

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 12, 1976.

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The meeting was called to order at 9:30 A. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, COCKRELL; Absent: NIELSEN.

76-37 The invocation was given by The Reverend William C. Mounts, Pastor, St. Andrew Presbyterian Church.

76-37 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-37 The minutes of the meetings of July 29, 1976 and August 5, 1976, were approved.

76-37 PRESENTATION OF RESOLUTION TO
SOUTHWEST RESEARCH INSTITUTE

Mayor Cockrell gave a brief history of the creation of the Mayor's Task Force to seek the Solar Energy Research Institute for San Antonio and the role of the Southwest Research Institute in development of the proposal. Mayor Cockrell also stated that the proposal is one of 20 being given final consideration, and read the following Resolution:

A RESOLUTION
NO. 76-37-60

EXPRESSING THE APPRECIATION OF THE CITY
COUNCIL OF THE CITY OF SAN ANTONIO FOR
THE EFFORTS OF SOUTHWEST RESEARCH INSTITUTE
IN PREPARING A PROPOSAL FOR THE SOLAR ENERGY
RESEARCH INSTITUTE.

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WHEREAS, it has been determined by Congress that it would be in the best interest of the United States Government to finance and promote research in the field of solar energy, and

WHEREAS, it has been deemed to be most fitting that one site be selected in the United States for the location of a Solar Energy Research Institute, and

WHEREAS, the City Council of the City of San Antonio, recognizing that the City has ideal year round climate and the educational and research institutions to support such an endeavor, instructed the staff to initiate a proposal to the appropriate government agencies requesting that the institute be located in San Antonio, and

WHEREAS, the Mayor of the City of San Antonio activated a Mayor's Task Force to seek the Solar Energy Research Institute for San Antonio, and named Mrs. Irene Wischer its Chairman, and

August 12, 1976

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WHEREAS, Southwest Research Institute, a San Antonio institution, is recognized throughout the world as a leader in research and development in many fields of endeavor, and

WHEREAS, Southwest Research Institute made the decision to respond to the request for a proposal for the location of the Solar Energy Research Institute in San Antonio, and

WHEREAS, a successful bid by Southwest Research Institute for the Solar Energy Research Institute would have a major long term impact on San Antonio's economic well-being; NOW, THEREFORE:

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

SECTION 1. The City Council expresses its deep appreciation and admiration to Southwest Research Institute for its wholehearted and outstanding effort to bring the Solar Energy Research Institute to San Antonio.

SECTION 2. The City Council commends Southwest Research Institute on accepting this civic responsibility and offers assurance of complete cooperation of the City's staff in this endeavor.

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After consideration, on motion of Mr. Pyndus, seconded by Dr. Cisneros, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

Mayor Cockrell then asked Mrs. Irene Wischer, Chairperson of the Mayor's Task Force, to join her in presenting the Resolution to Dr. Martin Goland, President of the Southwest Research Institute, and Dr. W. Lyle Donaldson, Senior Vice President.

Dr. Goland thanked the Mayor for this recognition by the City Council.

76-37 The Clerk read the following Resolution:

A RESOLUTION
NO. 76-37-61

APPROVING THE DRAFT OF THE OFFICIAL NOTICE OF SALE, OFFICIAL STATEMENT AND OFFICIAL BID FORM PREPARED BY RUSS SECURITIES CORPORATION, FINANCIAL CONSULTANT TO THE CITY WATER BOARD, IN CONNECTION WITH THE ISSUANCE OF \$8,000,000 IN WATERWORKS REVENUE BONDS.

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Mr. John Shields, Comptroller for the City Water Board, introduced Mr. Sam Maclin, President of Russ Securities Corporation and financial advisor to the City Water Board.

Mr. Maclin stated that the Resolution is in standard form and fulfills the requirements of the market place insofar as the furnishing of information is concerned.

Mr. Karl Wurz spoke in opposition to the resolution saying that he is opposed to bond financing because of the heavy interest expense.

After consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

76-37

MAYOR EMERITUS WALTER W. McALLISTER, SR.

Mayor Cockrell recognized Mayor Emeritus Walter W. McAllister, Sr., who was present in the audience.

Mayor Emeritus McAllister stated he was made an Honorary Mayor of the Chefs Association of the State of Texas. They are presently holding a convention in the City and on behalf of that association offered Mayor Cockrell a chef's hat in token of their appreciation of her responsibilities as Mayor of San Antonio.

Mayor Cockrell expressed her appreciation and welcomed this distinguished group to the City.

76-37

IMAGE OF SAN ANTONIO, INC.

The Clerk read the following Ordinance:

AN ORDINANCE 47,027

PROVIDING FOR TERMINATION OF CONTRACTS WITH IMAGE OF SAN ANTONIO, INC., FOR CARRYING OUT THE YOUTH ENTREPRENEURSHIP PROJECT AND THE YOUTH WORK EXPERIENCE AND JOB DEVELOPMENT PROGRAM, FOR WHICH FUNDS HAVE BEEN PROVIDED BY THE CITY.

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The following discussion took place:

MR. PHIL PYNDUS: I move for adoption.

MR. BOB BILLA: I second it.

MR. GLEN HARTMAN: Madam Mayor.

MAYOR LILA COCKRELL: Yes.

MR. HARTMAN: Madam Mayor, I would like to state that on this particular action, about a month ago when the matter was brought up for funding, there were certain inaccuracies identified by our evaluator, Mr. John Rinehart. The Council agreed to, in effect, give this matter another chance and despite the fact that there were rather strong warnings that the matter should be cleared up with regard to bookkeeping, other record keeping within the organization we found last week that this had not been done. And I, for one, feel that once an organization or an individual has been given a chance to improve itself and does not take advantage of that then I think we have the one alternative and that is to proceed with termination of the funding. I think this is appropriate in this case because I think that chance was given and it was not heeded. The warning that was given was not heeded and I, therefore, speak in favor of the ordinance.

REV. CLAUDE BLACK: Madam Mayor, I would just simply like to indicate that there is a representative of that agency in the Chamber and I understand that there have been some steps taken on the part of that organization that might add some consideration to this Council. If it is possible that he could be heard, I think it would be an advantage for the decision that we have to make.

MAYOR COCKRELL: All right, I'm not advised that anyone had registered to be heard on this item. Was there someone who wished to be heard? I see, yes, sir.

MR. TOM AZNAR: I am Tom Aznar, heading of the Revenue Sharing Program of IMAGE of San Antonio. I'm here today to inform this Council that last night the Board of Directors of IMAGE of San Antonio met and a letter of termination, of resignation rather, was accepted on the director's behalf. The Board of Directors also, in an emergency meeting, appointed an Acting Director, this is myself, to represent IMAGE this morning. The President of the Board could not be present. He had to be out of town on a business matter. Mr. Alcocer, the former Director of IMAGE of San Antonio has resigned effective today...(inaudible).....

MR. PYNDUS: I have difficulty hearing, Mayor.

MAYOR COCKRELL: All right, will you talk right into the microphone.

MR. AZNAR: I submitted this morning a copy of the letter of resignation and a letter from the President of the Board of Directors will follow.

MAYOR COCKRELL: All right. I don't know to what extent that effects the Council's decision-making at this particular time. Is there further discussion? Yes, Mr. Hartman.

MR. HARTMAN: Madam Mayor, I think, again, I sympathize with the difficulties of the Board of Directors, but I think the organization was duly advised of some difficulties that had to be overcome. They were not overcome. Of course, I realize now that the Director has resigned but I still think that once we have indicated that some changes need to be made and if they are not made immediately, then I really have no sympathy for continuing funding of a program that doesn't heed a warning. I would like to call upon Mr. Rinehart and commend Mr. Rinehart for having followed through on this matter. I think we should proceed with the vote not permitting the funding.

MR. BILLA: The vote has already been taken.

MAYOR COCKRELL: All right, Mr. Billa.

MR. BILLA: This is just another example, Mayor, where we have programs and leadership and Council or the citizens are forced to punish a whole organization because of the wrongdoing of one person. I think we have to keep this in mind in making these judgments. But I think I have to abide by what the staff has already recommended.

MR. PYNDUS: I would like to state that we're not punishing one person. I think that the Board of Directors has a responsibility for the leadership and of the duties to be performed by that President. I think that it's more than one person involved. Even though he has resigned, I think this function can be renewed with a new application with other individuals and I speak for the discontinuance of the funds. I think the Council should heed this and other agencies who have been put on notice that they should clean up their own shop if they are to perform the duties that they are supposed to perform. I would move for the adoption of the ordinance.

MAYOR COCKRELL: I have been informed that there are two other persons registered to speak on this item.

MR. BILLA: We've already voted on this?

CITY CLERK: We only have a motion.

MAYOR COCKRELL: Thank you, Mr. Ramirez. I now call on Mr. Thomas Aznar. Pardon me, you are Mr. Aznar.

MR. AZNAR: Mr. Ramirez is the President of the Board.

MAYOR COCKRELL: And he's not here. Thomas Bartley.

MR. THOMAS BARTLEY: Madam Mayor and members of the Council. We have spoken to this Council before on this same issue and we realize the problem the Council has to make in this regard. We have talked before about the functions the program serves and we're not here to say that

again. We are here to say is that we believe, within the organization, that the internal administration can be straightened out. Mr. Hartman mentioned just a moment ago, about hearing from Mr. Rinehart and that would be my own feeling at this point that we take to heart what the staff had said from the Monitoring and Evaluation section and we believe very much that that decision should be weighed. We do believe, however, that the organization serves a purpose and within a time limit the administration can be straightened out.

MR. HARTMAN: Madam Mayor, I would like to direct a question. Again I sympathize with your plight.

MR. BARTLEY: I'm not on the Board. I'm just a member of the staff.

MR. HARTMAN: My point is I'm wondering and perhaps I should, Mr. Aznar would be the one to answer this, but were any actions taken at the time that this Council discussed the refunding to direct the Executive Director to make some changes?

MR. BARTLEY: Definitely there were, Councilman. As a matter of fact, there were some employees of IMAGE that have left us. The Board and the Director and myself felt they were jeopardizing the operation of IMAGE, our services that we render to our clients. There were some actions taken. Perhaps they were diligent actions, perhaps a little late.

MR. HARTMAN: As you recall, I voted for the refunding and I said, let one warning be sufficient. We come back a month later and we find basically the same errors being committed again and I usually have a lot of patience, but in cases like that I do not.

MAYOR COCKRELL: All right, do we have a motion?

MR. BILLA: We have a motion and a second.

MAYOR COCKRELL: All right, there is a motion and a second to pass the ordinance providing for the termination of the contract. Yes, Dr. Cisneros.

DR. CISNEROS: I would like to make a substitute motion and that is that we postpone the consideration of the ordinance for one month, in which time the new management would have an opportunity to make the clear changes that, for whatever reason, have not been made up to now. I think that Mr. Alcocer's resignation does change the situation. The gentleman who has been appointed as acting director and his staff have an opportunity to have their recommendations implemented and I think they deserve one month, no more than that, for an opportunity to show what new management in a project like this can mean. The choice is to cut off our nose to spite our face. We lose all the good work they are doing because you don't give the new management one month to show drastic improvements.

MAYOR COCKRELL: Is there a second?

REV. BLACK: I'd like to second that.

MAYOR COCKRELL: All right. It has been moved and seconded. All right, I would like to ask our staff to come forward and answer these questions How long have you been giving recommendations that indicate that the organization is not in compliance with all of our suggested standards?

MR. JOHN RINEHART: Staff has been recommending discontinuation of this program for the last three years.

MAYOR COCKRELL: For the last three years.

MR. RINEHART: Right.

MAYOR COCKRELL: And, basically, the recommendation has always come to the Council. The Council on each occasion has made a decision to give them a little bit more time...and then.....

MR. RINEHART: Right. The first time under the previous director, Ernesto Gonzalez, right at that point in time, I think it was in December, a year and a half ago, they had a complete change in management and that was, I think, the basic reason why the Council at that time decided to extend them - to give new management another try at it. And, of course, the improvements generally across the board since that time has not improved that much. You know, one problem is substituted for another one.

MAYOR COCKRELL: All right, Mr. Billa.

MR. BILLA: I just have one question, Mr. Rinehart. The City has other programs that can absorb these people that are involved?

MR. RINEHART: The enrollees?

MR. BILLA: Yes, the enrollees.

MR. RINEHART: To some extent, yes, sir.

MR. BILLA: To some extent.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Mayor Cockrell, in view of the remarks made by Mr. Rinehart, who is the monitoring and evaluation authority for the City, the recommendation was made to discontinue the program. The program was refunded by a majority of Council and now they have continued the same old practices. In addition to the practices that have been brought to light by the Monitoring and Evaluation Division, statements have been made that this organization was involved in political endeavors during their time of employment during the day while they were on the payroll of this organization. If this Council votes to give them one more month, which is a pathetic approach, I want those charges investigated to see if there is any criminal neglect or charges that can be leveled. These people were accused of being involved in political activity while they were on the payroll of this agency and if they are given another month's time, I want those charges thoroughly investigated in my role as a Councilman. I call the question. I speak against the motion to give them another month's period.

MAYOR COCKRELL: All right. There is a motion and a second to postpone action for 30 days, is there a discussion on that substitute motion? Mr. Rohde.

MR. ROHDE: As the Council knows, I pleaded for a probation for 30 days and I am very disappointed. I told the Director and the Board of Directors to clean up the act, otherwise I would vote against them on the matter. The first news that I get is that the Director went on three weeks vacation and when I say no today, he will get my message and how interested I was in his program.

MAYOR COCKRELL: All right. Any further discussion? Mr. Teniente.

MR. TENIENTE: Just a question again to emphasize one point. Mr. Rinehart, the bad thing about closing this program are the workers that perhaps some of the good employees there. You said in our "B" session that you would attempt to relocate some of these folks and make sure that the good parts of the program could be absorbed by other agencies or at least you would work to make sure that this be continued.

MR. RINEHART: Once the decision is made one way or another, then we will get people from the Youth Services Project together with them and find out what (inaudible) they have made.

MR. HARTMAN: Are you saying, John, that it is feasible to absorb and is there room to absorb or is there need to absorb?

MR. RINEHART: For example, the youths that are involved in the Youth Entrepreneurship Program, they are delinquents, school dropouts, that type of individuals which the Youth Services Project operated by the City deals primarily with. We can get those people together and get

those enrollees into that program. Now with reference to the participants or the clients of the CETA funded program, here again, we will have to get the Manpower people together to see what programs those people can divert or be diverted into for either of their on the job training, OJT situation or work experience situation.

MR. PYNDUS: Mayor Cockrell, I feel that a distinction should be made clear. That we are not attacking the function of the program. We are attacking the administration and those individuals who have not performed their duties. Now, I would like a report back from you, John, as to the feasibility of blending that function with an on going function so that we don't have a duplication or whether you recommend we should continue that function with new administrative personnel.

MR. RINEHART: Well, with reference to the CETA aspect of their program, that is already on going with other operating agencies that are funded under the CETA program, so there could be a transition of their clients from one into the other. So the work experience situation is a work experience whether IMAGE is performing it or whether some other organization is performing it.

MR. PYNDUS: But that function will be performed?

MR. RINEHART: Yes, sir.

MR. PYNDUS: With cutting off of these funds?

MR. RINEHART: Yes, sir. There can be a pretty good transition, I think, between other programs.

MR. PYNDUS: I call the question.

MAYOR COCKRELL: All right. There is a motion and a second for postponement. The Clerk will call the roll.

ROLL CALL VOTE: AYES: Cisneros, Black; NAYS: Pyndus, Billa, Hartman, Rohde, Teniente, Cockrell; ABSENT: Nielsen.

CITY CLERK: The motion fails.

MAYOR COCKRELL: The motion fails. We now vote on the main motion which is to approve the ordinance which would, as stated, discontinue, terminate the contract. The Clerk will call the roll.

