

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 24, 1970.

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The meeting was called to order by the presiding officer,
Mayor W. W. McAllister, with the following members present:
McALLISTER, CALDERON, BURKE, JAMES, HABERMAN, NIELSEN, TREVINO, TORRES;
Absent: HILL.

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70-42 The invocation was given by Reverend C. L. Bohls, Zion
Lutheran Church.

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The minutes of the meeting of September 17, 1970, were approved.

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70-42 The following Ordinance was read by the Clerk and explained
by Purchasing Agent, John Brooks, and after consideration, on motion of
Dr. Calderon, seconded by Mr. Trevino, was passed and approved by the
following vote: AYES: McAllister, Calderon, Burke, James, Haberman,
Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

AN ORDINANCE 38,923

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF GRAYBAR ELECTRIC COMPANY TO
FURNISH THE CITY OF SAN ANTONIO,
DEPARTMENT OF TRAFFIC AND TRANSPORTATION
WITH CERTAIN GALVANIZED GUY WIRE FOR
A TOTAL OF \$1,840.80.

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70-42 The Clerk read the following Ordinance:

AN ORDINANCE 38,924

ACCEPTING THE ATTACHED QUALIFIED BID
OF WATSON DISTRIBUTING COMPANY, INC.
TO FURNISH THE CITY OF SAN ANTONIO
DEPARTMENT OF PARKS AND RECREATION
WITH TWO UTILITY WORK VEHICLES FOR
A TOTAL OF \$2,740.00.

* * * *

Purchasing Agent, John Brooks, explained this ordinance and
said that two bids were received. The low bid, which was submitted
by Goldthwaite's of Texas, Inc., does not meet the specifications of
the City. The machine they proposed to deliver is one they do not have
in stock yet and is not available to demonstrate. He said that at such
time, as this machine is in production in the United States, he would
like to have a demonstration. He recommended that the low qualified bid
of Watson Distributing Company, Inc. be accepted.

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After consideration, on motion of Dr. Calderon, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

70-42 The following Ordinances were read by the Clerk and explained by Purchasing Agent, John Brooks, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

AN ORDINANCE 38,925

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF CROWN RESEARCH & CHEMICAL CORPORATION TO FURNISH THE CITY OF SAN ANTONIO SAN ANTONIO INTERNATIONAL AIRPORT WITH CERTAIN RUNWAY CLEANER FOR A TOTAL OF \$2,767.60.

* * * *

AN ORDINANCE 38,926

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF ENTERPRISES UNLIMITED TO REPAIR AND REBLUE CERTAIN SERVICE REVOLVERS FOR A TOTAL OF \$1,130.25.

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AN ORDINANCE 38,927

AUTHORIZING THE FINANCE DIRECTOR TO HAVE THE SAN ANTONIO ARMATURE WORKS, INC. REPAIR ROTO FOR ALLIS-CHALMERS MOTOR AT THE SEWAGE TREATMENT PLANT AND MAKE PAYMENT IN THE AMOUNT OF \$5,195.00.

* * * *

AN ORDINANCE 38,928

ACCEPTING THE ATTACHED QUALIFIED BID OF MOORE BUSINESS FORMS, INC., TO FURNISH THE CITY OF SAN ANTONIO MUNICIPAL COURT WITH CERTAIN PARKING VIOLATION TICKETS FOR A TOTAL OF \$4,489.00.

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AN ORDINANCE 38,929

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF WATSON DISTRIBUTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO

DEPARTMENT OF PARKS AND RECREATION
WITH THREE POWER GREENS MOWERS FOR
A TOTAL OF \$1,048.50.

* * * *

AN ORDINANCE 38,930

ACCEPTING THE PROPOSAL OF AND
MANIFESTING A CONTRACT WITH BUILDING
SERVICING COMPANY OF TEXAS TO FURNISH
AND FOR THE CITY OF SAN ANTONIO TO
PURCHASE ALL OF ITS REQUIREMENTS FOR
JANITORIAL SERVICE FOR PARKS AND
RECREATION DEPARTMENT FOR PERIOD
COMMENCING 30 DAYS AFTER ACCEPTANCE
BY THE CITY COUNCIL AND TERMINATING
JULY 31, 1971.

* * * *

70-42 Mr. Bob Frazer, Director of Parks and Recreation, reminded the Council that on September 10, Ordinance 38,896 was passed and approved accepting the low qualified bid of Goldthwaite's of Texas, Inc. After the Ordinance had been adopted, the Council considered revoking the Ordinance and awarding this purchase to Watson Distributing Company, because the delivery time for the greens mowing equipment was only three days, as compared to 165 days for Goldthwaite's.

Mr. Frazer stated that in his opinion the delivery time for the Goldthwaite's equipment was satisfactory, as the heavy mowing period for the golf course greens does not begin until about the middle of March. He also said that he feels this equipment is greatly improved and that he would like to stand behind his first recommendation and asked that this Ordinance be allowed to stand as is.

After discussion, it was agreeable to all members of the Council that no action be taken and that their original action would be allowed to stand.

70-42 The Clerk read the following Ordinance:

AN ORDINANCE 38,931

MANIFESTING AN AGREEMENT WITH CONTINENTAL
AIRLINES, INC., A PRIVATE CORPORATION,
TO PROVIDE FOR THE ADJUSTMENT AND REDUCTION
OF CERTAIN RENTAL PAYMENTS IN THE PRESENT
LEASE AGREEMENT OF CERTAIN PREMISES AT
INTERNATIONAL AIRPORT FROM \$5,817.88 TO
\$3,974.62.

