

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
WEDNESDAY, NOVEMBER 21, 1973.

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The meeting was called to order at 8:30 A. M., by the presiding officer, Mayor Charles L. Becker, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, BECKMANN, PADILLA, MENDOZA; Absent: NONE.

73-59 The invocation was given by The Reverend Doctor P. S. Wilkinson, New Light Baptist Church.

73-59 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

73-59 Consideration of the minutes of the Council Meeting of November 15, 1973, was postponed to next week.

73-59 AUDIE MURPHY VETERANS' HOSPITAL

Mayor Becker stated that last Saturday he had attended the dedication of the new Audie Murphy Veterans' Hospital. He said that this is a tremendous asset to the City of San Antonio and certainly a great addition to the medical complex. As soon as the staff is settled in they will invite the members of the City Council to tour through it.

73-59 The Clerk read the following Resolution:

A RESOLUTION
NO. 73-59-71

OF THE CITY COUNCIL OF THE CITY
OF SAN ANTONIO ENDORSING THE
PREVIOUSLY-APPROVED NEIGHBORHOOD
DEVELOPMENT PROGRAM FOR THE EAST
SIDE OF THE CITY OF SAN ANTONIO;
REQUESTING THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT TO PROVIDE
FUNDING FOR SUCH A PROGRAM AND
PROPOSING THAT SUCH SOCIAL AND
ECONOMIC REDEVELOPMENT OF A LARGE
PORTION OF THE CITY BE INCLUDED
AS A DEMONSTRATION PROJECT FOR
THE BI-CENTENNIAL CELEBRATION IN
1976.

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Reverend Black stated that the East side project has been under study by the Urban Renewal Agency for about one and one-half years. It came at a time when the federal government was beginning to restrict funds for this type of project. Persons have been elected from various areas and created a Project Committee for the area. This Resolution is a method of maintaining the City's concern for this project with the hope that when money is available it will be provided for the project.

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

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Councilman Morton stated that he is aware that HUD had recently released about \$360 million in subsidy funds and asked what their attitude is toward this type of project.

Mr. Cipriano Guerra, Director of Community Development and Planning, stated that the City has no indication from HUD.

Mr. Morton stated that this is the first break in some time, and it would be wise to be there early when funds are available.

Mrs. Cockrell stated that it might also be well to submit any River Corridor items that might be ready.

73-59 The following Resolution was read by the Clerk and after consideration, on motion of Dr. San Martin, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Lacy.

A RESOLUTION
NO. 73-59-72

POSTPONING THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF DECEMBER 6, 1973 TO DECEMBER 13, 1973 DUE TO A MAJORITY OF COUNCIL MEMBERS BEING ABSENT FROM THE CITY, ATTENDING THE NATIONAL LEAGUE OF CITIES, CONGRESS OF CITIES IN SAN JUAN, PUERTO RICO DECEMBER 2 THROUGH DECEMBER 6, 1973.

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73-59 The following Ordinance was read by the Clerk and explained by Mr. Cipriano Guerra, Director of Community Development and Planning, and after consideration, on motion of Mr. Padilla, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Lacy.

AN ORDINANCE 43,040

AMENDING ORDINANCE NO. 36158 BY
CHANGING THE MODEL CITIES DEPARTMENT
TO THE MONITORING AND EVALUATION
DIVISION, DELETING CERTAIN POSITIONS,
CREATING OTHER POSITIONS AND AMENDING
THE CURRENT REVENUE SHARING BUDGET.

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73-59 The Clerk read the following Ordinance:

AN ORDINANCE 43,041

APPROVING SUBMISSION OF AN APPLICATION
TO THE TEXAS CRIMINAL JUSTICE COUNCIL
FOR A GRANT OF FUNDS FOR CARRYING OUT
THE PROJECT ENTITLED BEXAR COUNTY/
CITY OF SAN ANTONIO AREA-WIDE CRIMINAL
JUSTICE INFORMATION SYSTEM.

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The Ordinance was explained by Mr. Winston Ulmer, Director of Administrative Services, who stated that this Ordinance approves the submission of the application for the third year funding of the Criminal Justice Information System. The application is for a grant of \$544,298 with the County and City participating in \$188,432 shared on a pro rata basis.

The Criminal Justice Information System Board of Control will direct the activities. The Board has not yet been appointed. There are to be three members from the City and three members from the County.

Mr. Bill Holchak, Executive Director of the Criminal Justice Council, explained to the City Council the function of the Board of Control.

After discussion, the Council members decided that the same appointees to the Criminal Justice Council would be appointed to the Board of Control. The ordinance will be ready for consideration at next week's Council meeting.

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

73-59

MIA BRACELETS

Mayor Becker stated that he had been given two MIA bracelets for distribution to Council members. After a casting of lots the bracelets were given to Mrs. Cockrell and Mr. Lacy to wear.

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73-59 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 43,042

SETTING THE DATES FOR FIESTA 1974.

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The following dates are hereby designated covering Fiesta San Antonio, 1974:

April 19, 1974 at 12 Noon through April 28, 1974 at 12 Midnight.

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AN ORDINANCE 43,043

MANIFESTING A ONE YEAR EXTENSION OF THE CURRENT LEASE BETWEEN THE CITY AND GILBERT M. DENMAN, JR., FOR CERTAIN SPACE ON THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER TO BE USED IN CONJUNCTION WITH RESTAURANT OPERATIONS.

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73-59 The Clerk read the following Ordinance:

AN ORDINANCE 43,044

ESTABLISHING A DEPARTMENT OF EQUAL EMPLOYMENT OPPORTUNITY, AMENDING THE PAY PLAN AND AUTHORIZING ADDITIONAL PERSONNEL; AND AMENDING ORDINANCE - 41620 TO REMOVE THE FUNCTION OF EQUAL EMPLOYMENT OPPORTUNITY FROM THE OFFICE OF EMPLOYEE RELATIONS.

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The Ordinance was explained by Mr. George Johnson, Director of the Department of Equal Employment Opportunity, who stated that this Ordinance creates a separate department directly responsible to the City Manager. It also establishes positions and amends the budget.

Dr. San Martin complimented the City Manager; Mr. Johnson; and the entire staff for setting up this new approach to equal employment opportunity.

A metropolitan E.E.O. office is being studied which would encompass the City and county.

Mr. Padilla asked that the City Manager determine what the City's utility companies are doing in the field of equal opportunity and report back to the Council.

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

73-59 The Clerk read the following Ordinance:

AN ORDINANCE 43,045

AUTHORIZING THE VILLA CORONADO SANITARY SEWER SYSTEM PROJECT; APPROVING A BUDGET THEREFOR AND PROVIDING FUNDS; ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT PERTAINING TO SUCH PROJECT, AND ACCEPTING THE LOW BID OF UTILITIES CONSOLIDATED, INC., FOR CONSTRUCTION OF SAID PROJECT.

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The Ordinance was explained by Mr. Mel Sueltenfuss, Director of Public Works, who stated that this Ordinance accepts the bid of Utilities Consolidated for the construction of sewer mains in the Villa Coronado area. This has been a project the Council has pressed for a long time.

City Manager Granata stated that this is a very poor area and that the City will be very careful about compelling residents to tie on to the mains. Hopefully, over a period of time all the residences will be connected. There are about 500 residences in the area.

Mr. Morton suggested that the staff investigate the possibility of a grant of funds to assist the residents in getting tied in to the sewers.

Mr. Raul Rodriguez suggested that the City might provide a plumber as a supervisor to teach residents to do the work themselves.

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

73-59 The following Ordinances were read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Beckmann.

AN ORDINANCE 43,046

ACCEPTING THE PROPOSAL OF RABA & ASSOCIATES, CONSULTING ENGINEERS, INC., TO PROVIDE SUBSURFACE EXPLORATION OF THE OLMOS DAM FOR A SUM OF \$17,256.00 AND AUTHORIZING PAYMENT OF THE SAME OUT OF REVENUE SHARING FUNDS TOGETHER WITH \$865.00 AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

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AN ORDINANCE 43,047

ACCEPTING THE PROPOSAL OF UNITED AERIAL MAPPING OF SAN ANTONIO TO PROVIDE TOPOGRAPHIC MAPPING IN THE OLMOS BASIN AND SAN ANTONIO RIVER BASIN FOR THE SUM OF \$11,844.00.

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73-59 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 43,048

MANIFESTING CONSENT OF THE CITY TO THE ASSIGNMENT OF LEASE NO. 610-A AT STINSON AIRPORT FROM ALCOR AVIATION, INC., TO CROW AVIATION.

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AN ORDINANCE 43,049

AUTHORIZING A TRANSFER OF \$925,120.00 FROM THE FEDERAL REVENUE SHARING FUND TO THE POLICE DEPARTMENT, FIRE DEPARTMENT, AND AVIATION DEPARTMENT ACCOUNTS, AND AMENDING THE BUDGETS OF SAID DEPARTMENTS TO PROVIDE FOR THE 5% PAY INCREASE GRANTED TO POLICE AND FIRE UNIFORMED PERSONNEL EFFECTIVE AT THE BEGINNING OF THE CURRENT FISCAL YEAR.

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73-59 The Clerk read the following Ordinance:

AN ORDINANCE 43,050

AMENDING THE CITY'S BUDGET AND PAY PLAN BY CREATING THE POSITION OF CHIEF TRIAL ATTORNEY, ADDING SUCH POSITION TO THE LEGAL DEPARTMENT BUDGET, AND REVISING THE PAY RANGE FOR ASSISTANT CITY ATTORNEY.

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The Ordinance was explained by City Attorney Crawford Reeder who stated that his office is now running about 75 to 100 cases now at all times. No one is specifically designated to be responsible for all of this litigation. This Ordinance will create this position. It will also change the pay range of the Assitant City Attorney.

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

Dr. San Martin asked Mr. Reeder to explain a recent legal ruling by the appeals court which affects the action of the City's utility boards.

