

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 18, 1971.

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

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71-7 The invocation was given by Reverend Vincent R. Castro,
Jerusalem Presbyterian Church.

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The minutes of the meeting of February 11, 1971, were approved.

71-7 ZONING HEARINGS

a. CASE 4023 - to rezone Lot 25, NCB 11169, from "B" Two Family
Residential District to "I-2" Heavy Industry District, located on the
north side of Rilling Road, 1059.7' east of the cut-off to U. S. Highway
281 South; having 311.0' on Rilling Road and a depth of 743.7'.

Acting Planning Director, J. H. Wilkerson, explained the
proposed change, which the Planning Commission recommended be approved
by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,255

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOT 25, NCB 11169,
FROM "B" TWO FAMILY RESIDENTIAL DISTRICT
TO "I-2" HEAVY INDUSTRY DISTRICT.

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b. CASE 4091 - to rezone the west 100.0' of Lot 144, NCB 11252,
from "B" Two Family Residential District to "B-3" Business District,
located on the south side of S. W. Military Drive, 445.3' east of Kelsey
Avenue; having 100.0' on S. W. Military Drive and a depth of 420.6'.

Acting Planning Director, J. H. Wilkerson, explained the
proposed change, which the Planning Commission recommended be approved
by the City Council.

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No one spoke in opposition.

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

AN ORDINANCE 39,256

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 100.0' OF LOT 144, NCB 11252, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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c. CASE 4103 - to rezone Lot 66, Blk. 50, NCB 11080, from "B-1" Business District to "B-3" Business District, located on the west side of Commercial Avenue, 170.0' north of Shemya Avenue; having 200.0' on Commercial Avenue and a depth of 200.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,257

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 66, BLK. 50, NCB 11080, FROM "B-1" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

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d. CASE 4106 - to rezone Lot 7, NCB 13662, from Temporary "A" Single Family Residential District to "B-2" Business District; and, Lot 1, NCB 14595, from Temporary "A" Single Family Residential District to "B-3" Business District.

The "B-2" zoning being located north of the intersection of Fredericksburg Road and Data Point Drive; having 592.65' on Fredericksburg Road and 289.28' on Data Point Drive.

The "B-3" zoning being located east of the intersection of Fredericksburg Road and Data Point Drive; having 294.89' on Fredericksburg Road and 239.65' on Data Point Drive.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,258

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOT 7, NCB 13662,
FROM TEMPORARY "A" SINGLE FAMILY
RESIDENTIAL DISTRICT TO "B-2" BUSINESS
DISTRICT; AND, LOT 1, NCB 14595, FROM
TEMPORARY "A" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT.

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e. CASE 4116 - to rezone Lot 12, Blk. 219, NCB 3946, from "B" Two Family Residential District to "B-2" Business District; and, Lot 11, Blk. 219, NCB 3946, from "B" Two Family Residential District to "B-3" Business District; located northeast of the intersection of Hildebrand Avenue and West Avenue.

The "B-2" being on the north side of Hildebrand Avenue, 75.0' east of the intersection of Hildebrand Avenue and West Avenue; having 70.0' on Hildebrand Avenue and a maximum depth of 137.3'.

The "B-3" being northeast of the intersection of Hildebrand Avenue and West Avenue; having 75.0' on Hildebrand Avenue and 137.3' on West Avenue

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

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AN ORDINANCE 39,259

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, BLK. 219, NCB 3946, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND, LOT 11, BLK. 219, NCB 3946, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

f. CASE 4124 - to rezone Lot 7, NCB 10780, from "A" Single Family Residential District to "I-1" Light Industry District, located southwest of the intersection of Sinclair Road and Southeast Loop 410 Expressway; having 438.14' on Sinclair Road, 171.61' on Southeast Loop 410 Expressway and a total frontage of 156.22' on the cutback between Sinclair Road and Southeast Loop 410 Expressway.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,260

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 7, NCB 10780, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

g. CASE 4134 S. R. - to rezone Lots 6 and 7, Blk. 5, NCB 6333, from "R-3" Multiple Family Residential District to "R-3" with special approval to permit a nursery or kindergarten with an enrollment of over 20 children, located on the south side of Center Street, 125' east of North Gevers Street; having 50' on Center Street and a depth of 115.5'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council, and advised the Council that the staff recommended against approval of this Ordinance, which would permit an increase in

enrollment of this nursery to 20 children. The staff considers this to be spot zoning and there is not sufficient parking.

Mrs. Ethel Leath discussed the situation with the Council and assured the members that there is ample parking space for her needs.

No one spoke in opposition.

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

AN ORDINANCE 39,261

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 6 AND 7, BLK. 5, NCB 6333, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "R-3" WITH SPECIAL APPROVAL TO PERMIT A NURSERY OR KINDERGARTEN WITH AN ENROLLMENT OF OVER 20 CHILDREN.

* * * *

h. CASE 4125 - to rezone Lot 50, Blk. E, NCB 6013, from "B" Two Family Residential District and "D" Apartment District to "O-1" Office District, located between Holland Avenue and Hildebrand Avenue on the east side of Gillespie Avenue; having 90.0' on Holland Avenue and Hildebrand Avenue and 185.3' on Gillespie.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,262

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 50, BLK. E, NCB 6013, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT AND "D" APARTMENT DISTRICT TO "O-1" OFFICE DISTRICT.

* * * *

i. CASE 4099 - to rezone the north 30.0' and the west 180.0' of the south 244.40' of Lot 21, NCB 10614, not presently zoned "I-1" Light Industry District, from "A" Single Family Residential District and "B-3" Business District to "I-1" Light Industry District, located on the east side of South W. W. White Road, 360.29' south of the cutback to East Commerce Street (U. S. Highway 90); having 274.40' on South W. W. White Road and a maximum depth of 655.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,263

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE NORTH 30.0'
AND THE WEST 180.0' OF THE SOUTH
244.40' OF LOT 21, NCB 10614, NOT
PRESENTLY ZONED "I-1" LIGHT INDUSTRY
DISTRICT, FROM "A" SINGLE FAMILY
RESIDENTIAL DISTRICT AND "B-3"
BUSINESS DISTRICT TO "I-1" LIGHT
INDUSTRY DISTRICT.

* * * *

71-7 Mayor Pro-Tem Calderon welcomed a class of government students from Edgewood High School, who were observing the Council meeting.

j. CASE 4127 - to rezone Lot 46, Blk. 3, NCB 9470, from "C" Apartment District and "B" Two Family Residential District to "R-3" Multiple Family Residential District, fronting on both Formosa Boulevard and Pleasanton Road. The frontage on Formosa Boulevard being 335.6' west of the intersection of Formosa Boulevard and Pleasanton Road; having 100.0' on Formosa Boulevard and a depth of 470.0'. The frontage on Pleasanton Road being 270.0' south of Pleasanton Road and Formosa Boulevard; having 200.0' on Pleasanton Road and a depth of 420.60'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Planning Commission be approved provided that screening is erected along the south and west property lines. The

motion was seconded by Mr. Trevino. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 39,264

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 46, BLK. 3, NCB 9470, FROM "C" APARTMENT DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT SCREENING IS ERECTED ALONG THE SOUTH AND WEST PROPERTY LINES.

* * * *

k. CASE 4117 - to rezone the northeast 45.0' of Lot 11, Blk. 13, NCB 3867, from "D" Apartment District to "B-2" Business District; and, Lot 11, Blk. 13, NCB 3867, save and except the northeast 45.0', from "D" Apartment District to "B-3" Business District, located south of the intersection of Mulberry Avenue and Margaret Street; having 55.17' on Mulberry Avenue and 160.77' on Margaret Street.

The "B-2" being on the northeast 45' and the "B-3" being on the remaining portion.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council, and said that the property in question abuts another piece of property, which was rezoned by the Council at the request of O. R. Mitchell Motors several months ago. The purpose of rezoning is for the expansion of the O. R. Mitchell Motors' facilities.

In answer to a question by Mr. Torres, Mr. Al Rohde, representing the applicant, said that in this instance the owner of Villa Fontana Apartments was not notified of the requested rezoning, because that property is outside of the 200 foot requirement.

Mr. Torres recalled that in the previous rezoning case, Mitchell Motors had promised to erect their building at the westerly end of the property, but said that he understood these plans had changed. He asked Mr. Rohde to explain this.

Mr. Rohde asked for time to summon an official of O. R. Mitchell Motors, who could answer the question. The request was granted and Mr. Ed Lamb, Business Manager for O. R. Mitchell Chrysler, was called to appear before the Council.

Mr. Lamb advised the Council that the building in question has never been erected, but that it is the company's intention to erect the building and install landscaping exactly as it was discussed with the Council. The property now being considered for rezoning will be used for employee parking.

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Mr. Torres withdrew the objections he had had.

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

AN ORDINANCE 39,265

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHEAST 45.0' OF LOT 11, BLK. 13, NCB 3867, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT; AND, LOT 11, BLK. 13, NCB 3867, SAVE AND EXCEPT THE NORTHEAST 45.0', FROM "D" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

1. CASE 4115 - to rezone Lot 9, Blk. 1, NCB 8963, from "B" Two Family Residential District to "B-2" Business District, located on the south side of Division Avenue, 400.0' east of Commercial Avenue; having 50.0' on Division Avenue and a depth of 125.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Robert Sims, representing the applicant, Mr. Blas Beserra, explained that after rezoning, the property would be used for a plumbing shop. He asked for Council approval of the rezoning.

Mr. Juan Lopez, 738 Division Avenue, spoke in opposition to the request. Questioning by members of the Council brought out the fact that Mr. Lopez mainly objected to a six foot (6') board fence, which has been erected in front of the property being considered.

Further questioning revealed that the six foot (6') fence had been installed without a permit and that a case has been filed in Corporation Court against the owner of the property.

In rebuttal, Mr. Sims stated that his client wished to keep the fence, but would agree to have it lowered to a legal height of three feet (3').

After consideration, the Council agreed to postpone action on this case until March 18, 1971, which would give the owner of the property ample time to have the fence lowered.

m. CASE 4140 - to rezone Lots 15 through 39, NCB 11681, from "B" Two Family Residential District to "R-2" Two Family Residential District; 6.427 acres out of Lot 40, NCB 11681, being further described by field notes filed in the office of the Department of Planning, from "B" Two Family Residential District to "B-1" Business District; 21.784 acres out of Lot 40, NCB 11681, being further described by field notes filed in the office of the Department of Planning, from "B" Two Family Residential District to "B-2" Business District; and, 25.131 acres out of Lot 40, NCB 11681, being further described by field notes filed in the office of the Department of Planning, from "B" Two Family Residential District to "B-3" Business District.