* * * *

Mr. Tom Raffety, Aviation Director, explained that through a clerical oversight Continental was not invoiced for the so-called economic adjustment portion of their rental from November, 1968, to

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December, 1969. The total amount involved is \$5,817.88. Continental declined to pay the amount on the basis of their interpretation of the lease agreement. An agreement was negotiated rather than having a court suit, whereby 50% of the economic adjustment for the period of November, 1968, to July, 1969, would be paid and the total amount of the economic adjustment would be paid for the period of August, 1969, through December, 1969. This resulted in a final settlement of \$3,974.62. He recommended adoption of the ordinance.

After consideration, on motion of Mr. Torres, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

70-42 The following Ordinance was read by the Clerk and explained by W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Trevino, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

AN ORDINANCE 38,932

ACCEPTING A DEED FROM THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO FOR AN 18.22 ACRE TRACT OF LAND FOR A CONSIDERATION OF \$473,693.84, OUT OF CIVIC CENTER PROJECT TEX. R-83; AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF LAND FOR REDEVELOPMENT BY PUBLIC BODY PERTAINING TO SAID PROPERTY.

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70-42 The following Ordinance was read by the Clerk and explained by W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Burke, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: McAllister, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Calderon, Hill.

AN ORDINANCE 38,933

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN PERMANENT AND TEMPORARY EASEMENTS IN PRIVATELY OWNED REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO AS RIGHT OF WAY FOR SANITARY SEWER OUTFALL MAIN PURPOSES AND MORE SPECIFICALLY FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF A SANITARY SEWER FACILITY KNOWN AS THE SALADO CREEK OUTFALL SANITARY SEWER MAIN, SECTION DELORES, BETWEEN MISSOURI-KANSAS-TEXAS RAILROAD IN FORT SAM HOUSTON AND AUSTIN HIGHWAY FOLLOWING GENERALLY THE COURSE OF THE SALADO CREEK, AND AUTHORIZING THE ACQUISITION OF THE RIGHT OF WAY NECESSARY FOR SAID PROJECT BY PURCHASE OR DEDICATION

AND DIRECTING THE CITY ATTORNEY TO
INSTITUTE AND PROSECUTE CONDEMNATION
PROCEEDINGS AGAINST SO MUCH THEREOF
AS CANNOT BE ACQUIRED BY PURCHASE OR
DEDICATION.

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70-42 The following Ordinance was read by the Clerk and explained
by W. S. Clark, Land Division Chief, and after consideration, on motion
of Mr. Trevino, seconded by Mrs. Haberman, was passed and approved by
the following vote: AYES: McAllister, James, Haberman, Nielsen,
Trevino, Torres; NAYS: None; ABSENT: Calderon, Burke, Hill.

AN ORDINANCE 38,934

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS
IN THE TOTAL SUM OF \$1,420.85 IN PAYMENT
FOR EXPENSES INCURRED IN CONNECTION WITH
THE ACQUISITION OF PROPERTIES FOR MISSION
PARKWAY; SAN PEDRO WIDENING; OVERPASS -
COMMERCE & BUENA VISTA STREETS; NORTH
SECTION - U. S. 87; NEBRASKA STREET
PROJECT; STORM DRAINAGE PROJECT #68;
HARLAN STREET DRAINAGE PROJECT; SPECIAL
PROJECT #154 AND SPECIAL PROJECT #157.

* * * *

70-42 The following Ordinance was read by the Clerk and explained
by W. S. Clark, Land Division Chief, and after consideration, on motion
of Dr. Nielsen, seconded by Mr. Trevino, was passed and approved by the
following vote: AYES: McAllister, Burke, James, Haberman, Nielsen,
Trevino, Torres; NAYS: None; ABSTAIN: Calderon; ABSENT: Hill.

AN ORDINANCE 38,935

APPROPRIATING \$10,432.50 OUT OF SEWER
REVENUE FUNDS FOR ACQUISITION OF EASEMENTS
AND PROPERTY IN CONNECTION WITH THE SALADO
CREEK SEWER OUTFALL PROJECT AND AIRPORT
INDUSTRIAL PARK SEWER MAIN PROJECT;
ACCEPTING EASEMENTS, A DEDICATION AND
LICENSE AGREEMENTS PERTAINING TO BLANCO
ROAD WIDENING, SAN ANTONIO T. B. HOSPITAL
SEWER PROJECT, STATE HOSPITAL SEWER
PROJECT, STORM DRAINAGE NO. 75 PROJECT
AND THE DELGADO STREET BRIDGE.

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70-42 The Clerk read the following Ordinance:

AN ORDINANCE 38,936

AMENDING CHAPTER 23 OF THE CITY CODE
PERTAINING TO THE REGULATION OF MILK

AND MILK PRODUCTS BY PERMITTING MILK PLANTS OR RECEIVING STATIONS TO RECEIVE MILK BEGINNING AT 4:00 A.M. INSTEAD OF 5:00 A.M. AND PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION.

* * * *

Dr. W. R. Ross, Health Director, explained that this ordinance has been requested by the Milk Producers Association, as well as other members of the Dairy Industry. It will expedite the operations of the milk industry in regards to the receiving of raw milk at the plants and receiving stations.

After consideration, on motion of Mr. Torres, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

70-42

MEAT ORDINANCE

Mr. Torres asked Dr. Ross when the proposed changes in the Meat Ordinance would be ready to be considered by the Council.

Dr. Ross said that meetings have been held with representatives of the San Antonio Retail Grocers' Association. If any changes are to be forthcoming, they will be made known to the City Council shortly.

70-42

DIPHThERIA EPIDEMIC

Dr. Ross said that there is more response each day to the diphtheria immunizations, although there are still a number of persons still turning out for the first shot in the series, rather than the second shot. There are also quite a few getting polio immunizations. There is still a great concern in getting people to return for the second shot in the series, as many people think that one shot is enough. He warned that this is dangerous and that these people are living in false security.

Dr. Ross discussed efforts that are also being made through the various school districts.

