ordinance:

AN ORDINANCE 43,019

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUSS SECURITIES CORPORATION TO PERFORM CERTAIN FINANCIAL ADVISORY SERVICES RELATING TO THE SALE OF AIRPORT REVENUE BONDS.

\* \* \* \*

Mr. Carl White, Finance Director, stated that he had outlined to the Council last week the need to obtain a financial advisor in connection with an upcoming airport revenue bond issue. The bond issue is needed to finance the construction of an air cargo building at International Airport which will cost about \$2 million.

Mr. White reviewed proposals from various consultants which had been received over the last few months. Proposals were received from Mr. Milton Holpbern, Russ Securities Corporation, and The First Southwest Corporation. It was emphasized that each of these parties is fully capable of handling this matter for the City. It would be desirable to sell bonds this coming January.

Dr. San Martin suggested that since each of the firms concerned is very capable in this field that as other financial consultants are required that these contracts be rotated.

Mr. William Beinhorn, Jr., stated that he had been connected with Russ and Company since 1946. In June, the Corporate part of the firm was sold. He and Mr. Sam Maclin took the municipal part of the business and established the name of Russ Securities Company.

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

MR. ELKIN MCGAUGHY

Mr. Elkin McGaughy, President of the Greater San Antonio Builders Association, spoke to the Council in regard to the fuel shortage. He said that his organization is making a positive recommendation that the City of San Antonio require full insulation on all new residential construction and open wall remodeling jobs. The ceiling would meet an R-19 rating and the walls would meet R-11 rating. This amounts to about 6" in the ceiling and 3" in the walls. The City Public Service Board estimates that the cost-saving in an insulated house to be 57% cheaper than an uninsulated house. There is no minimum requirement at this time in the building code covering this item. He urged the Council to seriously consider amending this requirement and offered to work with the City's staff in this.

MR. JOHN J. HILDEBRAND

Mr. John Hildebrand, 402 Wharton, in discussing the proposed 50-mile per hour speed limit, said that the big diesel trucks have 10-speed transmissions and it would not be efficient for them to operate at 50 miles per hour. This fact should be considered when speed limits are discussed.

MR. WILLIAM WALLACE

Mr. Bill Wallace said that he wanted to publicly thank two police officers, Mr. J. R. Lopez and Robert Lindorfer, who have been in his neighborhood talking to children and making friends with them.

Mr. Wallace said that he was not pleased with the report of the Firemen's and Policemen's Civil Service Commission. He said that Reverend Houston was misquoted in several instances.

He suggested that leaders of various ethnic groups get together with members of the City staff to work out possible problems between minority groups and members of the Police Department.

Mr. Padilla expressed his appreciation for Mr. Wallace's complimentary remarks about the two police officers.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez said that he was afraid that the current strike by bus drivers might be used as an excuse to increase bus fares. He asked the Council not to consider this at all.

MR. HERB PARKS

Mr. Herb Parks, Activities Director of the Corvette Club, said that his organization is sponsoring a project in connection with the fuel crises. On November 25, from 1 to 5 P. M. all cars of Corvette Club members will be assembled at a central point where all engines will be shut down. He invited all San Antonians to participate by turning off all power during that period of time.

73-58

NOTE OF APPRECIATIONMR. W. S. RHEA

Mayor Becker read a note from the family of the late Mayor Pro-Tem of Borger, Texas, expressing appreciation for the flowers and letter of sympathy sent by the Council. Mr. Rhea had been killed in an accident last month while visiting in San Antonio.

ELLA AUSTIN CENTER

Dr. San Martin said that it has been brought to the Council's attention that the Ella Austin Center has run into a problem as far as their building is concerned. He suggested that two members of the Council be appointed to work with interested persons to see if the problem can be resolved.

Mr. Morton suggested also that the City Manager be requested to write a letter to the Chairman of the San Antonio School Board requesting their assistance in delaying termination of the lease of the Ella Austin Center.

Mayor Becker said that efforts are being made now to resolve this problem and suggested that the Council should be patient and see what happens.