The "B" to "R-2" being located on the south side of Freiling Drive, beginning at a point 109' east of I. H. 10 Expressway R.O.W.; having 1,959.22' on Freiling Drive and a maximum depth of 113.0'.

The "B" to "B-1" being located 113.0' south of Freiling Drive and being 150.0' x 1,959.62' in size.

The "B" to "B-2" being irregular in shape, located 263.0' south of Freiling Drive; having a maximum length of 1,819.65' and a maximum width of 728.63'.

The "B" to "B-3" being located on the northeast side of I. H. 10 Expressway R.O.W., 1,080.25' west of Vance Jackson Road; having 2,115.84' on I. H. 10 Expressway and a maximum depth of 825'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Jack Kaufman, attorney representing the applicant, described the intended uses of the property. He also referred to objections, which had been raised by residents in the area, which related to anticipated increase in traffic on Freiling Drive, danger to school children, lowering of property values. He acknowledged that problems do exist and described the various solutions, which had been considered.

Speaking in opposition were:

Mr. Frank Lombardino, 619 Freiling Drive;
Mr. George Sheldon, 507 Freiling Drive; and,
Mrs. Maria Dominguez, 250 Freiling Drive.

Mr. Stewart Fischer, Director of Traffic and Transportation, discussed the traffic situation in the area and sketched an outline of proposed streets on the plan of the area. He indicated that it had been determined that one outlet provided at the western end of the property onto Freiling Drive would encourage people to use the frontage road of I. H. 10, instead of Freiling Drive. He also pointed out that the property on the east side is already zoned F and can be developed at anytime without Planning Commission consideration. When it is developed, it may be possible to get access to Vance Jackson Road.

After consideration, Mr. Torres made a motion that the recommendation of the Planning Commission be approved provided that there is no access to Freiling Drive from the Commercial Zones and that a non-access easement is furnished between the "R-2" Two Family Residential District and the "B-1" Business District. The motion

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was seconded by Mr. Burke. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 39,266

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 15 THROUGH 39, NCB 11681, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT; 6.427 ACRES OUT OF LOT 40, NCB 11681 (BEING FURTHER DESCRIBED BY FIELD NOTES), FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; 21.784 ACRES OUT OF LOT 40, NCB 11681 (BEING FURTHER DESCRIBED BY FIELD NOTES), FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND, 25.131 ACRES OUT OF LOT 40, NCB 11681 (BEING FURTHER DESCRIBED BY FIELD NOTES), FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THERE IS NO ACCESS TO FREILING DRIVE FROM THE COMMERCIAL ZONES AND THAT A NON-ACCESS EASEMENT IS FURNISHED BETWEEN THE "R-2" TWO FAMILY RESIDENTIAL DISTRICT AND THE "B-1" BUSINESS DISTRICT.

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n. CASE 4136 - to rezone Lots 14, 15 and 16, Blk. 1, NCB 7469, from "C" Apartment District to "I-1" Light Industry District, located northeast of the intersection of Memorial Street and Cornelia Avenue; having 150.0' on both Cornelia Avenue and Memorial Street.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. Jose Cardenas, representing the applicant, Mr. Gonzalo Ponce, showed a map of the area and a set of photographs to members of the Council. He said that Mr. Ponce intended to have a welding shop on the site and that schools in the area did not object.

Mr. Torres raised objections to this type of activity directly across the street from a school. He also pointed out that in an "I-1" district, outside storage is permitted and this would deteriorate the neighborhood.

After consideration, Mr. Hill made a motion that the recommendation of the Planning Commission be overruled and the rezoning granted. The motion died for lack of a second.

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There was a hearing 11/11/71 on this ordinance to delete the non-access easement requirements.

Mr. Trevino made a motion to uphold the recommendation of the Planning Commission that the rezoning be denied. The motion was seconded by Dr. Nielsen and was passed by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Torres; NAYS: Hill; ABSENT: McAllister.

o. CASE 4133 - to rezone the west 317.2' of Tract B, NCB 10838, from "A" Single Family Residential District to "B-2" Business District, located on the north side of Chandler Road, 1,671.60' west of South W. W. White Road; having 317.2' on Chandler Road and a depth of 412.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Councilman Burke disqualified himself in this case, as he is an interested property owner in the area.

Mr. Stanley Rosenberg, representing the applicants, Dr. Delmer, Dr. Robinson and Dr. Severance and Associates, explained that they intended to build a doctors' office building and a nursing home to be operated in conjunction with the Baptist Hospital, which is being constructed on an adjoining property. Mr. Rosenberg read a letter, from Hughes & Wakefield, Developers, recommending approval of the project, as well as a letter from Baptist Hospital. He also stated that residents in the area approve the project.

Mr. Wilkerson said that the staff had recommended against the rezoning. He submitted a map that showed the zoning plan for this area.

No one spoke in opposition.

After consideration, Mr. Torres made a motion that the recommendation of the Planning Commission be overruled and the rezoning granted. The motion was seconded by Mr. Hill.

Dr. Calderon stated that it is his opinion that there is, at present, plenty of undeveloped land on both sides of Southcross and that the plot under consideration is too far away.

In view of Dr. Calderon's stated position, Mr. Torres withdrew his motion and moved that consideration of Case 4133 be postponed until a full Council is present at the meeting on March 18, 1971. The motion was seconded by Mr. Hill and was passed by the following vote: AYES: Calderon, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSTAIN: Burke; ABSENT: McAllister.

p. CASE 4147 - to rezone Lots 12 through 20, Blk. 18, NCB 12798, from Temporary "R-1" and "R-2" Two Family Residential Districts to "R-6" Townhouse District, located northwest of the intersection of Fred May Drive and Baywater Drive; having 701.87' on Fred May Drive and 110' on Baywater Drive.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council, and said that a protest petition bearing 104 signatures had been received. As an alternative, they recommended that the entire block be zoned "R-2."

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Mr. Bill B. Demmer, the applicant, described the tract being considered and said that, as presently zoned, he could build 18 residential units. Under the townhouse zoning, he is requesting, he could have 24 to 26 units. He reviewed the objections raised by residents in the neighborhood, which mainly related to increased traffic in the alley and on Newcome Drive. Mr. Demmer said that it is his intention to widen the alley eight feet (8') and pave it, so it can be used for ingress and egress to the carports at the rear of the townhouses.

Speaking in opposition were:

Mr. Hugh McBride, 4826 Newcome Drive;
Mr. George Surman, 4842 Newcome Drive; and,
Mrs. Dening Luddeke, 4814 Newcome Drive.

Each of the opponents expressed dislike for the use of the alley by the townhouse tenants and expressed fear that there would be a heavy increase in traffic volume on Newcome Drive.

After consideration, Dr. Nielsen made a motion that the recommendation of the Planning Commission be overruled and the rezoning granted. The motion died for lack of a second.

On motion of Mr. Hill, seconded by Mr. Trevino, the recommendation of the Planning Commission, to rezone that portion of Lots 16 and 17, not presently zoned "R-2", and all of Lots 18, 19 and 20 to "R-2", was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Haberman, Trevino, Hill, Torres; NAYS: Nielsen; Absent: McAllister.

AN ORDINANCE 39,267

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THAT PORTION OF
LOTS 16 AND 17, BLK. 18, NCB 12798,
NOT PRESENTLY ZONED "R-2", AND LOTS
18, 19 AND 20, BLK. 18, NCB 12798,
FROM TEMPORARY "R-1" TWO FAMILY
RESIDENTIAL DISTRICT TO "R-2" TWO
FAMILY RESIDENTIAL DISTRICT.

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q. CASE 3711 - to rezone 6.110 acres out of NCB 12107, being further described by field notes filed in the office of the Department of Planning, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; 11.855 acres out of NCB 12107, being further described by field notes filed in the office of the Department of Planning, from "A" Single Family Residential District and Temporary "A" Single Family Residential District to "R-6" Townhouse District; and, 16.937 acres out of NCB 12107, being further described by field notes filed in the office of the Department of Planning, from "A" Single Family Residential District and Temporary "A" Single Family Residential District to "B-3" Business District, located approximately 600' east of Valley View Lane and approximately 1400' southeast of Nacogdoches Road, containing a total of 34.902 acres.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council, and reminded members of the Council that this case had been held over from the meeting of January 21 to give the applicant time to prepare a plan for the area to show to the Council. He also said that he had received a petition in opposition, representing at least twenty percent (20%) of the affected property owners. In view of this, it would take at least seven (7) votes by the Council to approve the change in zoning.

Mr. John Oliver, attorney for Mr. Ben Carter, the applicant, reviewed the proposed change in zoning with the members of the Council and displayed artists' drawings of the proposed development. He asked the Council for favorable consideration of the requested change in zoning.

Mr. Emerson Banack, attorney representing Quincy Lee, St. Mary's Hall and others, spoke in opposition to the zoning change. He referred to previous legal opinions, in which it was said that the limit of eight (8) months since the Planning Commission approval has expired and that the City Council does not have authority to act in the matter.

Assistant City Attorney, Nicholas Cosgrove, said that it is the opinion of the City Attorney's office that the eight (8) months expired. It began on the day that the Planning Commission approved the change. He pointed out that the Planning Commission does not make a preliminary and final report, as specified in the City Code, and consequently, time must be counted from the date of Planning Commission action.

Mr. Oliver took exception to this opinion, because the Planning Commission had laid down certain conditions for the rezoning.

Mr. Banack then said that the Planning Commission had been concerned about the lack of ingress and egress into the subdivision - there being only one street and that through a single family residential area. There are no other provisions for getting into and out of the area, which contemplates having commercial use.

After consideration, on motion of Dr. Nielsen, seconded by Mr. Burke, the recommendation of the Planning Commission was overruled and the rezoning was denied by the following vote (seven (7) ayes required for passage): AYES: Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: Calderon, Haberman; ABSENT: McAllister.

71-7 HEARING ON THE REQUEST OF ROBERT E. SPRINGER FOR PERMISSION TO OPERATE AN AUTO WRECKING YARD AT 703 SOMERSET ROAD

Mr. Robert Springer appeared before the Council and asked for permission to operate a junk yard at 703 Somerset Road. The last contract on this property expired in August, 1970, but is still used to park junked autos.

A discussion developed concerning the illegal operation of junk yards in the area.

Mr. Torres pointed out that junk automobiles are parked on sidewalks and other City property. The entire area is in a deplorable condition.