The matter of quarantine and problems encountered in attempting to enforce quarantine were discussed by Dr. Ross.

Mr. Torres inquired of Dr. Ross if he felt that a paid advertising campaign would be helpful in getting the public to respond to a plea to complete their immunizations. He also asked if he felt mobile units could be used.

Dr. Ross said that in lieu of mobile units, there have been many neighborhood locations, which are utilized and he didn't see the necessity for mobile units, where people would be forced to stand in line out in the weather.

Dr. Ross said that there has been a tremendous response by all media. In addition, some 225,000 letters have gone to parents through the schools. The Chamber of Commerce has sent out about 4,200

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letters to businessmen urging them to get the message to their employees.

Mr. Torres said that in spite of the efforts that are being made, he still felt that there is a lack of awareness of the urgent need for a second shot. He asked that the Council consider undertaking a special advertising program with emphasis on the need for a second shot and also telling where shots may be obtained. He also felt that the matter of mobile units should be pursued further, so that if the situation should become worse, we would be prepared.

Mayor McAllister asked Assistant City Manager Douthit to have the Public Information Office check with the radio and TV stations regarding this matter and also to obtain costs for conducting such an advertising campaign.

There was additional discussion concerning the advantages and disadvantages of a mobile unit.

Mayor McAllister advised Dr. Ross that there is a special meeting of the City Council, to be held Monday, September 28, and if he had looked into the matter of a mobile unit by that time, he could make his report to the Council at that time.

Dr. Ross said he would also be prepared to say how soon he could acquire these mobile units.

70-42 The following Ordinances were read by the Clerk and explained by members of the Administrative Staff and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

AN ORDINANCE 38,937

AUTHORIZING ACCEPTANCE OF \$72,000.00 GRANT FROM THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO INTENSIFY THE LOCAL T. B. CONTROL PROGRAM; ESTABLISHING ACCOUNTING REQUIREMENTS, APPROPRIATING \$72,000.00 OUT OF FUND NO. 792 ALSO AUTHORIZING A TRANSFER OF FUNDS AND AMENDING THE CURRENT BUDGET BY CREATING TWELVE (12) ADDITIONAL EMPLOYEE POSITIONS.

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AN ORDINANCE 38,938

AMENDING THE CURRENT BUDGET BY ABOLISHING THREE (3) EMPLOYEE POSITIONS WITHIN THE TAX OFFICE EFFECTIVE OCTOBER 30, 1970.

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AN ORDINANCE 38,939

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JOHN M. SANDOVAL, dba THE GYPSY QUARTER, FOR A THREE YEAR LEASE OF BUILDING NO. 533 AT HEMISFAIR PLAZA, BEGINNING SEPTEMBER 20, 1970, WITH A THREE YEAR RENEWAL OPTION, TO BE USED AS A FOOD AND BEVERAGE ESTABLISHMENT.

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AN ORDINANCE 38,940

APPROVING AND PROVIDING FOR THE EXECUTION OF A PROPOSED CONTRACT FOR GRANT TO ACQUIRE AND DEVELOP LAND FOR OPEN-SPACE PURPOSES; AND AGREEING THAT THE SITE MAY NOT BE DISPOSED OF WITHOUT APPROVAL BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

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70-42 The following Resolution was read by the Clerk and explained by Mr. Brooks Barker, Administrative Assistant to the City Manager, and after consideration, on motion of Mr. Torres, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Torres.

A RESOLUTION
NO. 70-42-48

EVIDENCING THE SUPPORT OF THE CITY OF SAN ANTONIO FOR THE ALCOHOLIC DETOXIFICATION AND REHABILITATION CENTER PROPOSED BY THE BEXAR COUNTY BOARD OF TRUSTEES FOR MENTAL HEALTH AND MENTAL RETARDATION WHICH HAS MADE APPLICATION FOR A FEDERAL GRANT TO AID IN ESTABLISHMENT OF SUCH A PROGRAM, AND MANIFESTING THE CITY'S INTENT TO COOPERATE WITH THE AFORESAID BOARD AND ANY OTHER AGENCY OR GROUP TO BRING ABOUT SUCH A PROGRAM.

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70-42 The Clerk read the following Resolution:

A RESOLUTION
NO. 70-42-49

DECLARING THE CITY COUNCIL'S INTENTION TO COOPERATE WITH THE FEDERAL GOVERNMENT

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IN CONVERTING THE U. S. PAVILION TO
BE USED AS A FEDERAL OFFICE BUILDING
AND TO SECURE A LIMITED AMOUNT OF
ADDITIONAL LAND IN THE AREA.

* * * *

Mr. Ancil Douthit, Assistant City Manager, explained that the Council had asked that this Resolution be prepared simply to declare the intent to cooperate with the Federal Government.

Mr. Trevino objected to the inclusion of a statement regarding additional land adjacent to the Federal Pavilion.

Mayor McAllister said that it would be necessary to furnish additional land if the building is used and the City must show its desire to cooperate. He also said it was desirable to act on the matter now, as the plans are being reviewed now.

After consideration, on motion of Mr. Torres, seconded by Dr. Calderon, the Resolution was passed and approved by the following vote:
AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Torres;
NAYS: Trevino; ABSENT: Hill.

70-42 The following Ordinances were read by the Clerk and explained by members of the Administrative Staff and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

AN ORDINANCE 38,941

AMENDING THE CURRENT CONTRACT WITH THE
SAN ANTONIO MUSEUM ASSOCIATION, INC.
BY ADDING THERETO A SECTION THAT OPEN
MEETINGS WILL BE HELD PERTAINING TO
ALL MATTERS CONTAINED IN SAID CONTRACT.