Mayor Becker then appointed Dr. San Martin, Rev. Black, Mr. Padilla and Mr. Morton as a committee on this project.

73-58 Mayor Becker recognized Mr. Alvin Padilla, Sr. and the uncle of Councilman Padilla, Mr. Mike Padilla of Los Angeles, California.

73-58 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

## AN ORDINANCE 43,020

AUTHORIZING PAYMENT OF \$1,412.45 TO BEXAR COUNTY AS THE CITY'S SHARE OF OPERATING COSTS OF THE BEXAR METROPOLITAN CRIMINAL JUSTICE COUNCIL OFFICE FOR A ONE YEAR PERIOD.

\* \* \* \*

73-58 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Morton presided.

73-58 Item 9 of the agenda being a proposed Ordinance amending Ordinance No. 36158 by changing the Model Cities Department to the Monitoring and Evaluation Division and deleting certain personnel positions and creating other personnel positions was withdrawn from consideration at the request of the City Manager.

73-58 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Mendoza, seconded by Mr. Beckmann, was passed and approved by the following vote: AYES: San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

AN ORDINANCE 43,021

ACCEPTING THE LOW BID OF THE MONROE COMPANY, INC., TO FURNISH THE CITY WITH CERTAIN PAVEMENT SEALING COMPOUND FOR A NET TOTAL OF \$4,290.00.

\* \* \* \*

73-58 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Becker, Padilla.

AN ORDINANCE 43,022

ACCEPTING THE LOW BID OF WESSENDORFF, NELMS & COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A MECHANICAL POWER METAL CUTTING SHEAR FOR A NET TOTAL OF \$3,938.00.

\* \* \* \*

AN ORDINANCE 43,023

ACCEPTING THE LOW BID OF GRAYBAR ELECTRIC COMPANY, INC. TO FURNISH THE CITY WITH CERTAIN MICROPHONE RECEIVER HEADSETS FOR A TOTAL SUM OF \$1,042.50.

\* \* \* \*

73-58 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

AN ORDINANCE 43,024

ACCEPTING THE LOW BID OF NORAIN SUPPLY, INC. TO FURNISH THE CITY WITH CERTAIN CUSTODIAL EQUIPMENT FOR A NET TOTAL OF \$1,764.00.

\* \* \* \*

## AN ORDINANCE 43,025

ACCEPTING THE LOW BIDS OF WATSON DISTRIBUTING CO., INC., AND MODEL SERVICE CO., TO FURNISH THE CITY WITH CERTAIN MOWING EQUIPMENT FOR A TOTAL SUM OF \$11,519.50.

\* \* \* \*

## AN ORDINANCE 43,026

ACCEPTING THE LOW BID OF EASTMAN KODAK CO., TO FURNISH THE CITY WITH CERTAIN MICROFICHE READERS FOR A TOTAL SUM OF \$4,847.50.

\* \* \* \*

## AN ORDINANCE 43,027

ACCEPTING THE PROPOSAL OF DICTAPHONE CORPORATION TO FURNISH THE CITY WITH CERTAIN COMMUNICATIONS EQUIPMENT FOR A TOTAL SUM OF \$9,625.71.

\* \* \* \*

## AN ORDINANCE 43,028

AUTHORIZING REPAIR OF TWO TRANSFORMERS LOCATED AT THE CONVENTION CENTER BY SUPERIOR ELECTRIC COMPANY FOR A TOTAL SUM OF \$2,165.00.

\* \* \* \*

## AN ORDINANCE 43,029

ACCEPTING THE LOW BID OF GRANDE FORD TRUCK SALES, INC. TO FURNISH THE CITY WITH A DIESEL TRUCK TRACTOR FOR A NET TOTAL OF \$17,499.00.

\* \* \* \*

## AN ORDINANCE 43,030

ACCEPTING THE LOW BIDS OF PAUL ANDERSON CO. AND MAVERICK CLARKE TO FURNISH THE CITY WITH CERTAIN FURNITURE FOR A TOTAL OF \$2,471.63.