Mr. Reeder stated that Judge Carlos Cadena's opinion held that the City Water Board, being an administrative agency of the City, could not be delegated legislative authority to find that it was necessary to take private property for public purposes.

73-59 The following Ordinances were read by the Clerk and explained by Mr. Archie Titzman, Assistant Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 43,051

ACCEPTING THE LOW BID OF ELECTRIC CARRIER CORP. TO FURNISH THE CITY WITH A FOUR WHEEL PERSONNEL INDUSTRIAL ELECTRIC VEHICLE FOR A NET SUM OF \$1,123.00.

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AN ORDINANCE 43,052

ACCEPTING THE LOW BID OF KLINE'S CORPORATION TO FURNISH THE CITY WITH HEMISFAIR PLAZA SECURITY GUARD UNIFORMS ON AN ANNUAL CONTRACT BASIS.

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73-59

CITY EMPLOYEE UNIFORMS

Following adoption of Ordinance No. 43,052, Mayor Becker asked what the City's policy is in providing uniforms for certain departments.

Mr. Titzman stated that the Police and Fire Departments are entirely on a uniform allowance. The City buys the initial issue of uniforms for airport guards and then they are given an allowance. HemisFair Plaza guards are provided all uniforms.

Mayor Becker suggested that the City Manager review the entire matter of uniforms to see if a uniform policy could be developed.

73-59 The following Ordinance was read by the Clerk and explained by Mr. Harper Macfarlane, Attorney for the City Public Service Board, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 43,053

AUTHORIZING THE SALE OF A PARCEL OF LAND CONTAINING 0.74 OF AN ACRE OUT OF MANUEL MONJARES SURVEY NO. 6, ABSTRACT 463, COUNTY BLOCK 5146, BEXAR COUNTY, TEXAS, TO ST. LORENZO CEMETERY (A NON-PROFIT ORGANIZATION FOR A CONSIDERATION OF \$400.00.)

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73-59

EAST CENTRAL SCHOOL DISTRICT

Mr. Mendoza stated that he had toured the Calaveras Lake area and the Braunig Lake area with officials from the East Central School District and from the county. The school district is concerned because so much property has been removed from the tax rolls when acquired by the City Public Service Board. It was suggested that a meeting be called with the City Council, East Central School District Board, County officials and the City Public Service Board officials to review plans for the areas.

City Manager Granata stated that there will be a meeting soon with the City Public Service Board on another matter and possibly this could be brought up at that meeting.

73-59

The Clerk read the following Resolution:

A RESOLUTION
NO. 73-59-73

REFLECTING THE CITY COUNCIL'S APPROVAL OF THE PUBLIC SERVICE BOARD'S CURTAILMENT PLAN FOR GAS AND ELECTRICITY CONSUMPTION.

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The following discussion took place:

CITY ATTORNEY REEDER: Last week Mr. Ken Harz of the Public Service Board briefed the members of the City Council who were present on the - what I refer to as the energy crisis although that probably is a misnomer - on the gas crisis and on the plan that the Public Service Board people as well as the City staff has come up with and all of the Council members who were here then were given the blue brochure or folder of the summary of the general plan. The only thing this Resolution would do would place your imprimature on the general plan which was presented last week. Before anybody could be cut off from electricity or gas because of any shortages it will take further legislation by the Council. Right now the only thing that you're being asked to do is just approve this overall plan that you've already been briefed on.

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MR. CLIFFORD MORTON: I so move.

MR. ALFRED BECKMANN: Second.

MRS. LILA COCKRELL: May I ask--does the overall plan recommend such things as voluntary curtailment?

CITY ATTORNEY REEDER: Yes, madam. What we have here very briefly breaks down into four phases. The first is conservation, the second is voluntary curtailment, the third is mandatory curtailment and the fourth is extreme emergency conditions. Now, we have been in the conservation phase one aspect of this plan, actually ever since last May, where we just asked everybody to try and save electricity. Phase two, really, that is voluntary curtailment, is merely a continuation of phase one. It's just a stepped up public relations effort on the part of the Board and the City and the Chamber of Commerce to get people not to use any more electricity or gas than they have to, to keep the thermostat turned down and that sort of thing, but turned down in the winter and turned up in the summer. Phase Three would entail the passage by the City Council of ordinances making it a penal offense or subject to a fine to have your thermostat in your house turned up too high or beyond a certain point or to burn lights at night in certain circumstances and that's the one that I frankly have told the lawyers for the Board, I don't think we ought to pass and I'll tell the Council I don't think we ought to pass it. They tacitly agree that that probably isn't feasible. The adoption of this plan by resolution would not make it incumbent on you to pass such ordinances. The fourth phase would be the involuntary shutting off of whole segments of the City when conditions become critical. Now I've got a copy of an ordinance from the City of Los Angeles. They're in the same shape that we are and the Public Service people tell me they're getting copies of other ordinances from other cities that are in the same shape. We're going to try to figure out a way to draft an ordinance that would give the Public Service Board authority when certain conditions prevail, critical conditions, as to the diminution of gas, particularly, and it looks like we're going to run the whole line out of gas to make cut-offs, just to turn valves in certain parts of the City for limited periods of time after notifying everybody--broadcast it on the radio, on television, circulating the information through every known way that can be done but we haven't reached that point yet. By adopting this plan, you won't authorize them to do that. It will take a further ordinance to do it. Right now what we're trying to do really is just get the public fully alerted to the fact that we may reach this phase four if everyone does not cooperate in phases one and two. That's what we're trying to do.

MAYOR CHARLES BECKER: Has anyone advocated bundling?

CITY ATTORNEY REEDER: I'd be in favor of it your Honor. I haven't myself but I would be in favor of it.

MAYOR BECKER: Well, the main thing that we've got to do is to proceed into these things in an orderly, intelligent fashion and not be stampeded and driven by hysterics.

CITY ATTORNEY REEDER: That's the whole reason for the plan really. To avoid hysteria as well as to avoid a sudden emergency without any plan to meet it. I might say that the Board people and our Public Works people seem to think too, that we're probably not going to reach this

Phase Four if we just don't have any real bad luck and everybody will cooperate we probably won't get to Phase Four.

MAYOR BECKER: It's interesting what's happened to certain stocks on the stock exchange, both New York and American, such things as recreational vehicles, trailers and automobiles.

MR. ALVIN PADILLA: This is happening in the face of very good statements from a lot of companies. Usually, it would make the market go up. Do you need a motion for this, Mr. Mayor?

MAYOR BECKER: Yes sir.

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

73-59

CONSOLIDATION OF SERVICES

MR. MORTON: Where do we stand with the City Public Service Board and the City Water Board and any other agency such as the Transit Authority on combining services?

CITY MANAGER SAM GRANATA: I believe Tom Edwards has been making the study of consolidation. All the counterparts have been meeting with the Water Board. I'll have to check that, Mr. Morton, I don't recall.

MR. MORTON: Well, we want a status report on where he is on this next week.

CITY MANAGER GRANATA: Yes sir.

MR. MORTON: And number two has the City Public Service when they come out with this energy plan, have they considered going to bi-monthly billings where they don't have these meter readers out on a monthly basis, doing it on every other month and doing it with the City Water Board? It seems to me that you sure could save a lot of gas that way and I think the cost of services in the case of Water Board could be reduced by five percent.

CITY MANAGER GRANATA: Tom has made a study on that. It will be included in next week's report to you.

MAYOR BECKER: You probably did it Alfred, when you had the deal up there near Comfort.

MR. BECKMANN: You read your own meter.

MAYOR BECKER: Apparently they audit you once or twice a month or something. They go by there and read them and if you're cheating, of course, it will show up real quick. I would like to suggest this, Cliff. In view of what you said here, that we sort of coast through this Christmas season and the time to be joyful and good will toward all men. Then in January, we get out every stick and club and what-not that we can muster and start in on some of these assignments again, these tasks that we just seem to talk about and they drift and talk about and it's that bad dream, that nightmare, that you had that you reach for but you never can grab it because everytime you reach for it,

it's just that much more unattainable. So, after Mr. Edwards makes his presentation, we gear ourselves to buckle down to the task at hand, beginning on the second of January.

MR. MORTON: I would like to put Mr. Edwards on notice that I happen to have a study done by a professional engineering firm out of Houston, Texas that is twice the size of Black and Veatch. It is very authoritative and this is one of the recommendations they have for the City Water Board. They are very concerned about the cost of their billings. They run considerably higher than the industry as a whole and they make this recommendation for bi-monthly billings. I think your idea is even better than that. If you'd like to declare a moratorium on this sort of thing until after New Year's, I just want to make sure they've got their ducks lined up.

I know I seem like I'm on staff when I make a statement like this but let's just take our Monitoring and Evaluation section we created this morning. I asked last week for the resumes of the people who did not fit within the City's personnel policy as far as their wage rate is concerned. In addition to asking for their five-year employment background, I also asked for their wage scale during that five-year period of time. This is very typical of some of the things I get. It doesn't have any wages on it. Wages are a lot more important than the background. If this is going to be the kind of staff work that we get out of these people, I want to tell you, I'm going to have my spurs on and I'm going to be right in there on top of them. I look at the work programs of this agency and, very frankly, it would be very hard for anybody to evaluate based on what I see in those work programs because it's just a lot of garbage when we really get right down to it. There's nothing in it that you can quantify, Sam, and I want to know within, if you want to make it the first of the year, I want him to quantify what he's planning to do in each one of those programs, because if you will go through all of the verbage that he has, you tell me how you are going to evaluate it.

CITY MANAGER GRANATA: That's on the Monitoring and Evaluation Section?

MR. MORTON: Monitoring and Evaluation. Each of the programs that he's going to be monitoring and evaluating, I want to know what he's going to be monitoring and evaluating because as I look at it, I can't tell. I'd like to have this, if I may, before the day is out. I'd like for each member of the Council to have it because I think it will give them a lot better picture of what the problem is as far as these four programs are concerned.