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AN ORDINANCE 38,942

TRANSFERRING OWNERSHIP OF MISCELLANEOUS
ITEMS TO THE SAN ANTONIO MUSEUM
ASSOCIATION, INC., THAT WERE DONATED
TO THE CITY BY VARIOUS EXHIBITORS AT
THE CLOSE OF HEMISFAIR '68.

* * * *

70-42 Assistant City Manager Douthit said that he had received a call from the ABC Rendering Plant yesterday saying that they are awaiting certain parts needed to get their new plant in operation. It was estimated that the plant would be completed in about three weeks. Since the Council had given an extension of six months for completion of the plant and this is expiring, Mr. Douthit wished the Council to know that progress is being watched. No Council action was taken.

70-42

The Clerk read the following Resolution:

A RESOLUTION
NO. 70-42-50

PLEDGING THAT FIFTY SIX CENTS (.56)
OF THE TAX RATE TO BE SET IN FEBRUARY,
1971 WILL BE ALLOCATED TO THE INTEREST
AND REDEMPTION BOND FUND AND THE SAME
AMOUNT WILL BE ALLOCATED IN SUBSEQUENT
YEARS AS THE CITY COUNCIL ADOPTS THE
AD VALOREM TAX RATE.

* * * *

WHEREAS, the Capital Improvements Bond Steering Committee has reported that sound fiscal planning encompasses the need for a consistent program for future years pertaining to the Interest and Redemption Bond Fund, and

WHEREAS, said Committee has recommended that the City adopt as a firm policy the continuation of the allocation to the Interest and Redemption Bond Fund of fifty-six (.56) cents each year out of the ad valorem tax levy, and

WHEREAS, the City Council concurs in the recommendation of said Committee, NOW, THEREFORE,

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

SECTION 1. The City Council hereby pledges that fifty-six (.56) cents of the ad valorem tax rate to be set in February, 1971, will be allocated to the Interest and Redemption Bond Fund and the same amount will be allocated in subsequent years as the City Council adopts the ad valorem tax rate.

SECTION 2. The above provisions, however, shall in no way limit or restrict the right and duty of the City Council to allocate any amount out of the ad valorem tax levies to the Interest and Redemption Bond Fund that it determines necessary to provide the required interest and to redeem outstanding bonds.

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Mayor McAllister explained this Resolution and after consideration, on motion of Dr. Calderon, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

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70-42 Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem Calderon presided.

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70-42 ANNEXATION

The Clerk read the following Ordinance for the first time:

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AN ORDINANCE 38,943

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 12.346 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * * *

Planning Director, Steve Taylor, explained that this property is known as Alamo Hills, Unit No. 1 and is owned by Bernard Leiser, Elfrieda Jaeger DeWees and Timco Development Company. It is located on Viva Max Drive, just west of Callaghan Road.

No one spoke in opposition.

On motion of Mr. Trevino, seconded by Dr. Calderon, the Ordinance was passed and approved by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: McAllister, Hill.

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70-42 Mayor McAllister returned to the meeting and presided.

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70-42 HEARING OF THE APPEAL OF MR. WILLIAM SMITH TO THE DECISION OF THE DIRECTOR OF HOUSING AND INSPECTIONS IN DENYING A HOME IMPROVEMENT CONTRACTOR'S LICENSE

Mr. George Vann, Director of the Housing and Inspections Division, advised the Council that Mr. Smith had notified the City Clerk that he could not be present for this hearing, as he had been subpoenaed to be in District Court. This is the second time that Mr. Smith has asked for postponement of the hearing.

After discussion, the Mayor instructed the Clerk to notify Mr. Smith that this hearing is postponed to October 1 and that action will be taken at that time and a final decision will be made.

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70-42 DISCUSSION REGARDING SASA BOYCOTT

MR. BURKE: Mr. Mayor, I have an item I'd like to present to the Council, please.

Mr. Clerk, would you hand these out to the members of the Council, please.

STATEMENT OF E. J. BURKE, JR.
TO THE SAN ANTONIO CITY COUNCIL
ON SEPTEMBER 24, 1970

* * * *

Last week the members of the City Council were presented copies of the "List of Demands" made by the San Antonio Savings Boycott Committee upon Mayor McAllister. Up until that time I considered the picketing of the Mayor's place of business as a personal dispute between the Mayor and people who were upset because of uncomplimentary remarks supposedly made by the Mayor and further because of the Mayor's refusal to apologize for those remarks. Such a personal dispute was outside the jurisdiction of this City Council. The "List of Demands" changed the nature of the controversy and clearly indicate that the picketing and personal animosity directed toward the Mayor was merely a cover-up and publicity seeking medium for other desires expressed in the "List of Demands."

The subject matter of the "List of Demands" is the business of this City Council and I ask this Council to reply to these demands today and would suggest the following answer.

The first demand reads as follows:

1. "Community Relations Commission - we feel that the Community Relations Commission should immediately be reactivated with subpoena powers and punitive enforcement authority so that it provides a meaningful organ for the redress of citizens' grievances and that the Commission's authority include provisions guaranteeing equal employment opportunities!"

In Reply: The City Attorney has written numerous opinions on the subject of a Community Relations Commission. All of these opinions preclude the City Council from acceding to this demand. We refer particularly to the opinion of the City Attorney dated March 5, 1968 wherein he states:

"There has always been doubt as to the authority of a Texas municipality to legislate within the field of civil rights. While the Civil Rights Act, 1964, permits the several states and political subdivisions to enact civil rights laws not in conflict with the Federal statute, the State of Texas has not, so far, delegated such authority to its political subdivisions. In fact, the State of Texas has restricted its political subdivisions from legislating in certain areas of civil rights. This raises a legal question as to the authority of a Texas municipality to legislate in any area of civil rights.