\* \* \* \*

73-58 The following Ordinance was read by the Clerk and explained by Fire Chief Bart Mulhern, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

## AN ORDINANCE 43,031

GRANTING PERMISSION TO ST. MARY'S UNIVERSITY STUDENT SENATE OFFICE TO CONDUCT A BONFIRE ON THE UNIVERSITY CAMPUS ON NOVEMBER 20, 1973, UNDER THE SUPERVISION AND CONTROL OF THE FIRE DEPARTMENT.

73-58 The meeting recessed for lunch at 12:20 P. M. and reconvened at 1:30 P. M. with Mayor Pro-Tem Clifford Morton presiding in the temporary absence of Mayor Becker.

73-58      ZONING HEARINGS

A.      CASE 5256 - to rezone Lots 19 and 20, NCB 11625, 8300 Block of Greatview Drive, from "A" Single Family Residential District to "B-3" Business District, located southeast of Mockingbird Road and between Interstate Highway 10 Expressway and Greatview Drive; having 447.09' on Interstate Highway 10 Expressway, 287.58' on Mockingbird Road and 483.69' on Greatview Drive.

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

Mr. Gene Hooker of the Hooker Development Company described the proposed development which would have an "Old West" motif. He displayed an architect's rendition of the proposed development and asked that the Council consider the request favorable.

Col. John Oliver, 3424 Autumn Leaf, spoke in opposition to the proposed change. His main concern is drainage which he said is already a problem. The addition of a paved area at the top of the slope would aggravate the situation. He also pointed out that that portion of Mockingbird Road just northwest of this property has never been opened and Greatview Drive to the northeast is really only a lane of pavement and not very usable. Since the frontage road is one way to the north, traffic would be induced to travel to Fallen Leaf then drive through a residential area to get back to Callaghan Road. He said that this would create traffic problems and dangerous situations for school children in the Foothills Subdivision.

Mayor Becker also expressed concern about the traffic circulation and said that he felt that the two streets should be opened and constructed to the City's standards.

City Manager Granata in answer to a question, stated that the City will work with a developer on a cooperative basis to open new streets.

Speaking in rebuttal, Mr. Tom Martin, Attorney for the applicant, pointed out that before any building permit is even issued replatting will be necessary and drainage requirements will be taken care of at that time.

Mr. Hooker stated that his client would like to work with the City in bringing the two streets up to standards.

After consideration, Mayor Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that the developer will cooperate with the City in the completion to the City's standards of that portion of Mockingbird Road lying northwest of subject property and Greatview Drive from the intersection of Mockingbird Road to Callaghan Road. 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: Becker, Black, Lacy, Padilla, Mendoza; NAYS: None; ABSTAIN: Morton; ABSENT: Cockrell, San Martin, Beckmann.

AN ORDINANCE 43,032

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

DESCRIBED HEREIN AS LOTS 19 AND 20,  
 NCB 11625, 8300 BLOCK OF GREATVIEW  
 DRIVE, FROM "A" SINGLE FAMILY  
 RESIDENTIAL DISTRICT TO "B-3" BUSINESS  
 DISTRICT, PROVIDED THAT PROPER REPLATTING  
 IS ACCOMPLISHED AND THAT THE DEVELOPER  
 WILL COOPERATE WITH THE CITY IN THE  
 COMPLETION TO THE CITY'S STANDARDS OF  
 THAT PORTION OF MOCKINGBIRD ROAD LYING  
 NORTHWEST OF SUBJECT PROPERTY AND GREATVIEW  
 DRIVE FROM THE INTERSECTION OF MOCKINGBIRD  
 ROAD TO CALLAGHAN ROAD.

73-58 Mayor Becker returned to the Chair and presided.

B. CASE 5272 - to rezone Lot 3, Block 2, NCB 8417, 1046 Vance Jackson Road, from "O-1" Office District and "R-3" Multiple Family Residential District to "B-1" Business District; and Lots 1 and 2, Block 2, NCB 8417, 1058 and 1054 Vance Jackson Road, from "O-1" Office District and "R-3" Multiple Family Residential District to "B-2" Business District.