ROLL CALL VOTE: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Cockrell; NAYS: Cisneros, Black; ABSENT: Nielsen.

CITY CLERK: The motion carries. The ordinance is approved.

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76-37

PUBLIC HEARING ON THE PROPOSED
INCREASE IN SEWER SERVICE FEES

The Clerk read a proposed ordinance adopting revised rates for sanitary sewer service effective September 1, 1976.

Mr. Mel Sueltenfuss, Director of Public Works, said that the requested 17 percent increase in fees is needed at once. The sewer system is operating on a deficit basis now due to increased operating expenses plus increased requirements made by the Environmental Protection Agency. This rate is considered to be an interim rate to continue through December 31, 1977. In January of 1978, the 201 Comprehensive Sewer Plan will be presented which will include the City's capital needs to meet the 1983 stream standards.

In response to Mr. Hartman's question, Mr. Sueltenfuss, explained the extension policy of the City. He stated that the City was designated by the Texas Water Quality Board as a regional agency about ten years ago. He then showed the Council a map outlining the

regional boundaries. The extension policies of the City as far as new development is concerned requires the developer to provide all the on-site mains. On the off-site mains, the developer pays a \$100 for each residential lot or \$500.00 an acre for every commercial lot regardless of where he is on the sewer line or not within the City limits. Outside the City limits, it's 50 percent higher.

Mr. Hartman stated that he had some questions regarding extension policy and asked for a week's delay.

The Chair declared the hearing opened.

Mrs. Carmen Badillo spoke in opposition to a rate increase until a thorough study is made on extension policies. She said that citizens are subsidizing developers.

Ms. Virginia Zamora stated that the 201 Committee has not had sufficient information and asked the Council to consider the rate increase until the committee completes its study.

Mr. Karl Wurz also spoke against the ordinance because it will require a sale of bonds to fund the project's cost.

City Manager Granata stated that this ordinance will not authorize a bond sale.

Mrs. Helen Dutmer, Chairperson of the 201 Committee, spoke in favor of the rate increase. She stated that the federal government has set up standards that must be complied with and the City is now operating at a deficit.

The Chair declared the hearing closed.

Mr. Hartman then moved to delay the consideration of this ordinance for one week. Dr. Cisneros seconded the motion.

City Attorney Parker stated that the sewer rate on the platting fee is part of the subdivision regulations and would have to go back to the Planning Commission.

In response to Mayor Cockrell, Mr. Sueltenfuss stated that he had appeared before the Planning Commission to explain the extension policies and 201 policy. The rate change did not go to the Planning Commission. He also stated that the extension policy can be changed at any time. The increase is needed now for the O and M.

Mr. Pyndus spoke against the motion to delay.

City Manager Granata asked the Council to favorably consider this increase because it is badly needed.

After further discussion, Mr. Hartman's motion to delay consideration for one week carried by the following roll call vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: Pyndus; ABSENT: Nielsen.

Mr. Pyndus suggested that items of this nature be considered at the same time the budget is submitted.

76-37 At this time, Mayor Cockrell made the following statement:

MAYOR LILA COCKRELL: All right, just a minute, Mr. Vann. We will hold for just a moment until the citizens leave. I want to say to the citizens as the presiding officer of the City, this City Council has leaned over backwards many, many times to work with citizens. At the request of citizens when they have come to me, I have tried to schedule items at their convenience. I have many times recognized citizen groups out of order to try to help them. Now I am not going to permit every week for this order of business to be changed or disrupted at the convenience of any one organization. I have great respect for all of our

527

citizens' groups but I ask that they, in turn, be willing to abide by the rules of the City Council. This organization tries to abide by an agenda and by rules. And that is the only way to have good effective government. It cannot be government that is changed every week at the discretion of one citizen organization. And I just have to make that firm, I have done everything I know how to work with this organization, and I am very sorry that we are having to ask you to leave under these circumstances, but I want to tell you that you leave me no alternative.

76-37 The meeting recessed at 10:50 A. M. and reconvened at 11:05 A. M.

76-37 APPEAL BY DEANIE OWENS COMPANY OF THE
RULING MADE BY THE HISTORIC REVIEW BOARD

Mr. George Vann, Director of Building and Zoning, stated that this is an appeal from the Historic Review Board by Mrs. Charlotte Cole, Sales Manager for Deanie Owens Company requesting a permit to erect a sign in front of a building at 2608 Main Avenue. This property is located in the Monte Vista Historic District and is zoned Historic "F" Local Retail. Mr. Vann then read the conditions imposed by the Board which are as follows:

1. To erect the sign mounted above the awning - but flat on the building surface above the awning.
2. The sign is to be kept a minimum of 6" below the upper edge of the building, the bottom part of the sign not to intrude upon the existing canopy supports.
3. The sign is to be of a rectangle shape, not to exceed 7 feet.

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Mr. Vann then stated that Ms. Cole filed a letter of appeal.

Mr. Robert Bueker, 1142 Austin Highway, the applicant, stated that to follow the rules imposed by the Board would mean that his sign would not be visible, thus making success of his business not very likely. He asked that the Council consider the appeal from a business standpoint, and distributed photographs of the area on the current sign situation.

Mrs. Charlotte Cole gave history of her residence in Monte Vista. She stated that the sign would not be visible by people on the street.

Mr. Walter Mathis, Chairman of the Historic Review Board, said that they have guidelines for signs in the Historic Districts for commercial enterprises. In this case, they consented to a 6 foot by 7 foot sign rather than a 2 foot by 4 foot sign. They want to confine signs to lie flat on the walls of the buildings so that a series of commercial signs will not be created. He urged the Council to uphold the recommendation of the Board.

Mr. Robert Morris, architect and member of the Historic Review Board, asked Council to uphold the decision of the Board.

Mrs. Nancy Negley, President of the San Antonio Conservation Society, asked Council to endorse the position of the Historic Review Board.

Mr. Sam Dibrell, 331 E. Kings Highway, stated that they are not against business in the Monte Vista District, and stated that the recommendations of the Historic Review Board were not unreasonable.

Ms. Adela Navarro, member of the Board, stated that rules and regulations were properly read at the meeting which Mrs. Cole attended.

Mrs. Cole spoke in rebuttal.

Mayor Cockrell declared the hearing closed.

Councilman Teniente asked that Deanie Owens and the Historic Review Board reach some sort of compromise and moved that this case be sent back to the Board for further study. Mr. Rohde seconded the motion.

Mr. Billa spoke against the motion and said that the recommendation of the Historic Review Board should be upheld.

Mr. Teniente then moved that the appeal of Deanie Owens be denied and the recommendation of the Historic Review Board be upheld. Mr. Billa seconded the motion. On roll call, the motion carried by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

76-37

MRS. JEANNE BILLA AND MRS. PAULA M. CHERVENKA

Councilman Bob Billa introduced his wife, Jeanne, and daughter, Mrs. Paula M. Chervenka, who were in the audience visiting the Council meeting.

76-37

APPEAL OF MINERVA RAMIREZ

Mr. Steve Arronge, Assistant City Attorney, explained that this is a hearing required by Ordinance 46,350 which covers massage parlors and masseuses, and involves Ms. Minerva Ramirez, whose license was revoked for a convicted prostitution that occurred on April 4, 1972. The license was erroneously issued to her. Under the terms of the ordinance, a Council majority shall uphold the Chief of Police or shall not. He introduced Sgt. Gilbert Sandoval who made the original arrest. Sgt. Sandoval then identified Ms. Minerva Ramirez as the same individual he arrested. Mr. Arronge then asked the City Council to uphold the recommendation of the Chief of Police.

Mr. Earl S. Post, Attorney at Law, representing Ms. Ramirez stated that he is in accord with City's regulation. He said that Ms. Ramirez never had the opportunity to go to court. Mr. Post asked that no action be taken today. He will attempt to get the conviction set aside.

City Attorney Parker said that a nolo-contendre plea is a plea of guilty. The person just elects not to contest the case. Once the case is rendered when the final judgment is entered, the judgment is final at that point. There are certain other legal remedies that a person could elect to try to change that.

City Attorney Parker then stated that if the conviction is set aside, then there would be no basis for denial of a permit, but until that judgment is set aside, the Council must follow the ordinance.

After consideration, Mr. Hartman moved that the recommendation of the Police Chief be upheld and the appeal be denied. Mr. Billa seconded the motion. On roll call, the motion carried by the following vote: AYES: Pyndus, Billa, Black, Hartman, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Rohde, Nielsen.

RECONSIDERATION OF A SITE FOR A
NEW MUNICIPAL PARKING GARAGE

The following discussion took place:

MAYOR LILA COCKRELL: All right. At this time we have said that as soon as this hearing was completed that we would move to the matter of a review or reconsideration of the decision that was made last week concerning a parking structure. This item was posted as an add-on item.

CITY ATTORNEY JAMES PARKER: Yes, Madam, it was posted at 7:14 this morning which complies with the open meetings law that it be posted two hours prior to the beginning of the City Council meeting at 9:30.

MAYOR COCKRELL: All right. Yes, Mr. Pyndus.

MR. PHIL PYNDUS: May I make a statement with reference to this re-hearing of this problem we have. When the subject came before the Council, I had stated my position favoring Site II. I had set forth the reasons for approving Site II. The reasons were that the value of the land of Site II was less costlier than Site I. I mentioned in addition to that, that we had the urgent need to keep viable businesses downtown rather than taking them out of buildings that were being used. Site II, having a vacant lot that could be utilized for the parking lot - for the garage that would not have to be razed; that there would be no buildings there that would have to be razed. I also understood that there was sufficient area available to protect that valuable river front with beautiful aesthetic buildings that could be used by our citizens on that riverwalk and the garage could be built in the background without destroying that area's beauty. I also mentioned the fact that there would be court litigation that could possibly delay the use of Site I. Also, before this City Council, the City Water Board representative made the statement that Site I was being considered for expansion of the water works in the future, and that they would not prefer that we utilize Site I. Also, Mr. Harrell presented to this Council a guaranteed use of parking lots that would be utilized in that area. In addition to that, the physical location of that garage to the Alamo Plaza was mentioned. Also the fact that this garage was not located near Mr. Zachry's garage which is losing money. Now in the interest of those citizens who have an opinion that feel that these comments are not accurate or feel that they can swerve my feelings regarding that Site, I'd be glad to hear it. In addition to these remarks that I made before Council, remarks have been made that - we are jeopardizing the new hotel of the Hyatt Regency who said that if we went to Site II, they would not put the hotel in this area. I think that that statement or the comments made should be verified by this Council before a decision is made. So it was my purpose to open this subject up again so that certain opinions, verifications and comments be reviewed. Mayor, this is the reason that I asked for a review.

MAYOR COCKRELL: All right. There are 14 citizens who have registered on this item. I remind the Council that last week we had a hearing and we devoted 30 minutes to each side, and then we had the decision made and then later reversed. There are 14 citizens registered to speak. That will be an hour and 15 minutes if they each take five minutes. Yes, Mr. Hartman.

MR. GLEN HARTMAN: Well, I just wondered if procedurally, I would like to second, I assume this is a motion on the part of.....

MR. PYNDUS: I wish for a rehearing at this time.

MR. HARTMAN: I would second the motion and state that I appreciate Mr. Pyndus' desire to give everybody an opportunity to see all the facts when everybody's here.

MAYOR COCKRELL: We have a motion and a second for a rehearing at this time. Is there discussion on the motion? Mr. Rohde.

MR. AL ROHDE: Mayor, I do hope that the 14 speakers will bring us new evidence to the points only that Mr. Pyndus is asking about. I think he's covered the thing very well and just to be coming up here to talk about old evidence, I think, is behind us. I feel that they ought to contain their remarks to that, and I will favor the re-opening.

MAYOR COCKRELL: All right, those in favor of a rehearing, please say aye. Any opposed, no. Motion is carried. We then move for the rehearing and we'll call the first speaker. Dr. Edward W. Williams.

MR. BOB BILLA: You're not going to honor the request for after lunch?

MAYOR COCKRELL: No, sir.

MR. BILLA: Thank you, Mayor.

MAYOR COCKRELL: I'm being very arbitrary today.

MR. BILLA: That's all right. Just asked a question.

DR. EDWARD W. WILLIAMS: Madam Mayor, Council Members, I am Dr. Edward W. Williams, Deputy-Assistant Superintendent of the San Antonio Independent School District. I'm appearing before the Council on behalf of the Board of Trustees of the San Antonio Independent School District. I appreciate the opportunity to be given the privilege of presenting a Resolution of the Board of Trustees of the District.

A RESOLUTION

WHEREAS, the San Antonio Independent School District serves the educational needs of children whose families live in the central city neighborhoods of San Antonio, and;

WHEREAS, for the past several years, the Board of Education of the San Antonio Independent School District has manifested its concern for the decline in population in those areas which the District serves, and

WHEREAS, the San Antonio Independent School District is directing its efforts toward curbing the movement of residents away from the central city and drawing others into it through the maintenance and implementation of quality educational programs and opportunities, which is a major concern of present and potential inner-city residents, and

WHEREAS, trustees, staff and patrons of the San Antonio Independent School District have displayed utmost confidence in the future prosperity of the central city through the extensive improvement of inner-city schools, the construction of three new high schools, two middle schools and two elementary schools serving central city residents, and the expenditure of millions of dollars toward this end, and

WHEREAS, the San Antonio Independent School District is concerned over the need for adequate and modern residential facilities in the inner-city which would greatly encourage stabilization of population in these areas and enhance the potential for future growth, and

WHEREAS, the City Council of San Antonio has recently voted in favor of construction of a parking facility on property adjacent to the San Antonio River which would better serve as a site for other forms of development including downtown housing, and

WHEREAS, construction of such a parking structure on some other site, such as the so-called Site I bounded by Casino, Market, Presa and West Commerce streets, would free the versatile San Antonio River property, called Site II, for other use, such as construction of attractive residential facilities, and

WHEREAS, the proposed Site I has been called "the best location for the \$5 million parking structure" by the City Planning Department, is evidently favored by at least four Councilmen, and has been endorsed by numerous organizations including Paseo del Rio Association, the San Antonio Conservation Society, the River Walk Commission and Centro 21, and by private interest groups;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Antonio Independent School District go on record as endorsing Site I as the best site for the construction of a parking facility which would serve in the best interests of all individuals, agencies and organizations concerned with the revitalization of the downtown and central city areas of San Antonio, and

BE IT FURTHER RESOLVED that the Board of Education of the San Antonio Independent School District go on record as strongly encouraging the San Antonio City Council to reconsider its action approving the San Antonio River property, Site II, as site for parking facilities; authorize construction of the proposed parking structure on the so-called Site I or some other more appropriate location; and, subsequently, direct its attention toward development of San Antonio River-side properties which will encourage the growth and future prosperity of San Antonio's central city.

* * * *

MAYOR COCKRELL: Thank you, yes, Mr. Pyndus.

MR. PYNDUS: Are you aware of the fact that you would be removing a tax base in some businesses from Site I?

MAYOR COCKRELL: Dr. Williams, I believe is just reporting for the Board.

DR. WILLIAMS: I'm just reporting, Councilman.

MR. PYNDUS: I think he recommended Site I in your report.

DR. WILLIAMS: On behalf of the Board of Education.

MR. PYNDUS: I feel, yes, sir, I feel that the points that concern me should be shared between us. I'm in no way debating you, but I just want to point out the variances between us. Now the fact that the property is very valuable property and should be used for downtown housing. I see no plans for such housing immediately, and I think this point should be made, too, sir.

DR. WILLIAMS: Yes, sir, and respectfully I will convey your comments.

MR. PYNDUS: Thank you.

MAYOR COCKRELL: Yes, Mr. Teniente.