Assuming, however, for the moment, that a Texas municipality has authority to legislate in this field, can the City of San Antonio by ordinance delegate the authority contained in Sec. 1 of Ordinance No. 33863? It is our opinion that it cannot for the following reason:

City Charter Sec. 49 is quite specific. It provides as follows:

"Boards, commissions, committees, and authorities shall not be established to administer municipal functions of the City; provided, however, that this section shall not apply to (1) The Board of Trustees of the San Antonio Public Library. (2) the Municipal Civil Service Commission, (3) The Planning Commission, (4) The Board of Equalization,

(5) boards of examiners and/or appeals established by ordinance to administer the provisions of building, electrical and plumbing codes, and (6) boards, commissions and authorities established under the provisions of the laws of Texas.

The Council by ordinance may create boards, commissions or committees to assist in only an advisory capacity the heads of municipal departments in the performance of their duties. The members of any such boards, commissions or committees shall be appointed by the Council on recommendation of the City Manager, and shall receive no compensation from the City."

In Sec. 1 of Ordinance No. 33863 the Community Relations Commission is given broad powers of investigation. It is authorized to act in the capacity of a grievance committee and administratively to resolve complaints, both civil and criminal in nature. It is further authorized to act in an administrative capacity in the actual filing of criminal complaints. This section of the ordinance clearly violates Sec. 49 of the Charter."

The second demand reads as follows:

2. "Police Chief, we feel that our complaints of police maltreatment on the part of certain officers have gone unanswered. The discussion of promoting the Chief of Police in our opinion, is hypocrisy. The Chief has been insensitive to many law enforcement problems. We are asking that the Chief of Police be dismissed and that guarantees be made that his replacement exhibit qualities of fairness and justice."

In Reply, let us say "The Police Chief, by provision of our City Charter, can only be dismissed by the City Manager, not by this Council, however, even if this Council did have authority to fire the Police Chief we would refuse to do so because we think we have an excellent Police Chief, an excellent Police Force and we hereby express our confidence in and support for Chief Bichsel. In addition to this, the voters of San Antonio, by popular vote, adopted Art. 1269M, Texas Revised Civil Statutes which established the Fireman's and Policemen's Civil Service Act. This Act prescribes the method of operation of the police force and creates the Fireman's and Policemen's Civil Service Commission. Established procedures are in existence for dealing with incidents of police maltreatment. Among others, the following avenues are open to those who feel they have been offended.

1. Complaint to Police Chief.
2. Complaint to City Manager.
3. Complaint to District Attorney.
4. Grand Jury appearance.

The third demand reads as follows:

3. "Aggravated assault charges--Because of the unwillingness of the District Attorney to accept charges against certain policemen, we are asking that the aggravated assault charges against two members of the SASA Boycott Committee be dismissed."

In Reply, this City Council does not intend to attempt to tell the District Attorney how to manage his office, however, we do request that the District Attorney make available to all television media, for public showing, copies of the films shown the grand jury when they were investigating this matter.

The fourth demand reads as follows:

4. "SASA Accounts--SAISD--That the Mayor has used his office and his influence as a public official to promote his business of the SASA in relationship to the San Antonio Independent School District. Teachers have been complaining for years that they have been banking clerks for San Antonio Savings Association and children are being enrolled by SASA using the subterfuge of teaching children thrift. That SASA withdraw itself from school banking."

In reply, it should be made clear that the business affairs of the Mayor are no concern of this City Council providing a conflict of interest does not exist. San Antonio Savings has had a school savings plan in existence with school children in the San Antonio Independent School System since 1926. If the boycott committee questions the legality or propriety of this arrangement, these questions should properly be presented to the Board of Trustees of the San Antonio Independent School District. In addition to this, the Mayor has already replied to the question.

The fifth demand reads as follows:

5. "Because administratively, our city has yet to even have an assistant city manager, we are asking that this city with close to 50% of its population being Mexican-American. There are highly qualified people in San Antonio of Mexican descent who can should be hired in a top city administration position. Although being Mexican-American should not be a factor for selection. We recognize as an insult that we don't have one."

In reply, This City Council is interested in providing the best government possible, operated as efficiently as possible and with the least burden on the taxpayers of San Antonio. This Council is committed to the City Manager form of government. The Council has employed a City Manager and this employment in itself is an expression of confidence in the City Manager. Ethnic origin has nothing to do with this employment. Our City Charter gives the City Manager full and sole authority and responsibility for hiring assistant city managers who can assist him efficiently in performing his duties. We will not violate the City Charter by instructing the City Manager on matters of personnel administration. We hope that all highly qualified people, regardless of religion, sex or racial origin, who are interested in city employment at any level will make their qualifications and availability known to the city in order that the city might benefit from their employment.

In further reply, if you seek relief for just grievances; this relief will be forthcoming when proper procedures are followed in seeking relief. This Council wants all the citizens of San Antonio treated fairly under established legal procedures. If you are denied benefit of established legal procedures and this Council does not correct the wrong, both the courts and the polls are available to you. If you wish to change established legal procedures, the polls or state legislature are available to you.

MAYOR McALLISTER: I want to express a personal opinion, Mr. Burke. I think you have written a very fine answer. It certainly seems to me to be very fair and covers the case.

MRS. HABERMAN: Mr. Mayor, I would like to move that we adopt this as a Council answer.

REV. JAMES: I second the motion.

DR. NIELSEN: Mr. Burke, if it is intended by your statements to move the issue, which somehow got to be clouded in all the feelings and all the animosity that built up last week, if it's your request to, in fact, move that discussion from that committee and its relationship to the Mayor to this Council, I would suggest that we, in fact, take no action at this time until we've had a chance to read it and study it very thoroughly. I'm not in disagreement with it, as I read it very hurriedly with you. It just seems to me that we're now interposing ourselves, as a Council, in a matter, if you will, that I have never felt was directly a Council matter. There have been citizens who have appeared here in both sides of this issue, certainly, but at no time, did I ever hear anything being said about the City Council, as I read that list of requests or demands by the committee. If, in fact, what you are saying is that we're, in effect, going to become a more responsive forum and form of government in this community, I say "hurrah", it's about time. If that's not what you're saying, however, I think that ought to be made very clear.

