

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 25, 1971.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JAMES, HABERMAN, NIELSEN, TREVINO, HILL, TORRES; Absent: BURKE.

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71-13 The invocation was given by Reverend W. F. Hathaway, Jr.,
Trinity United Methodist Church.

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The minutes of the meetings of March 15, 1971, and March 18, 1971, were approved.

71-13 NATIONAL CLEAN-UP CONTEST AWARD

Col. James A. Smith, A Director of Beautify San Antonio Association, presented the Mayor and the City Council with a distinguished achievement award won by San Antonio in recognition of the City's outstanding Community Improvement Program for cities of over 250,000 in the National Clean-Up Contest. This being the 22nd such award in twenty years.

Mayor McAllister thanked the Beautify San Antonio Association and all who participated in the 1970 Clean-Up campaign. The Mayor then presented a Citation of appreciation for outstanding civic service to members of the Association who were instrumental in San Antonio winning its latest award as follows: Mrs. Beulah Timmons, Mrs. Mary Ellen Holman, Mrs. Elizabeth Perkinson, Mr. Richard Bauerlein, and Col. James A. Smith.

71-13 PRESENTATION OF CITATION TO
MAJOR GENERAL WILLIAM H. REDDELL

Mayor McAllister then presented to Maj. Gen. Reddell a Citation which reads as follows:

In grateful acknowledgement of outstanding leadership in providing equal employment opportunity in the San Antonio Air Materiel Area. Through his efforts, as Commanding General, SAAMA, now stands as an example of a model equal employment opportunity agency. Such contribution to the welfare of the community merits the sincere thanks of all San Antonians.

Maj. Gen. Reddell thanked the Mayor and the Council for the Citation and stated that he feels that SAAMA is part of the San Antonio community, and they pledge their efforts to continue this equal employment opportunity program. He also stated that they will always do their best to be good citizens.

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71-13PRESENTATION OF ALCALDE TO
MRS. BARBARA GORICH

Mayor McAllister presented Mrs. Gorich, goodwill ambassador for Mayor Sam Yorty of Los Angeles, with a proclamation making her a honorary Alcalde of La Villita.

Mrs. Gorich extended greetings from Mayor Yorty and stated she was elated with San Antonio and its sincere hospitality and friendliness.

71-13 Mayor McAllister recognized a class of students from Crockett Elementary School who were accompanied by their instructor, Miss Jane Davis.

71-13 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, James, Haberman, Trevino, Hill, Torres; NAYS: None; ABSENT: Burke, Nielsen.

AN ORDINANCE 39,356

ACCEPTING THE LOW BID OF VULCAN SIGNS AND STAMPINGS, INC. TO FURNISH THE CITY WITH CERTAIN ALUMINUM SIGN BLANKS FOR A TOTAL OF \$2,602.00.

* * * *

AN ORDINANCE 39,357

ACCEPTING THE LOW BID OF EAGLE SIGNAL, A SYSTEMS DIVISION OF G & W INDUSTRIES, INC. TO FURNISH THE CITY WITH CERTAIN TRAFFIC CONTROL EQUIPMENT AT A TOTAL AMOUNT OF \$11,229.75.

* * * *

AN ORDINANCE 39,358

ACCEPTING THE BID OF WONDER CHEMICAL COMPANY, INC. TO PURCHASE SEWAGE SLUDGE FOR A PERIOD OF ONE YEAR AT A PRICE OF \$.22 PER CUBIC YARD.

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AN ORDINANCE 39,359

AUTHORIZING THE PURCHASE OF CERTAIN TRAFFIC CONTROLLERS FROM AUTOMATIC SIGNAL DIVISION FOR A TOTAL COST OF \$126,600.00.

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71-13 The following Ordinance was read by the Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion of Mrs. Haberman, seconded by Mr. Hill, was passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Trevino, Hill, Torres; NAYS: None; ABSTAIN: Nielsen; ABSENT: Burke.

AN ORDINANCE 39,360

ACCEPTING THE LOW QUALIFIED BID OF HARWALD COMPANY TO FURNISH THE CITY WITH ONE ELECTRONIC FILM INSPECTION AND CLEANING UNIT FOR A TOTAL OF \$4,125.00 AND APPROPRIATING SUCH AMOUNT OUT OF LIBRARY IMPROVEMENT BONDS IN PAYMENT OF THE SAME.

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71-13 The following Ordinance was read by the Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion of Mr. Hill, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Burke.

AN ORDINANCE 39,361

ACCEPTING THE QUALIFIED BID OF HOLT MACHINERY COMPANY TO FURNISH THE CITY WITH THREE TOW-TYPE SCRAPERS FOR A TOTAL OF \$45,000.00 AND APPROPRIATING SAID AMOUNT OUT OF GARBAGE DISPOSAL BONDS; ALSO AUTHORIZING A TRANSFER OF FUNDS.

* * * *

71-13 The Clerk read the following Ordinance:

AN ORDINANCE 39,362

ACCEPTING THE PROPOSAL OF DOCTOR MELVIN SIKES, PROFESSOR OF PSYCHOLOGY OF THE UNIVERSITY OF TEXAS TO ESTABLISH A POLICE HUMAN RELATIONS LABORATORY TO CONDUCT EIGHT FOUR-HOUR SESSIONS IN HUMAN RELATIONS STUDIES FOR SAN ANTONIO POLICE OFFICERS FOR A TOTAL COST OF \$2,800.00; APPROPRIATING THE SUM OF \$2,800.00 OUT OF TRUST FUND NO. 796-03 PAYABLE TO DOCTOR MELVIN SIKES FOR CONTRACTUAL SERVICES TO BE RENDERED; AND ALLOCATING \$7,380.00 FROM TRUST FUND NO. 796-03 TO CODE 1-10 FOR PAYMENT OF OVERTIME TO OFF-DUTY POLICEMEN WHILE ATTENDING THE HUMAN RELATIONS CLASSES.