The "B-1" zoning being located 200' south of the intersection of Sherwood Drive and Vance Jackson Road; having 100' on Vance Jackson Road with a maximum depth of 310'.

The "B-2" zoning being located southeast of the intersection of Sherwood Drive and Vance Jackson Road; having 205' on Vance Jackson Road and 310' on Sherwood Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 43,033

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 2,  
 NCB 8417, 1046 VANCE JACKSON ROAD,  
 FROM "O-1" OFFICE DISTRICT AND "R-3"  
 MULTIPLE FAMILY RESIDENTIAL TO "B-1"  
 BUSINESS DISTRICT; AND LOTS 1 AND 2,  
 BLOCK 2, NCB 8417, 1058 AND 1054  
 VANCE JACKSON ROAD, FROM "O-1" OFFICE  
 DISTRICT AND "R-3" MULTIPLE FAMILY  
 RESIDENTIAL DISTRICT TO "B-2" BUSINESS  
 DISTRICT, PROVIDED THAT PROPER REPLATTING  
 IS ACCOMPLISHED.

\* \* \* \*

C. CASE 4957 - to rezone the southwest 175' of the northwest 300' of Lot 4, Block 2, NCB 13802, 5222 Randolph Boulevard, from Temporary "R-1" Single Family Residential District to "B-3" Business District; and the southwest 175' of the southeast 648.35' of Lot 4, Block 2, NCB 13802, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-3" zoning being located on the southeast side of Randolph Boulevard; being 1025.21' northeast of the cutback between Randolph Boulevard and Crestway Drive; having 175' on Randolph Boulevard and a maximum depth of 300'.

The "R-3" zoning being located 300' southeast of Randolph Boulevard with a maximum width of 175' and a maximum length of 648.35'.

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

No one spoke in opposition.

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

AN ORDINANCE 43,034

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST 175' OF THE NORTHWEST 300' OF LOT 4, BLOCK 2, NCB 13802, 5222 RANDOLPH BOULEVARD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND THE SOUTHWEST 175' OF THE SOUTHEAST 648.35' OF LOT 4, BLOCK 2, NCB 13802, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

D. CASE 5251 - to rezone the north irregular 385' of the west 50' of tract 28 and a 2.9297 acre tract of land out of NCB 14952, being further described by field notes filed in the office of the City Clerk, 11202 Bomar Lane, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located east of Mabelle Drive, approximately 840' north of Randolph Boulevard and approximately 350' south of U. S. Highway 81 north; having a maximum length of 660.65'.

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

No one spoke in opposition.

After consideration, Mr. Morton made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected on the west property line abutting the single family residences and that a one foot non-access easement be imposed on the west property line adjacent to Mabelle and Bienville Streets abutting the single family residences. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Beckmann.

AN ORDINANCE 43,035

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 NORTH IRREGULAR 385' OF THE WEST 50' OF TRACT 28 AND A 2.9297 ACRE TRACT OF LAND OUT OF NCB 14952, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 11202 BOMAR LANE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE WEST PROPERTY LINE ABUTTING THE SINGLE FAMILY RESIDENCES AND THAT A ONE FOOT NON-ACCESS EASEMENT BE IMPOSED ON THE WEST PROPERTY LINE ADJACENT TO MABELLE AND BIENVILLE STREETS ABUTTING THE SINGLE FAMILY RESIDENCES.

\* \* \* \*

E. CASE 5270 - to rezone the southwest irregular 292.94' of Lot 10 and southwest irregular 120' of Lot 11, NCB 7665, 2712 South Roosevelt Avenue, from "J" Commercial District and "B" Two Family Residential District to "I-1" Light Industry District, located northeast of the intersection of Roosevelt Avenue and Southcross Boulevard; having 319.11' on Roosevelt Avenue and 35' on Southcross Boulevard with a maximum depth of approximately 580'.

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. Lacy made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence be erected on the northeast property line. 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: Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Beckmann.