MRS. HABERMAN: Ford, I would have to disagree with you on that, because if we did not provide an answer to what we were submitted last week, then in that event we would be stated as not taking any action on the very vital issues.

DR. NIELSEN: No, it was not presented to the City Council. As I understand, the list was presented to the Mayor. Right?

MRS. HABERMAN: Well, I think we all received copies.

DR. NIELSEN: Well, I'm only asking then, if we are going to get involved in this matter, I would think we would do it very judiciously and very wisely.

MR. TORRES: Well, there's a couple of points I think would have to be stressed. Number one, that, of course, as I understood Mr. Burke, when he was making his presentation, I had presumed that he was preparing to present this for a later Council agenda, as has been the case to make items, on which we are going to vote, as matter of Council action, items to be placed on the Council agenda surely and I would acquiesce with the matter of properly being placed on the Council agenda, so as to comply with the open meeting law. When that is done, I should think, too, that we could hear from Mr. Roberts on the matter of the Community Relations Commission. As a matter of fact, Mr. Burke, prior to your being on the Council, the Council, in fact, did go on record, as I recall, with a resolution supporting the request to the State Legislature and, as I understood it, this is one of the items that we had agreed a long time ago, that we would go to the State Legislature after Dr., oh, at Incarnate Word College now, Ford, what's his name? Wheeler, Sterling Wheeler. After Reverend Wheeler made a request for the expansion of the powers of the Community Relations Commission, both subpoena powers and punitive powers. It

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was my impression, the Council had gone on record in favoring Dr. Wheeler's request and that we would make a request of distinction to the State Legislature. Of course, that was before you were on the Council, before Mrs. Haberman was on the Council. It was my distinct impression the Council had taken a position on this matter. Other cities do have a human relations commission for the expression of citizens' grievances, contrary to what one of the newspapers writers indicated last Sunday. The Human Relations Commission, our Community Relations Commission certainly is not a police review board. In every City, where there have been difficulties, one of the first citizen committees that is established is a Human Relations Commission. As a matter of fact, if the Council is familiar, those who were on the Council when Reverend Wheeler was our Community Relations Commission Director, Reverend Wheeler summarized the finding of the Presidential Commission on violence. The Kerner Commission Report was summarized for us by Reverend Wheeler and Reverend Wheeler indicated to us then, that one of the Kerner Commission recommendations was that commissions be established with enforcement powers to give sanctions to its rulings, that these be established for the expression of citizens' grievances. There's certainly nothing wrong with that. It's a good American tradition to give people an opportunity to voice their problems, to have a place where they can air their grievances, and I'm sure that the Council will agree that we ourselves, when we established the Community Relations Commission, originally did it with this intent. If anything frustrated our Commission members and if anything resulted in our commission being an organization that clearly could not act in a given situation, it was because it lacked the subpoena power and the punitive power merely because a committee or a boycott committee that had a dispute with the Mayor has voiced a demand, I should hope that that in itself does not prejudice the Council majority against the need to reestablish our Community Relations Commission. I understood that Dr. Roberts was working on the, with the different slant, but was working on the recreation of a Human Relations Commission....If I think I have the floor....If I may, the business where you say, Mr. Burke.....

DR. CALDERON: Mr. Mayor, point of order. I wish to raise a point of order. Mr. Torres has suggested that we defer action on this matter until some other appropriate time. That I would certainly subscribe to, in order that we might not violate the open meeting law. I would move at this time that we defer discussion and action on this matter until this coming Monday at 2:00.

MAYOR McALLISTER: Okay. No further discussion. Call the roll.

The motion carried by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Hill.

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CPSB REVENUE BONDS

MR. TORRES: I have a small item, Mr. Mayor, on the memorandum I sent to the Council pertaining to the City Public Service Board proposed \$30 million bond issue, have you obtained any information on that, Ancil? I realize that I didn't send the memo out till Monday, requesting that we place this on the agenda.

ASSISTANT CITY MANAGER DOUTHIT: I do not know, Mr. Torres.

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MR. TORRES: You do not know when the City Public Service Board is going to approach the Council, is that right?

ASSISTANT CITY MANAGER DOUTHIT: If they have contacted anybody with the City, I am not aware of it.

MR. TORRES: Well, Mr. Mayor, my understanding was that the City Public Service Board, with the board members, had discussed coming to the Council in early October. When I learned about this, I sent to the Council this item requesting that the Council be given information, at the earliest practical date, pertaining to their proposal for a \$30 million bond issue. I understand that the format is prepared for presentation to the Council in early October, proposing the issuance of \$30 million in bonds.

I call the Council's attention to the fact that the last time the Council approved the issuance of bonds for the City Public Service Board was on October 12, 1967, and the Council, at that time, hurriedly adopted the proposal, as the Board indicated then that there was an urgency for immediate approval of the proposal; that this issue was to go - was supposed to be a five-year issue - to go to 1972. Now, on a number of occasions, we have discussed this matter. The CPSB officials were before the Council. I should hope, Mr. Mayor, that if there is going to be presentation, by the CPSB, before the Council, that this be done at the earliest practical date, so that we do not have to hurry through another \$30 million bond issue, as transpired last time. Also, I would like to ask the Council that we again consider the appointment of a public utilities expert with the expertise to evaluate the proposal and, secondly, that we obtain, that is, this independent consultant, at the earliest possible date. I want to point out, too, that we obtained, the City obtained, the CPSB in 1942, for \$34 million and if this proposal does go through, as I suspect it will, that the bonds will be in excess, the bonded indebtedness of the City Public Service Board will be in excess of \$100 million. I should like to urge the Council, too, that the surreptitious manner or call the Council's attention to the fact, that the surreptitious manner, in which the Board is acting in this respect, waiting until after the Capital Improvements Bond Election of this Saturday, that this has upset a number of people, who have called me on the subject, and it's just another item or another thing, Mr. Mayor, that is where the citizenry of this community feels deceived and it could lead to defeat of this bond issue, the Capital Improvements Bond Issue this Saturday, Mr. Mayor.