* * * *

Chief of Police George Bichsel stated that about 60 officers of all ranks will be assigned in each group. Part of them are to be on duty and part on overtime. The overtime cost and budget for consultants will be paid from a grant, and there will be no cash outlay required of the City.

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

71-13 The following Ordinance was read by the Clerk and explained by Aviation Director, Tom Raffety, and after consideration, on motion of Mrs. Haberman, seconded by Mr. Hill, was passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Burke.

AN ORDINANCE 39,363

MANIFESTING AN AGREEMENT WITH AMERICAN AIRLINES, INC. TO AMEND THE PRESENT LEASE AGREEMENT OF CERTAIN SPACE IN THE PUBLIC TERMINAL BUILDING AT INTERNATIONAL AIRPORT, TO INCLUDE ADDITIONAL SPACE.

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71-13 The Clerk read the following Ordinance:

AN ORDINANCE 39,364

SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 2,623.80 ACRES OF LAND BY THE CITY OF SAN ANTONIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARING (APRIL 8, 1971).

* * * *

Mr. J. H. Wilkerson, Acting Director of Planning, stated that this proposed annexation involves a total of 20 areas of land containing 2,623.80 acres. Of this total 107.12 acres is to be annexed upon petition of the property owners, and the rest by action of the City in order to close out the pockets and square off the City limits. Mr. Wilkerson reviewed each area being taken in and on a map showed how each would affect the City limits line.

The City Manager explained that the City will be able to give immediate emergency services such as fire and police protection, sanitation and other services.

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

In answer to a question of Councilman Torres, the City Attorney stated that the matter is before the Supreme Court of Texas, and it might be a week or two before a decision is rendered in the case.

Councilman Torres asked the City Manager if he was going to at some future day submit to the City Council other areas such as those presented today for annexation.

City Manager Henckel stated that the staff is working on a section type of plan where the Council will be able to approve annexations section by section. In this plan recommendations will be made on priorities. When the plan is completed, it will be presented to the Council for consideration.

71-13 The Clerk read the following Ordinance:

AN ORDINANCE 39,365

CHANGING THE NAME OF HADFIELD DRIVE
TO TOPCROFT DRIVE AS RECOMMENDED BY
THE CITY PLANNING AND ZONING COMMISSION.

* * * *

Mr. George Vann, Director of Housing and Inspections, stated that this request for changing the name of the street was initiated by Post Office Department as Hadfield Drive is confused with a street named Hatfield Drive. The Planning Commission has recommended that the name be changed to Topcroft Drive.

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

71-13 The Clerk read the following Ordinance:

AN ORDINANCE 39,366

GRANTING ROBERT D. MADDOX PERMISSION TO
CONSTRUCT AN EIGHT-FOOT HIGH FENCE WITH
TWO STRANDS OF BARBED WIRE AT THE TOP
ON PROPERTY LOCATED AT 3310 AUSTIN HIGHWAY
AS RECOMMENDED BY THE DIRECTOR OF HOUSING
AND INSPECTIONS.

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Mr. George Vann, Director of Housing and Inspections, explained that Mr. Maddox owns a boarding kennel, and there is a residence next to it. He wants the fence for privacy and security. The people in the residence do not object to the fence.

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

71-13 The Clerk read the following Resolution:

A RESOLUTION
NO. 71-13-82

REQUESTING THE TEXAS HIGHWAY DEPARTMENT
TO PROCEED WITH IMPROVEMENT OF EAST
COMMERCE STREET FROM RIO GRANDE TO
EXPOSITION BOULEVARD AS A TOPICS PROJECT.

* * * *

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

- SECTION 1. The Texas Highway Department is hereby requested to proceed with the improvement of East Commerce Street from Rio Grande Street to Exposition Boulevard as a TOPICS Project.
- SECTION 2. The above project is identified as Phase B of TOPICS Project 210G, the East Commerce-Montana Project. The estimated cost of said project is \$660,790.00 of which the City's share will be \$136,888.00.

Mr. Stewart Fischer, Director of Traffic and Transportation, stated that this represents Phase B of the TOPICS Project (East Commerce-Montana Project) from Rio Grande to Exposition Boulevard. Phase B was deferred because this project called for drainage work, and the City did not have the funds to pay for its share. However, funds were included in the bond issue and recommended for inclusion in the first year sale. This phase of the project will include widening of East Commerce to six-lane divided, reconstruction of the railroad underpass, and provides for adequate drainage. The estimated cost is \$524,000 in TOPICS money and \$137,000 in City's money for a total of \$661,000.

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

71-13 The following Ordinances were read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Haberman, Nielsen, Trevino, James, Hill; NAYS: None; ABSENT: Burke, Torres.

AN ORDINANCE 39,367

APPROPRIATING \$82,625.00 OUT OF NORTH
EXPRESSWAY BONDS FOR PURCHASE OF
PROPERTY AND AUTHORIZING PAYMENT OF
\$25,450.00 FOR ACQUISITION OF LAND
PERTAINING TO THE EDGEWOOD PARK
PROJECT.

* * * *

AN ORDINANCE 39,368

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$1,317.00 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR SALADO CREEK OUTFALL SEWER LINE; MILITARY DRIVE, SECTION C; U. S. 281 NORTH EXPRESSWAY PROJECT; AND GITTINGER AVENUE PAVING PROJECT.