AN ORDINANCE 43,036

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST IRREGULAR 292.94' OF LOT 10 AND THE SOUTHWEST IRREGULAR 120' OF LOT 11, NCB 7665, 2712 SOUTH ROOSEVELT BOULEVARD, FROM "J" COMMERCIAL DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ON THE NORTHEAST PROPERTY LINE.

\* \* \* \*

F. CASE 5271 - to rezone the northwest 130' of Lot 78, NCB 11538, from "A" Single Family Residential District to "B-2" Business District; and the southeast 82' of Lot 78, the northeast 100' of Lot 80 and all of Lot 79, NCB 11538, from "A" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-2" zoning being located south of the intersection of Wildflower Drive and Bandera Road; having 134.7' on Wildflower Drive and 102.9' on the cutback between Wildflower Drive and Bandera Road.

The "R-3" zoning being located on the southeast side of Wildflower Drive, being 134.7' southwest of the cutback at the intersection of Wildflower Drive and Bandera Road; having 360.8' on Wildflower Drive with a maximum depth of 370'.

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

No one spoke in opposition.

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

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## AN ORDINANCE 43,037

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 130' OF LOT 78, NCB 11538, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE SOUTHEAST 82' OF LOT 78, THE NORTH-EAST 100' OF LOT 80 AND ALL OF LOT 79, NCB 11538, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE SOUTHWEST PROPERTY LINE.

\* \* \* \*

G. CASE 5266 - to rezone Lot 11-I, Block 14, NCB 12081, 438 Sandau Road, from "A" Single Family Residential District to "I-1" Light Industry District, located on the southwest side of Sandau Road, being approximately 1704.75' southeast of the intersection of San Pedro Avenue and Sandau Road having 156.38' on Sandau Road with a maximum depth of 836.8'.

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

## AN ORDINANCE 43,038

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 11-I, BLOCK 14, NCB 12081, 438 SANDAU ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

\* \* \* \*

73-58 The Clerk read the following Ordinance and after consideration, on motion of Mr. Padilla, seconded by Mr. Lacy, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Beckmann.

AN ORDINANCE 43,039

APPOINTING COUNCILMAN REVEREND CLAUDE W. BLACK AND COUNCILMAN ALFRED G. BECKMANN AS THE CITY'S MEMBERS OF THE BEXAR COUNTY CRIMINAL JUSTICE COUNCIL, ALSO REAPPOINTING COUNCILMAN LEO MENDOZA, JR., TO SAID COUNCIL.

\* \* \* \*

73-58

URBAN RENEWAL AGENCY VOTING

Councilman Padilla asked if there is a legal prohibition against the Council's representatives on the Urban Renewal Agency voting.

City Attorney Crawford Reeder stated that he had written an opinion on this subject and would get a copy of it to Mr. Padilla.

73-58

HEMISFAIR PLAZA

Mayor Becker stated that he has been hearing reports about things ~~happening~~ at HemisFair Plaza in regard to the Leake Industries study but has not had any information given to him. He then asked if the Council had yet received the financial report which had been requested.

Mr. Cipriano Guerra, Director of Community Development and Planning, stated that he had talked with Mr. Leake yesterday but had not yet received a financial statement. The firm has admitted it is having problems getting the financial backing it needs.

Mr. Morton stated that in addition to the financial statement which has been requested the Council should have some verified background history on Leake Industries.

73-58

PORNOGRAPHIC MOVIES

Mayor Becker, making reference to recent actions by the grand jury with regard to pornographic movies, stated that earlier in the week the City Manager had been asked to deal with the matter and report to the Council.

City Manager Granata stated that he had heard that health and fire regulations were being violated in these pornographic movie houses and had consulted with Fire Chief and Health Officer. Chief Mulhern has not found any violations but will continue to check them out each day. The Health Department will file violations in any case where health laws are being violated.