MR. TENIENTE: Yes, Dr. Williams, first let me tell the folks that I was working with Dr. Williams when he first went into administration and I see now that he has a Ph.D, and I talked to you many times. I respect you, but I would have hoped that someone, one of the trustees would have come by here to present this because we could have then asked them direct questions. We see in the newspapers that the districts, the Bexar County Federation is making certain allegations, certain facts, saying that there are separate government entitites, elected officials and as such perhaps should, and this is addressing itself to the 14 percent of not paying for it and keeping it aside and one taxing agency should not tax another. In other words, what they are really saying, we are independent of anybody else. Don't try to tell us what to do and I think on the other hand, here they come trying to tell the City exactly what to do when they have not had all the facts. How many of the trustees supported this or was this a unanimous vote on this? That is one question and I think that you ought to take this back because I think that there are about over \$4,000

in taxes directly to the school that I checked on that would be wiped out because of the elimination of these businesses. Here is a school district, the Central City School District that slowly is losing, losing the enrollment to the outer school districts and I am not, I am just saying that you ought to convey this to the majority of trustees that voted for this that they are throwing away about \$4,000 if this is the site that they want. The other thing is, would be something that I would discuss with you personally that you can convey to some of the other wishes because I see some need in other problems that they are having right now that I would like to have some input too if they are going to try to bring us into it.

MAYOR COCKRELL: Dr. Williams, we thank you for being here on behalf of the school board. The next speaker, Mr. Francis Thorne-Coley from the Alamo Plaza Association.

MR. FRANCIS THORNE-COLEY: Madam Mayor, ladies and gentlemen. I agreed yesterday after the meeting of the general membership of the Uniform Alamo Plaza Association to convey a short simple and precisely worded statement on this. At the general membership meeting of the Alamo Plaza Association held at 12:30 in the afternoon, Wednesday, August 11, a vote was held and the majority of the membership voted to take a position favoring the Council vote in the choice of Site II as being a positive benefit to the development and growth of Alamo Plaza. Now, since I have time remaining as a citizen and as a merchant, I want to make it known that that statement and my next statement are not connected. I am now speaking as an independent person. I am employed at Maldonado Jewelers, 215 Alamo Plaza. It looks like that from the paper we now have three sites to choose from. Someone laughingly mentioned Site 12A as being built by Mr. Zachry over the Tower possibly. I wanted to address myself exactly to how we feel being merchants on Alamo Plaza. First of all, it is bad enough that we are suffering with buses going up a one-way street, but parking is something else again. For the persons who work in this area, parking is difficult and expensive, but to the customers and to the tourists, it's horrendous and being a jeweler, try telling your customers who come down during Fiesta Week and park at the only available parking at (inaudible) to pick up a purchase.

Next, I would like to address my logic just as an observer, a person who came to San Antonio 14 years ago for a two week visit, fell in love and stayed and went into business. I cannot see driving businesses out of downtown. Downtown was a hot issue in the last election. We all see a need to save downtown. I believe any realtor will confirm that any business dislocated downtown by the expansion recently of banks and so forth, has either gone North to the suburbs or South, out of the City entirely and possibly just flatly out of business. We miss even the loss of a hot dog stand downtown because anything to bring people in and they can't come unless they can park. Site I, I am not opposed to anyone building parking facilities. But, Site I serves to a distinct area only, and that area being at the moment, the River. Site II distinctly favors the River, equally, and Alamo Plaza. The future of our downtown is probably going to turn the corner from Houston Street onto Alamo Plaza. Let's hope this becomes true. We have a historic shrine to a magnitude that no other City can lay claim to in America and to do anything to drive people away from it, is unrealistic and this is my personal feeling but I do ask that you, Honorable Members of the Council, maintain the wise decision made last week.

MAYOR COCKRELL: Thank you, sir. Mr. Rohde.

MR. ROHDE: Yes, did the Daughters of the Alamo give you any input into the Alamo Plaza Association directly or indirectly?

MR. THORNE-COLEY: Yes, sir, the Daughters of the Republic of Texas sit on the Board of Directors of the Alamo Plaza Association. By virtue of a Resolution granting a seat on that Board to the person who is Chairman of the Alamo Chapter of the Daughters of the Republic. That is, they are not voted in and voted out like the other Board members.

MR. ROHDE: The reason I brought that up is that they are losing 21 parking spaces with the new Alamo del Amo Plan.

MR. THORNE-COLEY: I understand this, sir. And in private conversation with Mrs. Charles A. Hall, who is now the Chairman, and who now sits on the Board, Mrs. Hall is drastically concerned. I don't know what word of depth to add to their concern over the loss. She most definitely favors Site II.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: You made the remark that Site II favors the River.

MR. THORNE-COLEY: Yes, sir.

MR. PYNDUS: This was one of my points that I thought gave support to Site II. It has been brought to my attention since that time that there is not enough space left to build a parking lot and also favor the River. And would you comment on that?

MR. THORNE-COLEY: Well, sir, I am not an architect. When I say favor the River, there is now a flat parking lot on Site II which is not the prettiest thing in the world to view. If you go down on the River and look up over that vacant parking lot, you are looking at the back of some very unsightly structures in the 100 Block of Alamo Plaza which really are ugly to look at. They are crumbling in the back. The fronts look nice but that is the vista offered the tourists by looking over the present flat lot that is there. Now I think even a parking garage would be a distinct improvement over backs of buildings and a flat piece of asphalt.

MAYOR COCKRELL: Thank you. All right, Mr. Hartman.

MR. HARTMAN: He just made a statement there that even a parking lot or did you say parking garage.....?

MR. THORNE-COLEY: Even a parking garage.

MR. HARTMAN: Even a parking garage would be an improvement over the backs of those buildings?

MR. THORNE-COLEY: The flat lot and the backs of buildings, yes, sir. I can't see any aesthetic quality to the back ends of several buildings and flat piece of asphalt.

MR. HARTMAN: Do I gather from your statement, then, you say even a parking garage, I gather then that that would be the first level of improvement then. You would not think, you would think there would be some other higher and better use beyond a parking garage.

MR. THORNE-COLEY: Most definitely.

MR. HARTMAN: Some higher and better use beyond a parking garage for Site II.

MR. THORNE-COLEY: No, sir. I think a parking garage on Site II is the logical answer because it is already flat. No business is going to be dislocated. No downtown business is going to be forced out of downtown because of its construction and it would provide the one thing most dramatically needed by the merchants on Alamo Plaza, which is parking.

MAYOR COCKRELL: All right. I just, we still have so many citizens to be heard. Mr. Rohde.

MR. ROHDE: Just one question, Mayor, how many are in your group and what groups do they represent in the Alamo Plaza Association?

MR. THORNE-COLEY: Sir, I cannot speak beyond the manner of that one sentence statement that I made because some of the members of the group were opposed. It was just a majority vote and I am keeping my promise to deliver the opinion of the Association in that one sentence statement. The rest of it is my personal opinion.

MAYOR COCKRELL: May I ask for a clarification of one thing you have stated? That is, as I understand it, you have represented that the Daughters of the Republic of Texas favoring Site II, was that what your statement was?

MR. THORNE-COLEY: Yes, madam.

MAYOR COCKRELL: All right, do you base that, was the representative present? Did she vote for that?

MR. THORNE-COLEY: Yes, madam.

MAYOR COCKRELL: I see.

MR. THORNE-COLEY: Both by vote and by personal communication to me.

MAYOR COCKRELL: I see. Thank you, yes.

MR. HARTMAN: Madam Mayor, I just raise the procedural question as to whether, you know, the Daughters of the Republic of Texas can convey....

MAYOR COCKRELL: I have not received any communication directly from the Daughters.....

MR. HARTMAN: You see, we would have to hear from the Daughters of the Republic of Texas.

MR. THORNE-COLEY: I was merely, I was asked a question and I merely answered it based on our conversation and the fact you asked if the lady in question did vote and she did.

MAYOR COCKRELL: All right, fine. Thank you. The next speaker, excuse me, yes.

MRS. JOYCE ALBAUGH: (Speaking from the audience) Mayor Cockrell, I know I'm out of order but may I answer the questions for Mr. Rohde and the Honorable Mayor?

MAYOR COCKRELL: All right, this relates to the Daughters of the Republic of Texas. All right, this is for clarification of the.....

MRS. ALBAUGH: I am Mrs. Joyce Albaugh. I am President of the Alamo Mission Chapter. Mrs. Charles Hall is Chairman of the Alamo Committee. In a committee meeting and I am on the committee, of the Alamo Committee, it was asked the members of the committee what should we do about Site I or Site II. The committee members said we will not be bothered about it because that is someone else's business. We were not going to take a stand. Now in the meeting of the Alamo Plaza Association, Mrs. Hall acted as an individual, she did not act as the Daughters of the Republic of Texas. The Daughters of the Republic of Texas wish to have their own parking and we hope to in the future. Thank you.

MAYOR COCKRELL: Thank you for that clarification. The next registered speaker is Mr. John Monfrey. Mr. Monfrey is representing Centro 21.

MR. JOHN MONFREY: Mayor Cockrell, members of the City Council. As the Mayor just recorded, I am representing the Chairman of Centro 21 in his absence out of the City. I am at somewhat of a disadvantage in that I didn't hear Richard Calvert's remarks representing Centro 21 last week because I was out of the City. Let me review one or two points that I think are interesting and then later discuss some of the questions that Councilman Pyndus has. Many of you know after we were appointed and the ordinance was developed, we had a briefing, so to speak, at Brooks Air Force Base, at which time, it was discussed that we would meet with City staff, Planning, the City Council, Traffic, Transit and many others of the City Departments to give us the input and what these various departments as well as the City Council expected of Centro 21. I believe this was given to us specifically by you, the Mayor, as well as Mr. Hartman, who I think at the time was Chairman of this group and may still be. I am reminded of the first piece of literature that I received as a member of Centro 21. It was given to us by the principal planner urban design City Planning Department. May I read from this particular recommendation

given to us on the River Bend Parking Structure.

"Top priority recommended as top priority the development and construction of a public parking structure on a carefully analyzed site in the center of the River Bend activity area. The site bounded by Commerce, Presa, Market and Casino or partially extended to the San Antonio River, is the key to the existing needs of the area as well as the long range development objectives for the area". I wanted to read that because obviously when you appoint a committee such as Centro 21 or any other committee appointed by ordinance or appointments, they have certain objectives and obligations to the City Council and to the citizens of San Antonio. We took all of this input. We digested it, we broke it into teams, task force teams and there again the recommendation of this Council. And in doing this, we developed a parking team which consists of two of our members, hopefully waiting for more members being put on that committee by selection of the City Council.

After very, very much discussion, we came with the opinion that we needed some professional advice about this particular location. We requested that the City Council employ a firm after we had screened several. The firm that you employed and paid for was Young-Hadawi. Young-Hadawi's report was what we needed to present to this Council a mandate, so to speak, a Resolution asking you to proceed with the employment of an architect to the design engineer to build this property. At a subsequent Council meeting, if my memory serves me correctly, you could not make a decision. I think that there was quite an amount of discussion and the decision was not made. But you did make one decision, that was to give it back to Centro 21. All evidence to hereby letters and it was our decision then that if we are going to get this back again that we would have a so-called public meeting. With this, the Chairman of our committee wrote each and every one of you a letter including Mr. Granata, the City Manager, informing you that on a specific date that we would take whatever time was necessary to hear from everyone interested. May I report here, that Conrad True from the Conservation Society, has relinquished his time to me.

MAYOR COCKRELL: Yes, there is some conversation about conservation.

MR. MONFREY: Yes. Well, we had this public meeting. We informed every interested person, those that are currently in the facility, those surrounding it, the hotel people more specifically, the Hyatt Regency people, we had the media inform any general interested citizen of San Antonio to come to the meeting. We had such a meeting. I am happy to report that after we heard all of this discussion, every bit of it, and we went on to two, three, four o'clock that afternoon. We did break for lunch, however, which you are not doing, and, we came back and took a vote. The vote was eight to four in favor of Site I without any restrictions about whether or not a hotel was to be built. If we took that into consideration, then we had a nine to three vote. One of our members put a condition in there. I am voting for Site I specifically if the hotel is built.

Now at this point, let me remind you of one thing. When we made this recommendation to the City Council, the hotel was not a condition. As far as the Centro 21 is concerned, it is still not a condition. That would have been a plum to help possibly advertise the cost of this building. We have had commitments from the River businesses that they too would take spaces and work out promotional efforts with their businesses on the River to utilize the parking of this garage.

MAYOR COCKRELL: Thank you so much. Yes, Mr. Hartman.

MR. HARTMAN: Just a very brief question. Mr. Monfrey, what is the date of that Planning Department memorandum that you read from? Last year?

MR. MONFREY: In July of 1975, the Project Development staff of the Planning and Community Development Department requested to submit a list of projects for consideration by the Centro 21 Task Force to be implemented.

MR. HARTMAN: Okay. So actually, that memorandum existed before that time and before there was any question about this particular project.

MR. MONFREY: Right, sir.

MAYOR COCKRELL: Mr. Rohde.

MR. ROHDE: John, I have a question. Is it true or is it not true that your Centro 21 Task Force that was assigned by your committee to give site selection of all sites in the area, did they not come back with a negative report on Site I from some of the members and will you tell the Council that?

MR. MONFREY: Well, yes, I can answer, first of all, let me answer yes to your question. However, that came about after the City Council or the City Manager appointed the firm of Travis and/or some other name with the firm, and they came back with the recommendation of Site II. The mandate that was given to this Council by Centro 21 never mentioned Site II. It was after the design architect and the design engineer was appointed that Site II got into the picture.

MAYOR COCKRELL: Fine, thank you very much. I appreciate it. Mr. Pyndus.

MR. PYNDUS: Mr. Monfrey, I don't have the feeling that you addressed yourself to some points that I am concerned about. You said that you would and I am wondering if I should repeat them.

MR. MONFREY: I don't think that's necessary. I think I remember the vital ones. One was that you needed to have verification as to whether or not the Hyatt Regency Hotel would be built at all. I think that was specifically what you said. At our meeting which had a great deal of bearing and I am sure in our vote, the people identified with the Hyatt Regency specifically mentioned at that meeting and it is on tape and recorded that Site II was not the location that they could use for the hotel. It would have to be Site I. That was one of the questions.

Secondly, and let me preface your second answer. I think that many of us are forgetting that we are now talking about one garage. But remember the general conversation for the inner City for downtown San Antonio is three to five garages. This is the first one. Now, and also while I am on that question, you raised the point about deleting taxes from the tax base. Now if any of the tenants in that building are leaving downtown, they have never notified us of this. They have never been notified. You had one other question, the cost of the property. At the time that we had the public meeting, we were told by two individuals that they offered \$30 a square, no \$25 a square foot. They assumed it would cost \$4 or \$5 for the removing of the buildings, the cost of \$30 a square foot and they were turned down. Now, as I understand as lately as an hour ago, that it can be bought for \$19, well, I don't understand how last year they would turn down \$30 or \$25 and accept \$19 now. Were there any other questions?

MR. PYNDUS: The River itself, Mr. Monfrey, have you had the opportunity to review the fact that that River could be protected and a garage structure could be erected without destroying the aesthetic view of the River?

MR. MONFREY: Well, I personally didn't, but Councilman Pyndus, when you have the San Antonio Conservation Society, when you have the River Walk Commission, when you have the Paseo Del Rio, when you have the San Antonio Chamber of Commerce, it would seem to me and that they have an interest and that they feel that Site I does not disturb the River, when the tenants on the River have even said that they will make available an entrance to the River from this parking garage at their expense, it would seem to me that is pretty solid authority. I know they have the same interest we have to make this a prettier City to live in and a good City to live in.

MR. PYNDUS: I thank you, sir. I didn't get my answer because.....

MR. MONFREY: Well, I told you that I didn't do it. That is the recommendation of these other firms. I gave you my answer.

MR. PYNDUS: Thank you very much. Are there any questions by the Council?

CITY MANAGER SAM GRANATA: The next speaker is Arthur Veltman, Mayor.