MAYOR BECKER: Cliff, may I make an observation, totally for clarification? What I said was, and that I think we ought to get all the reports that we want between now and Christmas, you know, but that after the first of the year, beginning with the second of January, now that we've gone through seven months approximately of asking for things that now we spend the next seven months demanding or, I hate to use that word, really, because I don't even like for it to be used down here, but at least indicating to those involved that we have every expectation of getting the things we ask for. I'm talking about this Public Service or the Water Board or anybody else for that matter. But I'm not saying let's lay off of it right now because from now to the first or second of January, we have time but I think we ought to have an avowed resolution and an interest in seeing that some of these things start happening and we stop these waltzes because I'm tired of dancing. I think you are too.

CITY MANAGER GRANATA: Mayor and Council, we're ready to answer anything you have asked for and since we're talking, when do you want to hear about the Transit Board? If we can have all the "B" sessions we want, we'll schedule them. We've given lots of things in the packet, we can go back and give you a review. A lot of these things have been in the packet before and we'll be glad to go again but anything you want we can get. They're all being worked on. Staff is working very very hard. This Monitoring and Evaluation, as Cip tried to say, was just to salvage the Model Cities program. They're going to be monitoring the remaining program of the Model Cities and then the new revenue sharing. Apparently, he didn't give the information that Councilman Morton wanted. We have talked about the Water Board and the billings and the excuses and the day runs short and we get tired and then we run out of doings and we're ready to serve. We'll get you any answer you want and we're ready anytime you want to be, if we can have the time to get the answers to you sometimes.

MAYOR BECKER: I think we're going to have to impress on some of our friends in some of these agencies that it's just isn't idle talk we're engaging in when we talk about the combining of some of these services.

CITY MANAGER GRANATA: We agree sir. We agree and we got a good staff we can combine a lot of these things if we'll just get together. They're willing to work with us. Keep in mind too with the energy crisis, people being put out of work, I hate to think about putting all the meter readers out of work. Now, maybe we can work towards it later. But, yes, we'll be ready, you can do anything you want to do anytime you want to do it but it takes a lot of people, there's a lot of human beings involved, but we're ready to report.

MR. MORTON: Okay, specifically, here if you will, Sam, what I want is I want to know what this man's current salary is and I want what the differential is between that and what the City would pay for the comparable position.

CITY MANAGER GRANATA: Is that one that he made directly to you? Yea, because it doesn't ring a bell to me, Mr. Morton. Okay.

MR. MORTON: Okay, that's what I wanted. And then in addition to that and the employee's background, I want to know his beginning and ending salary at each of the places that he worked for the previous five years prior to his being employed by the City of San Antonio and Model Cities.

CITY MANAGER GRANATA: And you want that by this afternoon?

MR. MORTON: Yes sir, I sure do. I asked for it about a week ago and there's no reason for not having it and I think it would give the Council a real good picture (inaudible) as far as these four folks are concerned.

CITY MANAGER GRANATA: Get it from Mr. Rinehart, Cip is going to Austin. We'll have it for you, Mr. Morton. Cip is going to Austin but Mr. Madison will get it from Mr. Rinehart.

MAYOR BECKER: Sam, may I make an observation about the meter readers? I don't think anybody is advocating that we put them out of work. You

and I know, though, that every entity, any group of people, whether it be Corporate World or any other world, that a certain amount of attrition takes place, getting married, quitting, moving out of town, you know there's a number of things why people terminate and sever their service for any given---

CITY MANAGER GRANATA: Yes, sir, we're doing that now in the City when one leaves, we're not refilling it. That's correct.

MAYOR BECKER: Now, I think that this meter thing could be handled, let's say, if we were to institute this policy, I think the meter readers could be handled in much the same fashion. It isn't a question of wanting to put anybody out of work, it's trying to maximize every dollar we have, you understand that.

CITY MANAGER GRANATA: Yes, I sure do.

MAYOR BECKER: But, you know, we don't want any misunderstanding, generally among the citizenry that we're down here with a hatchet trying to cut everybody off of their payroll or cause them to lose their job. But I don't think that asking for efficiency is onerous either. Sometimes we're considered heartless and all that if you try to maximize efficiency and so forth in any type of governmental work it seems. Yet, I think the taxpayers are always entitled to this. It's their money we're spending, you know, and I don't, I just don't like for this thing to get out of order.

73-59

CITY WATER BOARD

DR. JOSE SAN MARTIN: Mr. Mayor, may I ask for just ten seconds to this, Sam. The thing that just keeps bothering us, I know every member of this Council gets these phone calls but I get a very large number of phone calls on the exorbitant bills for water service throughout the summer when it rains so much and they're still coming in, even two or 300% over the average bill. Now there's got to be something wrong somewhere because people would not complain in such large numbers, Sam, and I don't mean a \$2 or \$3.00 increase, I mean bills that usually run \$6, \$7.00, they're coming in at \$24, \$25.00 and there's just got to be something wrong. It's either the meter readers or somebody is fouling up these bills. It's just not possible that so many people complain. I think we should express that concern to the Water Board and ask for some kind of explanation. There's got to be something wrong somewhere.

CITY MANAGER GRANATA: I will ask for Mr. Van Dyke to prepare an answer for after the first of the year.

DR. SAN MARTIN: I hope it's better than the usual excuse that we get that they checked it out and everything is okay that there may be a leak here or a leak there because there just can't be that many leaks in the City of San Antonio. Will you do that please?

CITY MANAGER GRANATA: Yes sir, I sure will.

MR. BECKMANN: What they say, Mr. Granata, when I get called, I asked them, have you checked with the Water Board and they said oh yes, your bill is absolutely correct, why don't you complain to the City Council? They are the people that set it for you. It's pretty hard to explain that when you don't understand how they reach that figure.

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CITY MANAGER GRANATA: Yes, I'm aware of that also.

MR. PADILLA: Sam, will you tag something on to Dr. San Martin's question? I've had a lot of complaints too but they're from people that say that the sewer thing went way up. Now, I'm aware that the rate went up but I've had complaints from people that tell me that their sewer fee is running more than the water bill and I've had quite a few of them. Will you have that particular aspect checked out?

CITY MANAGER GRANATA: Yes, sir, I sure will. That may be possible in very rare cases in the winter months but that certainly will not be the case in the summer months.

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SAN ANTONIO TRANSIT SYSTEM BOARD

MR. PADILLA: Now, Mr. Mayor, may I ask Mr. Reeder a question that I want to ask him? Mr. Reeder, in view of the situation and the changing times and we're recently going through a transit strike and many industries are making a real all-out effort to involve the laboring man in some aspects of the management for which he works. I was wondering if you would research this question for me and, depending on your answer, I may decide to take further action. Will you tell me if there is any legal prohibition against placing on the Board of the Transit Authority, perhaps, a retired employee?

CITY ATTORNEY REEDER: A retired employee? I'm reasonably sure that there is not such a prohibition when a vacancy occurs. I think that anyone could be hired.

MR. PADILLA: I would like certain things checked out. For instance, when a new contract is negotiated, does this bear on the retirement income of an individual who is retired? If it does, perhaps there might be a conflict of interest situation.

CITY ATTORNEY REEDER: When you say retirement, you mean a contract with the union. Is that what you mean?

MR. PADILLA: Yes, such contract that was ratified a few days ago, will that contract.....

CITY ATTORNEY REEDER: Just a minute, they're not supposed to have a contract with the union, and if they do.....

MR. PADILLA: Well, I recognize that, it's in fact a contract but it's not legally a contract, I know. The question is...the question is let us suppose that this Council were to name a retired transit company employee to the Board of the Transit System. If we were to do that and a new wage arrangement were to also create an adjustment in his retirement salary, would he be in a conflict of interest situation and questions such as this?

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AN ORDINANCE 43,054

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY IN SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR PUBLIC PURPOSES, TO WIT: THE CONSTRUCTION AND OPERATION OF THE HARMONY HILLS SUBSTATION FOR THE CITY ELECTRIC SYSTEM; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A GAS AND LIQUIFIED MINERAL TRANSMISSION LINE EASEMENT AND AN ELECTRICAL DISTRIBUTION LINE EASEMENT OVER AND ACROSS CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS, FOR PUBLIC PURPOSES, TO WIT: THE CONSTRUCTION AND OPERATION OF THE CALAVERAS PLANT GAS TRANSMISSION LINE FOR THE CITY ELECTRIC SYSTEM; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF AN OIL TRANSMISSION LINE EASEMENT OVER AND ACROSS CERTAIN PRIVATELY OWNED LAND IN BEXAR AND ATASCOSA COUNTIES, TEXAS, FOR PUBLIC PURPOSES, TO WIT: TRANSPORTATION FROM LEMING, TEXAS TO THE BRAUNIG GENERATING PLANT OF LIQUID MINERAL PRODUCTS FOR THE CITY ELECTRICAL SYSTEM; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRICAL TRANSMISSION AND DISTRIBUTION LINE EASEMENTS OVER AND ACROSS CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR, GUADALUPE AND WILSON COUNTIES, TEXAS, FOR PUBLIC PURPOSES, TO WIT: CONSTRUCTION AND OPERATION OF ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES FOR THE CITY ELECTRIC SYSTEM; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SO MUCH THEREOF AS CANNOT BE ACQUIRED THROUGH NEGOTIATION; AND RATIFYING AND AFFIRMING ALL ACTS AND PROCEEDINGS HERETOFORE DONE OR INITIATED BY ATTORNEYS FOR THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SAID LAND AND INTERESTS IN LAND.