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71-13 The Clerk read the following Ordinance:

AN ORDINANCE 39,369

ACCEPTING THE PROPOSAL OF THE FROST NATIONAL BANK TO ACT AS THE DEPOSITORY AND FISCAL AGENT FOR THE CITY, AND TO LEND MONEY TO THE CITY DURING THE FISCAL YEARS BEGINNING AUGUST 1, 1971, AND ENDING JULY 31, 1973.

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Mr. Art Brown, City Controller, discussed terms of the proposal. He said that the last two years the City had a favorable depository contract, but with the recent changes in business and interest rates, the new bids are different. The new contract for each of the next two years will cost the City a total of \$452,000 of which \$351,000 is for loss in revenue on interest in time deposits, \$101,000 on expenses and interest on bank loans and fiscal agency fees for retired bonds and coupons.

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

71-13 The following Ordinance was read by the Clerk and explained by Mr. Art Brown, City Controller, and after consideration, on motion of Mr. Trevino, seconded by Mrs. Haberman, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Burke, Torres.

AN ORDINANCE 39,370

AUTHORIZING CERTAIN PERSONNEL TO SIGN CITY CHECKS AND WARRANTS AND HAVE ACCESS TO LOCK BOXES IN THE CITY DEPOSITORY.

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71-13 The following Ordinances were read by the Clerk and explained by Mr. John Rinehart, Assistant Director of Model Cities, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Burke, Torres.

AN ORDINANCE 39,371

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS TO PROVIDE FOR EXPANSION OF AN ECONOMIC BASE STUDY INTO THE MODEL NEIGHBORHOOD AREA, FOR A CONSIDERATION OF \$3,500.00 AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 39,372

APPROVING THE REVISED GRANT BUDGETS FOR THE FIRST YEAR ACTION PLAN AND THE SECOND YEAR ACTION PLAN OF THE MODEL CITIES PROGRAM, AUTHORIZING SUBMISSION OF SAME TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR APPROVAL, AND AUTHORIZING THE NECESSARY ACCOUNTING PROCEDURES TO BE PERFORMED IN ACCORDANCE WITH THE REVISED GRANT BUDGET.

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71-13 The following Ordinances were read by the Clerk and explained by Mr. John Rinehart, Assistant Director of Model Cities, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, James, Torres Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Burke.

AN ORDINANCE 39,373

APPROVING THE MODEL CITIES CITIZEN PARTICIPATION COMPONENT, AUTHORIZING SUBMISSION OF THE COMPONENT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND REQUESTING THAT THE COMPONENT DESCRIPTION AND BUDGET BE INCLUDED IN THE GRANT BUDGET OF THE MODEL CITIES GRANT AGREEMENT, ESTABLISHING A NEW ACCOUNT, AND AUTHORIZING A TRANSFER OF \$50,000.00 INTO SAID NEW ACCOUNT, TO PROVIDE FOR THE CITIZEN PARTICIPATION ACTIVITIES.

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AN ORDINANCE 39,374

MANIFESTING AN AGREEMENT WITH THE BEXAR COUNTY BOARD OF TRUSTEES FOR MENTAL HEALTH AND MENTAL RETARDATION TO EXTEND THE TERM

OF THE AGREEMENT PROVIDING FOR CARRYING
OUT THE MODEL CITIES NARCOTIC ADDICTION
PROJECT FOR AN ADDITIONAL PERIOD ENDING
AUGUST 31, 1971.

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71-13 The following Ordinances were read by the Clerk and explained
by Mr. Bob Macdonald, Intergovernmental Relations Coordinator, and after
consideration, on motion made and duly seconded, were each passed and
approved by the following vote: AYES: McAllister, Calderon, James,
Haberman, Nielsen, Trevino, Torres; NAYS: None; ABSENT: Burke, Hill.

AN ORDINANCE 39,375

AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE UNITED STATES OF
AMERICA, DEPARTMENT OF TRANSPORTATION,
FOR FUNDING FOR THE DEVELOPMENT OF AN
ALCOHOL SAFETY ACTION PROGRAM, IN THE
AMOUNT OF \$9,755.00, AND ESTABLISHING
AN ACCOUNT FOR RECEIPT OF FUNDS.

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AN ORDINANCE 39,376

AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE SOUTHWEST RESEARCH
INSTITUTE FOR THE PURPOSE OF DEVELOPING
A FINAL ALCOHOL SAFETY ACTION PROGRAM
APPLICATION, FOR A CONSIDERATION OF
\$9,755.00, APPROPRIATING FUNDS AND
AUTHORIZING PAYMENT FOR SERVICES TO BE
RENDERED.

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AN ORDINANCE 39,377

AMENDING ORDINANCE NO. 38,992 OF OCTOBER
15, 1970, WHICH AUTHORIZED THE CITY MANAGER
TO SUBMIT AN APPLICATION FOR FEDERAL FUNDS
FOR AN ALCOHOL SAFETY ACTION PROJECT IN THE
AMOUNT OF \$1,713,240.00 TO BE PAID OVER
THREE YEARS, SO AS TO INCREASE THE FUNDS TO
BE APPLIED FOR TO \$2,200,000.00, TO BE PAID
OVER THREE YEARS.

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71-13 The Clerk read the following Ordinance for the first time:

AN ORDINANCE 39,378

PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LINES OF THE CITY OF SAN ANTONIO,

TEXAS, AND THE ANNEXATION OF CERTAIN
TERRITORY CONSISTING OF 3.829 ACRES
OF LAND, WHICH SAID TERRITORY LIES
ADJACENT TO AND ADJOINS THE PRESENT
BOUNDARY LIMITS OF THE CITY OF SAN
ANTONIO.