537

538
MR. ARTHUR VELTMAN, JR.: I would like to address myself very briefly to the City's commitments to all of downtown San Antonio and the private sector's commitment to invest their money and their time in downtown San Antonio. I base this on my personal experience that dates back to the public commitment made in 1962 by a City Council at that time.

MR. PYNDUS: Have you stated your name, Mr. Veltman?

MR. VELTMAN: Yes, Arthur Veltman, Jr. I own property and business in the River Walk area. In 1962, the City Council made a public commitment to the River Walk area to invest monies as a seed to bring about a private commitment from private investors and private individuals to do something to bring strength to the River Walk area. In 1968, a City Council made a commitment to the Convention Center area and to seed private investment in the Convention Center area and peripheral to that Convention Center area.

In 1970, a City Council made a commitment to the El Mercado area and with the same principles involved. And in 1975, this very Council made a commitment to Centro 21 to make a commitment to the entire downtown and one of those commitments in relation to the staff role that the City directed was the direction to address the municipal parking authority situation. The reasoning for these commitments, I believe, involved the need or desire by this Council from 1972 through 1968, through 1970, through to 1975 to see private investment and to bring private investment into the downtown area. I believe that this investment has paid off for the City in terms of its 1962 commitment on the River Walk, in terms of its 1968 commitment in the Convention Center area which we have seen again this morning with Mr. Wise's commitment, Mr. Zachry's last week's presentation. These are the kinds of commitments that the City Council was asking for when it made a public commitment of public monies.

In the market area, of course, we see the same thing happening. A new beginning in the area of the City that had deteriorated. The City's commitment was strong and now we see that there is a private commitment that is beginning to occur. The commitment of Centro 21 is to all of downtown San Antonio. The municipal parking authority directive was carried forward by Centro 21 and now it is addressed to this Council.

If time will allow me, I could answer any of Councilman Pyndus' questions. I ask that this Council reconsider its vote and give Centro 21 the type of commitment that it needs so that the private sector has confidence. The private sector must have confidence in the directive that this City Council has made of the public monies. If we as business people as independent businessmen and businesswomen are to have confidence in downtown San Antonio, then we must see the public commitment as a strong one and Centro 21 forms the mechanism for which that public commitment can be followed by the private commitment. This is the partnership I am familiar with because I have been involved with the River Walk community and downtown San Antonio since 1962.

I would be happy to address any particular questions that the Council might have in regard to particular questions involving the specifics of the reasoning behind the choice of Site I by Centro 21 and any information that was presented at the hearings that I might have knowledge of that could be substantiated by the records of those Centro 21 hearings for the past year since August of 1975. Thank you.

MAYOR COCKRELL: Thank you. All right, are there any questions?
Thank you Mr. Veltman. Claire Regnier.

MS. CLAIRE REGNIER: My name is Claire Regnier. I am the Executive Director of Paseo Del Rio Association. Even though nobody is interested in lunch at this time, I would like to have you know you could eat on the San Antonio River today if that were your pleasure. I would like to introduce someone to the Council and then yield my time to him. His name is Robert H. H. Hugman and he's been involved with the River since 1929. Mr. Hugman was the man who first dreamed that one day we might have something like Paseo Del Rio to be very proud of, and I would like to have you hear Mr. Hugman. Thank you.

MR. ROBERT H. H. HUGMAN: In 1929, the flood control engineers and the businessmen of San Antonio proposed that the big bend section of the river be abandoned and be filled in. The flood control problem was very understandable, but the loss of the river was definitely opposed by all the women. This plan of mine, I brought it out, just a young architect, the Mayor and the Councilmen of the City at that time plus all the businessmen and many women endorsed my plan which, of course, saved the City a great deal of money because they didn't have to fill the big bend up. So, my plan was adopted and the River was saved as you well know.

MAYOR COCKRELL: Mr. Hugman, we love you.

MR. HUGMAN: The river is very dear to my heart as you know, and the River should be treated as a stage setting for beauty, music and romance. That's its value which we all know. I feel like in 1929 when there was a crisis and I feel like now there is a crisis. I think to build anything adjacent to that river that does not contribute to the on-going of that picture of romance and beauty and charm, I ask you, appeal to you, not to do it.

MAYOR COCKRELL: Thank you, sir. Mr. Frank Phelps.

MR. FRANK PHELPS: I am Frank Phelps, President of the Paseo Del Rio Association. I think there has been some clouding of the issue of Site I. We've been given the impression that the merchants in that particular area are going to move to the outskirts, then I know very well that there are plenty of vacant properties within the immediate area that these merchants could move to. I, for one, am an owner. I'm glad to move and I'd like to go to St. Paul Square. I'm not moving out of downtown. I think that we should have Site I for the good of everyone. Thank you.

MAYOR COCKRELL: Thank you. Helen Dutmer. Yes, Mr. Pyndus.

MR. PYNDUS: I think it should be pointed out that you and I can both move any time we wish but to be forced to move unnecessarily would be an issue I would take issue to. To be forced to move when it's unnecessary.

MR. PHELPS: Well, we need Site II for beautification for an asset to our River.

MR. PYNDUS: Thank you, sir.

MAYOR COCKRELL: Thank you. All right, Helen Dutmer.

MRS. HELEN DUTMER: For your records, I'm Helen Dutmer and reside at 739 McKinley. Today I'll try and keep my hotels and parking garages in perspective. Last week I got a little carried away with hotels. Phil, if your reason as you say for voting for Site II, one of your reasons is that you're getting more land for approximately the same amount of money. Then it would seem to me that the owner of Site II would be the first person up here urging you to take Site I so he can get more money for his property.

Secondly, as far as the Water Board is concerned, if you build your garage on Site I, then they still will have a site right behind Casa Rio where they can put their well. It's in the very same vicinity and they can also landscape it as they have the little park across the street making it aesthetically acceptable, and it would give a clear passage to the river.

Third, you cited your reason that we will be removing a tax base. Perhaps we will be removing these buildings, but we will then be replacing it with a \$35 million hotel plus possible housing on Site II. So therefore, you would be gaining rather than losing your tax base.

The next thing that I'd like to say is and this applies also to the school board, they would be gaining taxes rather than losing their \$4,000. Secondly, if we build this hotel on, hotel, here I go again, if we build a garage on Site I rather than Site II, it will be far enough away from the River that we do not have the aesthetic problem,

and yet it will be close enough to be accessible both to the river and both of these big hotels should Mr. Zachry expand further on his hotel. We would also be very close to the Convention Center and to the shopping merchants over on Alamo Plaza. Thank you.

MAYOR COCKRELL: Thank you. Nancy Negley.

MS. NANCY NEGLEY: The San Antonio Conservation Society was formed to protect the River and the green spaces that border the river to make a park-like atmosphere. We believe the beautification and the aesthetics of the river are good business. Through the guidance of the River Walk Commission and the Paseo Del Rio Association, beautification has attracted multi-million dollar economic benefits for business ventures and for the total fabric of the City. Three million visitors the river attracted each year alone plus all the added activities have a beneficial economic impact that would not otherwise be generated.

In considering Site I versus Site II, we hope you will address yourselves to the protection of the proposed pedestrian walk-way from the Alamo Plaza down Crockett Street to the river. A garage on Crockett Street and Broadway would, in our opinion, promote a hazard to pedestrians. Exemplary planning is mandated in the development of land abutting the river in order to preserve the uniqueness of the river. In all the public considerations of Site I and Site II, only a parking garage was considered.

If Site II is to be considered by the City for a combination garage-river-front development, then perhaps we should hold hearings addressing that issue. It is important to consider the costliness to the City in the potential long-term tax revenues of property abutting the river if Site II is chosen for a City garage. Certainly river frontage is much more costly property and especially in this unique site, the most unique site in our unique City. The fact that Site I would undoubtedly trigger the rehabilitation and adaptive use of historic structures in the immediate area, and the relocation of five businesses would help fill the properties now vacant in downtown, should they choose to stay. A most important consideration will always remain the optimum use of a river property for people. We have here a petition of over 400 people who asked that you reconsider your decision and designate Site I for the garage.

MAYOR COCKRELL: Thank you. Mr. Pyndus.

MR. PYNDUS: Mrs. Negley, I'm trying to reconsider and you mentioned the fact that the river cannot be protected in the plans that would have a garage in the background and the front of the river completely protected and the beautiful buildings that the City would have control over. Will you state publicly for me that you feel that river cannot be protected if we put aesthetic buildings and landscaping on that river and put the garage behind it? Don't you think that river can be protected?

MRS. NEGLEY: Well, I think there are more considerations than just that, but I think that this if we could see, we could understand but, you know, none of this has been presented. Just a garage has been presented and I think we could do anything. Anything is possible and hopefully.....

MR. PYNDUS: I assure you that I want to protect that river as much as you do. If we can start from that basis and say that river can be protected, I'd like to know that if we put a structure off the river, away from the river and have enough room for it. I'm wondering if you have any comment in that regard.

MRS. NEGLEY: Well, I think that you have to look at the whole total picture though of what you're really striving for it. I think in the economic development, you're going to get better and more taxes from development of private development on the river than a public development on the river in the form of a garage. Then I think when you have all those people coming down to the river from Alamo Plaza and going up and they have all those cars going right into them, you're just going to have confusion. I just think that that's such unique property and it's so valuable to this City that it would be.....

MR. BILLA: Mrs. Negley, if you envision housing on this site and it seems that this is the predominant thought in the minds of those that want to protect the river, how are you going to accommodate them with parking?

MRS. NEGLEY: Well, I'm sure that could be done.

MR. BILLA: Yes, madam, if you have housing there, say, I haven't heard any figures, you know, how many units might be in a structure that type?

MRS. NEGLEY: You mean on Site II?

MR. BILLA: In Site II, yes.

MRS. NEGLEY: Well, we don't know of any proposal, any concrete proposal of what would be needed. Of course you can mask a garage for but perhaps then if you had that, you would not put that stream of traffic out into Broadway. But this is a whole, another subject.

MR. BILLA: Well, I think it is but also, would you be opposed if it's possible or feasible to give rights for someone to build residential properties on top of the garage site?

MRS. NEGLEY: Certainly not, if it's all done properly.

MR. BILLA: Thank you.

MAYOR COCKRELL: All right. Yes, Mr. Rohde.

MR. ROHDE: Nancy, I have a question. Nancy, we're trying to get new evidence and new proof. The problem that I have in the conflict and your area is preservation. As the lady in charge of preservation for the City now, which I look at you on is that and in the City's role of preservation, how can you answer the question clearly, in clear thinking to say that we should tear down existing structures that are over 100 years old, have five successful businesses. Buildings that are unique in architect and control and things of this sort, and that just because they don't hold a historical token or a medallion on the wall, why should they be torn down? Why should the Council put a bulldozer to them? Answer that question for me.

MRS. NEGLEY: Well, this is a very difficult question. We have checked with Truitt Latimer and asked if they were historically considered historic buildings. Architecturally, they are not.

MR. ROHDE: What difference does that really make? Whether it has a medallion or not?

MRS. NEGLEY: Well, it's recognized, if it has a medallion, it is recognized as being historically significant. Right now, these buildings because they were mutilated in the front are not considered historical buildings. Their walls are historic. The inside has been changed, the outside and the front have been changed. You possibly have one or two walls of the building that are there, but a wall does not make a building, you know, historical. There are more considerations than that. The thing that you're looking for is architecturally historic.

MR. ROHDE: The buildings across the street aren't historical with markers on them, yet we're preserving those buildings across City Hall.

MRS. NEGLEY: That's right, yes, because they do have, those buildings across the street have their original facades.

MR. ROHDE: This is a very key issue with me and I want you to know that. It may determine my vote.

MRS. NEGLEY: I'm very happy to hear that.

MR. ROHDE: Thank you.

MAYOR COCKRELL: Thank you Mrs. Negley. Conrad True. All right, fine.

MR. CONRAD TRUE: Madam Mayor, I passed my time to Mr. Monfrey a while ago.

MAYOR COCKRELL: All right. Craig Austin.

MR. CRAIG AUSTIN: Madam Mayor, and Gentlemen of the City Council. I think that the request of Councilman Pyndus for hard facts concerning the relative merits of Sites I and II, his points are very well taken and I propose to provide some of those facts as well as new facts that have not been previously considered. First of all, let me point out that there has been a great deal of emotion that has been expended in behalf of taking Site I. I appreciate, of course, the position of the organizations that have appeared in behalf of that purpose, but there are several things that these organizations have not told you that I think should be called to the attention of the Council.

One is a rather sharp division of opinion within each as to the merits of this question. Mr. Monfrey in his presentation did not reveal to the City Council that the task force charged by Centro 21 for a site selection voted 4 to 0, 4 to 0 ladies and gentlemen, in favor of Site II. That committee was headed up by Mr. George Ozuna. No explanation has been made of why Centro 21 rejected the recommendation of its own task force relative to site selection. The only explanation that he intended to give is that there was a previous commitment that had been taken prior to reviewing any facts to Site I. I would also point out that the vote of Centro 21 was only 8 to 4 in favor of taking Site I. The other four votes of course, supported the recommendation of the committee in favor of Site II. I think that the generosity of these organizations is commendable, but the principal difficulty is that they are being generous with the City's money and my client's land. The arguments that are strongly opposed to taking the Site I have not been taken into account by these organizations. There has been very little in-depth consideration by these organizations of this question.

First of all, let's talk about the elusive Hyatt Regency Hotel. As you know, Mr. McAllister has reported to speak for that group and he has said that group is adamant in favor of Site I. I don't think that is true. Mr. Amaroso, executive president of the Hyatt Regency Corporation has indicated that Mr. Ed Dennis and only Mr. Ed Dennis is the person that is working with the Hyatt Regency. Now, I have personally been in touch with Mr. Dennis and I will assure you that Mr. Dennis has no such strong feelings about Site I as Mr. McAllister seems to have. I also have it on very powerful authority there's a good deal of bloodletting going on right now within the promoters that would like to have the Hyatt Regency Hotel. I think that the statement that Mr. Rosenberg will very shortly make will be very illuminating on that subject. He represents Mr. Dennis who holds the options for the land that the hotel is interested in.

Let me point out one other thing. At this point, the hotel is nothing but a land promotion speculation. There is no commitment to build a hotel now or ever. The question is still under consideration and no decision has been taken or can be taken. I think it is very well to have real estate promotions but you know that most of them just don't materialize. Likewise there is no clear preference among these developers except for one that I know of, for any particular site. All sites will be considered as Mr. Rosenberg's statement will shortly reveal. Let me also point this out to the Council. At the time the, initially at the time that the hotel is under consideration, a specific amount of land was required for the hotel to have its own parking on the site. They have a surplus of 35,000 square feet that they can use for that purpose if they desire and have previously considered it for that purpose, or previously committed it for that purpose. So, I think that the City Council is being misled by pie in the sky statements of persons who do not speak for Hyatt Regency, cannot speak for Hyatt Regency. They have nothing more than a gleam in their eye about the plans for this hotel.

Now, let's turn to the question of cost. There is hard evidence in respect to the relative cost of Site I and Site II. First of all let's turn to the Tax Assessor and Collector's evaluation, which if you all

remember, is a very recent origin. According to the tax rolls of this County, Site II has a fair market value of \$9.65 per square foot. Site I on the other hand has a fair market value of \$28.89 per square foot. Now the City Land Office, Mr. Sandy Clark from the Right-of-Way section..... Mr. Coben yielded his time for me, your Honor, if I may

MAYOR COCKRELL: Mr. Coben. All right, is Mr. Coben here? All right. You are registered and your time has been yielded.