* * * *

The following discussion took place:

MR. CRAIG AUSTIN: Ladies and gentlemen of the Council, I am Craig Austin, one of the attorneys for the City Public Service Board. I am here today as a consequence of the Burch decision that has previously been discussed before the Council. The net effect of this decision, Burch versus City of San Antonio, was to cast into doubt the power of both of the Public Boards here, the Water Board and the City Public Service Board to find that it's necessary to acquire certain private property for public purposes. So, even though that case is on appeal it is not yet final, we do feel that it would be prudent to come before the Board and to get the Board's consent and ratification of the projects that we already have under way and one that we must have immediately. And that is, of course, why I am here.

Now, let me explain to the Board very briefly what we are doing. First of all, we have already begun condemnation proceedings and have paid money in the court to acquire a substation and a right of way out in the Harmony Hills area. That's a fast developing area and we need a new transmission line and a new substation to serve that area. The cases have already been filed, and the Board's ratification is desired on the filing of those cases and the acquisition of that land. Secondly, we already have a pipeline in existence that's transmitting

gas to the Calaveras Plant. This pertains to two cases that have been pending for over three years. The line has already been built and gas is going through it. The cases are pending and we need a clarification of the position of the City as it pertains to that particular pipeline. Thirdly, we are asking the Board to authorize the condemnation of four tracts down south of here near Leming, Bexar and Atascosa County.

MR. PADILLA: Excuse me, are you asking the City Council for these things or the Board?

MR. AUSTIN: We are asking the Council for them?

MR. BECKMANN: You said the Board, I understood.

MR. PADILLA: You said Board several times.

MR. AUSTIN: Well, I mean the Council. The Leming line is for transmitting fuel oil from a Fina pipeline that runs near Leming to the Braunig Plant. This would save us a good deal of money and would make our supply of fuel oil a good deal more reliable if we can get the Council to approve the acquisition of the Leming pipeline. Most of it has already been acquired and it is essential that we put it into service as soon as possible to assure a continued fuel oil supply. The last item, of course, is a ratification of the numerous condemnation cases that we already have pertaining to several transmission lines that are already in service and are conducting electricity but pertaining to which we do have some cases still on appeal. One of the lines in question is the Zorn line that runs 55 miles from here to Zorn and gives us our only interconnect to the Dallas-Austin-Fort Worth area. Now, the other line is the CP & L line which runs 37 miles to the south and gives us our interconnect to Corpus Christi area. I think in these days of energy crisis, it is essential that we keep these lines in service and the line crosses the tracts of land that are subject to litigation. That's why we feel that we would like to get the Council to approve and ratify the condemnations and acquisitions being carried out so far.

MR. MORTON: Mr. Austin, let me ask you, I received a rather long letter from your manager over there regarding your policy on maintenance of these easements. I just wondered if you have any thought at all about changing that policy because it seems to me to be very inconsistent with the times.

MR. AUSTIN: You're talking about the responsibility of the City to maintain the easements?

MR. MORTON: I'm talking about the City Public Service Board maintaining the easements.

MR. AUSTIN: Yes, to answer your question directly, no, I don't think that there is any contemplation of changing that policy. We have over 600 miles of transmission lines and the transmission lines are located on easements.

MR. MORTON: That's right.

MR. AUSTIN: Which means that the land owner has the beneficial use of that property.

MR. MORTON: You really, who do you think you're kidding?

MR. AUSTIN: Well, I think I'm telling it to you like it is, Mr. Morton.

MR. MORTON: What use would you put to it? You've got an urbanized area. What use are you going to put to it?

MR. AUSTIN: Well, we've had several instances where land owners have been competing to get the right to use these rights of way.

MR. MORTON: In urbanized areas?

MR. AUSTIN: Yes sir, right here in San Antonio.

MR. MORTON: How many?

MR. AUSTIN: I believe that there is perhaps five or six landowners out in the area where one of our transmission line crosses Loop 410.

MR. MORTON: And you've got 600 miles of them and you've got five landowners that are competing. Now do you really think you're telling us the truth, I mean, are you giving us the facts or....I'd like to move that we table this request until the management of the City Public Service Board comes over here and justifies their policy on maintaining these transmission easements.

MR. AUSTIN: Well, let me point this out, Mr. Morton. This land has already been acquired and the landowners have already been paid. Now, they are entitled to raise and they do raise in the condemnation hearings the maintenance responsibility to them. And this goes in.....

MR. MORTON: But you do not address yourself to the problem of what happens when you develop it. You don't do that. It's a problem for the City of San Antonio. Ask the Manager here. Is it a problem for you, Sam?

CITY MANAGER GRANATA: Yes sir, we get calls every day. There may be one thing. The 600 miles, I think we are concerned about the whole 600, you're concerned about the big wide 100, 110 foot which I know you don't have 600 miles of that.

MR. MORTON: They mislead you on that. We're not talking about that kind of mileage, we're talking about you for all practical purposes, have sterilized land.

MR. AUSTIN: Well, Mr. Morton, I don't think that that is correct. I think there is a beneficial use left in this land and people do use it for whatever purposes they want and they can find good purposes for it.

MR. MORTON: Who is they?

MR. AUSTIN: The landowners that own the land. We take an easement across it and the landowners still retain all the beneficial uses not in consistent with the easement going across it.

MR. MORTON: Okay.

DR. SAN MARTIN: I would like to ask a question, Mr. Mayor. What is beneficial, I mean, you can be kind of restrictive in that, don't you have certain regulations that some benefits you can't use or can't be used indiscriminately? They can be limited over the easement?

MR. AUSTIN: No, Dr. San Martin, that's entirely a matter of law. The condemnation petition, the purchase--most of these are purchased, they're not condemned--will set out what uses are available to the landowner and what uses are available to the City and the only use that the City maintains or takes out of the land is really an air right, which is to put the wires across in the air and put the transmission footings on it.

MR. PADILLA: And to come on the easement anytime they have to work on those lines.

MR. AUSTIN: Yes sir.

MR. MORTON: In other words, complete access to it and it's fine as long as you're raising cows on it. But when you start putting houses on it or commercial structures with the exception of parking lots, I'd like to know about the beneficial uses that the landowner has on the property when it's developed.

MR. AUSTIN: You can use them for recreational areas, you can use them for....

MR. MORTON: How many do you have that are being used that way?

MR. AUSTIN: We have quite a number. I can name to you perhaps six or eight apartment complexes around the City that are built adjacent to these easements and they're using them.

MR. MORTON: You know apartments are a very small part of our overall population. You know how many apartments there are here in San Antonio?

MR. AUSTIN: I have no idea.

MR. MORTON: Well, you are talking about less than five percent of the population. How about single family? How does the landowner use the easement?

MR. AUSTIN: Well, they can use it for whatever purposes they want. They can use it for an extra recreational area. If they want to keep an animal out there, if they want to put it in the yard which is very common, well they can do that.

MR. MORTON: Have you gotten the word from the Veterans Administration on their feelings regarding this, did you have a VA purchaser?

MR. AUSTIN: I don't quite follow you sir.

MR. MORTON: I'm just asking if the Veterans Administration will go along with you.

MR. PADILLA: The appraisers, Cliff?

MR. MORTON: No, I'm talking about the VA, a veteran purchaser next to one of these easements, why don't you get their attitude whether they will allow a VA purchaser to even receive it as a.....

MR. AUSTIN: I don't know what the policy of the Veterans Administration is. I do know that in the subdivisions that have houses backing up to these that the landowners buy these houses as readily and as rapidly as any other tract of land and many of the landowners seem to enjoy having that extra 50 or 60 feet of land that they can do with what they want.

MR. MORTON: That is hogwash, Mr. Austin. You don't know what you're talking about. You really don't. Without question, I can't think of anything that is a greater deterrent to a piece of property than to have one of your transmission lines adjacent to it.

MR. AUSTIN: Well, that argument is frequently made and I will assure you that we pay richly for it.

MR. MORTON: How do you think, you made the statement justify? How did you come to this conclusion?
How did

MR. AUSTIN: By personal observation.

MR. MORTON: Okay, how is that? Where did you get your experience, have you been out selling these houses?

MR. AUSTIN: No, I've.....

MR. MORTON: Have you taken a survey?

MR. AUSTIN: We've conducted several surveys of this matter to determine the effect of the proximity of an electric power transmission line to the real estate that sells nearby.

MR. MORTON: Would you furnish me a copy of those things?

MR. AUSTIN: I'd be glad to. I'll be very glad to furnish you a study that would show, that does show, that five houses off the transmission line in Camelot sold for the same price as five houses on the transmission line.

MR. MORTON: The appraiser does that and he may not even know that there is a transmission line there.

MR. AUSTIN: He would have to conduct a survey for this very purpose to inquire about it.

MR. MORTON: I'd like to have all the documentation you have on it.

MR. AUSTIN: You'll receive it.

MR. PADILLA: Mr. Austin, are you asking this Council to take any action this morning?

MR. AUSTIN: Yes, sir. This is an emergency situation.

MR. PADILLA: Then, Mr. Mayor, I would like to add these thoughts to Mr. Morton's request to table. I can see, I think, because of the decision in the Fourth Court last week that the Board would be in the position of asking us to ratify previous actions in terms of condemnation and so forth. I can understand that this is action that's been taken previous to it but you mentioned, I believe, the Harmony Hills

transmission station or what was the title of it? I think in cases where we are initiating action, that the Council should not just blindly endorse the request but rather that we do exercise our legislative function if indeed the law requires it now in terms of utilities and that we be at the very least briefed and given reasons for the necessity of such action before we are asked to take it.

MR. AUSTIN: Well, I certainly appreciate that.

MR. PADILLA: I could not, in good conscience, take that kind of action for something that we are initiating.

MR. AUSTIN: Let me point out. There is only one new project on here and this is Leming gas line. Every other one of these is 99% purchased or acquired and we have litigation pending on a few tracts on each one of them. So, with the exception of the Leming Project, it's also mostly purchased but with the exception of this project, none of these are new projects, they've all been in the mill for years.