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Mr. J. H. Wilkerson, Acting Planning Director, explained that the property is known as Shenandoah, Unit 11 and is owned by Our Savior Lutheran Church who requested the annexation.

No one spoke in opposition.

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

71-13 The Clerk read the following Ordinance for first time:

AN ORDINANCE 39,379

PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LINES OF THE CITY OF SAN ANTONIO,
TEXAS, AND THE ANNEXATION OF CERTAIN
TERRITORY CONSISTING OF 90.726 ACRES OF
LAND, WHICH SAID TERRITORY LIES ADJACENT
TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
OF THE CITY OF SAN ANTONIO.

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Mr. J. H. Wilkerson, Acting Planning Director, explained that 75.088 acres of the 90.723 acres of land is owned by Mr. J. R. Straus, Sr., and Mr. John E. Newman for the estate of William C. Newman and is being annexed at their request. The remainder of the tract is being annexed without the consent of the owners.

No one spoke in opposition.

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

71-13

PRELIMINARY REPORT ON MUNICIPAL COURT

City Manager Henckel stated that a preliminary report on the audit of Municipal Court would be available Tuesday or Wednesday. As soon as it is ready, copies will be sent to Council members.

71-13

JACKSON-TODD CANCER DETECTION CENTER

Dr. Nielsen stated that this center had run out of money for conducting pap smear examinations for cervical cancer. He asked if there was any way to find money to continue funding the operation.

Dr. C. J. Roberts, Associate Manager of Human Resources, stated that Health Director, Dr. Ross, had advised that the City cannot under the law fund the operation. However, by adjusting the Family Planning Project under the Model Cities program payments can be made to the program at a later date.

City Manager Henckel stated that he would look into the matter to see what can be done.

71-13

CONSUMER EDUCATION

Dr. Nielsen inquired about the status of the Consumer Education Program which was noted in the newspapers.

Dr. C. J. Roberts, Associate Manager of Human Resources, stated that a representative of HEW was in the City checking on the pilot project, one of three in the nation, which will no doubt be part Consumer Education and part Consumer Research. The City will participate in the program beginning in May.

71-13

BLOOD ASSURANCE PLAN
FOR CITY EMPLOYEES

Dr. Nielsen inquired about the blood plan.

City Manager Henckel stated that the Bexar County Hospital District had approved the formation of the Blood Bank. However, there are legal problems to be worked out. Under this plan each City employee or member of his family would furnish a unit of blood each year. Then when an employee or member of his family needs blood they will get it without payment.

71-13

ELLA AUSTIN CLINIC

Dr. Nielsen asked about the status of the Ella Austin Clinic.

City Manager Henckel stated that new equipment has been ordered. However, there has been a delay in delivery. He will check further and advise Dr. Nielsen of when shipment is expected.

71-13

SUNKEN TREASURE

Dr. Nielsen stated that a letter had been received about the City trying to have the sunken treasure recovered from the Gulf of Mexico and placed on exhibit at the Institute of Texan Culture at Hemisfair Plaza.

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Mayor McAllister stated that he would write letters to the proper state officials that this be done.

71-13 The Clerk read an ordinance granting Dunlap Service, Inc., an amended certificate of occupancy to permit outside storage of salvageable materials at 2300 Frio City Road.

Mr. George Vann, Director of Housing and Inspections, stated that action was postponed for one week in order that pictures of the property be shown to the Council.

City Manager Henckel stated that last week the Council instructed the staff to prepare an ordinance in reference to beautification and screening of junk yards. A preliminary draft will be ready next week. The Council could probably put a limitation on the height of fences.

After discussion the Council agreed to postpone action on this ordinance until it has considered the beautification and fencing ordinance for junk yards.

71-13 BOARD APPOINTMENTS

The Council deferred action on certain pending board appointments until after they could be considered in executive session.

71-13 RESOLUTION - RE: MULTIPLE HOUSING

The Clerk read a resolution of the City of San Antonio requesting that the Department of Housing and Urban Development not enter into any agreements with private developers involving subsidized multiple housing without prior public hearing.

City Manager Henckel stated that he had been unable to contact Mr. Finnis Jolly to discuss the matter. A copy of the resolution has been sent to him, and it was felt that time would be needed for Mr. Jolly to discuss it with his people in Fort Worth and Washington, D. C.

After discussion action on the resolution was postponed.

71-13 PROPOSED ORDINANCE REGULATING PARKING LOTS

The following discussion took place:

CITY CLERK: The next item is an ordinance regulating the operation of public parking lots requiring a yearly license fee, providing for a fine not exceeding \$200.00 for violations and a suspension, cancellation, or revocation of said license; also providing for severability.

MR. TORRES: I presented the proposal to the members of the Council in December 19, 1969. I made a proposal for the ordinance which I attached to that memorandum, a proposed ordinance which I attached to a memorandum. At that time I pointed out the various reasons for making the proposal.

They are incorporated in the memorandum of December 17 and the memorandum I sent on March 8 so it would be superfluous to go through them. I mentioned last Council meeting that in view of the City Attorney's opinion of January 6, 1970, that there are parts of the ordinance that could be adopted at this time. That we omit on the proposed ordinance Sections 5 on the imposition of a gross receipts tax; on Section 6 which would also be part of that gross receipt tax; on Section 7 on the return and the payment of the tax; on Section 8 on the books and records; on Section 9 on the auditing of those books and records.