MR. AUSTIN: Mr. Clark's office says they will take \$1 million to acquire either site. In which case you're looking at approximately \$19 a square foot for Site II and \$30.60 a square foot for Site I. So, the City essentially has two different positions on this. If the Land Office is correct, then my client has been subjected to discriminatory taxation by virtue of the value that has been placed on it by the taxing authorities. I will tend to think that the taxing evaluations would be more correct. Let me point this out. Site will have to be acquired by long strenuous and vigorously opposed process of condemnation. We even now at the right of the City under the circumstances to acquire this land. But let me assure you that it will be my personal intent and obligation to be certain that the City pays a great deal more than \$30 a square foot for taking this land. In my many years of experience of condemnation cases has indicated that this will occur. So the cost consideration militates very, very heavily in favor of Site II which has no buildings on it and can be acquired as raw land.

Let me also point that now Site I is paying twice as much in taxation as Site II. So the City has suffered a further loss in taxes collected by preferring Site I over Site II if that's the decision that is taken.

Also, I think it is extremely important to note that the Nix Hospital, urgently in need of parking, has already committed 175 parking spaces to Site II by communication yesterday to Councilmen Rohde, Teniente, Pyndus and Billa. Lauro Lopez, who is a member of the Board of Equalization has committed his group developing the Majestic Theater to 100 to 200 spaces. So in respect to Site II, we start with approximately half of the parking already sold in advance.....committed for. I think this shows the dramatic need for parking in the area of Site II. To the contrary, if you put the land - if you put the parking building on Site I, it immediately goes into competition with the River Garage and Mr. Zachry's garage in La Villita area, each of which is only half utilized. Site I is within 300 feet of Mr. Zachry's half-empty garage, which makes no sense whatever.

Let's turn to the question of what's going to happen to the water supply of the City of San Antonio if we use land that is now dedicated to the Water Board, a proven well-site for high capacity water wells to a parking garage, which I will assure you is a most inferior usage of such highly committed property. The question has never been considered. No alternatives exist as to where the City is going to put its water site and where it is going to put its wells. It is a condition precedent in the mind of every sensible person to have a viable alternative to the City Water Board whereby they can produce water if we are to take away from them this proven well-site. That would be the net effect, the complete effect of the taking of Site I.

Mr. Pyndus, very wisely, has raised the question of the aesthetic factors relative to Site II. We don't want to put something ugly on the River that is going to adversely affect the beauty of the River. In the first place, a parking building need not be ugly. Can anyone really say, where La Mansion's parking building is? I don't think you can because it's beautified and it looks just like La Mansion, which is an extremely attractive building. A parking building need be no uglier than a hotel, a restaurant, or any other type of structure that's put on the building.

543

Now if you'll remember the San Antonio River takes a bend at Site II, and Site II is right up here in the corner of the bend. You walk down the River and here is what you will see. Walk down it as I did. If you're coming from the west down the River, you will find that the location of Site II is obscured, completely obstructed from the River by the overhang of the Presa Street Bridge and the trees. If you're approaching from the south, you will find that the trees and the - what is it, Convent Street Bridge, yeah, well, whatever bridge is there, completely obstruct any view from that direction. Let me see, I believe I have one other person who is willing to yield his time to me. Joyce Klein.

MAYOR COCKRELL: Joyce Klein, is Joyce Klein here?

JOYCE KLEIN: I yield my time to Craig Austin.

MR. AUSTIN: So I think that's an entirely false issue. Simply because of the fact that because of the configuration of the bridges and the trees that this particular property on the bend of the River is simply not visible. Now one other matter. There is no reason why any interference with River level property will have to be made. The River level can be kept completely free for as much development as is desired. On the ground level, Site II has 13,000 square feet more than Site I. So you can build a garage equal in size to the one you can build on Site No. 1 and still have 13,000 feet left over. This would produce an off-set on the ground level 250 feet long that parallel to the River, set back 52 feet from the edge of the River which allows abundant room for both riverside businesses and beautification. I think that the aesthetic issue is totally false, and has not been considered in depth or in any degree at all by the persons who abdicate the taking of Site No. 1.

Finally, let me turn to the rights of people who pursue their livelihood and to own their land. I am representing six clients who have viable businesses that are now being carried on on Site I. I realize that several organizations are after their land and would like to have it, but this land is their livelihood folks. This is where they get their living. This is how they make their income. For the City Council by process of eminent domain, a very harsh remedy, to take from these people their land and their livelihood when the alternative is to take land that is already dedicated to the use of parking, it makes no sense whatever. I think that it would be a clear abuse of the power of eminent domain, and I think it would be most disadvantageous to the downtown area.

A great deal of attention has been given to the exodus of persons from the downtown area. We don't need more parking downtown half as much as we need viable businesses, because if you don't have viable businesses, nobody is going to come downtown to park. These people have been in business downtown for years as I have pointed out. Mr. Coben has been dislocated twice before by condemnation and now he is about to be dislocated once again if Site I is approved. I think that human rights in this is a very powerfully argue against the arbitrary use of the power of condemnation to evict these people from their rightful occupations.

In conclusion, let me say that there has been a great deal more heat generated on the other side of this question than there has light. I think that the group that has studied this question most intimately which is the Site Selection of Committee of Centro 21 arrived at a very well informed and saged decision. That decision should be respected. This City Council, when it considered the question last week, likewise arrived at a very well informed decision. The City Council of the City of San Antonio represents all of the people of the City of San Antonio. It doesn't represent a relative handful of people that are advocating the taking of Site I. You are people who are the custodians of the public money, and you are the people who must say whether the land of some certain persons must be taken so as to satisfy the ambitions and preferences of the land of the interests of other persons. I think that the City Council heretofore has very courageously, and very wisely discharged that responsibility. A proper decision

was made, and I am confident that a proper decision will be reinforced today in the decision of the City Council. Thank you.

MAYOR COCKRELL: Thank you. Mr. R. T. Coiner.

MR. R. T. COINER: May I yield to Mr. Harrell. He's listed on the register.

MAYOR COCKRELL: All right. Mr. Harrell.

MR. D. B. HARRELL: Mayor Cockrell and members of the City Council, my name is D. B. Harrell, and I think most of the statements that I came here to make today have already been covered. I would like to add to my representation of Mr. Coiner of the Nix Building, the following. The Nix Building was built about 1930, if I'm not mistaken. It has stayed a viable, aggressive, well-improved medical building and hospital ever since. Recently as just the last several years added major improvements. They've done this in the light of competition in the suburbs, on twenty and thirty cent land, and in the light of competition that is tax exempt and they are strong and viable and they draw for South Texas and Mexico and are regional in nature as far as their draw to downtown San Antonio. They need help. They need parking help. As I have spoken to you before, they have their permanent employees. They are RN's and LVN's. Parking is as far as Mr. Zachry's garage on Navarro Street. This is evidence of the help these people need. They have done what we would hope that everybody in downtown San Antonio would do with their properties. They've kept them modern and they've kept them up to date. They need help and in this regard, they are willing today to sit down and discuss with you their need of 115 parking spaces.

Secondly, I would say that the one area that really caused me to get involved in this matter in the first place, the one matter that has not yet been discussed, is the Houston Street and the Alamo Plaza and I apologize, Alamo Plaza has been discussed, but when this Council addressed itself initially to the proposition of building a parking structure in downtown San Antonio, you did so I'm sure because you recognized the need for parking to improve the deteriorating situation in downtown. Now, you must make the decision as to where to put this. I say to you that if you go to the source of the problem, if you go to the problem itself, you go to Houston Street and you go to Alamo Plaza. Within 300 feet within the blocks that can be reached, by 300 by a 300 foot radius of Site II, you have 19 vacancies. Nineteen vacancies today. This is the problem. None of these vacancies are on the River. We have today in our firm a prospective tenant for a River location art gallery. We cannot furnish them one vacant location to look at. A good job has been done on the River. I can't tell you what an excellent job the various organizations on the River have done. I'm sorry David Strauss is not here today to be recognized because he is a major input on the River. They've done well; it's full. It's bustling. There's a lot of business on the River. But go to the vacant stores. Go to the property owners on Alamo Plaza and Houston Street and find out what their problem is and find out why they can't lease their stores. I know. I'm on the sidewalk every day. This is my area where my business is conducted. I know what the tenants are saying. I know why they aren't coming downtown. I don't care whatever else is done to help downtown; nothing will work without parking. It's one of the answers. It must be included in the answer.

Lastly, I would like to address myself to the question of building this Parking Garage on the River. I would like to suggest to you and the rest of those who are here that are in support of Site I and opposed to a parking garage being built on the River. We have the land; we have the architectural talent, and I think we can furnish the guidance to build a structure that is River oriented. It would have the River level shops. I would propose a street level market area. I would propose that the design

of this building, the operation of the street level market area and even the garage itself be turned over to the Riverwalk Commission and the able guidance of David Strauss with the help of Mr. Veltman, who Lord knows should be recognized as a pioneer on this River. Let them do it because they are successful with it. They have the answer. They have the control that they've asked for. Do I still have some time?

MAYOR COCKRELL: You have used the five minutes that was yielded to you.

MR. HARRELL: Okay, then I'll use my five minutes.

MAYOR COCKRELL: You were separately registered.

MR. HARRELL: This is my solution. This is my compromise which is the manner in which these situations are usually worked out if they are. My compromise is let's build this structure and turn it over to the people that are doing such a magnificent job on the River. The Conservation Society is another good one that should be recognized, because heaven sakes without them we wouldn't have the River right now. Let them have a say so in it. Let them be part of the design group, the planning and the operating group for a market place on the River. What could be better for the River and the downtown area than to create an area of excitement, an area to generate business, an area to pull people to town. Remember the old theory of the regional shopping center. The people who are building the most prominent development today will put a traffic pillar on one end and a traffic pillar on the other and they know that between those two, that's where the business is generated. That's what we'll do. We'll put a traffic pillar in this parking garage structure, and it will pull traffic back and forth between the Alamo. Back and forth between the Convention Center and the Arena area. This is the answer. This is the compromise, I think, that this group needs. With the aggressive, compromising, all in agreement approach, downtown San Antonio can go forward. I want to tell you, you represent the first Council in the time that I've spent downtown who really addresses itself to helping downtown, and I compliment you for it. I request that you maintain your position on Site II. If anyone has any questions.

MAYOR COCKRELL: Mr. Rohde.

MR. ROHDE: Mr. Harrell, a professional question for a fellow realtor, you have no interest in any of these properties for either Site I or Site II, is that correct?

MR. HARRELL: That is absolutely correct.

MR. ROHDE: Directly or indirectly?

MR. HARRELL: If I may make a statement and I made it for Centro 21. I have no personal interest. I have no deals pending for sales or leases for properties on Site I or Site II.

MR. ROHDE: You have no listings?

MR. HARRELL: I have no listings. My total involvement in this area, if I may go on to clarify it, is at the corner of Broadway and Houston Street, a building occupied by Hardy's Shoe Store and Shoearama. There are five owners of that property. I represent one of the five as trustee. On Alamo Plaza, there is a building that is occupied by the Southern Jewelry Company, and several other businesses. We manage this property on a fee basis on a month-to-month basis, and that is my total financial involvement in the area that would be affected by Site II. My only personal or my closest personal investment to either of these Sites in downtown San Antonio is on Soledad Street.

MR. ROHDE: Thank you.

MR. HARTMAN: Mr. Harrell, on Site II, how many owners are there on that site?

MR. HARRELL: I can't answer that question. At the Centro 21 meeting Larry Travis, the architect answered that and I believe he said there were three. If I may I'd like to recognize one person here, Mr. Ernest McAshan is in the back of the room. Mr. McAshan operates a parking lot on that and I think one more plus for Site II and that it's not even necessary to displace the present tenants, the present user of that property. Certainly he would be as he is on other City lots in a position to operate..

MR. HARTMAN: Is there a portion of that Site II that is owned by trust?

MR. HARRELL: If I'm not mistaken, Mr. Travis said that it was owned by the United States Steel Profit Sharing trust.

MR. HARTMAN: That's right. And is it or is it not true that particular piece of land, which I understand is the northwest corner, is not for sale?

MR. HARRELL: I have had no contact with the trust. My comments at Centro 21 which I will state again, is that generally speaking these trusts, trust of these large national companies have as their principal problem finding good places to invest their money. Once they have it invested, generally it's like buying bonds and they put them in a locked box and I would be surprised if it could be bought on the open market. But I have had no contact.

MR. HARTMAN: But isn't it true that exercising eminent domain that that would overcome the difficulty of sales.

MR. HARRELL: It is my understanding that eminent domain can take the property regardless.

MR. HARTMAN: So, would it not be true then that that would in effect pull that whole piece together which then subsequently could be sold in the open market again, assuming that someone later decided that they did not want a parking garage.

MR. HARRELL: That's one way to do it yes.

MR. HARTMAN: Thank you sir.

MAYOR COCKRELL: Thank you. The next speaker is William W. Atwell. For the information of the audience and the Council, there are two other speakers after Mr. Atwell.

MR. WILLIAM W. ATWELL: Thank you Mayor and Councilmen. I will make this very brief. After listening to Mr. Harrell I have to say a few other things that I had not planned on doing previously. I would think that the City of San Antonio would not consider very strongly the idea of going into private business, that it would not consider an open market situation on Site II, that it address itself primarily and only to the parking needs in this case of the community. About a year ago, I purchased the old Walker Furniture store on the corner of Commerce and Presa. Before I did that, I looked at the downtown area and considered what had gone on in the past and what might go on in the future. I looked at the Hemis Fair area which was condemned and built which has been a tremendous drawing card for the City of San Antonio. I've looked at the Mexican market situation and what they've done at the other end. Whether a leasing space for ten to twenty cents a square foot which includes utilities which makes it virtually impossible for private business to go in and purchase a piece of property and to renovate it and to lease it for such cheap rent.

I looked at the organizations that were in the downtown area, the Paseo Del Rio Association, the Riverwalk Commission, Centro 21, the Chamber of Commerce. I've checked some of the reports made by the planners of the City and reports paid for by the City. The City Planning Department, your own Planning Department that you pay a salary to and all of these organizations which I have mentioned, in addition to the Conservation Society, have studied this problem and have chosen Site I. These are not politicians. These are independent people. I pray that these Councilmen who changed their vote last week will consider this with great seriousness. Thank you.

MAYOR COCKRELL: Thank you. Mr. Ralph Langley.

MR. RALPH LANGLEY: Good morning Madam Mayor. I know it's late and I know you are tired and I'll try to confine myself to the facts. I cannot confine myself to Mr. Pyndus' questions although I will try to answer or shed some light on a couple of them. I would observe first of all that with all due difference to everyone who has followed Mr. Robert Hugman that all of us are speaking anticlimactically to follow him. I think that San Antonio should take a look at the fact that this matter is now being considered by a public body for the fifth time. I want you to think about that if you will. I sat here and listened to this Council this morning, listened to its Historic Review Board, listened to its Police Chief, and follow their recommendations. This Council appointed Centro 21. Centro 21, as a mandate from this Council, seriously considered this matter not once, but twice. After making the recommendation to the Council, the matter was returned to it. When it went back, they held a public hearing and as Mr. Monfrey said, they listened to evidence all day long. They came back with the conclusion that Site I was the place. I ask you as a representative of the Chamber of Commerce, as a citizen of this town who lives in it, works in it, how long can we survive divisiveness and debate in this community? How long, how many times do you have to consider and vote on property? I think it is an accepted fact that San Antonio's two primary downtown activities are tourism and conventions. The River is directly tied in with that. The River people have been heard. They were heard at Centro 21; they have been heard here today. They need facilities to support conventions and to support that river. That is an undisputed fact. Why are we trying to rebuild on street level? We have an accepted fact, namely, that the River is the drawing card of downtown.

I ask this Council in all seriousness, can it afford to turn its back on the people who are asking you in the support of conventions and in the support of business to support that river? I have read the Young-Hadawi report. I have read the report of the City Planning Department, with reference to the need or not of the hotels to support of the garage. Both of them came forward with the statement that the hotel was not necessary, that the garage would be self-supporting without it. There has been some aspersion cast on that today. I want to say to you in all seriousness that if the hotel is in spite of those statements a necessity, then I submit for your consideration the idea of voting for Site I and then withholding construction of this building to await the action of the Hyatt Regency to determine who is right and who is wrong about what site they will accept and what site they will not accept.