After consideration, Mr. Torres moved that the application to operate an auto wrecking yard be denied. The motion was seconded by Mr. Trevino and was passed and approved by the following vote: AYES: Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: Haberman; ABSENT: McAllister.

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DEMOLITION OF HOUSES

Mr. Trevino asked Mr. George Vann about the status of the program for demolition of houses.

Mr. Vann said that some 318 cases have been investigated and are in the office of the City Attorney. Thirty-five (35) have been processed and two (2) are in Public Works Department now to be demolished. There is a separate program for the Model Cities area.

Mr. Trevino complained about the Southern Wool Company on Kemper Street, where sheepskins are being stored out in the open.

Mr. Vann said that a complaint had been filed against this company on February 16 and they have ten (10) days to remove this storage.

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Mr. Robert D. Salvatierra, 142 Fay Street, asked to speak regarding junk yards. He had received a notice regarding the hearing of Robert Springer and lives in the area. He described criminal activity in the area, the dirtiness associated with junk yards, et cetera. He also discussed the rendering plant and its objectionable odors. He said that he felt that citizens should be protected from encroachment of these undesirable activities.

COMMITTEE REPORT ON REQUEST OF
SAN ANTONIO POLICE OFFICER'S ASSOCIATION FOR INCREASE IN PAY

MAYOR PRO TEM CALDERON: Okay, Mr. Hill.

MR. ED HILL: Mr. Mayor, and members of the City Council this is the report from the committee that was appointed by the Mayor and approved by the Council on the 28th of January.

Following is the committee report as a result of studying the fiscal year 70-71 budget and possible areas of additional revenue for the express purpose of attaining additional money to be applied to Police-Fire and Hourly Employee's pay raise.

The committee, consisting of Councilman Ed Hill (Chairman), Councilman Pete Torres and Councilwoman Carol Haberman, was appointed by the Mayor and approved by the Council at the Council meeting January 28, 1971.

The committee had its initial meeting on Friday, January 29, 1971; met with the Police Officers Association Tuesday, February 2, 1971; met with the President and other members of the Police Officers Association, City Manager, Chief Bichsel, Carl White and members of the press Wednesday, February 3, 1971; met Monday, February 8, 1971 with only committee members present; and the final committee meeting was held on February 15, 1971.

During the time the committee has been constituted, a detailed study and review has been made of the fiscal year 70-71 budget and for possible sources of additional revenue to be applied toward immediate and/or long-range pay increases.

In so doing, the committee has reviewed the pay policy and schedule of all city employees and the comparison of wages of San Antonio city employees in relation to Fort Worth, Houston, Dallas and El Paso.

Employees of the City of San Antonio fall into two basic categories; Police-Fire and Hourly Wage employees; and are subject to pay increases as approved by the City Council and/or longevity. Other city employees are on a pay plan which provides for a 5% increase after a satisfactory probational appointment period of six months and a 5% salary increase every 12 (twelve) months until the 7th (seventh) step is reached which is the top step. Very few employees in this category are denied this 5% salary increase every 12 (twelve) months. (Note: for those employees who have reached the top step and cannot get additional salary increases, management is presently studying the possibility of adding additional steps or a longevity plan). Employees under the 7 (seven) step in-grade promotion pay plan have received three administrative pay increases since November 1, 1966 totalling 12.6%. Therefore, the average employee over this 4 year-3 month period from November 1, 1966 to February 1, 1971 has received 32.6% to 37.6% depending on their twelve-month anniversary date.

Likewise, each major department has a budgeted amount for pay of overtime on a one and one-half basis. The total pay for overtime in the fiscal year 70-71 budget is approximately \$625,000.00. Of this amount, \$199,180.00 is budgeted for Police. However, there is some flexibility in the Police Department for overtime pay which usually runs over the \$200,000.00 figure.

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The committee, in its review and study of additional possible areas of revenue, considered an increase in the ad-valorem tax, liquor by the drink, garbage and brush collection fee, property re-evaluation and internal management improvements which will be discussed later in the report. Addressing ourselves to the ad-valorem tax--which at present is \$1.89 on the \$100.00--places San Antonio third highest in the state on a per capita basis. Therefore, for this reason and reasons listed below, an increase is not recommended at this time. In addition to this, it is the opinion of the committee that there are other areas of possible revenue that should be considered before an increase in the tax rate is considered; such as continued emphasis on the collection of delinquent taxes, improvement in certain management areas including a complete management review of all departments and a general belt tightening across the board in the remainder of fiscal year 70-71 and in fiscal year 71-72. Any tax increase necessary to provide additional revenue should be one that will be levied on all citizens and not just property owners.

Liquor by the drink is an unknown source as to first, the passage thereof; and secondly, the amount of revenue it would produce. Garbage and brush collection fee is a possible source that could be considered. However, in view of other potentials to be discussed later, the committee does not recommend any action at this time.

Property re-evaluation is long overdue as property is assessed at the 1961 market value level for the downtown area and 1953 for other property. A program should be established to re-evaluate property to bring it up to the current market value. This would no doubt increase revenue.

Management improvements brought about through a detailed review department by department, establish a method of work units, evaluation, review of reports, paper processing, policies, budget preparation, vehicle maintenance, personnel management, etc. This is considered a top priority area that would result in a more effective, efficient and less cost of operation which in turn would have a decided effect on the budget.

Since none of the above areas would provide immediate dollars for increased pay purposes (but should be pursued prior to the approval of the fiscal year 71-72 budget) the only alternative is to find possible dollars in the current budget.

Through review and study of the fiscal year 70-71 budget, the committee concludes that funds for an additional 5% increase for Police, Fire and Hourly Wage employees can be made available during the remaining 6 months of the present budget year and that the additional pay raises be retroactive to February 6, 1971. This means that approximately \$501,033 is required to grant this pay increase for the remainder of this fiscal year (6 months) and \$1,002,066 required for the ensuing fiscal year 71-72 budget.

Recommended sources within the fiscal year 70-71 budget to be considered are:

Pay of personnel	Maximum number of employees projected in the budget vs. number of employees on payroll.
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What we're saying here is that the number of 5,200 employees which is in the budget and includes seasonal, part time and summer hire vs. the number of vacant positions on the payroll. We feel that this was one area that funds can be made available to contribute to this \$501,033.

Overtime pay

Review policies and controls of expenditures.

Public Improvements (emergency) -

This is money in the budget that has been set aside for emergencies. Through the grace of the Good Lord we haven't had any emergencies up to now, and this figure still remains in the budget. We also have to look forward to having some rains or what not in the future and if we happen to have some severe rains why, of course, streets, and other things why some of this money would have to be used for that. But, anyhow, this is, we think, a definite source.

Inter-Governmental Service Fund

Also to be considered and another item in the budget.

The committee in looking to the fiscal year 71-72 budget would like to point out to the Council the necessary increases as a result of action by the Council and increase in cost of operations, goods, and services.

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|--|------------|
| 1. Fifty additional policemen,
full year. | \$ 230,000 |
|--|------------|

The first is that in the coming fiscal year funds have to be provided for the pay of fifty additional policemen on a full year basis.

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|-------------------------|---------|
| 2. Increase in T.M.R.S. | 128,000 |
|-------------------------|---------|

The Council took action in the first part of the calendar year to increase the retirement for City employees that come under the Texas Municipal Retirement System.

- | | |
|---|---------|
| 3. Police-Fire Pension Fund increase | 83,400 |
| 4. In-staff pay increases -
classified employees | 500,000 |

These are the employees that are subject to a five (5) per cent pay increase every 12 months that they're on the job until they reach the top step.

5. Pay increase 5% February '71 - full year 511,000

The one that was effective February 6, 1971 this year - five (5) per cent and escalated up to ten (10) in the fire and police categories and hourly wages.

6. Parity pay 64,000

7. Increase cost of operations 499,080

This is cost of goods and services.

8. Equipment replacement 500,000
\$ 2,546,095

Approximately \$2,546,095 and this is over and above the \$1,002,660 that we're recommending the five (5) per cent additional raise retroactive to the 6th of February of this year.

The committee further submits for the Council's consideration that all pay increases in the future be on a fiscal year basis at the time of budget preparation.

This report is respectfully submitted and signed by Ed. H. Hill, Chairman, Councilman Pete Torres, and Councilwoman Carol R. Haberman.

DR. CALDERON: Does the City Manager have any comments to make on the report?

CITY MANAGER HENCKEL: No, sir, I've been working with the committee and, of course, as I've stated I'm certainly for a pay raise for any City employees at any time. This will be taxing on the current budget. It will be my job to squeeze this money out of it, and I'll certainly do my best.

DR. NIELSEN: Well, Mr. Mayor, I'd like to commend the committee. I have a couple of questions to the committee or Mr. Hill. In the category number seven - Increase cost of operations (other), what roughly is that? And number eight - Equipment replacements?

COUNCILMAN HILL: Well, this is, of course, your capital improvements on vehicles, equipment, shop equipment and also cost of.....

DR. NIELSEN: Yes, that would be equipment parts. What is other cost of operations that you got in mind? These are some additional expenditures?

COUNCILMAN HILL: Well, this is the increase and in prices of materials that we buy that John Brooks comes up here with and we go out with invitations for bids. They estimate a six per cent increase in things that you buy in the coming year.

DR. NIELSEN: In the category - on page three of Public Improvements emergencies are we still going ahead with this business of about \$400,000 for police cars?

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CITY MANAGER HENCKEL: No, sir, that's been approved, and we're going out for bids now. This is a must, and I wouldn't consider at all deleting that item in order to find this money. I'll have to get it from additional places - leaving around a \$400,000 approximate balance on that account which, again, I wouldn't recommend using all of it. But, I certainly will have to use some of it to pick up this additional \$600,000 that we're going to have to absorb in this year's budget as a result of this increase in the T.M.R.S. and retirement in the Fire-Police pension. Most of it will have to come from normal operation items such as cutting down on the overtime pay and not adding the employees that were budgeted that we have not filled at this time, but the reason we have a saving is because we have held on to positions. This had been our big savings in the first six months operation is the 200 plus positions that the departments had requested in the budget which were approved which we have not filled.

MR. TORRES: What does that amount to, Jerry?

CITY MANAGER HENCKEL: Oh, off hand, Pete, it would be difficult to say. I could get the figures because they're different types of categories.

MR. TORRES: Would it be half a million dollars total?

CITY MANAGER HENCKEL: Well, it would be I'd say in the neighborhood of \$300,000 to \$400,000, and some of them we will have to fill such as the nurses in the Health Department. The reason that some positions aren't filled is because we just can't get them, and we will be coming to you here in the next 30 days with changes in the pay plan so that we can up some of the positions to fill the necessities that we have. We must up the pay for the nurses. This is a good example. We're going to have to up the pay of nurses in order to get them.