MR. PADILLA: Can your people brief this Council before they ask us to sign a blank check on condemnation suits. I will not sign a blank check like that without a briefing.

MR. AUSTIN: We have had a discussion about this and we have determined that if any new projects come up, which they will, I will assure you, that it's a better policy, at least as long as this case holds to come before the Council and get their approval before a single tract of land is purchased and I think that is a better procedure if this is to be the rule of law and we are to follow this procedure.

CITY MANAGER GRANATA: This is what we would ask. It was my understanding that this was an emergency today because the Board has taken similar action at their meeting today, is that not correct?

MR. MORTON: They have their meeting simultaneously with ours.

CITY MANAGER GRANATA: Yes, that's the only reason it's on.

MAYOR BECKER: I'd like to suggest, Mr. Austin, that we be briefed on whatever matters the City Council desires, particularly with respect to the Leming pipeline or any of these other things. I, for one, can't vote just blindly on any of these questions even though I'm a member of the Board. I don't expect the Council members to conduct their own judgement of these things in the same fashion. I wouldn't expect anybody to.

MR. AUSTIN: I would be glad to brief you on the Leming matter. Let me say this. Until last Wednesday, when the Burch decision was handed down, I don't think anybody had any apprehension that the, either the Public Service Board or the Water Board didn't have the authority to determine eminent domain matters on their own. We did so and did so in good faith for a long period of time. But the position we're in now is this, let me be quite frank with the Council. We have, with the exception of the Leming line, we have already gone into possession of these tracts, we have built improvements on them and the continued operations of these matters is essential to the distribution and production of electricity in this community.

MR. MORTON: Will it wait a week?

MR. AUSTIN: It would just depend on the intervention of injunctions or even self help. I would think that we are in a vulnerable position to be enjoined and if we lose one of our transmission lines, if we lose both of them, if we lose our Calaveras gas supply line, then we're in trouble.

MR. MORTON: Don't you think you're really kind of waving something in front of us that isn't quite as serious as you make it out to be? You come over here very low key on really something that has an awful lot of effect on this City and you act like all we want you to do is put your name on the bottom of it, then you go out and you've got it all taken care of. We give a lot more attention to requests that are not nearly as significant as this. I'd like to have a little background.

MR. AUSTIN: No, sir. I'm not waving a red flag at you. In fact we were enjoined yesterday on one of these tracts.

MRS. COCKRELL: Mr. Mayor, I would like to make a couple of comments on this. I think on all of the matters which are already a matter of fact in that the Public Service Board has already acted, that acquisition of property has been carried forward, I think to withhold our approval simply would be contrary to the public interest. I think that on any future matters that are entered into, I think certainly that this Council, if it is being asked to concur, would need to be briefed. On the matter of the utility transmission line easement, before any position is entered into by the Council, I would like to request a briefing on all aspects of that. I don't know what my position is yet because I just don't have all the facts. For example, if the Council were to go on record urging the City Public Service Board to assume the maintenance of those transmission line easements, I would like to know the collateral affect upon the City's policies of requiring the property owners to maintain easements on flood control easements. I'd just like to see the whole picture of any affect it would have on the current City's policies and what we might be getting ourselves into. So I would hesitate to be a part of any motion that would tack on a position on those transmission easements at this time until we've had the opportunity to have a thorough briefing.

MR. MORTON: I believe that Mr. Deely sent copies of all his reasons why not to every member of the Council.

MRS. COCKRELL: He might have. I just don't remember seeing it, Cliff.

MR. MORTON: He's done a very comprehensive one. One thing I noticed that he always leaves out is the number of miles that we're really talking about as far as these major transmission lines in developed areas. He talks about 600 miles but most of it is out in the agricultural areas. And, again, this is not really, in my opinion, being direct with us when you say that you have 600 miles. That's the total, isn't it?

MR. AUSTIN: Well, Mr. Morton, this is our potential exposure, the 600 miles.

MR. MORTON: Well, fine, but when you have that kind of exposure you are also going to have one whole whale of a lot customers than you have right now and therefore, you can justify it.

MR. AUSTIN: That's quite correct, Mr. Morton, but let me.....

MR. MORTON: How many miles do you have inside the City?

MR. AUSTIN: I'll have to guess, I don't know. I would say probably two-thirds of this is within the City limits.

CITY MANAGER GRANATA: Is that the 16-foot utility easement? Is that part of the.....

MR. AUSTIN: No sir, that's just.....

CITY MANAGER GRANATA: This is strictly transmission.

MR. MORTON: We're just talking about major transmission lines.

CITY MANAGER GRANATA: Major transmission.

MR. MORTON: This is where you're putting an onerous burden on the adjacent property owners. I'm not talking about 16-foot easements. I I'm just saying that to ask someone that works all day, five and six days a week to go out there and clean up and mow that 135-foot easement in back of him or on the side of him is something I don't think that you're being responsible in asking him to do. That's what you're doing.

MR. AUSTIN: I fully realize your position on that, Mr. Morton, and certainly there are arguments on both sides of the fence on this. But the problem we have right now is that the tract that we're talking about in this have already been acquired and in 90 percent of them has been a commission hearing and the landowners were entitled to receive compensation for the fact that they had to maintain it and they did. And it is very prominently mentioned and there's a big factor in the money that they get.

MAYOR BECKER: Mr. Austin, there's one matter about the transmission line that concerns me in addition to this business of who has to maintain the right of ways. It's the visual blight. There's just as much visual pollution in this nation as there is any other type of pollution. Those things, and I'm not trying to become an engineer instantly, but those transmission towers that we seem to use and there are others in the nation also, are the most unsightly, God awful looking things that could possibly be devised. I noticed a three-line transmission pole the other day in another city that was almost unnoticeable, it was such an attractive design, as far as the pole is concerned. It strung three wires and they were, whatever size they were, it was not ordinary telephone wire or anything like that, it was some type of high voltage stuff, but it strung three up, one below the other and you hardly even noticed these things. These great big monstrosities. I appreciate that they carry a considerable load and all that. I wouldn't want one of those things near me and frankly, it's kept me from buying and locating in several areas where those things were. I don't care for them. They are god awful, if I may use that expression.

MR. AUSTIN: I'm very inclined to agree with you from a personally asthetic standpoint. I do not come before the Council with a naive proposition that transmission lines are pretty. They're not. They're ugly.

MR. MORTON: Well, I don't know. The staff told me the other day that one thing about it where would you have, we have two sets of towers over in El Dorado and Valencia. This is planning ahead. They put one in five years ago, then they came back and they put another set parallel to them year before last. The staff said, well there's one thing about it, you won't have to worry about houses in that area being struck by lightning. This is really a responsive attitude.

MR. AUSTIN: Mr. Morton, let me say this. People have an insatiable hunger for electricity. We are in the position of having to expand the generating capacity and our distribution capacity by 11 percent per year.

MR. MORTON: I know that.

MR. AUSTIN: You've got to have these wires to get the electricity to the people and they're just as ugly as sin, but getting to the point of no wiring, no electricity and you don't take the electricity.

DR. SAN MARTIN: Mr. Mayor, I'd like to ask Mr. Reeder in what position we would be putting legally the City Public Service Board if a lot of enjoining would be done as Mr. Austin has mentioned. They already have one and what would be the City's responsibility right now for failure to act retroactively or confirming what Mr. Austin is saying.

CITY ATTORNEY REEDER: Well, I don't know enough about the facts of all of these various projects that we're asked being asked to ratify, Dr. San Martin. I do know that if the takings that Mr. Austin refers to and most of them are fait accompli, I mean they've already been done, were void because the Council did not vote that they were public necessities. They stand to maybe be kicked out. I don't know how bad shape you're in there, Craig. I do know that legally they're wrong being there if they do not have the authority to file the suit. You can enlighten more on that than I can.

DR. SAN MARTIN: Did you review this ordinance, Mr. Reeder?

CITY ATTORNEY REEDER: Oh, I went over the ordinance, Doctor, but I am not talking about the ordinance, I'm talking about the projects. I haven't been on the ground and look and see what they have and that sort of thing.

MR. MORTON: Let me ask you a question, Mr. Reeder. Are you saying that the Water Board can come in here on the Burch controversy next week and ask us to do the same thing and all of a sudden, the facts are different on it. We're actually going back and authorizing something that has already been done. You're saying that this won't have any effect whatsoever.

CITY ATTORNEY REEDER: It may, Mr. Morton, I don't know how many unhappy landowners they've got with the awards and all that who may challenge the legal sufficiency of their takings.

MR. AUSTIN: Mr. Morton, I can answer that question if I may Mr. Reeder. I've talked to the Council at the Water Board and this is the only case they've had, the first case itself, is the only case they had subject to difficulty.

MAYOR BECKER: Well, I tell you, it's a legal maneuver , there's no question and this sounds great, but if you have to ask yourself if you're acquainted with what you're voting on, if you are honest, you would have to say absolutely no.

CITY ATTORNEY REEDER: Well, what you have to do...Here is actually the situation, the legal situation, I won't go into the facts because I'm not familiar enough with them. It's well said of law that City Council may ratify that which has already been done, even though it's approval in advance was required. The Council could pass this ordinance and it would be legal and it would wipe out all the infirmity of these law suits. It would ratify. Now they have already done all of the things with one exception, I believe you said. Is that correct? If you don't ratify it, where are you? You may be having them get lawsuits against them or may cause them to have to refile lawsuits. I don't know what the postures of these various things are which ultimately will innure against this very City government and this Council since we get money of Public Service Board. I don't know how serious the problem is. I don't know whether it has to be done today or whether you can wait a week.

MAYOR BECKER: All I can say is that it's too bad that the City Council and I would only wish and, of course, wishing doesn't make it, so that had this City Council have been given a chance to vote on the changing of the contract from United Gas back in 1961. There is one thing I wish that we could turn the clock back on. When I said today to some extent more so last Thursday that this Burch decision may have a somewhat significant affect on our relationship with the Board from now on. What we're in today is one of the very things I had in mind. I don't mean that is derogation of you at all, Craig, I just say that from now on you all can concede you're going to have to come to the Council with all of these projects before you get into it. Of course, you don't like to operate after the fact.