Let us not gamble. We talk in terms of \$4,000 worth of taxable values in comparison with what? A \$29 million hotel, 750 jobs in San Antonio. Are we to gamble that against the possibility of disrupting businesses? I want to submit to you another thing and when we go back to the divisiveness and the debate and the continued reconsideration, the consideration that Centro 21 had before it was a parking garage, and we hear folks coming in here today now that want to build housing

developments and markets and all sorts of things that weren't even submitted to them, now, how in the world can they reach a decision and make a recommendation to the Council that is going to be viable if there are going to be second guests time and time again by people coming forth with alleged new evidence when they've already considered the evidence before them and voted and made their recommendation. Sorry, I didn't get to your question, Mr. Pyndus.

MAYOR COCKRELL: Yes, Mr. Billa.

MR. BILLA: I love to hear Mr. Langley speak because he has such eloquence and so forth, but no mention is made of the fact you know that this Council obviously by the first vote that was taken on these sites was divided. I mean it was a five-four vote, as you recall, for Site II. The vote I made for Site II, I didn't change my position but I took the position that the majority of the Council wanted for Site I. I would just to eliminate the problem that we are having today. But later someone changed their mind and I think it's the Council's prerogative to do that. Ultimately, the final decision rests with this Council. You've seen this morning that we get pressures from every area and my vote for Site I was solely on the basis, solely on the basis that I, in my own opinion and judgment, felt that it better fitted and suited the needs of what we're trying to determine was needed for downtown. But everybody makes a big issue that the Council changed their mind. It was very divided.

MR. LANGLEY: That's not my issue Mr. Billa. My question is one that I relate to the continued re-opening and the bringing of new evidence and new considerations. That's what I'm saying.

MR. BILLA: Well, I think that the organizations who were voted against have caused this to happen but then you mentioned the Hyatt Regency. Well, I have...I get conflicting reports from you and other people, whether it will even be built or whether...

MR. LANGLEY: I don't know and that's the reason I make the suggestion that I make, that perhaps what should be done is Site I selected. If the Council is considering the hotel as a factor, to go ahead and select Site I and hold it for six months to determine whether or not Hyatt Regency is really going to build if that is the key factor.

MR. BILLA: Why pick any site at all? What should I do with these people?

MR. LANGLEY: Because you've then made a decision which they can rely on and act on.

MAYOR COCKRELL: Thank you. Are there any other questions? Mr. Pyndus.

MR. PYNDUS: I would like to respond, Mr. Langley, to some of your remarks with reference to my vote. The original vote was eight to one. And that one vote was mine.

MR. LANGLEY: I was aware of that, yes sir.

MR. PYNDUS: And the reasons that I voted the way I did, I stated those reasons. When the vote was taken later during the day, my vote remained the same. It's very difficult for me to follow your argument, that we are re-opening the case and we're not making progress. Mainly, if I listen to that argument I would not have re-opened it today. But I would have voted as I have previously. So, what I'm trying to do is to find some answers to facts that I need to make a judgment. I have difficulty waiting through the organizations to get to these facts as prominent, as reputable as they are, my answers have not, the answers that I received are not satisfactory to me. So, I would like to make a motion, Mayor, if the public hearing is over.

MAYOR COCKRELL: No, there is still another speaker registered. When we finish with the citizens, then I will...

August 12, 1976

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MR. ROHDE: Mr. Langley, this is not an easy job sitting in Council.

MR. LANGLEY: I'm aware of that.

MR. ROHDE: You've got to be a clear thinker today because they come fast, but the point I'm making is that this Council cannot be rubber stamped or stamped into decisions without proof and without evidence. I cannot substitute my vote which is the only thing that I have to offer for the citizens of San Antonio who elected me to this office for any emotion, for any things that can be done, I have to bring my experience of life and I find that this Council's life still is being independent. You've got to call these votes as you see them. As a realtor, I feel that with 20 years of experience that the River and Site II are like a pretzel. You can't pull them apart.

I had reservations about the need for a parking garage. I've read all the reports. I've done my homework and things of this sort. When I saw the Marina Garage running one-third full, two-thirds vacant, Mr. Zachry's garage running 60 per cent, those things get into my mind. But I said this wherever that garage has got to be, we've got to have it, it's a \$5 million worth of taxpayers money. It's your money; it's my money. We can't afford a white elephant in San Antonio and we've got to get the best site. Nobody can substitute that for me by my yes or no. I think it's healthy for this Council to stand and fight and change its mind if it's in the public good. I will defend that for this Council for any member that makes it.

MR. LANGLEY: I'm not questioning that.

MR. ROHDE: You have questioned it.

MR. LANGLEY: No, sir, what I said and I'll say it again, is that when the matter is delegated to a group such as Centro 21.....

MR. ROHDE: But we have to make the final decision.

MR. LANGLEY: May I finish please.

MR. ROHDE: Yes, sir you can.

MR. LANGLEY: When they consider it on one basis and the Council then hears evidence on another basis, then I raise the question as to the propriety.

MR. ROHDE: We saw divisiveness on Centro 21 on this issue. We saw split votes and divisiveness in the Centro 21. Even from the task force, it was four to nothing. I know the reasons, and I think you've got to take all of this and vote as you see them. It's a difficult job and I want you to know that.

MR. LANGLEY: I understand that fully.

MAYOR COCKRELL: Thank you so much, Mr. Langley. Mr. Lou Rosenberg.

MR. LOU ROSENBERG: My name is Lou Rosenberg. I'm here representing two of the developers. I will try, Mr. Rohde and Mr. Pyndus, to be responsive to some of the inquiries you have made as to the decision you are about to make. If I may, I would like to distribute a letter that's addressed to the Mayor and Mayor Pro-Tem and members of the Council. If I may just simply read it into the record and ask you to ask such questions of me as you may see fit to ask.

"Dear Mayor Cockrell and Members of the Council:

This letter will serve to formally advise each of you that I have been authorized by Ed Dennis, of Dennis and Barnes Realtors, and Joe Mangione, of the Joseph Thomas Companies, to make this appearance before the City Council today, August 12.

By means of this letter, I wish to inform each of you that Ed Dennis and Joe Mangione are pre-eminently concerned about the present and future development of the Hyatt Regency House Hotel proposed for construction in downtown San Antonio with an investment of \$35 million plus.

My clients are concerned about the involvement of the Hotel in the discussions concerning proposed municipal parking facilities, and the prospect of having the Hotel be contingent upon the City's construction of a parking facility. Accordingly, I take this opportunity to inform each of you that Mr. Dennis and Mr. Mangione (who have been dealing with the city prior to your responses of September 19, 1975 and December 4, 1975, at which time you responded to requests for public support of the hotel project) are concerned that the development of the Hyatt Hotel be made by investors and that the city's approvals concerning the many aspects of the Hotel be made independently of the various considerations concerning the selection and development of a particular parking site. My clients have previously stated their preference and are not altering that position, but simply do not want the Hotel project to become dependent on the City's site selection process, and any delays attendant to the selection process. You can appreciate that this means that the development of the Hotel may have to include heretofore unexpected costs that will result from including the cost of the necessary parking, as the city may require, as a private development cost.

In summary, the developers are prepared to continue their efforts to establish the San Antonio Hyatt Regency Hotel and want this Council to make their decision concerning any municipal site selection for parking facilities in the best interest of the citizenry of the City of San Antonio. Mr. Mangione and Mr. Dennis feel strongly that the Hyatt House project can carry its own weight financially and that it would be detrimental to the project to become involved in or to allow the project to become contingent upon local considerations involving a municipal parking garage site selection.

Mr. Dennis and Mr. Mangione appreciate the commitments made by your letters of September 19 and December 4, 1975, and are prepared to continue their efforts to provide for San Antonio a quality hotel located near our famous San Antonio River.

Thank you for your kind attention to this letter and the details that we anticipate working out with the city staff, and this Council in the future."

What we are simply saying here is that we are concerned that the hotel become the one factor in connection with your consideration today and that as a result the hotel be lost. We would like to pursue the hotel if at all possible without becoming involved in a controversy where the hotel gets lost in the process. I am here to entertain questions.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Well, my question would be, we are making the decision independent of the hotel, as Mr. Monfrey mentioned it was not taken into consideration. Do your clients intend to build the hotel in the very near future?

MR. ROSENBERG: Yes, sir.

MR. PYNDUS: And could you give me an approximate date?

MR. ROSENBERG: It is difficult for me to do that since, as you partially know already, there are four parties involved and there are some disagreements and agreements being worked out between the four. But it is their intention, assuming they can work out the difficulties at this time to proceed on this year.

MR. PYNDUS: There was a statement made earlier that there were some sharp differences within your crew regarding the building.

MR. ROSENBERG: Mr. Pyndus, I will be very blunt and direct to your question rather than simply saying there are sharp differences. Two parties have made an offer to buy out the other two. The offer has not been responded to.

MR. PYNDUS: Thank you very much.

MR. ROSENBERG: All right.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: Thank you, Madam Mayor. First of all, I think the main objectives that I was after to get a rehearing on this matter has been accomplished inasmuch as we have had the opportunity for people to be all here and present to discuss this in the open. I think, therefore, we have reversed what I thought was an unfortunate situation last Thursday. To that, I'm thankful to my colleague, Mr. Pyndus. Although we don't often vote together, I always admire his straightforwardness and candor. I would like to say, however, Mr. Rosenberg, as you know, you are an architect and planner. I'm sorry I keep getting the two Lou's mixed up. Okay, you're an attorney. But you still plan ahead, okay. Has this matter been discussed with the Planning Commission, I mean the planning people at all with regard to the viability of this location which you are now proposing?

MR. ROSENBERG: What I am really specifically saying, Mr. Hartman, is that if we have to, we'll put the parking internal.

MR. HARTMAN: Internal as a.....

MR. ROSENBERG: As a part of our developers own.....

MR. HARTMAN: As a private undertaking?

MR. ROSENBERG: That's right. That's what it comes to. Now what you're doing when you ask us to do this in effect is to forego in effect a subsidy that the hotel would have received in the sense...if we lease space in the City, as you know, we don't put up front money. Okay, that's just like if the hotel is built on the River extension, you have got a \$9 million convention center, which is a form of public subsidy. All right, so when you put a hotel project together, you are going to finance the entire development cost. If we pay for two to four stories of parking on or about the property that is under option now, we are talking about a \$1 to \$2 million cost to finance. All I am saying is that if that's what it takes to do the hotel, my clients feel that committed. They would prefer not to have to do that. But in order to let you make a decision as to Site I or Site II, they are simply saying that for this purpose today, we have stated our preference but we would like for you to make the decision independent of the hotel. We're prepared to act independent of you.

MR. HARTMAN: So in effect, we are right back at ground zero which is where the Planning people started saying that they had selected several sites of which Site I was one, that needed to be developed for a parking garage. That's where we are.

MR. ROSENBERG: You are right, sir.

MAYOR COCKRELL: All right. Is there any further discussion? Thank you very much. Mr. Rohde.

MR. ROHDE: Mayor, I did want to say that I spoke with Mr. Dennis the other day and he concurred pretty much exactly what you were going to say. I think it's a commendable action that they are still interested with all of this debate and that they are willing to take on at their responsibility any parking needs to subsidize their own hotel.

MR. ROSENBERG: You understand they prefer not to.

MR. ROHDE: I realize that but I think it's commendable and speaks well for their business sense.

MAYOR COCKRELL: All right, Mr. Hartman.

MR. HARTMAN: I'd like to add, Lou, the next time I need a good lawyer, I'll go and see Mr. Viramontes.

MAYOR COCKRELL: Okay, fine, Mr. Billa.

MR. BILLA: Mayor, I would like to move and since we've already had the public hearing, that the public hearing be closed and I move that the Council render a decision on this next week. To digest all of the information that we have received.

MAYOR COCKRELL: There is a motion. Is there a second to that motion?

MR. PYNDUS: I would like to speak against that motion.

MAYOR COCKRELL: All right. There is no second to the motion, therefore, it dies for want of a second.

MR. PYNDUS: I move that the hearing be closed, Mayor, and I would like to make a motion after you close the public hearing.

MAYOR COCKRELL: This was not a public hearing perse. It was simply a reopening of the question and you may go ahead and make the motion.

MR. PYNDUS: Thank you, Madam Mayor. There are certain facts that I am not comfortable with or lack of facts that I am not sure of and I would like before my motion to ask for assistance from City staff and these are the points that I wish to receive information and clarification on.

As you are my witnesses, I don't know if you have the answers, I certainly do not. I would like to know positively what the City Water Board needs and plans to do with their expansion of those wells downtown. Point two, I have heard several different figures on the cost of the two sites and I think it's important before we throw some tenants out that we verify what this cost will be to the City. We have had some discussion regarding the aesthetic value and the beauty of that river bend. We've had some emotional testimony. I would like to have that area, that Site II reviewed to see if that river level can be protected with a garage site only, not an apartment, not a hotel placed on that area. I'd like to get some opinion that this could be accomplished. Mrs. Negley said it might be. I'd like to see if it can be.

MAYOR COCKRELL: May I ask if Mr. Granata would like to respond to any of these questions or have staff?

MR. PYNDUS: I have one more, Mayor. There has been a remark made that there would be a traffic hazard created from Alamo Plaza and down Crockett Street, I believe. I would like to know if that garage is placed on that site, would there be a traffic hazard? In addition, the last point that I have, what area will supply parking for the Alamo Plaza area?

MAYOR COCKRELL: May I just call your attention to page 4 in answer to a couple of your questions. I think two of them are answered on page 4 of the minutes if I may invite your attention to the minutes of last meeting.

MR. PYNDUS: The last minutes of the Council meeting, all right.

MAYOR COCKRELL: Yes. If you'll notice the third paragraph on that page.

MR. PYNDUS: If you could read it, Mayor, I wouldn't mind.

MAYOR COCKRELL: "In response to Mayor Cockrell, Mr. Mel Sueltenfuss, Director of Public Works, stated that he had discussed this matter, namely the Water Board situation, with Mr. Toler and if the City Water Board needs the area, an alternate site would have to be acquired and mentioned possible sites. Mr. Toler had stated that the Water Board required the site for the development of future wells. But he made the request that should the City require that site, that additional land be made available." I did ask Mr. Granata about what other possible sites there were. As I recall, there was room possibly for one site behind the library, that there was the possibility that other city land in the area, even the possibility that the Convention Center area itself might be utilized for a well. Yes, sir.

CITY MANAGER SAM GRANATA: May I follow up on that, please? Subsequent to that, yesterday, one of my staff members called and talked to Mr. Van Dyke and he stated that if the City wants to build on Site I, the Water Board will be expected to receive sufficient money from the sale of the property they own within the site. The parking lot on the northwest corner of Market and Casino Streets to purchase a comparable site in the immediate area upon which to place future wells. Comparable site is defined by Van Dyke as, for example, the Casa Rio parking lot or the lot directly west of it across the street from the Old Main Library.

MR. ROHDE: Thank you.

MAYOR COCKRELL: Then also on page 4, Mr. W. S. Clark, Director of Land Acquisition and Right of Way, stated that the City can acquire and these are the land estimates, 52,000 square feet in Site II at about the same cost as 38,000 in Site I. That's on page 4 of the minutes in terms of land cost. Now you had some other questions there.....

MR. PYNDUS: With regard to the raising of the last remarks was the traffic hazard on the area from Alamo Plaza.

CITY MANAGER GRANATA: Mr. Fischer is here and can speak to that, yes, Madam.

MAYOR COCKRELL: Would you just review that for him?

MR. PYNDUS: Yes. Mrs. Negley mentioned the fact that if that garage is placed on Site II, that from Alamo Plaza, which is an open area, there would be a traffic or pedestrian hazard created. Well, the traffic would create the hazard.