In effect, on the proposal which I want to make this morning, Mayor, I would merely want to move for the adoption of a proposed ordinance which would make it unlawful to operate a public parking lot without a permit. I mentioned the fact that I felt the parking lot operation was monopolistic in San Antonio. We do have one parking lot operation that does exercise a monopoly - the Allright Corporation. I feel that in view of the public nature of the parking lot business that they should be subject to regulations. I have suggested a \$50.00 license fee and at the time of submitting the application, that the applicant should specify the fees or the rates that are going to be charged during particular hours. Now, the reasons for this, Mayor, is the fact that the fees, charges have got to be posted. The reason for this requirement would be, obviously, to curtail the price gouging that does occur, say, during special events say when a 35¢ a night parking rate shoots up to a \$1.00 and a \$1.50 a night. I think that this gross imposition is an injustice on the consumer public. This is why I have suggested that the rates be uniform throughout the 24 hour period, and that the application for one year state what the rate is going to be so that at the time the Council approves an application so that we can sit also as a rate making body.

Secondly, there's a second part to that, I would submit to the Council that we adopt a resolution giving us the authority to levy an occupation tax on the public parking lot business. Now, the reason for this would be that we have parking lot operations that do receive a fair return on their investment and yet they are in a more advantageous position than other businesses that have improvements on their property by virtue of the fact that a parking lot owner does not have to pay any real estate tax except on the raw land. I think that this discourages development in the downtown area. I think that when a man has no improvements on his land and is receiving a return that he is receiving an unfair advantage from use of the land. As I say, this does discourage downtown development. So, I would urge that the Council go on record in favor, first, of the ordinance to adopt a license fee and requiring parking lot operators to submit an application once a year; that the Council set the annual charges; that the charges be uniform and finally, that the second facet of this that we adopt a resolution asking our legislative delegation to give us authority to impose an occupation tax so that we can put the parking lot operators on an equal plane with their competitors and other businesses from a tax point of view.

DR. NIELSEN: I would like to point out, Mr. Mayor, that between the commercial and private lot in the downtown area, 77 percent of all available parking and 45 percent in the commercial lot category constitutes the vast bulk of the parking available in the downtown area. It seems to me as critical as central business district expansion and development becomes we've got to take a closer look as to how this parking is handled; not to impose, you know, any governmental function in private affairs, but we do have a responsibility, and I hear more and more complaints about the increasing cost of downtown parking.

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People who don't want to come downtown because of the parking, and we're either going to have to take a step now, or we're going to end up spending all kind of taxpayers' money for public free parking and that's a very costly venture also. I'm not sure that the public would go for that necessarily.

MR. TORRES: Then my motion is to

DR. CALDERON: Let me say, Pete, two weeks ago that this was brought up, and it was agreed that this should be postponed until today. I asked for four specific types of information which I have not obtained as of this point. In other words, the comparison of parking lot rates with other cities in Texas, so that we can determine whether, in fact, the parking lot rates in San Antonio are, in fact, accepted. Secondly, I want information as to the amount of taxes that we are presently collecting from properties that are being used for parking lot operations. Thirdly, I was also interested in the determination as to the investments first - as a return to make a determination as to whether the charges made were in excess of a reasonable return on the investment made by the owners of the property. Fourthly, I wanted in black and white a more clear opinion from the City Attorney as to what he terms reasonable regulation of parking lots. So those are four things which I requested for two weeks ago, and at least, up to this point, I've gotten zero response.

DR. NIELSEN: You have the February 17, 1969 parking rate structure for . . .

DR. CALDERON: For San Antonio

DR. NIELSEN: The last one that we have

DR. CALDERON: I requested with regard to the parking lot rates charged in Houston, Dallas, Fort Worth, and so on, and so I've gotten zero response so far, Jerry, so that is the status on those four requests of mine?

CITY MANAGER HENCKEL: I have received a letter from the Downtown Association giving us the results of a September study that they did which is a comparison of rates in 42 cities by class - it's not by cities, San Antonio being in class two. I will send that to you when we get the other information which I do not have at the present time.

MR. TORRES: Let me say this, Dr. Calderon, that the rate setting function would be secondary to the licensing function. I would join with you in the proposition that in order to establish rates, to set rates for an annual period at the time that the application is granted that we would have to know what the rates in other municipalities are and secondly, that we, as a part of this rate setting function, as a part of seeking to have the parking lot operators pay their fair share of the tax burdens, that the information you desired on the taxes and the investment and the returns on parking lot properties would be vital, and I would join you in that request for information, and I appreciate your interest. However, a predicate to all of that we are either going to assume the role which I'm asking the Council to assume or we're going to negate it and decide not to become involved as has been the situation in the past. We have a very clear memorandum dated January 6, 1971, from the City Attorney indicating that there are two parts to this ordinance, one of which can be validly adopted. When he talked about reasonable regulations he also went into the fact that the imposition of an excessive fee - an excessive license fee - would possibly in certain instances amount to an unreasonable regulation. I think that there is no strange connotation to the terminology that he used in his memorandum. I think that he makes

it very clear, and I stand to be corrected, and I would be receptive and I'm sure the Council would be receptive to further clarification on the memorandum. But short of that clarification, which I think would require first, a Council policy we are going to enter into the area of parking lot regulations. The City of Philadelphia has done it. It's the one City that I'm personally familiar with that has gone into such regulation. I think that it would be in the public interest. I think that there are strong and compelling reasons which I have mentioned for the adoption of such an ordinance. I would move at this time, that the proposed ordinance which I sent with the memorandum of March 8, 1971, be adopted at least insofar as these sections; Sections 1, 2, 3, 4, eliminate Sections 5, 6, 7, 8, 9. The Section 10 would be Section 5 and Section 11 would be Section 6 on the proposal under the motion which I have made, and I would move for the adoption of that ordinance at this time.