MR. REEDER: Well, you don't your honor. The only reason is that I would take Craig's position at this time aside from my membership in the Lawyers Protective Association is that I can see how he might be in a little sweat that maybe he's got some property there that he's got no business having.

MAYOR BECKER: I can appreciate his position and sympathize with him but I never like to be put in a squeeze box. That's the way it is here today. We go into a meeting once with the City Public Service Company, and we are expected to vote upon some hundred million dollars worth of coal mining property, the railroad cars and all this kind of stuff in just that much period of time without ever having heard a cotton picking thing about it before hand. That's just jackleg type of horsing around in my own opinion and I don't particularly care to see that sort of thing extend over into this City Hall if you follow what I'm trying to say. Because it happens elsewhere doesn't make it appropriate for it to happen here, you know, what I mean.

MR. REEDER: I'm with you all the way. I think your message is really directed at Mr. Austin there...

MAYOR BECKER: Well, I'm not directing it to Mr. Austin because it's not his...he's not responsible for it. He's not responsible for it.

MR. REEDER: No. He's really not.

MR. AUSTIN: Mr. Becker, let me point this out. The reason I am here today with this ordinance is the consequence of the Criminal Civil Appeals decision in the Burch case last week. This thing is a thunderbolt for every municipal Board in the State of Texas.

MAYOR BECKER: I understand.

MR. AUSTIN: And they are all in the same boat and they're all....

MAYOR BECKER: Well, I'm going to be dirty honest with you about something and I'm not directing this to you. When we're needed here we're the greatest people on earth. When we're not needed, we're given no consideration about what we think about anything in anyway shape, fashion or form. This old business of being great one day and nobody the next, just gets a little bit tiresome, you know. As a City Councilman or a member of this City government, when we're needed we're wonderful; when we're not needed, who the hell are they? And it's one of those deals and I think everybody on this City Council has that feeling within their hearts, really. Now some may have it more than others, some people have an ability and, unfortunately so, carry around misgivings and rancor and hatred and all that sort of thing more than others, but I think in an instance such as this we're being put upon, you know, by just merely saying, please ratify and rubber stamps everyone of these things. Please understand, I'm not fussing at you. I know that you were sent over here and asked to fulfill your mission, and I sympathize with you so I'm not directing my remarks at you. But the Leming pipeline, you know....

MR. PADILLA: Never heard of it....

MRS. COCKRELL: May I suggest that since the Leming Pipeline is the new project that the staff for the City Public Service Board redraft this removing the Leming Pipeline and that we request being briefed on that and that the remainder we take action today. I think that there is no way that I can conceive of that even after many, many briefings that we would say that projects that were over ninety percent complete and purchased that we are now going to fail to comply with...I mean this doesn't make sense to me.

MR. AUSTIN: Mrs. Cockrell, let me say this about the Leming Pipeline. I will be extremely glad to give you all the information you want on it. The situation that we have is this. The Public Service Board, following the policies that it follows for years and years and years, which apparently everybody's observation was completely legal and proper authorized the acquisition of Leming Pipeline--36 parcels on that. We went out and bought 32 of them and we've already bought them and paid the money, no lawsuits necessary. All of these land owners were happy except four. It was a crash project because we need the pipeline. We come down to these four and on any condemnation project or any public project you're going to have a certain number of people for reasons good or bad that will not sell. Maybe we're wrong, maybe they're wrong, but we can't agree on the price. In this case, the only thing we could do is go ahead and get a court to resolve it and make a fair price to the land owner and give possession to the public project. The Leming Pipeline is the...is contemplated as the source of oil between the Fina Pipeline that comes up from Corpus Christi and the Braunig plant. As you know, the gas situation being as it is, we are very dependent on oil. Now, we've been trucking this oil in, but we have let a contract on this line for the third of December which is when the contractor is supposed to start working. I have four lawsuits ready to file right now. I can't file them until I get some authority from somebody that will take the indecision out of this Burch case and let us proceed on the acquisition of the Leming line. That's the reason that we're here today. I'm very sorry to come to you. I apologize in coming to you with an urgent situation like this, but let me emphasize, it is urgent and it is not of our making.

MAYOR BECKER: Certain of the City Council have questioned the equity in this right of way program and this sort of thing. A lot of the citizenry in this town have verbally chastised the Public Service Company for the use of those unsightly transmission towers and I might say sometimes it seems as if they are used indiscriminately almost, you know. I appreciate that they're expensive and all that sort of thing, but they're a monstrosity. They really are. Now why doesn't the Public Service Company sort of develop some sort of an attitude that well, perhaps we could be wrong. Maybe there might be a transmission tower that would be less unsightly. Maybe there's a way to cross a person's land where you can make the land owner less unhappy than just going right down through the center of it and divide it in two just like you split a watermelon, you know. I hear all this kind of stuff and the rest of us I guess from time to time do about how the Public Service Company was asked to move over to the edge of the property, and I know that you can't have a thing going through the country side that looks like a snake's back but at the same time try to be reasonable and not just assuming that attitude, well, here we are. We've got the right and, zap, you know, like it or not we're going to cross that property. Maybe, maybe if some of these things were given some consideration, maybe there would be less hassle over all these problems, you know.

MR. AUSTIN: Let me say this. I certainly do appreciate what you're saying. We hear the same thing from the land owners all the time, and we take that in a very great account when we negotiate with them. First of all, I think that we get a bit of a one sided picture of this thing because the fact is that we buy 90 per cent of our easements under terms that are mutually agreeable to the landowners and Public Service Board. Okay, then you get down to a conflict of interest. The land owners want something this way and the conflict of interest. The land owners want

something this way and the Public Service says, "No, it's got to be this way for these reasons." And the proper way to resolve this is in court in my opinion where you can deal with a case by case basis. But we do give a great deal of deference to wishes of land owners and if they want a different type of tower and we can work it out, we do.

MAYOR BECKER: Well, a friend of mine had a magnificent home and begged them to move the thing a little over, you know. I appreciate that you can give vent to everybody or give into their wishes because I guess it cost maybe 50 per cent more to run this thing crooked through the land side but it came right over his house, you know.....

MR. MORTON: He just built a \$250,000 house. Got the house finished and they put one right by it....

MAYOR BECKER: And here comes this thing, you know, and all this galvanized iron. It's a pretty sorry looking thing. At the same time, I realize I think as well as you do, and we are all aware of the energy situation and all and the necessity for having electricity. We are living in the 20th Century. There's no question about it and about to embark into the 21st. These transmission, what do you call these substations or whatever these things are where they have all these pots on the ground and chain link fence around and all that kind of thing. It looks to me that there could be some effort on the part of the Public Service Company to landscape an appropriate distance from the fence and all to hide those things because they are an eyesore.

MR. AUSTIN: We do this Mr. Becker, when we can. Let me point out this. I think that in this situation and in this century that we are all tyrannized by technology. Let me give you one small example. We are always opposed to the idea of bending or dog-legging a transmission line so we have run a number of studies on it and in one instance we were calculating how much it would cost in loss of energy to extend a 138,000 volt transmission line an additional 1,000 feet. It is \$500 a year in loss of energy from right now on to eternity at least so long as the transmission line is there. Now, in this instance we did bend it and we did move it. We took the loss, but this is an example of the problem that we run into. We have got to start thinking in terms of conserving energy as well as the aesthetics of placement. It's a terribly hard question.

MAYOR BECKER: I'll grant you that. It's kind of one of these things that's heck if you do and heck if you don't.

MR. AUSTIN: That's it. It certainly is. It certainly is. You antagonize people if you do and you waste energy or abridge the public interest if you don't. You just have got to strike a balance.

MR. MORTON: This, Mr. Austin, is exactly what we're in agreement on. You antagonize people when you go in there with the transmission line.

MR. AUSTIN: No question.

MR. MORTON: Okay, but then you make a bad situation worse by not taking the responsibility for maintenance. Essentially what you're asking the owners to do is this. If he has 135' wide transmission easement that runs adjacent to his property, you're asking him a typical lot... let's say is 70-75 feet wide...if the adjoining property owner on the other side will not maintain it, you're this guy to maintain two extra yards and it's not quite the same at his yard because people like to use those for dumping grounds. So it's worse than maintaining two yards really when you get right down to it. Now are you telling me that you'd like to have that kind of condition next to your home. You've indicated that you've got studies that would support your position on this as these things being desirable or, at least, not having any effect on the desirability of the property and I would certainly appreciate it if you not only would furnish me but also furnish the rest of the Council with those studies because I would really like to see it. It's going to open up a whole new area in my way of thinking that these kind of studies exist.

MAYOR BECKER: Cliff must have had the same experience - when I got in the service, I moved into what was known as the orderly room in the barracks. My bed was next to charge of quarters and they thought, you know, they're going to break my back because my area to mop and scrub and clean up the cigarette buds and all of that was about six times as great as anybody else's. I did that for about a year and a half and they never got a beep out of me except I kept it cleaner than anybody around, you know. It galled me every morning to have to go there and clean up all this mess and garbage and everything that has been created by others when all these other guys down the line didn't have to fool with that. And that's what he's talking about. Here are the guys that have been in back of that thing and he's got this area there that it can either go up in weeds, rodents, snakes, and whatever, mosquitoes or anything else. His neighbor across the way has the same thing but no one else around him except people owning that thing are cursed with this intervention of this easement.....(Inaudible)....a pain in the neck. They sound wonderful. You say easement. That sounded like a great word--it's kind of pretty like butterfly and certain things like that, but it's a pain. It really is.