MR. STEWART FISCHER: Mr. Pyndus, I presume that what Mrs. Negley was referring to is the conflict that you'd have with cars exiting the garage, crossing over the sidewalks with people walking back and forth between the river and Alamo Plaza. Obviously, this will happen wherever you build this facility. If you, no question that the cars are going to have to get out of the building, they're going to have to get across the street, you've got to get across the sidewalk into the street, this will happen on either of the two sites, sir. Question whether one is a greater hazard than the other, I frankly don't have an opinion on that.

DR. CISNEROS: Madam Mayor. In light of all the discussion last week and in light of the discussion this morning, it seems to me that the central fact is taking advantage of opportunities of the highest possible development for the downtown area and Site II it seems to me makes best sense to be held for a higher intensity development than a parking garage. I've been impressed that since 1967, various plans have been proposed by private developers in one instance it was an outside firm from Houston with a great track record in terms of what they have been able to do there. That a proposed Site II is the prime site of linking back to Alamo Plaza because of its riverfront location as a major place for a mall or a major hotel or any number of possible high intensity uses. It seems to me we would take serious action for precluding the possible higher use of that site by putting a parking garage on that site. So, I'd like to, if possible, conclude this whole discussion of months of Centro 21 consideration, long consideration before this City Council by making a motion that we approve Site I as the site for the parking garage.

MR. HARTMAN: Madam Mayor, I would like to second that motion with the statement that I think the prime consideration which Dr. Cisneros has pointed out as the fact that Site II was a potential higher and better use than a parking garage.

MAYOR COCKRELL: All right. We have a motion and a second. Is there any further discussion? Yes, Mr. Rohde.

MR. ROHDE: Yes, Madam Mayor. The reason that I cannot vote for this Council is that - and I want to stick to Site II - is to protect the future water supply of the downtown and the City area. Site No. 1 contains a tract of land the City Water Board has been holding for over

50 years to drill future water wells at a proven site. The main water storage tanks for all of central downtown fire emergencies is adjacent to Site I. I want to hear the Councilmen who have been fighting to protect the water supply of the aquifer in this vote. I ask the question is downtown water any different than the water over the aquifer? I strongly believe that all of our proven water supply for the people of San Antonio should be protected for the future - wherever it is located. Let's not have a double standard of protection of our pure water supply for the people of this City.

Another item that I see indifference is, is economic development of downtown. Why wipe out five successful downtown business locations in the heart of our City to replace with a parking lot and a bulldozer. We talk about preservation. Why be indifferent to our role of preservation of this Council of unique buildings that have possible culture value and architect value that are over 100 years old. Just because these buildings don't have a historical marker, should the Council put a bulldozer to them? I feel that the public good in my opinion is still on Site II, and I will support Site II.

MAYOR COCKRELL: All right. We have a motion and a second. Is there any further discussion?

MR. HARTMAN: Madam Mayor. Just to clarify matters, I would like to advise Mr. Rohde that the City of San Antonio downtown area is not over the recharge zone or the drainage area.

MR. PYNDUS: I would like to offer a substitute motion.

MAYOR COCKRELL: All right. Just a moment. In order to facilitate the intent of the motion that Dr. Cisneros has made, should that intent be decided to be carried out by the Council, would there - would there have to be a motion to repeal the resolution from last week and a second resolution adopted. But, at this moment, we have a substitute motion being offered by Mr. Pyndus.

MR. PYNDUS: I would like to offer the substitute motion that the ordinance be repealed and that a decision on the two sites be withheld for two weeks.

MAYOR COCKRELL: Is there a second to that motion?

DR. CISNEROS: If he can separate them, I will second the motion to repeal last week's action.

MAYOR COCKRELL: All right. Will you separate the motion.

DR. CISNEROS: Then we can deal with the other question separately.

MR. PYNDUS: I don't think we can separate them.

DR. CISNEROS: Then you don't get a second.

MR. HARTMAN: I will make, Madam Mayor. I think there is.....

MAYOR COCKRELL: There is a - to clarify, there is a motion that is on the floor and the - let me ask the City Attorney to clarify the situation for us of the - in view of the fact that the City Clerk advises me that we would have to first repeal the last ordinance. Would that be the first step as you would see it?

CITY ATTORNEY PARKER: As I would see it, yes, madam. You would vote to repeal the resolution that was passed last week which would then put no site having been selected. And at that point in time, then you'd have to make a selection of the site.

DR. CISNEROS: Madam Mayor, just a point of clarification here. Last week, as I remember what we did last week, the action to reconsider nullified the prior action last week. Was that because it was the same day is that what you're saying? We voted to repeal.

MAYOR COCKRELL: But following that, we voted to select another site. And so that site has held. Mr. Pyndus this morning asked for another hearing which we have had this morning. We are now having motions but in order to change that action, we'll have to repeal.....

DR. CISNEROS: Oh, I see. His earlier request was for a rehearing, not a reconsideration.

MAYOR COCKRELL: And so the action that would be necessary would be if there were to be any deviation from that decision to repeal that ordinance first as a prelude to another ordinance being passed.

DR. CISNEROS: Well, there is a motion pending, is that correct?

MAYOR COCKRELL: There is, however, with the advice of the City Attorney, I will declare that motion out of order.

DR. CISNEROS: I would like to then replace it with a motion to repeal our action of last week.

MR. HARTMAN: I will second that motion.

MR. ROHDE: Mayor, he's not on the prevailing site.

MAYOR COCKRELL: That does not apply in a motion for repeal. It does apply in a motion for reconsideration. All right, there is a motion for repeal of the ordinance that was passed last week relative to the selection of the parking structure. Has it been seconded?

MR. HARTMAN: It has been seconded.

MAYOR COCKRELL: All right. Is there discussion on that motion?

MR. ROHDE: Would you review the motion again?

MAYOR COCKRELL: The motion is simply to repeal the ordinance passed last week.

CITY MANAGER GRANATA: There was a resolution passed last week.

MAYOR COCKRELL: All right. Will you read the caption?

The Clerk read the following Resolution:

A RESOLUTION
NO. 76-37-62

REPEALING THE RESOLUTION OF AUGUST 5, 1976
WHICH APPROVED "SITE 2" FOR THE PROPOSED
CITY-OWNED PARKING GARAGE.

* * * *

MAYOR COCKRELL: All right. That has been moved and seconded. Is there any further discussion? Clerk will call the roll.

ROLL CALL VOTE: AYES: Cockrell, Pyndus, Cisneros, Black, Hartman;
NAYS: Billa, Rohde; ABSENT: Nielsen; ABSTAIN: Teniente.

CITY CLERK: The motion carried.

MAYOR COCKRELL: The motion carried for repeal. We now are open to any further motions.

MR. PYNDUS: I would like to set this item on the agenda in two weeks and I so move.

MAYOR COCKRELL: We have a motion to place the item on the agenda for final decision in two weeks, is there a second to that motion?

DR. CISNEROS: Not hearing a second, Madam Mayor, I'd like to make another motion.

MAYOR COCKRELL: All right. The motion dies for want of a second. May we have a motion?

DR. CISNEROS: I'd like to move that we accept Site I as recommended by Centro 21 and has been recommended by a number of organizations who we have entrusted both statutorily and with moral force, to advise us on matters pertaining to traffic, pertaining to tourism and convention business, pertaining to the river, pertaining to the overall ambience of our downtown and following that advise, and the trust that we've given to those private citizens who give of their time willingly and unselfishly, I would like to move that we accept Site I.

MR. HARTMAN: I will second that motion.

MAYOR COCKRELL: It has been moved and seconded. Actually, the Clerk has a caption which he will read at this time.

CITY CLERK: A resolution approving the site for a new municipal parking garage. Section 1 of the resolution reads: That New City Block 160 bounded on the west by Presa Street, on the north by Commerce Street, on the east by Casino Street and on the south by Market Street is hereby approved and designated as the site for the new publicly owned parking garage to be constructed by the City.

MAYOR COCKRELL: We have a motion and a second. Clerk will call the roll.

MR. ROHDE: No, there has been no new proof offered or evidence to change my vote.

MR. TENIENTE: Abstain.

MAYOR COCKRELL: Aye.

MR. PYNDUS: No.

MR. BILLA: No.

DR. CISNEROS: Yes.

REV. BLACK: Yes.

MR. HARTMAN: Yes.

DR. NIELSEN: Absent.

CITY CLERK: The motion failed.

MAYOR COCKRELL: The motion failed. Mr. Pyndus, what was that motion you wanted to make?

MR. PYNDUS: I move that this item be placed on the agenda in two weeks.

MR. HARTMAN: I'll second that motion.

MAYOR COCKRELL: I just heard a second. It's been moved and seconded that the item be placed on the agenda in two weeks for a final decision.

ROLL CALL VOTE: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

MAYOR COCKRELL: The motion is carried. We are recessed. The Council will reconvene at 2:30.

* * * *

76-37 The meeting recessed for lunch at 1:45 P.M. and reconvened at 3:00 P. M.

The following discussion took place:

MR. RAMON CASTILLO: Madam Mayor, what happened this morning, we did not come here to disrupt the meeting. We were only trying to find out what time on the agenda the lawsuit item was going to be discussed. We had called the City Hall for two days trying to find this out. We came here at 7:30 this morning trying to find this out. The item was posted on the Board without a time. So, we are simply trying to find out at what time this was going to be put on the agenda so that people can make plans for the day and that's all that happened. Some of you may be disappointed in us for what had happened, but we are disappointed in you for carrying on closed-door meetings and for taking the action you did this morning. You must appreciate how we feel when we read about these closed-door meetings. Madam Mayor, we want to believe you when you say there is a new day in City Hall, but it is difficult for us to believe this when we're reading about this closed-door meetings.

Mayor Cockrell, today is the day that you have to make the decision to go to court. No more delays. You don't listen to this handful so-called high powered leaders who meet behind closed doors to pressure the City Council members to harass and to humiliate you and to bring you down to their knees. A delay in going to court is just a trick that the developers and Oscar Wyatt are using so that they can have more time to pressure and to try to buy the Council.

Mayor Cockrell, you tell us that we are too rough in meetings, that we shouldn't name names, Tuesday's closed-door meeting tells you why we act the way we do. This closed-door meetings proves that we don't have a new day at City Hall. We have the same behind the door politics that we always have. Closed-door meetings between rich businessmen and elected officials is a tactic to give Oscar Wyatt, Cliff Morton, self-appointed Mayor, and Stan Studer, the backman for the Independent Team, Frank Sepulveda, the vegetable pusher, and Ralph Langley, the mouthpiece for the money in town. Mayor Cockrell, there is no excuse for not voting today. We demand that the vote be taken today in front of the people and in front of the cameras and the press. You must vote today and you must bring that scoundrel Wyatt to court. Thank you.

MAYOR COCKRELL: Thank you.

MR. BILLA: Mayor, I have a question for Mr. Castillo.

MAYOR COCKRELL: Yes, Mr. Billa.

MR. BILLA: I wanted to ask Mr. Castillo, I've missed Father Benavides, is he on vacation or what?

MR. CASTILLO: I don't know Mr. Billa. I really and truly, I'm not concerned with Father Benavides because I haven't talked with him and I don't think I need Father Benavides to be here, Mr. Billa.

MR. BILLA: Well, I just asked where he is. He's a member of your organization.

MR. CASTILLO: I want you to know that I am here today. This is my turn.

MAYOR COCKRELL: I thank you very much, Mr. Castillo. Beatrice Gallego.

MRS. BEATRICE GALLEGU: My name is Beatrice Gallego, Executive Vice President of the COPS Organization. We're very perturbed about this morning after waiting since 7:30 and then delaying and making us wait until 3:00 P.M. I think there is no excuse for that. The citizens were here with ample time. There was no time on the notice on the bulletin. This morning, when the businessmen were booing, we were disappointed when the gavel was not used at that time. But yet it was used on us. So, there is no excuse for a lot of these things. There is no excuse for delaying on the vote.

Members of the Council, the lawyers, meeting with the members of the Council, the lawyers that are representing the citizens of San Antonio making this type of decision for the citizens in closed-door meetings, these meetings are supposed to be for the public. The citizens are not putting in their input. We are not aware of this type of meetings. This is how the business operators work. There is no excuse for this delay on the voting. The only excuse is that you are giving more time to Oscar Wyatt. The citizens have already expressed themselves in a public hearing. Time and time again they have expressed their feelings on the vote of taking Oscar Wyatt to court. We want the vote today. It will delay again if they vote to agree with Oscar Wyatt. This is just as we told and said before, the more time that is given to Oscar Wyatt, the more time that is given to people that are tied together to the IOU's of Oscar Wyatt, which all would turn out to be a Watergate. You have opened doors for the public for public hearings but yet closed doors for discussions on discussion that the people are concerned about. This is a critical issue for all the citizens of San Antonio, and the citizens want to know and want to take part on decisions that are being made. So, we feel and we are demanding that this vote will be taken today. The lawyers have taken time with the Council members that met. We just don't see that. If they are representing the citizens of San Antonio, if this is what it takes to make city-wide decisions to have closed-door meetings, well, then we are having a problem with the Council, the City, what are we doing? So, we are demanding that the vote be taken today and no more delays for all the IOU's to Oscar Wyatt. Thank you.

MAYOR COCKRELL: Thank you, Mrs. Gallego. At this point, I would like to give a status report of just where we are in the whole proceeding because I think some of you may feel that we are somehow losing time in the lawsuit.

At the present time, the only instructions that the attorneys are under is to get ready for that trial. That was the last word that had been given from the City Council. They were told to get ready for that trial. Now, then, as you all know, we have been presented a settlement that was aired publicly two weeks ago. At that time it was outlined by the attorney. Since that time, a number of the members of the Council have made comments on it one way or the other. As you know, I have stated publicly that I will not vote in favor of that settlement. Further, I have said that I am prepared to go to court because I am not willing to support that settlement. I went on to say, however, which I feel is a reasonable position to take, that if a substantially better settlement were to be offered that I would give it consideration. I think that is the only thing that any responsible City official can do. At the present time in order for the settlement to be accepted, there would have to be a formal vote by the City Public Service Board for accepting this settlement. As you know, the positions are well announced publicly. It is two and two. That doesn't make a majority. It would also have to be concurring vote by the City Council to adopt a settlement. That does not appear to be imminent.

So, to reassure those of you who are concerned, all the instructions that there are at the present time are along the lines of pursuing the lawsuit. Now, the only questions, I would say, that have been raised, is that some of the persons, even some of those who do not favor the present settlement, are still reviewing as to whether or not any further efforts should be made and some suggested last night, you heard them, they were not all "rich businessmen", there were some representatives of organized labor there, who made the suggestion that there should be something in the nature of a counter offer or a City position or something of that sort. The Council has not taken any action on that suggestion. That is the only other suggestion that I know of that is pending. The, otherwise, the instructions are that this will proceed. I have stated and I again state I will not vote to approve the current settlement that has been laid before us because I feel it is inadequate. It is weighed on the side of Coastal States. It is not in my opinion in the best interest of the citizens of San Antonio, and I haven't changed my mind. Now then, in terms of where we are, I think I have summed up where we are, and I would be happy to hear from any of the other members of the Council because I know they are all interested and concerned. Dr. Cisneros.

DR. HENRY G. CISNEROS: Mayor, there is only one bit of information that was not covered in your, very otherwise adequate presentation, and that was that there may be a move on the part of the attorneys or others to try to delay the start of the trial. It would be my feeling as I articulated last evening that the only reason why we are now getting anything that even resembles a substantive change in the concessions is because they understand our resolve on August 23 to go to trial. I don't think we ought to change in way, shape or form that resolve. I think that the concern that this group has, these citizens have, is that because of the news reports they have read and because of the rumors that there will be a move to delay the start of the trial that they are articulating at least in some measure their objection to any delaying of the start of the trial. Because to do so is to give away any leverage we have.