MRS. HABERMAN: Well, Mr. Mayor, with the variance in the ordinance which is now being requested by this proportioning, I certainly couldn't go along with the ordinance as it is or even deleting the other without a great deal more information.

MR. TORRES: Well, it has been before you, Mrs. Haberman, since December of 1969. A memorandum was submitted to the Council, December of 1969. One March 8, 1971, when you as a new member of the Council, I resubmitted it to you. To the present time, I do not know if you have gone to the staff for any information which you would desire

MRS. HABERMAN: I have

MR. TORRES: I do not know what particular investigation - I cannot do your own investigation for you. I'd be more than happy to

MRS. HABERMAN: Thank you, I'll do my own.

MR. TORRES: Well, yet you come here this morning, and say you do not have enough information. Apparently, for a lack of your investigative resources, Mrs. Haberman. Now, of course, I don't mean to spin my wheels when I send information to members of the Council. I think there is either a desire on a part of the Council to protect the public and to adopt such a regulation or the Council does not see fit to protect the public with the adoption of this consumer type ordinance. Now, I've noticed from some of your recent statements, Mrs. Haberman, that you can certainly go about this community and talk about consumer protection and yet, you know, these things have merit, these statements have merits either the validity of your statement and the truthfulness of your statements comes through when we get down to the real issue or the hypocrisy of your statements comes through, and in this instance I see the latter.

MAYOR McALLISTER: All right, now.

MRS. HABERMAN: Thank you, any time that almost one-third of an ordinance is withdrawn from that major ordinance, Mr. Mayor, I deem it a very crucial part of it.

MAYOR McALLISTER: All right You have made a motion.

MR. TORRES: Yes, I've made a motion.

DR. NIELSEN: Yes, it's being seconded at the point that we begin the steps necessary and that's all as I've looked through this again leaving out Sections 5 through 9 that we begin to take more seriously our responsibility in the full question of parking lots and the whole business of public transportation. I'd like to see us begin this at the point basically of we know we're going to subsidize some way down the road as soon as possible, the City transit operation and I think that if we take this seriously, and set up the healthiest kind of parking lot regulations, you know, without being unfair about it, we can attract the consumer back to the City of San Antonio and the downtown district. I think that's what we're really seeking to do here.

DR. CALDERON: Mr. Mayor, I would really hate to be placed in a position of having to vote against the motion that is made, and I, for one, as I'm sure all of us here feel that in the absence of pertinent information we cannot really and intelligently and, in good conscience, vote either way. I have always felt the need in all the times that I have been on this Council for adequate information, and here we are really finding ourselves with a situation where Mr. Torres is asking us to vote on something really in the absence of pertinent information. For this reason, that two weeks ago I specifically made a request for this information, which has not materialized, and I feel in a very precarious position really of having to vote against a motion because of the fact, if necessary, I will abstain because really I cannot in clear conscience vote on an issue, let me finish first of all, to vote on an issue in the absence of relevant and pertinent information. I just can't do it

DR. NIELSEN: Three of those points of information as I recall which you asked for had to do with rate setting. We're completely removing that from the question at the moment. So the one thing that you were looking information on that had to do with just the basic skeletal framework, how did you ask that question?

MR. TORRES: Taxes on parking property

DR. NIELSEN: Yes, you want to know what their income and all, but even that only has indirectly to do with rate setting, and we're not talking about that now, Dr. Calderon, so I think basically you're either with this or you're not.

MR. TORRES: We're not setting rates right now, Dr. Calderon.

DR. CALDERON: Well, you are because by virtue of this which let's see which one

MR. TORRES: That rate time on your

DR. CALDERON: On your provision 10, where you're saying it shall be specifically prohibited for any person, partnership or corporation to raise rates charged for parking at special times or during special events, you're setting rates, I mean

MR. TORRES: You're merely specifying that you do not charge a higher rate

DR. NIELSEN: He's trying to prevent gouging

MR. TORRES: At special times

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DR. CALDERON: But, you're setting a rate in other words

MR. TORRES: No, you don't set a rate in this ordinance, Dr. Calderon.

DR. CALDERON: Well, you're setting a limitation

MR. TORRES: You do not set a rate in this ordinance. You're not setting a limitation. There is no specific reference here to a vote. We are merely expressing our intent to set rates. There is no clear - you are providing for a licensing, basically, of your parking lot operators

DR. NIELSEN: For instance, Dr. Calderon, if the sign says that after 6:00 P. M. the rate is \$1.50, you know, they charge \$1.50 that's fine. It's when there's nothing printed, or we don't even know what the rates are going to be at special times, that's when the gouging takes place. That's where people complain In other words, they've still got the right to set the rates. We're not setting those at all, but they've got to post them, and that's what people expect.

DR. CALDERON: So, in other words, actually, what this ordinance is permitting is gouging every day of the year because, in other words, you are permitting, let me finish, you are permitting them to raise rates for special events of which they do ever so often, but in the requiring uniform rates in order to prevent them from saying well okay, well every night we're going to charge \$1.50 and this is a uniform rate which will be permissable under this ordinance. So, really in an effort to try to prevent gouging ever so often, you will actually be permitting it every night of the year.

MR. TORRES: This is what is passed upon at the time that the application is made, and each application of course would be the subject of a separate ordinance for each operator. This is when you get into the rate setting function, Dr. Calderon. When you go to pass on each particular ordinance and set the annual rates for that particular corporation, for that particular operator. Now, let me point out again, directing my remark to a statement that you made, Mrs. Haberman, that the only reason that I proceeded to eliminate the sections which you commented on - Sections 5 through 9 is in view of Mr. Walker's opinion that those sections would be clearly illegal, so there are two separate facets of the ordinance. One, establishes the application for a license and the licensing of that provision, and the other establishes the gross receipts tax. It's the gross receipts tax and the only provisions that have been excluded, Carol, are those that call for a gross receipts tax. I call for the question.