MR. TORRES: So, in each of these categories then where you say - where the committee says recommended sources within the fiscal year 70-71 budget I didn't get to discuss this particular item with you and on the pay of personnel you say about \$300,000 to \$400,000 on overtime pay. About how much does that amount to?

CITY MANAGER HENCKEL: Well, we have a total of about \$600,000.

COUNCILMAN HILL: Well, about \$625,000, and we're half way through.....

CITY MANAGER HENCKEL: It will be in the Police Department and again, we're just going to have to watch each month as it comes up because some months of overtime budget is heavy. For instance, during Fiesta time we will have a heavy overtime budget in police and fire. And, we can't cut that out because we have to handle Fiesta.

MR. TORRES: How much do you anticipate getting out of that particular item?

CITY MANAGER HENCKEL: Let me say to the Council that at this time I couldn't say exactly on any particular item what I anticipate saving. Each department is going to be instructed to cut down to absolute minimum both on employees and overtime, and then I will review it monthly and this is why I say there is no way that I can sit here and guarantee to this Council, and in view of the things that Mr. Hill said that I can't foresee what emergencies we might have if the dry

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season continues, and we don't have to go on an extensive street patching campaign. We can save some money there. If we have rain now, heavy rains, because of the dry season we're going to have extensive repairs to the streets because the dry streets are going to break easier because they've dried out under the pavement. All of these things are unforeseeable. If things break right for us, we can get this money and absorb it in the budget. If they don't, why then we're going to have to make adjustments at the end of the budget year. But, the staff will do everything they can to cut every expenditure in order to absorb this into the current budget.

MR. TORRES: Then upon the Council adopting this committee report, I presume an ordinance would be necessary that you would have to be prepared to increase these.

CITY MANAGER HENCKEL: Yes, sir, we will have an ordinance. Whatever the decision of this Council is. We'll have an ordinance ready on next week's agenda.

MR. TORRES: So then how soon after that if the Council should adopt the committee report, how soon after that could we come up with that retroactive five per cent.....

CITY MANAGER HENCKEL: It'd be available on the next pay check. In other words, the staff can proceed immediately putting it on the computers so that it can be in the next check which I believe is a week from Friday. Then, of course, the money itself is we're now operating in the deficit as far as cash is concerned. We're borrowing money from the bank and, of course, we'll just include this in our deficit in our borrowing. Contrary to what many people believe when you look at our budget that we're actually operating on borrowed money the great percentage of the fiscal year. It's only during the tax collecting year period that we have the cash money, and we borrow against the anticipated tax collections, fortunately, at no interest, to operate the City. So there won't be any problem insofar as securing the money itself because we'll just borrow the additional funds to cover this increase, and then we will make the necessary budget adjustments as we go along.

DR. NIELSEN: Mr. Mayor, I have on other recommendation granting the fire and police seven and one half as opposed to five would cost us for the next six months 177,000 and some odd dollars. I think we've shown a reasonable commitment to these budget demands - not demands - just the reality of a budget and in light of the fact as I have said before, Jerry, I think in terms of priorities that the police vehicles are needed, but that I think we should squeeze some there to help come up with that additional \$177,000 that I would seriously recommend to this Council that we take this report and supplement it to a point of two and a half per cent for the police and fire retroactive to February 6. I don't know whether you all discussed it in the committee or not. What you all talked about I have no idea.

MR. TORRES: We covered five and ten is what we were shooting for.

COUNCILMAN HILL: Well, we feel that with the areas that the committee is recommending to the rest of the Council and to the City Manager that without really thinning down too much in your budget the flexibility that you have to have to have for emergencies and unforeseens in the next six months, Ford, is the reason that we came up with the five per cent.

Between now and the preparation of the 71-72 budget I think we laid it out here, and I certainly feel that this is the proper way to go.

DR. CALDERON: Let me say that the committee has done a terrific job, and I certainly want to commend the committee for the work well done. Let me also say that I'm sure that the five per cent pay raise is very definitely justified. When you recognize the fact that the other employees - so called classified employees - were given a five per cent pay raise the beginning of this fiscal year so that they were able to enjoy the five per cent pay raise over the 12 month span of this fiscal year as opposed to the fire-police and the hourly workers who were given a five per cent to cover the latter part of this fiscal year. So this five per cent I think a necessity. Actually, it gets these employees on the same basis as the classified employees who received the five per cent pay raise last August.

DR. NIELSEN: The point is that it's ten per cent for the six months and all we've basically done is kept up with inflation.

CITY MANAGER HENCKEL: Well, we've tried to keep, I think, in some instances we've stayed ahead, and this report has pointed out that we have granted certain increases to the three categories that only the Council can grant increases, and this is the fire, police, and per diem workers. The employees who are in the classified service have a built in pay plan with five per cent increments that can be received some time each fiscal year. But, I want to clarify a point that each employee does not receive a five per cent for the full year. He may only get that for one or two months of the year depending on the time of his anniversary date. So, but, of course, then it does carry over into the following year. This is right. When you look at it in the over all picture the classified employees even though they receive the five per cent have received less than the increases that we have given to the fire and police and the hourly workers, but we've tried to put the attention where we think it is most critical. There's no doubt that for management and certainly for the Council that the fire-police areas have been the most critical areas and certainly the labor positions have been most critical, and this is why they received more attention.

DR. NIELSEN: There was on February 7, 1970--there was a two and one half per cent, but we did not raise across the board or anything last August.

CITY MANAGER HENCKEL: No, we didn't. Those were cost of living increases that were straight across the board for everybody over and above anything else.....

COUNCILMAN HILL: Mr. Mayor, let me say in behalf of the committee that I want to thank Mr. Torres and Mrs. Haberman for the work and time that they worked with me on this, and also the City Manager, and the members of his staff. I can assure you that we all put quite a bit of time into this and coming up to the position that we have, and we have tried to come to the conclusion that we have on sound basic recommendations and figures. As a result thereof, I'd like to move at this time that the report be accepted by the Council.

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DR. CALDERON: All right. No further discussion.

DR. NIELSEN: Well, I'm going to ask again, is there not going to be any consideration given, out of that police car situation, to look for additional funds for the two and a half percent for police and fire?

MR. TORRES: There are a number of areas, I think, that we could look to for additional revenue. We put off an item last week that I had hoped to have us put off, so that the Council could consider this, should the Council, as a whole, feel, upon receiving the committee report, that an additional increase that has gone beyond five percent would be justified. Now, we do have an item for the "B" session, where we're considering a \$200,000 expenditure. Now, it's not essential that we make that entire expenditure. By the same token, we do have excess on sales tax revenues, which I have mentioned before, and which the committee also discussed. I think that the Council, as a whole - that the Council, as a whole, is amenable to go along with more than a five percent. I do think there are two sources of available revenue besides those - that one item that you mentioned, Ford, on the police cars. It is a matter of assessing our priorities. We do have a serious problem. I should hope that we could resolve this problem with this five percent pay increase recommended by the committee and yet, I, as an individual member of the committee, would feel that if it doesn't resolve the dispute, that possibly we can keep the door open, looking to these other sources of revenue.

DR. NIELSEN: You weren't at the "B" session a week or two ago, when this thing came up about the police cars. I know we need them. My comment was that I thought our priorities, at the time, would preclude using at least part of that for pay purposes and still get some automobiles.

CITY MANAGER HENCKEL: Well, Ford, let me explain something that's just been brought to my attention here this week. Chief Bichsel, Associate Manager, has advised me that cost per mile has now gone up to nine cents. The number of miles we run each month, this is running on our additional cost up in the vicinity of \$25,000 per month on maintenance and operation. This is just poor business to keep pouring more money into maintenance, when this same money can be put into new capital and equipment, which is safer. In order to provide the money in this current budget for the increase at mid-year, I cut considerably on the capital and equipment and I made a mistake and I think it's just in order to keep the service to the citizens and all departments, police and garbage and, in particular, the emergency and health facilities. We need to keep the employees in good equipment and it's just poor business not to replace the equipment, when it gets worn out and to cut down our maintenance costs. So, the savings in the maintenance costs alone can help pay for these additional automobiles. Of course, we are going to need the money in the budget. The capital outlay to buy them. So, this is the reason that I couldn't recommend that we cut down on the number of vehicles. We can look to all the other means.

DR. CALDERON: How many vehicles did you say, Jerry?

CITY MANAGER HENCKEL: How many? 141 - in the vicinity of \$400,000.

COUNCILMAN HILL: Jerry, do you recall when we met with Mr. Barnes, President, and some of the members of the Police Officers Association? This was thoroughly discussed and they certainly agreed that we have a lot of vehicles.

DR. NIELSEN: A 141 of them, though, in that bad shape!

MR. TORRES: I'd like to ask the Council that we recognize the gentleman, who, I think, has been of help to us in our deliberations. Certainly, I, personally, have been able to call him for advice from time to time and I know he's anxious to help us resolve the problem. I'm talking about Mr. Frank Hill and I'd like to ask the leader of the Council to recognize Mr. Hill.

DR. CALDERON: Fine, we'll be happy to hear from him.

Mr. Hill, did you enjoy your nap?

ATTORNEY HILL: I never did get one. I tried. I'm going to talk, if for no other reason, since I've been here since 8:30 and now it's a quarter to two and I'm supposed to be in Corpus Christi at two o'clock. I didn't know if the Council would want any comment, but I discussed the matter with Mr. Ed Hill, Chairman of the Committee, and he thought that it would be appropriate that I would be here at this time to receive the report. There are a number of - a number of comments that I have about it, if the Council would like to hear those at this time, I'd be glad to make them. I would like to.....

DR. NIELSEN: Do that and get to Corpus at two o'clock and you're doing well.

ATTORNEY HILL: Well, I'll just be held in contempt of court, that's all, in Corpus.

MR. TORRES: First time?

ATTORNEY HILL: No. Frankly, we, I say we, and I'd like to make this, as Dr. Calderon has adopted the President's statement, of making a point crystal clear - I want to make it crystal clear, that what I say is my own opinion and judgment respecting the situation, as it presently exists, and as it has been presented by Mr. Hill and the committee. The Police Officers Association will meet tonight at the Pearl Pavilion in HemisFair Area for the purpose of considering the report and that taking in under advice, the results, the consequence of that meeting, I cannot state to you. I cannot anticipate nor can I forecast what the membership of the Association will think about the report. But, I think, it would be helpful to stand back for a moment and take a broad view of the situation. In April of 1970, the first request came forward to the Council. This is now February, 1971. This committee was appointed on the 29th of January. It had 20 days in which to work.