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In answer to Mayor Becker's question, City Attorney Reeder reviewed the state statutes applying to pornographic movies. So far the District Attorney has been unable to make a case under the state laws. If the City should pass an ordinance covering pornographic movies it would probably be in conflict with the state law. He continued by saying that he didn't think there is very much that the City can do other than to have the Police Department continue its close cooperation with the District Attorney's.

City Manager Granata stated that at next week's "B" Session, he will have the Fire, Health and Police Department's report on their activities with regard to this matter.

Mr. George Vann stated that the movie operators are very careful to meet all of the requirements for a Certificate of Occupancy. Inspections for the certificate are coordinated with the Fire Department and Health Department. When all the requirements are met then, of course, the certificate is issued.

Dr. San Martin suggested enforcement of the "no smoking" rule in theaters would be a form of harrassment that could be effective.

Mr. Morton summarized by saying that the Council is asking the City Manager to provide a complete explanation of all of the powers that the City has to use that would discourage this type of activity.

73-58

FOOD STAMP CENTER

Mr. Padilla stated that he had written a memo in reference to the Food Stamp Center. From the reply received he said he was not sure if the City can force the State to comply with safety and health regulations.

Assistant City Attorney Tom Finlay stated that the City cannot force the state to comply.

Mr. Padilla stated that he had been advised that the building is in a deplorable state and he asked what could be done about it.

Dr. San Martin suggested that the City Manager telephone the Governor and advise him of the condition prevailing here.

Mr. George Vann reviewed the maintenance problems the City had when the Food Stamp Program was operated by the City.

City Manager Granata stated that he would have the building reinspected and then phone the Governor.

73-58

CITY PUBLIC SERVICE BOARD

Mr. Morton stated that he asked for an executive session with the City Public Service Board and their counsel to brief the City Council on what is to be done to get an energy supply for the City for the next three years.

Mr. Morton's statement was put in the form of a motion, seconded by Dr. San Martin and unanimously carried.

After discussion the Council agreed to have a Special Council Meeting on Tuesday, November 27, 1973, at 9:00 A. M., to discuss Board Appointments.

Mr. Morton stated that he would like to be brought up to date on the current status of the Alamo Plaza Project.

Mr. Cipriano Guerra, Director of Community Development and Planning, stated that he is working with a group of developers on the project. Meetings are taking place and a meeting with others on the City staff is scheduled for next week to get down to specifics.

Mr. Morton stated that it is good that people are interested in talking about the project but he felt that there should be a schedule to include issue of bid documents and up to the opening of bids. In this way a definite time table could be established. He asked Mr. Guerra when he would have a plan that he could recommend that would have in it the bid document and land acquisition.

Mr. Guerra explained that there are a number of unknown factors at this time and that he felt that he needed more input before coming up with a plan. He said also that he probably could have a plan in about 30 days.

73-58 The Clerk read the following letter:

November 9, 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.

November 7, 1973

Petition of Mr. Lico Lopez, 1714 W. Magnolia, regarding a drainage problem in the alley of New City Block 1959, 1700 Block of West Magnolia.

November 8, 1973

Petition of Mr. John M. Hawley, Vice-President, Fashion Homes, Inc., 8103 Broadway, requesting permission to place a sign on City property at the entrance to Nacogdoches Industrial Park, located at Nacogdoches Road and Iota Drive.

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November 9, 1973

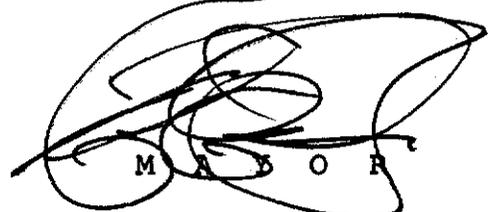
Petition of Colonel and Mrs. Morris L. Shoss, 3111 Nantucket, requesting permission to erect an eight (8) foot privacy fence along the rear and the north end of their property located at 3111 Nantucket.

/s/ J. H. INSELMANN  
City Clerk

\* \* \* \*

There being no further business to come before the Council, the meeting adjourned at 3:20 P. M.

A P P R O V E D



Charles L. Becker

ATTEST:

*J. H. Inselmann*  
City Clerk

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