MR. HILL: Mr. Mayor, I'd like to have an opinion from the City Attorney.

MR. TORRES: We have a written opinion from the City Attorney.

MR. HILL: Mr. Torres, if I want an opinion from the City Attorney, I think I'm justified in the request.

MR. TORRES: You sure are.

MR. HILL: Okay.

MAYOR McALLISTER: Mr. Walker, do you have any comments?

CITY ATTORNEY WALKER: Mr. Hill, precisely on what question?

MR. HILL: Well, the point that is being raised, I mean, what is your opinion as to this ordinance? What does it accomplish?

CITY ATTORNEY WALKER: Well, first of all, let me say that when an ordinance is passed by a City Council it is clothed with legal presumptiveness and so remains until such time as a proper court of jurisdiction determines otherwise. Now, with reference to the legality of this type of ordinance. Under Texas law to regulate and license private enterprise it must be done under what you refer to as police power. The police power in the State of Texas is based on three categories. In order to regulate under police power three things must affect the public. One, it must affect the public health; two, it must affect the public safety; or, it must affect the public peace. Now, if this does not affect one of these, at least one of those, you may not legally under police power regulate private enterprise. All right, let's get down to the regulation of parking lots and determine how it affects public health, how it affects public safety and how it affects the public peace. Now, if we find that it does affect any one of these, then you have a legal basis on which to pass regulatory measures. If it does not, you have an illegal ordinance. All right, now you also must consider in passing an ordinance of this kind whether or not it is discriminatory because this is also involved when you regulate under your police power. By discriminatory I mean does it equally provide regulations to the industry? Now in this case you will have this question. I do not want to say what the courts will do with it, but you're going to have this question, I believe, you are regulating the open area lots, but you are not regulating the competitive lots that are inside. Now, in order to regulate in the first place, even in the open area lots you are doing so under the supposition that either the public streets are involved or the traffic drives over the public sidewalk which presumably might affect the public safety so at least put it in a category that you've got to put it in one of them. But, by the same token, when I drive my automobile into an inside parking lot, I drive over the same public streets, and I drive over the same sidewalk, but you are not regulating my operation, my inside operation of parking, so that you're going to have a question of discrimination in this matter. I don't know what the courts will do. Now another question, that I believe will be involved is your requirement that parking rates may not be changed within the period of license which presumably would be a year - that if you post your parking rates at 50 cents on January 1, 1971, you may not raise it to 55 cents or a dollar or one and a half or what have you before January 1, 1972. This I'm wondering about. Does this interfere with the constitutional right of contract? I think it does. But, then again, I don't know what the courts will say. But, you obviously have this question in this type of an ordinance. So, I'm not going to say that I believe this ordinance is an illegal ordinance. I think this ordinance, not only this ordinance but any ordinance of this specific type under circumstances might be difficult of enforcement. Here again, only the courts can determine that. So, you're going to have or this Council is going to have to determine whether or not this ordinance is a matter of public policy is a desirable ordinance and submit it to the judicial interpretation or you do not.

MR. TORRES: That's what you call throwing it back into our laps.

MRS. HABERMAN: The question has been called for.

MAYOR McALLISTER: The question has been called for. No further discussion, call the roll.

AYES: Nielsen, Torres; NAYS: James, Haberman, Trevino, Hill, McAllister; ABSTAIN: Calderon; ABSENT: Burke.

DR. NIELSEN: Let me ask, Mr. Torres, in your reading of your interpretation of you know both public lots, did you include the closed lots

MR. TORRES: I think, Howard, you misunderstood the ordinance insofar as its application to parking lots as concerned. We referred to public parking lots as any lot where automobiles are parked taking in three or more automobiles for a charge. So, I think, it would apply equally in response to Dr. Nielsen's question to the outside lot and to the inside lot.

CITY ATTORNEY WALKER: The reason, I thought that, Pete, was because the ordinance itself uses this language. A parking lot is any outdoor area or space.

MR. TORRES: Okay, I see.

DR. CALDERON: Okay, let's take the next item.

71-13 The Clerk read the following Resolution:

A RESOLUTION
NO. 71-13-83

AUTHORIZING THE CREATION OF A SPECIAL COMMITTEE TO MAKE A STUDY OF INCLUDING WITHIN THE HUMAN RESOURCES DEPARTMENT, AN AGENCY CHARGED WITH THE OBLIGATION TO ASSURE EQUAL JOB OPPORTUNITY.

* * * *

Councilman Trevino stated that this provides for a study on equal employment using the criteria of the Civil Rights Law of 1964. The Committee is to be composed of two Councilmen and one Councilwoman appointed by the Mayor, and six lay members appointed by the Council Committee.

Mr. Torres stated that he would second the motion if Mr. Trevino would concur in a recommendation that the Committee also study a proposed ordinance submitted with his memorandum of April 10, 1970, as well as the City Attorney's opinion dated April 13, 1970 and to clarify the legal questions raised at that time.

This was agreeable to Mr. Trevino.

After further discussion, Mr. Torres seconded the motion and on roll call, the Resolution was passed and approved by the following vote: AYES: McAllister, Calderon, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Burke.