I think, with all due regard to the committee, that, in the first place, it was my understanding that the committee was appointed by the Mayor. I was present when he made the appointment. There was nothing being discussed at that time, except the question of increase in police salaries. We find that the report of the committee included not just the 1,002 police personnel, which I think is really more than really it is, it's about 900. But, we have included also, 654 fire personnel, which brings us then to an increase for 1,656 employees and added to that is the hourly employees of the City is another 1,045, so, this means, instead of the committee addressing itself to an increase to some 900 City employees, to-wit, the Police Department, they've addressed themselves to the pay increase to 3,153 City employees, which I think, which was not my understanding at all of the purpose of the committee, to go beyond the problem of the police situation.

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I would comment further that the report does not indicate any conferences or whatever with the Fire Department or Fire personnel or with any representatives of the - and we know that the fire people that the firemen have representatives. They've been here before - before the Council. They've not been consulted about this, apparently. Neither have any representatives as I understand it of the hourly employees. I would also point out that quote, as a matter of fact, quote Mr. Hill, in his statement a moment ago that because of the increase in the cost of capital item which he says, and I'm quoting, "They estimate a six per cent increase over the next year." This, I'm sure, is going to occur, and it did occur last year. Consequently, the five per cent increase for the patrolmen that went into effect on February 6 of this year, which is in the 70-71 budget, which came after we came in July of last year when it was set after the April '70 request for the 23 per cent increase by the police. Really, now at this point, leaves the Police Department, the patrolmen one per cent worse off than he was in April of 1970 because that is going to increase six per cent this next 12 months. It has already increased six per cent since this request was first made. So, if there is going to be - if this report is adopted the only thing that it's going to do is to make valid the theoretical increase which was placed into the 70-71 budget. Because the fact of the matter is, gentlemen, and Mrs. Haberman, there has been no purchasing power increase in the salary created by the five per cent increase on February 6. I don't think you can argue with that. I think it's a premise that the committee itself has used in arriving at these figures. It's a premise that the City Manager has to operate on, and he knows prices are going up. So, we don't think that anything has happened at all. In other words, if there is a five per cent increase to the Police Department you are not really giving them a five per cent increase. They were just supposed to have gotten one. It's a misconception, however, to assume that if they just got a five per cent increase on February 6 and now they're going to get another five per cent increase, well this sounds good. Well, gentlemen, it isn't. The cost of living has eaten it up. This is the premise that, I'm repeating myself, I think it's something that we've got to get understood throughly, has eaten up the theoretical increase that they got last year. So, we're right back where we were last July, and, again, the five per cent increase will leave at the end of this next year, the policemen are two points behind where they were in April of 1970 from the stand point of their purchasing power. So, I don't think that the results of the report are significant in the sense that they have really given us any answers. I am aware, personally aware, because I have met with Mr. Ed Hill and I know how much work he's put into this and we all know and have known that Mr. Henckel has had a tight budget. Trying to squeeze money out of this budget has been difficult. We've been told and we're all of the opinion, until the committee report, that it was impossible to get any money out of it. This was the statement that we received when we first began appearing before the Council last June. Yet, now we have some, there is some leeway and Dr. Nielsen has suggested some possible others.

We certainly do want good police cars. Some of them, I don't know if all of them are in bad shape, but the point is, I think, that there has been a very limited view taken of the problem. We have a very serious problem, gentlemen, in regard to the police situation. I do not mean to not emphasize or to discredit the need and the responsibility of the Fire Department, but at the same time the first line of defense is your police. You're not going to have Fire Departments to put fires out if the police are not protecting the municipality, and the City, and the citizens. The citizens are not going to have homes to catch on fire to be put out if they are not protected first. I would reiterate the remarks that Mr. Henckel made to the Council eight months ago that it is proper thinking, and Jerry you can correct me if I am misquoting you, but I think you said, and I'm certain of this opinion, that no one that has had to cope with this problem nation wide believes and has made a serious study of it that there's any substantial relationship between police pay and fire pay or other City employees' pay - it's a specialized situation.

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I think that we're going to have to recognize that, and from the standpoint of increased revenues, I think the committee is going to have to take, or the Council is going to have to take, a broad step. It's going to have to be a giant step forward. We're not going to be able with a ad valorem tax rate of \$1.89 and with the other limited sources of revenue that we have operated effectively. We're going to lose policemen who are in school. There are 350 of them in school. They are going to get their Bachelors Degree or Associate Degree within two years. We may be facing a retraining problem and a recruitment problem if these men go elsewhere without substantial increase, and I mean substantial increase, in the pay scale. I remind you again that the 23.23 per cent initially made would have only placed San Antonio in about the medium range of pay for other cities of equal size and with equal problems, and with equal responsibilities. There are a number of other problems, such as riding single at night in various neighborhoods in the City, that is a very critical factor in the department. The automobile is a very critical factor. The dues check off system is very critical, we think. I could go on.

We've discussed these before but I would point out that in 1968, the honorable Walter McAllister appointed a committee, so called the Blue Ribbon Committee, and it was headed up by Mr. Martin Goland, as chairman, with a number of very capable men on the committee, Harold Shear, Charles Becker, Judge Casseb, Pete Cortez, J. W. Ehrler, J. J. Falbo, Billy Levine, Clarence McGowen, and I could go on down the line. This committee reported this. They spent four months, not 20 days. This committee has had 20 days to analyze the budget. We were over here last year - ten months ago asking that something be done. The committee was finally appointed on January 29. They've had limited time, very limited time to study this problem. But, as far back as May 1, 1968 this other committee, after spending four months and many many hours of studying, and I have spoken to some of the gentlemen who are on this committee. I spoke to them at length, and I know the amount of work that went into it. The projections in this report, which is very comprehensive, runs through 1973, but there are two very interesting recommendations in this committee report which I earnestly suggest that the Council reconsider before they accept this report and lay this matter aside, and that is this. The committee analyzed the City Public Service Board. In other words, the name of this report is CAREER BUILDING AS A MUNICIPAL EMPLOYEE - RECOMMENDATIONS FOR A PROGRAM TO INCREASE THE ATTRACTIVENESS OF WORKING FOR THE CITY. It is addressed directly to this problem. The Council approved it and said that it was, at the time it was brought before the Council, presented in the Council, that it was a fine report and in effect adopted it as a report. But, in analyzing sources of revenue they also go in here to other problems of concern which is the up and down flow of information and grievance and one thing and another and communication between labor and management, which we have a deficiency of, I think We need to study, and this goes into it thoroughly. We analyzed the City Public Service Board and, based on the normal private enterprise formulas and the amount of investment and the need for reserve for future growth and whatever the report indicates, the Committee concluded, that the City Public Service Board was paying to the City of San Antonio just about what it should be paying - just about what it should be paying. I'm not going to go into figures because they're not pertinent. Applying the same formula, and I'm quoting, using the same basis for argument in the case of the Public Service Board i.e. "an expected return on plan evaluation of three per cent, the payment of the Water Board to the City should be on the order of a \$1,868,000. The total payments made to the City, for the calendar year of 1967 in the form of services rendered, was \$268,705." In summarizing, "the commission is of the opinion that the time has now arrived to reassess the Water Board situation, and to bring its level of payments to the City more in line with the normal expectations. For the purpose of this City the commission notes that added revenues to the City on the order of \$1.5 million are available from this source. These revenues, if paid, would be available for application to the personnel improvement program." I do not know and I can not stand here and tell you, what has occurred, except that this was not considered by the Committee and I just cannot understand this oversight. Secondly

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COUNCILMAN HILL: Frank, if I may interrupt you. I wasn't aware of this....

ATTY. HILL: I know you weren't, I called it to your attention.

COUNCILMAN HILL: This is why from my standpoint, I didn't even know that this existed. Until

ATTY. HILL: I called it to your attention, Monday of this week, I believe.

COUNCILMAN HILL: Yea.

ATTY. HILL: I'm aware of that, I'm not being critical, but somewhere somebody should have called it to your attention. Secondly, the report, and this is on page 27, addressed itself to another possible source of revenue. As a final element in its review studies, the commission gave its attention to the City garbage collection operation. The commission observes that garbage collection fees are now in force in many, many municipalities. The fees charged in other cities range up to \$3.00 per month. The commission notes that a garbage collection fee in San Antonio, in the average amount of \$1.00 per month per household, would yield revenues to the City in the approximate amount of \$2 million per year. Gentlemen, that's \$3.5 million. We've been recommending to this Council, from the outset almost, that it address itself to the garbage collection fee. I know there are arguments about the effect it might have, but I don't think that there is any family in San Antonio, who is paying its taxes, who can't afford to pay \$1.00 a month for garbage collection. It's apparent that other municipalities have had to go to these areas for revenue. I don't know how much the Water Board is paying. It may be that this has come up, possibly someone here can enlighten us on that fact. But, if these two areas

MR. TORRES: We got an opinion for the City Attorney, Frank, that under the Water Board indenture, it being different from the CPSB indenture, that we were unable to implement that particular recommendation. That is my recollection. Is that correct, Jerry?

CITY MANAGER HENCKEL: Yes, that was correct. That was discussed with the Council at that time in this report, as to why that could not be done. Of course, the garbage collection fee has been discussed with the Council at budget time. It was discussed with the Committee. We are always looking for means of additional revenue. But, these are policy matters and the Council must consider at the proper time.

MR. TORRES: And, of course, a point on the water rates, Frank, is that in searching, seeking to search for means of coming up with providing a decent salary for our police officers is something I've always supported. I just don't think that we want to look to our utilities as being means of providing revenue. The purpose of purchasing of the City Public Service Board in 1942 and the City Water Board thereafter was for the sake of obtaining cheap electric and light, that is, electric and gas and water rates. Not for the purpose, this is never been the purpose of a municipal owned utility to obtain revenue from that utility. I think it's a serious problem that we fell into when we start saying that we are going to have to look to the utilities as a means to produce some revenue. It's like saying "let's get more money out of the Corporation Courts." Of course, that might be a bad example at this time.

DR. NIELSEN: Well, I would differ at one point. That is, until it becomes very clear that we do have that quote really lower rate, there is no reason why we do not look, of course, in terms of negotiations discussions, or what ever resources. Let's face it, the City Public Service Board is a great vast amount of resource for this community. It operates on the larger budget even than in the City itself.

MR. TORRES: Well, you're absolutely correct.

DR. NIELSEN: There is no reason it cannot be discussed at least. I have discussed this with Board members several times. They, of course, are not willing just open-heartily to offer those services unless they're....