MAYOR McALLISTER: Well, I just want to say, to the members of the Council, that Mr. Torres has not gotten his information and he doesn't know the facts of, as far as the Public Service Board, is concerned. Just for a very brief statement, let me say to the members of the Council, that when the City of San Antonio acquired the Public Service Board in 1942, they paid \$34 million for it, which was represented by bonded indebtedness. All right. So, that they had zero equity. They owed 34 million, they paid 34 million, so there was no equity there. At that time, the installation consisted of about 110 thousand KW capacity, of which only about 60 or 65 thousand was dependable; the rest of it was very largely held together, so to speak, by baling wire. All of that equipment has been junked and disposed of and today the Public Service Board has an installation that is in operation consisting of - able to provide 1,350,000 KW. That's better than 10 times as much. The Public Service Board owes about \$70 million altogether.

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\$34 million has all been paid off, but they owe about \$70 million and with this they will owe about \$100 million. But, as the item stands today, as their books stand today, they have a net depreciated equity, a net depreciated equity, which has grown from, in 1942, 0 dollars to the present time of approximately \$300 million. I ought to say that I'd be very happy to have had a board operate anything that I might have had any financial interest in as efficiently and as ably as that over this period of time. Now, Mr. Torres, if the Council would like to have a statement from the Public Service Board at the Thursday meeting, next Thursday meeting, I shall be very glad to ask them to come forward and present us with the information, which, of course, they intend to do sometime in October, but I don't know just exactly what date they were planning on it. They wanted to get some additional information, but I'm sure that by next Thursday, they will be in position to make a statement.

DR. NIELSEN: Well, it sounds like then, that Mr. Torres did not have his facts incorrect and that they are going to come make a presentation; is that why they're coming?

MAYOR McALLISTER: Why, certainly they are. They have to get the authority of the Council to approve.....

MR. TORRES: That's what I was saying, Mayor.

MAYOR McALLISTER: All right. Okay.

MR. TORRES: Well, just another point, Mayor. Since you have brought out the fact that there is a net depreciated equity of \$300 million and a debt of \$100 million, that would mean then, that because of the large equity, which the City has in its system, that we could possibly eliminate or redraw those trust indentures, so that the City would actually have direct management of the system. Is that what you are saying?

MAYOR McALLISTER: No, I did not say that. I said that there was \$70 million, approximately, outstanding debt right now, which is under the indenture, the original indenture, that was agreed to by the City and Harris Trust & Savings Bank of Chicago, at the time they bought the \$34 million worth of bonds, revenue bonds, and permitted the City to acquire the property.

MR. TORRES: So, that, very well then, but the \$70 million indebtedness and the \$300 million net depreciated plant value then, of course, what I'm talking about is to resolve the problem, which has come up time and again, where the City does not have direct management of the system and where a board, purportedly a board of the City of San Antonio, selects their own successor, Mr. Mayor, and create a monolithic structure over there. You're saying that with this large net depreciated equity, which, we, the City of San Antonio, the citizens of San Antonio, have in the system then and with the low debt, which the system has, that is the \$71 million bond indebtedness, which will go up to \$100 million, if this \$30 million in bonds are issued, then, of course, we could, at any time, change the structure of the trust indentures, could we not?

MAYOR McALLISTER: We could, provided you refinance the entire \$70 million....you can not take up some of those bonds at the present time. I might say that, since I have been Mayor, despite the restriction in the indenture, that everytime there has been a vacancy, that the

committee has made a selection without advising the individual selected and has advised me and I have discussed it with the Council and in one particular instance, a man, that they selected, was a very able individual, but the Council felt that a conflict of interest might arise. I reported that to the Public Service Board and they submitted another prospect, who was approved by the Council informally.

DR. NIELSEN: But that is the difference. Right?

MAYOR McALLISTER: Yeah.

MR. TORRES: And the point is, of course, that wherever there is a problem, such as two problems that occurred last summer over the rate, or the utility rate, some of the electric rates of last summer, problem number one, and, secondly, the problem over the bidding practices of the utility, and, thirdly, the fact that this City feels like that, or at least this City Council feels that, by ordinance on account of those trust indentures, we cannot regulate the utility - that the State does not regulate them, because we have no State regulatory agency, so that virtually, we are taking the position that we have to get our hands off and out of the operation of the system, whereas 47 other states have regulation of public utilities of one form or another. We have a local utility structure, Mr. Mayor, which is completely unregulated, because we are saying, by ordinance, we cannot regulate them, because of the trust indenture. The State has no State Utilities Commission.....

MAYOR McALLISTER: I did not say that, Mr. Torres. I'm simply saying that, so far as the selection of the trustees is concerned, that is covered by the indenture. The City Council has determination and control over the rates that the Public Service Board charges and rates that are being charged at the present time or those which were approved by the Council. I might also add that since the City has acquired it, in 1942, that the rates have been reduced. You and I, as citizens of San Antonio, enjoy, have the privilege and pleasure of enjoying, the lowest gas and electric rates of any other 25 major cities of the United States.