The Resolution passed as follows:

A RESOLUTION
NO. 71-13-83

AUTHORIZING THE CREATION OF A SPECIAL
COMMITTEE TO MAKE A STUDY OF INCLUDING
WITHIN THE HUMAN RESOURCES DEPARTMENT,
AN AGENCY CHARGED WITH THE OBLIGATION
TO ASSURE EQUAL JOB OPPORTUNITY.

* * * *

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

- SECTION 1. The Mayor of the City of San Antonio is hereby authorized to create a special interim committee to make a thorough study of including, within the Human Resources Department, an agency charged with the obligation to assure equal job opportunity.
- SECTION 2. The Committee shall be composed of two Councilmen and one Councilwoman, appointed by the Mayor, and six lay members, appointed by the Council Committee.
- SECTION 3. There shall be made available to the interim committee for examination and study a copy of the Civil Rights Act of 1964 together with a proposed ordinance dated April 10, 1970, and a memorandum legal opinion pertaining to same.

* * * *

71-13

FOREIGN STUDENTS

Dr. Nielsen introduced three American Field Service Students from the Northeast Independent School District as follows: Annemarie Kurth from Switzerland enrolled at Churchill High School, Fernao Da Silva Nunes from Brazil enrolled at Lee High School, and Barbara Niessner from Germany enrolled at MacArthur High School.

The American Field Service is a private, non-profit, non-sectarian, educational organization whose purpose is the promotion of friendship and understanding between people throughout the world by means of international scholarship programs.

Foreign students come to the United States to live for a school year in carefully selected homes as members of the families and attend local secondary schools. They have an opportunity to learn first-hand the customs, ideals, interests, and problems of American life, and to share a knowledge of their own background with their American friends. The students who come are teenagers, 16 to 18 years old.

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MRS. JOHN DUTMER - 739 McKINLEY

Mrs. Dutmer stated that people in the southeast sector are concerned with the proposed new park on the east side of the City along Salado Creek off Nebraska Street. She said that it was supposed to be a nature trail kind of park, and this was not what was promised to the people. She stated that there is already Lincoln Park, the new "J" Street Park, then the new park, and then a few blocks farther the County Parks on Rigsby Avenue. The parks are concentrated in a small area. She felt that there was no use to build another park which will not be used by these people.

Mrs. Dutmer inquired about the contract to use a building in Hemisfair Plaza for an Alcoholic Center.

It was explained that the primary purpose of the lease would be administrative in nature. However, there would be counseling for functional alcoholics who have already been treated. However, if this operation gets to a point where it would conflict with activities at Hemisfair Plaza, the lease will be amended to delete the counseling function.

MULTIPLE HOUSING

Mrs. Rodney Smith, a member of the Committee for Concerned Citizens, stated that she regreted that the Council did not act on the Multiple Housing Resolution. She stated that she has discussed the matter with Mr. Finnis Jolly who said the City has the answer to the problem, not through zoning, but through issuance of building permits. She said that they have been discussing multiple housing with senior citizens and have come up with an idea of converting the apartment project in the Nimitz Junior High School area to a Section 231 Project which is housing for the elderly. She said that the Northeast Independent School District Trustees are meeting tonight, and it is expected that they will go on record as favoring Section 231 housing for the elderly.

Mayor McAllister asked that the City Manager try to get in touch with Mr. Jolly to see what can be done along the lines suggested by Mrs. Smith.

CARNATION FLOWER SALES

Mr. Mike Kelly a resident of Austin representing himself and his business partner, Mr. Greg Hahn, stated that they are in the business of selling flowers. They pay sales tax on their sales, and have a license from the Texas State of Agriculture Department and hold Vendor licenses from the City Tax Office. He explained the sales operation and resented any criticism that has been made that they are operating anything but a legitimate business. He said that the police have been harassing them, and they have received five citations.

City Attorney Walker explained that the City has a law which makes it unlawful to use the streets and sidewalks for the conduct of business unless specifically authorized by ordinance.

The nature of policy of enforcing the law against doing business on public streets and sidewalks was discussed. After which the City Manager was asked to consult with the Chief of Police to see if this matter could be resolved.

NOTICE OF SALE OF PROPERTY FOR TAXES BY SHERIFF

Mr. Raul Rodriguez stated that notice of sale of property for taxes is published only in the Commercial Recorder and felt that notice should be given in the other newspapers which have greater circulation.

After discussion, City Manager Henckel advised that procedures for sale of property for delinquent taxes is set out by State law and is handled through the County Courts.

PARKING IN DOWNTOWN AREA

Mr. Sam Snell, Operator of a Beauty Shop in the 100 block of Jefferson Street, stated that the downtown shopping district is in bad financial shape because of lack of public parking facilities. He felt that the City appeared to be concerned with moving vehicles rather than parking of vehicles. He stated that if the City spends money to move vehicles it should also spend money to provide parking for them. He asked that if the City is proposing to spend \$7 million for the inner loop around the downtown area why can't it spend a similar amount for parking facilities.

Discussion brought out that it is customary for private businesses to furnish parking facilities for their customers.

He was advised that the Downtown Association has plans for additional parking. The City will soon be looking at the downtown area and how to reinvigorate it.

71-13 The Clerk read the following letter:

March 19, 1971

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.

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3/15/71

Petition of Mr. & Mrs. Francisco Davila and Oralia Z. Davila, 1014 Clovis and Mr. & Mrs. Emelio Ortiz, 1006 Clovis requesting permission to maintain six (6) foot fences at 1014 Clovis and 1006 Clovis.

3/19/71

Petition of the Northside Independent School District requesting annexation of William Hobby Subdivision.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned at 12:15 P. M.

A P P R O V E D


M A Y O R

ATTEST:


C I T Y C L E R K

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