MR. TORRES: Will, we get 14 per cent of their gross, is it 14 fourteen per cent? It's 14 per cent of their gross revenues today and that in effect amounts to a 14 per cent sales tax to the consumer of the City Public Service Board. He is paying 14 per cent sales tax for the use of the light and gas, for the purpose of financing the City operations for the City of San Antonio. Now, I think that 14 per cent is a little bit excessive. In any event, I didn't mean to interrupt you. Go ahead, Frank.

ATTY HILL: Well, I don't quite understand you.

DR. NIELSEN: Well, what he's saying, if they didn't pay us anything, we'd have 14 per cent less, theoretically we would

MR. TORRES: Light and gas charges.

DR. NIELSEN: Light and gas charges.

ATTY. HILL: Fourteen per cent more if, we, the City didn't own the City Public Service Board.

DR. NIELSEN: No, no, no he's not saying that.

MR. TORRES: No.

ATTY. HILL: Well, what is he saying?

DR. NIELSEN: Just that, if the City Public Service Board was paying nothing to the City, we should theoretically have 14 per cent lower rates.

MR. TORRES: Of course, what you say the converse might be true, too.

ATTY. HILL: Well, of course, you know, it's a ring around the rose. The question of where the money - whether you're going to tax someone or whether you're going to give them a tax break or whether you're going to increase property values, as the report has suggested. That's going to increase the amount of dollars the man has to pay for his taxes. Increased valuation is going to increase the amount of money you pay for your taxes. I mean that's the gobbledygook, to suggest anything to the contrary. You can raise taxes, or you can raise the valuation. The result is, you're going to pay more in taxes if you do either one. But, the point I'm trying to - I'm not aware of the indenture problem of the Water Board, if it is - if that is the case, I think, that certainly there should be something, some very serious study made if this report concludes that there's that much money available, that possibly the indentures might, I don't know I'm no expert in this field, but, if the Public Service Board indenture can be sure that they can made this kind of return, based on this formula, we ought to have a Water Board indenture of the same character.

MR. TORRES: Very generally, the indenture, of course, is nothing more than a mortgage, and in all three cases, the Transit Board, and the Water Board, and the City Public Service Board, Frank, it's a position I've taken that all three indentures are overly restrictive and really deprive the City of actual management, or real City ownership. So, you do have a point, that the matter of the indentures is something that has to be reviewed. Now, of course, how far are we going in this, in the review of our policies, there was a number of things that were recommended by the Committee, in terms of coming up with available revenue. There are, for example, just this one example, there are properties in the City of San Antonio, you know, that have sold for \$150,000 and yet, they're on the tax rolls, you know, for \$5,000 and \$10,000. Now the market value on a piece of property is, you know, what it sells for on the open market. Now, what in other words, it doesn't have one value when it's an undeveloped piece of property, over here on Fredericksburg Road and Loop 410, for example, and then somebody goes, the developer goes, to selling it and sells for \$150,000 and, yet, for tax purposes it's been on the rolls all

along for something like \$5,000 or \$7,000 or \$8,000. So, there are a number of business properties in the community whose values do have to be reassessed for purposes of taxation. But, in our committee discussion, we also concluded that to begin bringing revenue back for this purpose from this reassessment would take two years, we concluded, right?

COUNCILMAN HILL: Well, yes, you could establish priorities, Pete, and you could get to the areas and in the fields.....

MR. TORRES: In those areas where we feel that the problem is more serious, and perhaps, Jerry, this is something we've talked about over the last year. On the one hand, we're talking about a general reassessment which is going to cost us an excess of a million dollars, and trying to get the cooperation of other governmental agencies but then, on the other hand, we do have a number of properties that are on the tax rolls for, you know, for way under their assessed what their real value is.....

CITY MANAGER HENCKEL: The City staff continues, we have a division in the Tax Department, who is continuing making revaluations. This is not something we can just forget about from time to time, when we have a complete revaluation study made, and we continuously do this and we try to cover at least a fourth of the City and I'm being conservative about it, annually taking area by area to see that we have equalization. But, there's no doubt that a total revaluation program is needed for the entire community - not just San Antonio, but also the County. This is what we're working on, so that we will have the same values on a piece of property with all tax entities, because with the value, whatever the value is that the tax assessor of the City puts on it, the person, of course, has a right to go before the Board of Equalization to determine whether or not that's the true value, and the thing they always use is the value that some other tax entity has, the County or the School District, or etc. So, they all need to be uniform and they all need to be updated and, of course, as you know the law says we should assess on current market value and we're assessing it about 35 to 40 per cent of market value. This certainly doesn't bring the total revenues into the City that it should. When you talk about tax rate, it's misleading because the tax rate of a \$1.89 based on 40 to 45 per cent values you can't compare that with the tax rate of another City who may have \$1.50 tax rate that may be taxing on 90 per cent value or even 100 per cent value. So, it really doesn't tell you anything.

DR. NIELSEN: It's a beautiful, confusing system.

ATTORNEY HILL: This is the very reason, Mr. Henckel, which you've expressed very clearly, I think, why the statement here - "that because San Antonio has the third highest ad valorem tax rate of any city in the State, that this....(inaudible)....from the beginning cannot be considered as a possible source of revenue." It does depend on the valuation and it, unless you make a study of every other city and know what their valuation is and know what the actual market value of the property is, you can't use that yardstick as any kind of a criteria to determine whether, in the City of San Antonio, \$1.89 tax rate, with our valuation, is too low or too high or whatever.

I don't want to bore you. I've talked too long, but I would like to make two statements to you. Number one, I'm of the very honest opinion that the Association believes that there are available now sufficient funds for a decent wage rate for the Police Department. The obvious one, that we have hammered consistently is, of course, the ad valorem tax rate. It was reduced two years ago from \$2.10 to \$1.89, when the sales tax came in three years ago. Time gets away from us. So, I don't think it's outrageous to think that we might increase the ad valorem tax rate.

Secondly, the garbage collection fee is something that is going on, nobody ever, you know, when I was a kid, I don't think we had a garbage man where I lived. You just went out and threw it out in a hole in a backyard. But, gentlemen, this is 1971, and every city in the country is having to go to extraordinary lengths in every respect to finance itself. I think we're taking a very limited view. We're not recognizing that our Police Department is watching other Police Departments around the country, who are underpaid, taking measures, which I do not approve of, and which you do not approve of, to secure some substantial attention. A five percent (5%) increase last year, which has been eaten up by a six percent (6%) increase in the cost of living. A five percent (5%) increase now, which is going to be diminished month by month is not an answer. It is not a wage increase. To call it that is spurious in my judgment. We, I'm sure the Association, is of the opinion that if it takes a garbage collection fee or a revision of the indentures of the Water Board, if we're operating the City on a basis that is not consistent with private enterprise, then we're operating a dead horse. It's not going to survive. Unless the Council measures up to that and takes the bull by the horns and does something drastic, then we're going to be in serious trouble. We don't, I'd like to say again, that the Association has, by resolution passed last summer, gone on record against any type of a strike or a ticket slowdown or a sick-in or this sort of thing, however, we almost had a strike recently. Not engineered by me nor the president of the Association nor the Board of Directors nor the officers, but a ground swell movement among the troops themselves. Happily, we were able to stop that strike. By going before each roll call, by talking to the officers and convincing them that this was very detrimental to everything that we were trying to do. But, this can still happen and I'm not threatening anybody, I am stating a fact. This can happen in San Antonio. We have an average age in our Police Department between 24 and 25 years and these gentlemen don't have that much invested in this department. They haven't been here for ten or 15 or 20 years, as some of the older men have. Now, they want something now. The employment opportunities have got to be attractive enough to hold these people and I'm just trying to impress, as emphatically as I can, on the Council,

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that something more, substantially more, has got to be done and done quickly, in order to remove the possibility of a complete breakdown. At this point, we've had good communication with the Council. They've been kind enough to listen to us. You've had a good committee. But, the committee has been working with a short end of the stick. It's only had 20 days to solve this problem that we've been talking about for ten months. I don't know how realistic that is. Again, the committee has recommended that all the other employees, I think, I don't think there's anything wrong at this time with the Council devoting all of these funds strictly to a police pay raise. This is what we came here asking for. It was my impression that's what the Mayor appointed the committee to study. What we have included here, 3153 City employees. They're important, of course, and they're entitled to at least.....

MR. TORRES: The Council, Frank, is committed to parity between the police and firemen.

ATTORNEY HILL: That's not my understanding of the resolution, Pete. It's over a three-year period, but that doesn't mean that if the police get a raise that there's going to be additional - there's nothing on the books now, that I know of, or any ordinance or commitment.

MR. TORRES: We established, by prior Council action, we established parity for the firemen with the policemen. Certainly, it's not going to be in accordance with that prior action of the Council. It's going to be inconsistent with that prior action of the Council, Frank, at this time, to turn around and grant an increase for one and not the other.

ATTORNEY HILL: As I recall, the action that the Council took was that based on the then current police and fire salary, that there would be, over three-year period, a closing of the gap, but not that for future time there would be similar pay for fire and police.

MR. TORRES: Well, why close the gap, Frank, if, at later time, you're going to.....

ATTORNEY HILL: Well, I suggest to you, as I stated a moment ago, that that is, that is not a reasonable course of action. That the, and I'm not quoting Frank Hill, I'm quoting people who know more about this than I do, nationwide, and Mr. Henckel has told you this himself and he knows about it, that a fireman is a fireman, a policeman is a policeman, and another City employee is another City employee, and there are differences. The police situation is entirely different. The whole operation is different - the type of work, the risks, you know what I'm talking about - it's different and I don't think it's sensible, with all due regard to the Council's judgment, to say that forever we're going to have to pay the firemen the same as the police. I don't think that you can argue that with any degree, any substantial degree of merit.

COUNCILMAN HILL: Well, Frank, of course, you're certainly entitled to your opinion, but there are statistics and you can use statistics and there are statistics statewide, federalwide and this, that and the other, that can show you very vividly that it's the other way in a lot of cases. You can, we can, argue parity all day long. The Council did take this action and we thought it was right or we wouldn't have taken it and since we've established parity, considering one without the other would not be upholding what the Council previously made the decision on.

DR. CALDERON: It is, also, rather interesting to me, to see how you can very graciously compare San Antonio with Houston, insofar as salaries and yet, Houston pay for the Police and Fire Departments is equal pay and you have just stated that you can't make a fair comparison, community to community, with regards to taxpayers.