MR. AUSTIN: I guarantee you if a vote was taken among the land-owners adjacent to these lines, it is probably 99 to 1 against giving the City the responsibility of the land, too. But this is a question of public policy that's been going on a long time. In these cases that were here on today has largely been resolved because the land-owners have got money for their position and for their burden.

MRS. COCKRELL: Mr. Mayor? Thank you, sir. Let me just say in regards to Mr. Morton's comment here that I certainly, as one member of the Council, would be very open to having a real presentation made to us with the view to developing a Council recommendation of the City Public Service Board on it. However, for two reasons I would like to see us go ahead and pass a motion today. The first reason is as has been pointed out the legal urgency of the matter, and I think it not anything that the CPSB has manufactured. We have the situation where we have the court ruling where their legal position is definitely hazardous. The second thing is that what we are asked to simply ratify is apparently 90 percent on all the projects complete at this point, and it is not conceivable and go back and undo what has already been done. For this reason I am going to move that we take this action ratifying the proposal of the Public Service Board but also in conjunction with that asking that we have the briefing with the view toward developing the Council recommendation to the Public Service Board on the major transmission lines easements that they have.

MAYOR BECKER: Would you agree that we have had a Thanksgiving feast today. And not at the expense of Mr. Austin, I hope.

MR. PADILLA: Lila, did your motion include this one action that they are initiating?

MRS. COCKRELL: As I understood the question, there were 24 parcels is that correct, and they've already purchased 20 of them and there were only four. So, it looks to me like that one was already done, too, Al.

MR. PADILLA: Well that was my understanding, Lila, but he did mention that he could.....(inaudible).....

MR. BECKMANN: I second that.

MAYOR BECKER: You're talking about the whole business today. Is that right?

MRS. COCKRELL: At the same time that we passed this, we do go with the understanding that we're going into this further study as Cliff has asked.

MAYOR BECKER: And ask that applicants please not to come over here without bull, you know. Well, come over here with that stuff about how happy people are to have these easements. That's garbage, like Cliff said, it's bull. That old dog won't hunt. We're not out here in the middle of some pasture land never having been to town. We came to town, and it wasn't on any load of green wood either, and it wasn't yesterday. Let's deal with facts on this thing.

MR. PADILLA: Mr. Mayor.....

MAYOR BECKER: Let's call for a vote now.....

MR. PADILLA: Yes, I know, just one moment. This thing is kind of difficult because last week, you know, we were asked to ratify an action and yet the day before even though we had a hurry, hurry situation, the Transit Authority did brief us on the case. So those of us who supported that action did so with knowledge of the facts. Now, you remarked that there was an injunctive action, Mr. Austin, and I'd like to ask you a direct question. Now was that in reference to a case where the Council did not ratify or did you get an injunction on something else?

MR. AUSTIN: That's one one of these tracts in this Ordinance right here.

MR. MORTON: What was the reason for the injunction?

MR. AUSTIN: No authority to take the land.

MR. MORTON: Are you sure about that?

MR. AUSTIN: I have no question whatever about that.

MR. PADILLA: Because Council did not ratify?

MR. AUSTIN: Yes, the history of that case was that on the 10th of this month we had a hearing and the injunction was refused. We went ahead and took possession of the land and then the court after reading the Burch case reversed its position and now we are under injunction and we can't use the land.

MR. MORTON: Before we go on, I want to ask Mr. Reeder this question. Are you saying that this Council this morning can vote to ratify the Water Board's position on the Burch case?

CITY ATTORNEY REEDER: Yes, sir.

MR. MORTON: And the Water Board would have the authority to condemn that property?

CITY ATTORNEY REEDER: Yes, sir.

MR. MORTON: Even after the case has been adjudicated?

CITY ATTORNEY REEDER: Yes, sir. I think so. The reason I think so is because I got kind of worried, Mr. Morton. I wondered if they could... if the Water Board could wipe that Burch decision by a ratifying action

of the City Council, and I've checked the law, and I'm satisfied that they could. I've talked to John Davidson and he thinks they can, but he thinks they need a test case in the Supreme Court to see if this Burch decision is correct. So now you've got another question that, as a lawyer, you're going to think of right away, and that is should this Council allow him to go to the Supreme Court? Now, frankly, I kind of think you should because I think a Supreme Court decision would have higher dignity than the Civil Appeal decision and Judge Cadena has a habit of getting affirmed by the Supreme Court.

MR. MORTON: The thing about it is - it's real sad - it gets back to what we were talking about right here. I'm very familiar with the fact that on this Burch case for the property owner if the utility had gone out there with a negotiating attitude, they never would have had a case in the court. He said I would have been very happy to have sold the property. I never did contest the price of it not even the issue of the project.

CITY ATTORNEY REEDER: That's right.

MR. MORTON: But it was the attitude. Here we are, and we're gonna take it. I got my back up and said I'll take it all the way to the Supreme Court if it cost me \$40 million.

MAYOR BECKER: Well, there's going to be more of those kind of folks heard from as we go along because I think people are getting surfeited with this sort of imperialistic attitude on the part of everybody including the Federal government.

REV. BLACK: Mr. Mayor, I would just like to comment on the issue. It seems to me that possibly the positive side of this whole issue is the fact we can no longer--condemnation carries with it some responsibilities, and it seems to me that this is a very good thing as we move into our urban citizen when the government has the authority to condemn that that condemnation should carry with it good judgment and actually this is what we're talking about. Now, it seems to me that while I'm concerned about the easement I'm also concerned about all the responsibilities that go with condemnation and we might think in terms of what we're talking about when we move into Urban Renewal and all these areas where government has the right to condemn and to acquire what responsibilities are those agencies going to assume when they do this. This is a major question as far as I am concerned. I enjoy hearing it debated because I think somewhere along the line we're going to resolve an issue that all of us can live with and that protects all of us and not only just a particular concern but all of us in terms of this kind of authority because none of us can tell when our own house, our own place of dwelling, our own area of concern will come under the authority of that government to condemn and to acquire.

MR. AUSTIN: I think that your comment is very well taken, Mr. Black. If I may--let me just take a moment to tell the kind of philosophy that I think that we have in regard to our condemnation. We recognize that the power of condemnation is an awesome power, and it is easily subject to being abused. Now, I think perhaps that a good bit of the proof of the pie here is in the eating because we do acquire by purchase and negotiation 90 percent of our land. Now, when you get to the other 10 percent some of the people just want more money. Some people do not want the land taken under any circumstances. They don't want that line to go across there. What we try to do is to deal on a case by case basis and now we get every tract appraised. We try to treat all the landowners alike if possible and we do not resort to condemnation except as a last resort. Now, you see you've got a problem here. For example, on this Leming line. We go up and down that line, and we had appraisals til we buy 90 percent of that right of way at prices --\$200 to \$300 an acre. Then we come to these four and one of them wants \$900 an acre. So not

only is it a question of conserving public funds but it's a question of keeping faith with the people that we bought the land from at \$300 an acre. It wouldn't be fair to haul off and pay that \$900 when we paid his neighbor \$300. So, therefore, we think that condemnation is a better alternative in that case. I think that the condemnation policy at the Board have been greatly liberalized in the last few years as the number of parcels that we are buying as contrasted to condemning will show. Let me assure the Council that we are trying to maintain a balanced and responsible attitude about the taking of land by eminent domain. It involves a good deal of judgment and a good deal of discretion, and it can be second guessed either way. The only thing I can say is that we do our best, and we are trying.

MAYOR BECKER: Okay, Mr. Austin, well, thank you very much, and you're very patient and considerate. Are we ready to vote?

CITY MANAGER GRANATA: I know you are going to vote. Let me just say one thing. I wish you would go ahead and take your vote, but then would you mind instructing me to advise Mr. Deely and Mr. Van Dyke that in the future this Council will not consider any further action on any type of project such as this unless you're briefed ahead of time in full.

MAYOR BECKER: I heartily endorse that and the rest of the Council supports that.

(On roll call, the Ordinance was passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: San Martin; ABSENT: None.)

MAYOR BECKER: Mr. Austin, you kept your cool. You ought to be congratulated. Sometimes it's hard to do in the face of people like myself. I bring out the worst in people instead of the best.

MR. AUSTIN: No, sir, I think that every question that the Council asked was legitimate and deserved being answered.

MR. MORTON: Well, we expect those documents.

MR. AUSTIN: I will get what I have here this afternoon, Mr. Morton.

MR. MORTON: This afternoon?

MR. AUSTIN: Yes, sir.

MR. MORTON: Very good. And, we're looking forward to reading that over the Thanksgiving holiday.

DR. SAN MARTIN: I just like to be recorded as no in consistency with last week.

MR. PADILLA: Mr. Austin, were there any new projects that had not been initiated in that?

MR. AUSTIN: Yes, sir. We've got a whole string of them we're going to have to bring to you.

MR. PADILLA: in that and the motion we just passed.

MR. AUSTIN: Any new projects?

MR. PADILLA: Yes, that have not been initiated.

MR. AUSTIN: No.

MR. PADILLA: All right.

MAYOR BECKER: Thank you, sir, thank you very much. Come back and see again. I hope the next time is under more favorable conditions.

MR. AUSTIN: Yes, sir. I'll do that.

CHILDREN OF GOD

Mr. Bill Brady and Susan Yates, 136 Claremont, stated they were members of a group known as the Children of God and simply wanted to make the Council aware of their organization. They work with young people having drug problems and other types of personal problems. They distributed copies of their magazine, New Nation News.

Mayor Becker welcomed them to the meeting and congratulated them on their efforts.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley Avenue, stated that she was happy to see Judge Carlos Cadena hand down his decision in the Burch case. She described a case where a property was severed by a City Public Service Board easement which reduced the value of the property. This loss could not be known, however, until the property was finally sold.

Mrs. Cockrell asked City Attorney Crawford Reeder when an easement goes across the center of a piece of property, the landowner is entitled to severance damages in addition to the normal appraisal price of the land taken.