MR. TORRES: Except that every summer we receive large numbers of complaints from our citizenry, Mr. Mayor. To say that is publicity. But it is not in truth and in fact the case, when people are gone for a good part of the summer and receive a \$90 electric bill. You know this happened to us here in the last couple of summers and, of course, we do not have utilities experts that can get in the operation of CPSB and inspect their books and because of the fact that we are relying, or using the trust indenture, as the crutch. Be that as it may, Mr. Mayor, I look forward to the CPSB officials being here next week.

DR. CALDERON: Mr. Mayor, let me just say that certainly the Council appropriately should always have adequate time to consider any type of question regarding CPSB or the approval of its revenue bond issue and certainly my position is that whenever a proposal is submitted, I intend to take adequate time to study it before making a decision. So, I say then, Mr. Mayor, that I see no point in the idea Mr. Torres requested, that we go out on a tangent and ask the board to come next week. It is better for them to come before us when they are ready.

MR. TORRES: Well, now, Herb, to go off on a tangent, because we request information at the earliest, I'm not going off on a tangent,

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because I request information at the earliest practical date. I am requesting that next week, the CPSB bring to us the information that they have pertaining to this bond issue, so that we ourselves, we, the citizens, the City of San Antonio, this City Council, can examine this information and begin to study it, so that when the CPSB does come in with their formal request, so that we are not caught cold like we were in 1967, when we, October 12, 1967, when we authorized the issuance of those bonds after only looking at the information, which was given to us over a two or three week period, and really not understanding and having no basis for comprehending or looking behind the facts and the figures that were given to us. I mean the operation, the City Public Service Board, operates as a purely private company and what I see on this Council, I don't see a real interest to look behind the statistics that are given to us. We tend to merely repeat the public relations statement, such as one that was made by the Mayor this morning, you know, that the utility rates are the lowest in the country. If you look behind that, I think you'd be surprised that there is something erroneous in that statement, too, Mr. Mayor.

MRS. HABERMAN: Well, Mr. Torres.....

MAYOR McALLISTER: I challenge you then to find out where it's wrong.

MR. TORRES: I have, on numerous occasions, brought you facts and figures from Federal regulatory agencies, Mr. Mayor, showing that the comparison is being made between public and private utilities and this is completely erroneous to make such a comparison, Mr. Mayor.

MAYOR McALLISTER: Okay. I will talk to the Public Service Board and see if next Thursday they are ready. If they are, they'll come before us. In the event that they are not quite ready, we will not insist that they come.

DR. NIELSEN: It will be an agenda item. Is that right?

MAYOR McALLISTER: Why, yes.

DR. CALDERON: Well, do you mean, either way, it will be an agenda item for next week?

MR. TORRES: At my request. Yes.

DR. CALDERON: I see no point, whatsoever, in making it an agenda item, until such a time that they formally make a request and we subsequently have any lengthy discussions on the proposal itself. I see no point, whatsoever, in making it a part of any agenda, until such a time that they make a formal request.

MAYOR McALLISTER: Well, let me just say.....

DR. NIELSEN: In either case, it will be an agenda item. That's all I said.

MAYOR McALLISTER: All right. Okay. If, in other words, if they're not ready to make a report, we will not include it in the agenda, if they are, we will include it in the agenda Thursday.

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Mr. Ricardo Cedillo, representing the student body of Holy Cross High School, appeared before the Council with reference to information, which had been received, relating to a Model Cities application for a grant to the school. A letter from the Fort Worth office of HUD, dated September 4, 1970, indicates that the grant has been refused.

Mr. Cedillo asked that the Council adopt a resolution requesting that HUD provide an explanation as to why this request was denied. He asked that the explanation include any court decision, congressional action, restrictions which bar the school from receiving the funds.

Dr. C. J. Roberts, Director of Human Resources Department, said that official notification has not been received.

Mayor McAllister asked Dr. Roberts to get the requested information and confer with the City Attorney and perhaps, by October 1 meeting the Council could more intelligently and prudently take such action, as is required.

Mr. Carlos Sanchez, a real estate broker, appeared before the Council with reference to the severe parking problem created by the Food Stamp Center at 925 South Alamo Street. He presented a petition to the Council requesting that the matter be studied and asking that the Food Stamp Center be moved to another location.

Assistant City Manager, Ancil Douthit, was asked to have the matter investigated and a report made to the City Council, as soon as possible.

Mr. Mel Ellenwood, representing Youth for Christ, described a coming event of his organization for Halloween week and asked permission of the Council to use an old house, located at South Alamo and Arciniega Streets, which is owned by the City. He stated that this request had been made to the City Manager, but had been denied.

Mr. Brooks Barker advised the Council that the house is very old and has no sanitary facilities or electricity. Further, the house is in a dangerous condition and should not be used. It was for these reasons that the request was denied.

Mr. George Vann, Director of Housing and Inspections, agreed that the house is in bad repair and he considered it hazardous.

After discussion, the Council agreed to leave the matter to the discretion of the City Manager and it was suggested that a suitable building at HemisFair Plaza might be found. Mr. Ellenwood was asked to get in touch with the City Manager.

Mr. Clayton Russell spoke in support of the bond issue, as the progress for the next ten years depends on what happens at the election. He also spoke about the issuance of CPSB revenue bonds and thought they should be voted on.

Mrs. Rena McCalebb, 1641 South Picoso (Cassiano Homes), complained to the Council that the City Water Board had turned the water off in her area. Then when the water was turned back on, her house was flooded, damaging her clothing and furniture. She said that this has caused her considerable embarrassment, property damage, and emotional damage. She is seeking damages in the amount of \$25,000.

Mr. Douthit told the Council he would investigate the matter and get a complete report from the Housing Authority and the City Water Board.

There being no further business to come before the Council, the meeting was adjourned.

A P P R O V E D

M. M. [Signature]
M A Y O R

ATTEST: *J. H. [Signature]*
C i t y C l e r k