ATTORNEY HILL: The tax basis, not the pay scale. I'm talking about, the report states, that \$1.89 is the highest. The comparison I was making was that unless you take into consideration the, whether or not, in the other cities in Texas, the valuation of the property approximates the, either fifty percent (50%) or more, of the actual value, then the rate is misleading, because, for instance, a piece of property has value of \$100,000 in Houston on the market. If it is assessed at \$70,000, then at \$1.50 tax rate, it brings in more money than if we have the same situation here, because even though we have a higher rate.

COUNCILMAN HILL: Well, Frank, let me say this, certainly the report is not all inconclusive and everything that the committee discussed and looked into and all the details, if we wanted to do, that you'd had a report about like this. Now, really, with the appointment of the committee and the 18th, which is today, being the deadline, trying to see what funds could be made available out of the present budget and projecting ourselves to certain improvements and things to be done in the preparation of the new budget, you got the concise version of the opinion of the committee. Now, I'll be most happy to sit down with you or anybody else and go into complete detail. I'll be happy to go over figures with you both, in the budget and in the financial report, and this, that and the other. We, I, feel, if nothing else, and when I say we, I say the Council, have gotten this up on the number one priority basis, so to speak, and so, as we go from this date forward looking to the preparation of the 71-72 budget, there's a lot of things to be done. At least I feel this way. So, what I'm saying is to give you and other people a better feel of some of these things that went on and were looked at and discussed and what not, to come up with that report, I don't take exception to what you said about the report, because a report is a report. But, there's more behind the report than just three or four pages.

ATTORNEY HILL: Well, I'm aware of that, but the point I'm trying to make, and I'll close with this, the ad valorem tax rate can be today increased, this is a fact. This Council has the authority to do that. It can be increased sufficiently to grant the pay increase, which has been requested. The Council doesn't have to do that, but it may. It is next on the agenda.

Secondarily, unless this report is totally wrong, that was prepared by these gentlemen, they recommended the garbage assessment as raising \$2 million, which would solve, more than solve, the problem, even at the 23.23 percent, and so, I'm saying to you, that I don't think that the report is going to be too well received by the Association, because it is limited in its concept. I don't think that the Council recognizes the urgency of the situation in respect to the police. I have done everything in the world to try, as has Mr. Barnes, the president, and the members of the Board, and the other officers, to exercise reason, but it is now almost a year and there's really no step forward. We can talk in figures of increases, but when you reduce that, what the policeman's wife can take to the store to buy groceries, she's just not able to buy as much as she could have. And, a year from now, she's going to be two points behind, where she was last April. So, I

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don't think that this amounts to a wage increase. The same thing applies to the other employees. You can talk about an increase for the hourly employees, as well as the fire. It's not any increase. It's a straw man. It sounds like an increase, but this was why, at the meeting, that Mr. Burke and Mr. Torres and Mrs. Haberman attended, we requested that there be a ten percent (10%) increase at this time. A five percent (5%) increase in August, plus a built-in cost of living crease, automatic each year, so that when you got an increase, it would mean something, but to give the department, but to give any City employees a five (5) or six percent (6%) increase each year is not giving him any increase in salary at all, because the cost of living is eating it up.

MR. TORRES: We're not talking about - you asked for a 23 percent - you got five percent (5%) February 6 - you're getting another five percent (5%) retroactive to February 6. We're leaving the door open for, at the next budget hearing, to talk about another five percent (5%). We talked about this at the meeting. At the conclusion of your meeting, from what I read in the press, you were talking about an immediate ten percent (10%) now. We're coming up with five percent (5%) and five percent (5%) for the next Council to consider, when we establish our next budget. I frankly think, Frank, that these matters, you know, in employee-employer relations, that the things are subject to compromise. You say you're being reasonable. If you come up with the figure of, a compromise figure of 15 percent, we're talking about a possible ten percent, possibly more. Well, I think it's a reasonable offer. I think it's a reasonable compromise.

ATTORNEY HILL: Well, there is no compromise, Pete, when the results of the compromise is no increase in purchasing power. You can't argue with that.

MR. TORRES: Well.....

ATTORNEY HILL: That's no increase in salary.....

COUNCILMAN HILL: Ten percent (10%) is no increase in salary, Frank?

ATTORNEY HILL: Not when it's spread out over a period of time, Mr. Hill, to the extent that by the time you get it the cost of living has increased up to the amount of your increase.

COUNCILMAN HILL: Frank, I understand this, and I thought.....

ATTORNEY HILL: You made that statement yourself thirty minutes ago and I wrote it down. You said, "all of these other things, that we're going to have to buy, that they're estimating the cost of increase, is going to be six percent (6%)".

COUNCILMAN HILL: You say ten percent (10%) is no increase. If you didn't get the ten percent (10%), where would you be?

ATTORNEY HILL: Well, if you get it all at one time, it might mean something. But, when it's spread out over a period of time, so that the cost of living increase keeps up with what you get as you go along, you don't get anything.

COUNCILMAN HILL: Well, what you're saying, Frank, is that you don't think we've accomplished a thing. You don't think we're pointed in the right direction. You don't think that we have the proper emphasis and

the priorities placed in the right direction and from where I see it, I can't agree with you.

ATTORNEY HILL: I don't think that the Council recognizes the urgency of the problem existing in the Police Department. I've been here time and time again to try to urge you to take into account, it is serious. You can have a strike and a breakdown in your law enforcement here and it's something that we cannot control. It can happen and I don't know who is wanting the microphone, but when I sit down, he can come up here and make that noise.....

COUNCILMAN HILL: Frank, this is true, but other things can happen, too.

ATTORNEY HILL: Other things can happen, too, sir, correct, and what I'm trying to say - I'm bringing you a message, that it is a very critical situation. We almost had one strike and this can happen. My main complaint, Mr. Hill, is the fact that the Council, as a whole, in other words, Mr. Torres talked about compromise, well, there's been certainly no compromise in respect to the ad valorem tax. It used to be \$2.10 - it's now \$1.89. Now, what profound, immutable reason exists why that cannot be raised, except that people don't like to pay taxes. Well, people don't like lots of things. None of us like to pay taxes, but you have to. To live in a city, to have any services, you've got to pay. We've got to update our system and we've got to go ahead and, as distasteful as it may be, secure funds from available sources to run the City. If it takes a garbage collection fee or an increase in the ad valorem tax, not anywhere near back to \$2.10, I think the Council ought to do it, and I think they ought to do it now, before we have serious problems and a breakdown in confidence and relationships and communication with various departments, because I don't think it just relates to the Police Department. I think if that's the conception, it's a mistake.

MRS. HABERMAN: Frank, this is exactly the problem though. I'm sorry you didn't find the report pleasing to you, because we have worked very diligently and we have, we've come up with something we felt that, at least the City could look into and attempt to afford, when, in reality, it doesn't really have the funds to afford, at this time, except that we are asking it to find those funds. Furthermore, we have tried to consider all employees or at least those that we could possibly consider, the number we're considering is not 3,600, but considering 2,600 and some. The.....

ATTORNEY HILL: Then Mr. Hill's figures are wrong, because I'm quoting from.....his figures.

MRS. HABERMAN: Well, we can have a clarification of the numbers of people, the total number of people we're considering under this. But, in addition to that, over and above that, we've got to consider the whole balance of the community with the taxpayers involved here and everyone else. We have come up with what we figured would be really pleasing to you, instead of in this respect.

ATTORNEY HILL: Well, I might say, Carol, I think you all were really relegated to working within the budget, as it presently exists. As Jerry said, he is going to have to go out and borrow some money, hoping that down the line somewhere he can save enough to make up for what he's borrowed now, because it's not in the budget. So, I'm saying that this is a limited view. I think you're going to have to take this budget and the concept that has gone into the budget and discard it and recognize that you're going to have to go out and make some dramatic changes in revenue income in order to.....

MRS. HABERMAN: It was your Association which gave us the deadline of the 18th. We cannot do all these things within two or three weeks.

ATTORNEY HILL: Carol, we've been here for ten months.

MRS. HABERMAN: No, but I mean now, since we've had the committee.....

ATTORNEY HILL: Why didn't we have the committee last year? We could stay here all day. I want to thank the Council for its.....

COUNCILMAN HILL: I'm just sorry, Frank, that it took so long to get to you.

ATTORNEY HILL: I understand, and in the past, you all have been very nice about that and taking us out of order. We appreciate that. I would like to say one thing. I hope that the collective bargaining, which has gone on and which is so well documented in the report, can continue and that the City will, in the event that the Police Association desires to engage in political activity in the upcoming City election on April 6, will likewise ignore the statute which may be valid or may not be, I don't think it is, which says that they're not supposed to do that. I think if that, on the one hand, we can ignore the statute, which says you can't collectively bargain, as we've been doing, then we can certainly ignore the other statute and if these men, if the question is put to me and I'm talking right now on top of the table - if the question is put to me, as counsel for the Association, and, of course, there's an old adage, Mr. Burke, Carol and Pete know, the advice you get is about what it's worth.

COUNCILMAN HILL: Jimmy, you know he already put you on this committee.

ATTORNEY HILL: Well, he's a lawyer though and this adage about lawyers, that advice is worth about what you pay for it and they're not paying me for anything, so my advice may not be too good, but if they ask me what are we going to do, strike, or we going to do nothing or now, of course, I hope that the Association will be happy with this report. This isn't going to put any money into my pocket, but if they're happy with it, they're happy with it. If they are, then that ends it. It may be that they will. I'm not for closing that possibility, but I'm before the Council adjourns and loses its opportunity to act now. I wanted to make these statements, but if we can ignore, as I say, and if they come to me at our meeting tonight and say we are going to engage in politics or are we going to go on strike? I certainly can't advise the Police Department of the City of San Antonio to go on strike. If I advise them to engage in politics, I would hope that the Council would, I say, follow the precedent that we've already set, in respect to collective bargaining. We've ignored that statute, let's ignore that one.....

MR. TORRES: I can't get over what a nice guy you are.

DR. NIELSEN: There is a ray of hope. \$600,000 and some was intentionally sought and secured in the last ten and twelve days and that is, I think, a rather positive sign. Granted, it is not, it is a long way from.....

ATTORNEY HILL: I think if you get your pencil down and get down to the nitty gritty of it, there's really been no.....

DR. NIELSEN: I concur that all we've done right at the moment now is just kept up with last year's inflation.

ATTORNEY HILL: So, there is no wage increase.

DR. NIELSEN: Well, I agree, I agree. It's better than being in the hole, too.

(GARBLED - ALL TALKING AT ONCE)

DR. NIELSEN: I hope that there's a possibility that, what you say, that discussions are still open and that we've got a few other priorities that we can consider in this Council. There aren't many left now. We've squeezed pretty hard.