City Attorney Reeder stated that this is a matter very much considered in a condemnation case.

ZONING VIOLATIONS

Mrs. Cockrell said that she had been contacted by residents of a neighborhood in the 1400 Block of Ceralvo Street, who said that a business was being operated in the middle of this residential area - an air conditioning repair business. For about six months the residents had been trying to get corrective action taken.

Mrs. Cockrell's investigation revealed that on May 30, 1973, the owner was given a violation notice which allowed 30 days to remedy the situation. The inspector's report stated that the owner had applied for a zoning change and therefore no action would be taken until the Zoning Board had acted. The zoning application was not filed until August 30.

Mrs. Cockrell stated that she felt this to be a flagrant violation of the zoning laws and a very poor procedure.

Mr. George Vann, Director of Building and Planning Administration, stated that his department had attempted to file a case in Municipal Court. However, as long as there is a pending application before the Zoning Commission the court will not accept the case.

Dr. San Martin joined with Mrs. Cockrell in her complaint as he was aware of similar instances.

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City Attorney Reeder stated that Municipal Court is primarily a traffic court and not really set up to try zoning cases because of the length of time required. He discussed other problems involved also.

Mrs. Cockrell reviewed another probable violation involving a junk yard.

After discussion, City Attorney Reeder suggested that this subject be reviewed in a "B" Session. He could have the Chief Prosecutor and Judge available to advise the Council of the problems they have in zoning matters.

City Manager Granata stated that he would arrange for such a meeting.

- - -
73-59 The meeting was recessed for lunch and reconvened at 1:30
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Mayor Becker stated that the first four cases on the agenda were appeal cases and would therefore require seven affirmatives votes if the Council should wish to overrule the recommendation of the Planning Commission.

In view of the fact that one Council member was absent for the zoning hearings, he had requested that the applicants in these four cases be contacted and advised that their cases would be postponed.

Mr. Gene Camargo, Planning Administrator, said that his staff had contacted the applicants in these cases and that they agreed that postponement would be proper.

With the concurrence of the City Council, the following cases were postponed and will be advertised for future hearings:

- A. CASE 5122
- B. CASE 5171
- C. CASE 5255
- D. CASE 5246

* * * *

E. CASE 5160 - to rezone 5.7 acres out of Tracts 1 and 2, NCB 11622, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-3" Business District; a 59.568 acre tract out of NCB 11622, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-3" zoning being located on the east side of Fredericksburg Road, being 270.06' southwest of the intersection of Data Point Drive and Fredericksburg Road; having 407' on Fredericksburg Road and a maximum depth of 650'.

The "R-3" zoning being located approximately 650' east of Fredericksburg Road and approximately 1100' south of Data Point Drive; having a maximum width of 950' and a maximum length of 2470'.

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

No one spoke in opposition.

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

AN ORDINANCE 43,055

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 5.7 ACRES OUT OF TRACTS 1 AND 2, NCB 11622, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 59.568 ACRE TRACT OUT OF NCB 11622, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

F. CASE 5297 - to rezone a 31.005 acre tract of land out of NCB 14858, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the east side of I. H. 10, being 21.7' northwest and 1924.82' northeast of the cutback between I. H. 10 and De Zavala Road; having 793.1' on I. H. 10 and 168.14' on De Zavala Road.

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

No one spoke in opposition.

After consideration, Mr. Morton made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence is erected on the east property line and that an 80 foot building setback line is imposed on the east property line abutting the single family residences. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: San Martin.

AN ORDINANCE 43,056

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 31.005 ACRE TRACT OF LAND OUT OF NCB 14858, BEING FURTHER DESCRIBED BY FIELD NOTES

FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE EAST PROPERTY LINE AND THAT AN 80 FOOT BUILDING SETBACK LINE IS IMPOSED ON THE EAST PROPERTY LINE ABUTTING THE SINGLE FAMILY RESIDENCES.

* * * *

G. CASE 5296 - to rezone Parcel 23, NCB 13665, 8700 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located south of the intersection of Huebner Road and Babcock Road; having 250.6' on Huebner Road, 814.37' on Babcock Road and 24.35' on the cutback between these two roads.

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

No one spoke in opposition.

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

AN ORDINANCE 43,057

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 PARCEL 23, NCB 13665, 8700 BLOCK OF HUEBNER ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

H. CASE 5260 - to rezone 23.151 acres out of NCB 7531, being further described by field notes filed in the office of the City Clerk, 3100 Block of Roselawn Avenue, from "B" Two Family Residential District to "B-2" Business District, located northeast of the intersection of Roselawn Avenue and Gen. McMullen Drive, being northeast 735.72' and east 307.46' of said intersection; having 1119.6' on Roselawn Avenue and 200.09' on Gen. McMullen Drive.

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

No one spoke in opposition.

After consideration, Mr. Mendoza made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a 75 foot building setback line is imposed on Roselawn Avenue. Mr. Beckmann seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: San Martin.

AN ORDINANCE 43,058

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 23.151 ACRES OUT OF NCB 7531, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 3100 BLOCK OF ROSELAWN AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A 75' BUILDING SETBACK LINE IS IMPOSED ON ROSELAWN AVENUE.

* * * *

I. CASE 5285 - to rezone Lot 8, Block 1, NCB 16301, 12000 Block of O'Connor Road, from "B-3" Business District to "R-3" Multiple Family Residential District, located northeast of the intersection of O'Connor Road and Larkdale Drive; having approximately 180' on O'Connor Road and 260' on Larkdale Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 43,059

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

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DESCRIBED HEREIN AS LOT 8, BLOCK 1,
NCB 16301, 12000 BLOCK OF O'CONNOR
ROAD, FROM "B-3" BUSINESS DISTRICT
TO "R-3" MULTIPLE FAMILY RESIDENTIAL
DISTRICT.

* * * *

J. CASE 5286 - to rezone a 0.253 acre tract of land out of Lot 16, Block 5, NCB 11721, being further described by field notes filed in the office of the City Clerk, 2023 Lockhill-Selma Road, from "R-3" Multiple Family Residential District to "B-1" Business District, located approximately 260' southeast of the intersection of Bel Air Drive and Lockhill-Selma Road; having 65.01' on Lockhill-Selma Road with a maximum depth of 169.66'.

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

No one spoke in opposition.

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

AN ORDINANCE 43,060

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS A 0.253 ACRE TRACT
OF LAND OUT OF LOT 16, BLOCK 5, NCB
11721, BEING FURTHER DESCRIBED BY
FIELD NOTES FILED IN THE OFFICE OF
THE CITY CLERK, FROM "R-3" MULTIPLE
FAMILY RESIDENTIAL DISTRICT TO "B-1"
BUSINESS DISTRICT. (2023 LOCKHILL-SELMA
ROAD)

* * * *

K. CASE 5287 - to rezone the southeast 675.99' of Lot 152, NCB 11178, 1400 Block of S. E. Military Drive, from "B-3" Business District to "B-2" Business District, located between S. E. Military Drive and Harding Boulevard, being 366.66' west of the intersection of Harding Boulevard and Mission Road; having 675.99' on S. E. Military Drive and 840' on Harding Boulevard with 548' between these two streets.

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

No one spoke in opposition.

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

AN ORDINANCE 43,061

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 SOUTHEAST
675.99' OF LOT 152, NCB 11178, 1400
BLOCK OF S. E. MILITARY DRIVE, FROM
"B-3" BUSINESS DISTRICT TO "B-2"
BUSINESS DISTRICT, PROVIDED THAT
PROPER REPLATTING IS ACCOMPLISHED. *

* * * *

L. CASE 5290 - to rezone Lot 6 and east 15' of Lot 5, Block 4, NCB 7283, 426 Fresno Street, from "B" Two Family Residential District to "O-1" Office District, located southwest of the intersection of Fresno Street and Carney Avenue; having 131.92' on Carney Avenue and 60' on Fresno Street.

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

Mr. Charles Ruffo, Jr., the applicant, stated that the property in question is directly behind Orsinger Buick Co., and that their body shop is just across the street. He claimed that this made his property unsuitable for residential purposes and that he was asking for rezoning so that the property could be sold to a doctor to be used as a medical office. He described the various commercial enterprises in the surrounding area and asked for the Council's favorable consideration.

Mrs. Raymond Short, 507 McLlvaine, said that the house next door to her is located directly behind the property under consideration and has been indicated as being for sale. Mrs. Short said that she was very certain that if rezoning is granted in this case that then an application would be brought in to rezone the house next door to her which is 503 McLlvaine. She would be violently opposed to any such rezoning. She stated that she was also opposed to the encroachment of business into this predominantly residential neighborhood and asked that the Council deny the rezoning.

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

M. CASE 5299 - to rezone Lots 12 through 14, Block 1, NCB 13952, 5434 Old Highway 90 West, from "R-A" Residential-Agricultural District to "B-3" Business District, located on the southeast side of Old Highway 90 West, being 150' southwest of the intersection of Old Highway 90 West and Marwhite Road; having 150' on Old Highway 90 West and a depth of 125'.

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

No one spoke in opposition.

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

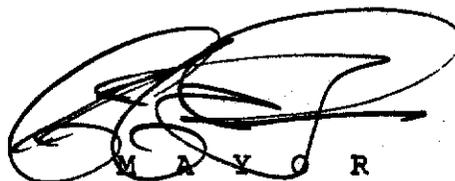
AN ORDINANCE 43,062

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 12 THROUGH 14,
BLOCK 1, NCB 13952, 5434 OLD HIGHWAY 90
WEST, FROM "R-A" RESIDENTIAL-AGRICULTURAL
DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER REPLATTING IS
ACCOMPLISHED.

* * * *

There being no further business to come before the Council, the meeting adjourned at 2:20 P. M.

A P P R O V E D



M A Y O R

ATTEST:

J. H. Dardman
C i t y C l e r k

November 21, 1973
nsr