ATTORNEY HILL: If the Council would take a bold step, set up a garbage collection fee and raise the ad valorem tax, you'd have \$3½ million and you could solve all kinds of problems and make all kinds of people happy. This is my recommendation to you.

MR. TORRES: What about the rest of the people, who have also suffered this inflationary trend, who are having to pay through the nose for their services and we turn around and we stick them with additional tax increases? Frank, in other words, my question is.....

ATTORNEY HILL: All right, in dollars it means two dollars a year per family to raise the \$3½ million with the garbage increase and increase in the ad valorem tax.

MR. TORRES: A dollar a month, \$12 a year.

ATTORNEY HILL: Yeah.

MR. TREVINO: How do you figure that?

ATTORNEY HILL: Well, for the garbage, it'd be \$12, right.

REV. JAMES: A dollar here and a dollar there. That's all it takes - it only takes a dollar here and a dollar there.

ATTORNEY HILL: You've got to learn where to put the dollar.

REV. JAMES: Yes, but it breaks all our backs.

(GARBLED - ALL TALKING AT ONCE)

MR. TORRES: Frank, even that magic penny of a few years ago has kind of - it's not a magic penny any more.

DR. NIELSEN: It's now the carrot, which we follow.

ATTORNEY HILL: That's a story I'm unfamiliar with.

DR. CALDERON: Thank you very much, Mr. Hill.

MRS. HABERMAN: I call for the question.

DR. CALDERON: Call the roll on the motion.

CITY CLERK: Motion is to accept the Committee Report, as presented.

MR. TORRES: Aye.

MAYOR McALLISTER: Absent.

DR. CALDERON: Aye.

MR. BURKE: Aye.

REV. JAMES: Aye.

MRS. HABERMAN: Aye.

DR. NIELSEN: Aye - with the reservation that we can continue this discussion and I'm very serious about this.

COUNCILMAN HILL: Well, I think this is obvious, Ford.

DR. NIELSEN: Well, I hope so.

MR. TREVINO: Aye.

COUNCILMAN HILL: Aye.

DR. CALDERON: Jerry will go ahead and prepare the necessary ordinance for next week to implement the pay raise.

CITY MANAGER HENCKEL: Staff has advised me this will be on the March 5 payroll, because the payroll for the 19th is completed. The laborers, who are on a weekly payroll will pick it up a week from this week.

MR. TORRES: I'd like to ask the Mayor Pro-Tem if our committee is going to remain in existence?

DR. CALDERON: I personally don't see any reason for it. I feel that the City Manager certainly, within the next 30 days, will start preparing the budget for August and that he will be certainly, hopefully, perhaps, trying to find out what other reserves will be left in the budget after the half million dollar action that we have just taken this morning. I feel that certainly, during the course of the budget preparations for August of this year, that there will be sufficient time for the entire(cough)....as a Council of one to address itself.....

COUNCILMAN HILL: Well, that's the way I feel. I think that every member of this Council has got to get into the act and not just put the burden on three-member committee, because this is an awful lot of work and if you throw this on the total Council, you'll broaden the base.

DR. NIELSEN: No, I won't disagree with that. If what you're saying then, the committee has fulfilled the responsibilities. I'm not sure exactly what the responsibilities were, but if this Council still has a responsibility.....

DR. CALDERON: Let me say that a salary issue is never dead. It would continue into perpetuity.

MRS. HABERMAN: But, in relation to this, I'd like to emphasize that we should consider these groups, at the same time we consider the entire budget each year and not have this three and four times a year.

MR. TORRES: We voted on that.

COUNCILMAN HILL: Mr. Mayor, one thing before we close this out. I think, in order that we keep this utmost in our mind and with progress, I think that the City Manager should be asked for a report monthly. On the report that was submitted into the areas - there are other areas.

DR. NIELSEN: You mean for the balance for this fiscal year?

COUNCILMAN HILL: Yes, sir, this is what I'm talking about. Ford, I'm talking about other areas for improvements and what not, that would give you more dollars to operate with. Looking into the 71-72 budget. I mean, if you're just going to take this report and everybody nods their head about this, that and the other, the first of August will be here and we'll be looking at one another. I'm saying I think that this basic report and the committee has recommended, as other possible sources to be looked into in the preparation of the 71-72 budget, I think the City Manager should keep us apprised.

DR. NIELSEN: Well, Jerry, a couple of possible money-saving things here. What, out of Judge Casseb's reports on the jail, number six, was "The San Antonio Police Department should institute a system of issuing summons for misdemeanors with the maximum penalty of less than \$200," it would reduce the expense, so to speak. Now, have we been pursuing that? Is it feasible? Can we get a report on it?

CITY MANAGER HENCKEL: Yes, sir, we can give you a report on it. I don't know to what extent we've been doing it. However, I have discussed, recently, with some other officials, the possibility of night magistrates and week-end magistrates, and I can foresee that this would accomplish two things and we are preparing some figures on it.

Number one, of course, in the purpose, would be to keep people from spending time in jail unnecessarily. Actually, I think, the City could save some money, because you must bear in mind and particularly on the week-ends, when a person is booked on a Friday and released on a Monday, we are paying for four days in jail or three days, if they can't make bond. If they could be released on bond, when they're brought in, we would have this additional saving.

MRS. HABERMAN: And didn't this come to something like \$200,000 a year?

CITY MANAGER HENCKEL: Yes, that's right. We're looking at all angles for possible savings. Unfortunately, some of them initially cost you a little money to get them into operation and this would be because of the hiring of the magistrates, but in a short period of time, it would certainly pay its own way. It would make money for us. We'll have some figures.

COUNCILMAN HILL: I think any member of the Council that has any areas that they are concerned about or has any information, they should submit it on a piece of paper to the City Manager and let him look into. This is what I'm going to do. I've got one particular area that I'm going to prepare a memo to Mr. Henckel and I think you can cut the cost of operations considerably just in this one particular area.

DR. NIELSEN: Work on the same thing that, also recommended, that because of the duplication of booking facilities that one, either the City or the Sheriff, make duplicate copies, so that we don't have to, you know, just one person to be doing this instead of two different persons. I don't know if that's possible or not.

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CITY MANAGER HENCKEL: Yes, sir, we'll look into that. Once we book them, we turn them over to.....maybe our personnel could be in there doing that particular booking - that this is something we will attempt to work out.

DR. CALDERON: Are you through now? Okay. Let's take item number eight.

* * * *

71-7 The Clerk read the following Ordinance and after consideration, on motion of Rev. James, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 39,268

LEVYING AN AD VALOREM TAX FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO: LEVYING A TAX TO SUPPORT THE CITY-COUNTY T. B. CONTROL BOARD: LEVYING A TAX TO PAY THE INTEREST ON THE FUNDED DEBT OF SAID CITY, AND TO CREATE A SINKING FUND THEREFOR: AND FIXING THE TAX RATE AT \$1.89 PER \$100.00 OF VALUATION, ALL SAID TAXES BEING LEVIED FOR THE TAX YEAR BEGINNING JUNE 1, 1970 AND ENDING MAY 31, 1971.

* * * *

71-7 The Clerk read the following Ordinance:

AN ORDINANCE 39,269

ESTABLISHING 9:30 A. M. EACH THURSDAY AS THE TIME TO HOLD REGULAR WEEKLY MEETINGS OF THE CITY COUNCIL, EFFECTIVE, FEBRUARY 25, 1971.

* * * *

City Manager Henckel stated that there will be a one-hour "B" session prior to the official Council Meeting, starting at 8:30 A. M., which will be used to discuss staff items only. It will also be the time to answer questions concerning items to be acted on that day. Citizens or groups wishing to discuss matters with the Council will do so after the regular meeting.

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

71-7 MUNICIPAL COURT AUDIT

City Manager Henckel advised the Council that he had extended the City's current contract with Alexander Grant & Company to audit

Corporation Court and it is being done at this time. The company is auditing a sample now and in two to three weeks, it will be possible to determine how extensive the audit should be.

In the meantime, certain procedural changes are being made, which will give more safeguard for the courts. The issuance of tickets to police officers and the accounting for them is one of the changes being made.

Other safeguards pertain to jackets being removed from the files. The original copies of jackets will remain in the files at all times.

Mr. Henckel emphasized that there is no reason for undue concern at this time, as there may be certain reasons why tickets have been dismissed. The entire matter must be reviewed.

The entire investigation is only a part of the study being made of the entire operation of the City. Since the Finance Department handles most of the City's funds, it was the first department to be looked at.

71-7 Mr. Henckel referred to previous discussions concerning the giving of notice for zoning cases and the request that the distance for required notice be extended. It was pointed out that State Law requires that notices be sent to property owners within 200 feet of the property to be rezoned. It also specifies the time. It is the opinion of the City Attorney that the City has no authority to increase or decrease the distance limitation.

Mr. Henckel discussed with the Council, the problems of passing special legislation regarding or taking special actions where Federal funds are being used. The whole area of zoning problems was discussed.

Mr. Torres suggested that the Council ask the Bexar County Delegation to consider extending the notice requirement to at least 500 feet. He asked that the City Manager prepare an appropriate resolution asking that this be done and have it on next week's agenda for consideration.

Mr. Henckel said that a housing plan has been started, through Urban Renewal, which could be continued.

71-7 EDGEWOOD INDEPENDENT SCHOOL DISTRICT

Dr. Jose Cardenas, Superintendent of the Edgewood Independent School District, asked to be heard to discuss an emergency item with the Council.

In connection with the Sites and Buildings Project of Model Cities, the Gus Garcia Junior High School has been designed and was to cost \$800,000 out of the first-year funds and \$400,000 out of second-year funds. The school has been in planning for a year and a half. During this time, labor and material costs have risen sharply and all bids received were beyond expectations.

The termination date for first-year funding is approaching and it is felt that the project must be begun without waiting for second-year funds. Second-year funds have been frozen by HUD. He pointed out

that there is \$1,374,000, which the City can contract and is not frozen. Using slides, he showed a breakdown of bids received and described the building, which will be built.

Dr. Cardenas asked that the agenda for next week include an item considering a contract with the Edgewood Independent School District for \$374,000, which would permit the award of a contract at this time.

City Manager Henckel said that he had information that HUD is releasing \$1.2 million and a letter to that effect will be sent to the City by Mr. George Parker. When the letter is received, he will meet with Dr. Cardenas and Dr. Hitt and determine the distribution between the Districts. He said that the matter will be on the agenda for next week.

There being no further business to come before the Council, the meeting adjourned at 3:15 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