MR. PYNDUS: Madam Mayor.

MAYOR COCKRELL: All right, Mr. Pyndus.

MR. PYNDUS: Thank you, Mayor. We are clarifying a point by point, and I think to follow up on what you said, Henry, and also you, Mayor. The fact of the matter is the date we set to go to trial on the 23rd of August may be delayed not because we are asking for a delay but the attorneys have been spending their times in negotiation. Now, they have turned their time to preparation of a suit. So if bang, on the 23rd of August, our attorneys are not in court, you must realize that the Council has not changed its position, but the attorneys are not ready at that day and moment.

MAYOR COCKRELL: I think they will be. They are in their final stages. Yes, Mr. Teniente.

MR. TENIENTE: Council and citizens, the first public hearing that we had on a Wednesday was at the Convention Center and at that time, having briefly reviewed the settlement as proposed, it was not sufficient for me at that time to feel that I should accept that settlement and from time to time I have had certain points of the settlement explained. But, my position has been that we go to court with this suit and that unless somebody from Council and I would expect this to come at some time now

or in the future even if we are in court, they bring to us some proposals that could be accepted by the Council. The majority, again, that would have a dramatic impact and that would benefit the citizens once we go to trial. The fact that we do sit down and talk to the attorneys should not be interpreted as changing the direction. I meet with people every-day on basic things and this is as complicated as people that I know that people have appeared before Council that have prepared themselves to speak to us, and it is complicated. But it does take a full time job which we are not full time job to take in and absorb all the material that is given to us. So, what I am saying again is my position is to go to court. My position is to pursue the lawsuit. I also feel that I don't want to close the door if our attorneys present something to us and then the public would also have a knowledge of what is being presented so that we can possibly consider a settlement. But at this point that which has been presented to me is not sufficient for me to accept.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: Madam Mayor, as far as my position is concerned, I think it's rather generally well-known. I have since initially reviewing the proposal in some degree of detail, I concluded that the settlement was not in the best interest of the City of San Antonio and that our best course of action would be to push this matter in court as quickly and as vigorously as possible. I continue to feel exactly the same way. I think there's a question with regard to whether or not anything has changed on the part of this Council that perhaps a statement or resolution to the effect that we are interested in pursuing this matter vigorously in the court at the earliest possible date or even name the date. Maybe that's what we need.

MAYOR COCKRELL: The date is made.

MR. HARTMAN: Then I think perhaps a Council restatement of that resolve might be appropriate.

MAYOR COCKRELL: All right, Mr. Billa.

MR. BILLA: I'm not going to take a lot of time but my position now is that we pursue the lawsuit until a better offer is forthcoming.

MAYOR COCKRELL: Let me just add a couple of comments. Having made this statement, and I think you can see the sentiment of the Council, let me just also say that having been at the hearing last night, we heard a number of very different points of view. Now, one thing that came through to me and it is of great concern is that I think it is true that there are a lot of misconceptions about what we are going to get through the pursuit of the lawsuit. I really don't want any of our citizens to be led by any public official to think that they are going to get something more than is possible. And I want to be very honest and be sure that you all understand this. By pursuing the lawsuit, I don't see any way in the world and I think the lawyers will bear this out that we are going to get a big cash settlement somewhere down the line. I'm going to ask the City Attorney. Is that a fair statement.

CITY ATTORNEY PARKER: That is an absolutely, one hundred per cent fair statement.

MAYOR COCKRELL: I would be nice if we could and let me say that if there were any way in the world that we could get such a big cash settlement and distribute it directly to the people, I'd be thrilled to death. I think it would just be wonderful. But I want to be honest with you.

August 12, 1976
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I don't think that is going to happen. But, I do think is that either by pursuing the lawsuit somewhere down the line there would be a time when a judgment would have been rendered or when there would be an intermediate set when a much better settlement would have been offered that what we will get in the end is something similar to the present settlement but substantially better and that is about what I see as being realistic. Mr. Parker, do you agree?

CITY ATTORNEY PARKER: That's correct.

MAYOR COCKRELL: We're saying this isn't good enough and we're not going to accept it, but at the same time I don't want to mislead the citizens into thinking that by just holding out we're going to get a big lump sum payment or something like that because I don't want to tell you something that's not true. So, I do want to be just very honest about that fact.

Now, then there were several questions that were raised last night that I feel it would be helpful to set straight. One of them is why don't we get a new supplier right now. That's a good question. Frankly, I think if you ask all of us up here, we would just love to have a new supplier right now. The problem is if we went out right now and got a new supplier, our contract and what we would have to pay would be at least 25 per cent higher than what we're paying now to Lo-Vaca and, of course, we think that's too high. And so while we're angry and upset about what we're having to pay Lo-Vaca if we went out and got a brand new supplier, where we would have all brand new gas right now, it would be at the new well head prices plus their costs on top of it, and so it would be higher and that's the only reason I know of why we don't just say let's forget Lo-Vaca all together and let's go out and get a brand new gas supplier.

Lo-Vaca is the pipeline system. They have the pipes. There are other people who have gas supplies and the problem is though, with Lo-Vaca we do at least get a portion of the gas at lower prices than the brand new prices and that is weighed into the new prices that are paid. So, we're getting our last figures were...

CITY ATTORNEY PARKER: One dollar eighty-six, I think it was.

MAYOR COCKRELL: A dollar and eight-six cents was the price for gas we're paying Lo-Vaca as of right now. But if we had a brand new contract with a new company the well head price is now over \$2.00 and then they would add their profits and transportation and so it would be like \$2.35. Something like that. That difference is what we are still saving even though we don't like Lo-Vaca. We're still getting it cheaper than a brand new company. So, that really is the answer to why don't we just ditch Lo-Vaca all together.

FROM THE AUDIENCE: Is there only one supplier that can furnish us the gas?

CITY ATTORNEY PARKER: No.

MR. BILLA: Many, if you're willing to pay the price.

CITY ATTORNEY PARKER: No, you only have one pipeline coming into here and that is owned by..

FROM THE AUDIENCE: What happened to United Pipeline?

MAYOR COCKRELL: All right, let me go back to United Pipeline. I will

be glad to answer a few of these questions because I really think they are interesting to the citizens. United Pipeline was the company, as you know, or United Gas, was the company that we had back before 1961, and at that time United was getting ready to raise their prices, and the City Public Service Board felt that they were getting too high priced and therefore they went out and took bids. Now, of course, looking back, I think all of us wish now that they had just renewed the United contract or taken some other company, but at the time they felt that the United prices were going up too high and they wanted to try to save the citizens some money and so that's why they advertised for bids. Now, United, I might tell you this. I was surprised to learn or interested to learn that the City of New Orleans which has their contract with United was suing United for just what we're suing Coastal for, breaking their contract prices, that was my understanding from talking to the President of the City Council in New Orleans, and so all I can say is apparently we've got company in our problem. But those are just a few of the answers.

Now, that doesn't answer all of the concerns that were brought up and let me just say this, I think that every member of this Council shares your concern. We know how you've been hurt. We really we just don't know how to tell you that any more clearly that we do. We grieve with you over the problem. The fact is though, we are very limited in what we can do about the problem. That is I guess one of the frustrations of being in public office when you can see the problems and they are not always clear cut things that you can do to change the situation. There is not a one of us that wouldn't like to change that situation. But as for where we stand now, we are still on course, the attorneys are still under the instructions to proceed with the lawsuit. This settlement is not acceptable to a majority of the City Council. It does not have a majority vote on the City Public Service Board and that's where we stand. Mr. Billa.

MR. BILLA: Mayor, I just wanted to comment. I think part of the fault lies with the Railroad Commission and nobody puts pressure on them like they put on us. They are really in a position to do something. So, if you want something done about the price of gas, you ought to get after the Railroad Commission.

MAYOR COCKRELL: Dr. Cisneros.

DR. CISNEROS: There is one additional comment that we could do and need to do, and I mentioned it to you last evening and we agreed we would talk about it again today. Yesterday, Congressman Gonzalez asked the Attorney General of the State of Texas to intervene with the City of San Antonio as a friend of the Court in the Congressman's request. His rationale was that since this is a matter that affects all of the State of Texas, since it was the Railroad Commission that initially allowed the increase in prices since it is a contract that we are in litigation over, a contract which was a valid contract and has been broken and violated, since the Attorney General was the top law officer of the State of Texas, and has authority to not only enforce but would in the final analysis have to ratify and approve whatever is arrived at either through court or through settlement, that the Attorney General be asked to intervene as a friend of the court. I would like, if possible, to get a consensus from this City Council, that we go on record in resolution form, following up on the Congressman's request and asking the top law officer of the State of Texas, the Attorney General, John Hill, to advise us and perhaps to consider joining as a friend of the court when we go to court on August 23.

MAYOR COCKRELL: Thank you. Let me just say that I have been in telephone conversation with the Attorney General, and I asked him if he would

be available to meet with me or other City officials possibly with some of the City officials from the other cities who are also customers, or should I say victims of the Lo-Vaca system and I got the impression that he would be very agreeable to such a meeting and if the Council would so approve, I certainly would be happy to contact him and see about getting in touch with him on such a meeting.

DR. CISNEROS: Mayor, in order to give you the strength in terms of a request, would you be amenable to a Council resolution affirming that.

MAYOR COCKRELL: I think that would be fine.

DR. CISNEROS: Then I would like to suggest if possible, we do that. Would the Council be amenable if we could draft a resolution to considering that today?

MAYOR COCKRELL: I don't believe it has been posted.

DR. CISNEROS: We need two hour posting, do we not?

CITY ATTORNEY PARKER: It will have to be a two hour posting at another meeting.

MAYOR COCKRELL: Well, if it's just an informal consensus of the Council, I think that I can just approach him saying that we do have a consensus of the Council. If that's agreeable? All right, is there any other comments?

MR. PYNDUS: Well, I want to commend you, Mayor Cockrell, I think your frank and candor and integrity in laying everything out in the open is most important and it's a joy that you can talk to these people and they know exactly what you face and I think they believe you. And if you don't believe your Mayor, I think you're in sad shape because she is working very hard for you.

MAYOR COCKRELL: Well, let me thank the citizens. Let me thank the citizens, Mrs. Gallego, Mr. Castillo, we appreciate your coming back, I am sorry we both had some problems this morning and the situation is, I think, that as I view your organization, you are a highly effective organization. I think you can understand that I, too, have my responsibilities and must exercise my responsibilities as well. But I am happy that you came back, and I hope that you were reassured as to the position of the City Council. Thank you.

DR. CISNEROS: I would also like to make a couple of comments along the line of Mr. Pyndus'. I have been impressed as we have watched this whole situation developed now for two or more years, that the position you have taken all along was, I think that if the public doesn't know, the public needs to be informed once again that it was Mayor Cockrell as a Councilwoman who was largely responsible for bringing this matter to a suit in the first place. There were people on the last City Council who would have been perfectly concerned to accept a completely unacceptable settlement way, way earlier, and who would have been opposed and who were opposed to even taking this thing into a suit. Her position as a Councilwoman was one of a leader, and I contend that we are in a position that we are in today, which is our full bargaining power, our full leverage, our full strength to go to court because of the position you have taken very consistently for several years now.

MAYOR COCKRELL: Thank you. We did have a couple of other citizens on this same subject, Mrs. Siller. Yes, fine, thank you. All right, then Mr. Raul Rodriguez was also on this subject.

MR. RAUL RODRIGUEZ: Mayor, Mrs. Gallego is going to give me the time to, I'll give that to Mr. Castillo.

MAYOR COCKRELL: Fine.

MR. CASTILLO: Mayor Cockrell, we would feel better, or rather more comfortable if you voted on the resolution that Mr. Hartman has suggested. We want to make this very clearly that we would feel more comfortable with this. If you vote on the resolution that Mr. Hartman suggested.

MAYOR COCKRELL: I see. No, I think there was a resolution; I didn't honestly didn't get to see it myself.

MR. HARTMAN: There was a resolution I think earlier and my point was to simply that if there is any question as to the direction, the court, the lawyers had been given, to pursue with all delivered speed, all delivered energy. To restate this and to clear away any misconception that that is not the position of this Council then I felt that that would be the thing to do to make sure that that is the established position and I leave it to the Council with regard to whether or not that would be necessary. I think that if there is any questions that need to be cleared up, then I think it needs to be cleared up.

MR. BILLA: Mayor, I think that the majority of the Council has already expressed an opinion that we pursue the suit in the absence of a better offer, and I don't know what impact or more impact the resolution has and it is publicly known this Council is willing to pursue the suit.

MR. TENIENTE: Seven of us are.

MAYOR COCKRELL: Fine, thank you.

MR. CASTILLO: Mayor Cockrell, we want it on record. That's all we do, we would like to put it on record. That's the only thing we're asking.

MAYOR COCKRELL: As I understand it, the Council is on the record insofar as each single member of the Council having expressed an opinion. And the record is that the direction was given to the attorneys and is still the same instruction to the attorneys that they keep on pursuing the lawsuit.

DR. CISNEROS: August 23 we go to court.

MAYOR COCKRELL: August 23 is the date.

MR. CASTILLO: What we mean by being on record, we would like the City Council to vote on it, Mayor, that is all we want. I mean, I don't think it could be no better way to do than to vote on it. That is what we would like to ask you to vote on it.

DR. CISNEROS: Councilman Hartman, do you have copies of the resolution, perhaps that would be the way to do it?

MR. HARTMAN: I do not have the copy here I don't believe, before me. Perhaps the City Clerk may be able to help me with this.

REVEREND BLACK: May I ask this question because I would like to know what this gentleman is seeking. If he is seeking whether or not

the Council has accepted any other position with going to sue, then I think that position has already been confirmed by this Council, that no other position has been proclaimed by the Council. If he is after knowing where the different Councilmen are, in connection with it, then I think that too has been made public and is known by most of the members of the organization. So, I don't know what we would accomplish in terms of any further resolution. I certainly would vote yes on a resolution that says the Council has accepted the position that you have defined. I would not vote yes if this was expressed as the only option that we have. Then I would vote yes. But if it is within the framework of whether we are affirming the actions of Council, then certainly I think there is a united consensus on that because all of us know where the Council is at this present time.

MAYOR COCKRELL: All right, let me ask the City Attorney. As of now, do you feel that any further resolutions are necessary by way of instructing..

CITY ATTORNEY PARKER: No, Madam, because our instructions are to go to court and to try the case. Until we receive direct instructions to the contrary by a majority of the Council, because we are acting under a resolution of authority that directed us to do that. Until we get complete direction to change that direction, we are obligated to proceed in that manner. So, until that time, there is actually no reason to pass such a resolution.

MR. TENIENTE: Mrs. Cockrell, I just checked with the City Clerk. The minutes will reflect our actions and that is record enough that we make the copies available next week so that the organization can have it. As Reverend Black pointed out, we are directing, we have directed the attorneys in one direction and I haven't heard any Councilman speak out against that firm direction we gave them. And it is a record, it will be recorded.

MR. CASTILLO: Well, you see, Mr. Teniente, if you had directed the attorneys to do so to go to court on the August 23, well, what's wrong with putting it in vote. Well, let's vote on it. We're asking you to vote on it.

MAYOR COCKRELL: Thank you Mr. Castillo. I think that the Council prefers in dealing with its attorneys, simply to give the direction in the form that we have given it. We are staying behind our present position. We're not changing our position, and so I think they feel that perhaps a further resolution is not needed.

MR. CASTILLO: Mayor, may I ask Henry Cisneros directly? Mr. Cisneros, can this be put on vote? Can you put a resolution on this?

DR. CISNEROS: I don't have any problem with the resolution. That's why I asked a moment ago if Mr. Hartman had a resolution. I would be happy to hear it.

MR. HARTMAN: The only copy that I have, and I thought at first Mrs. Thomas brought it to me, but this is the resolution pertaining to asking the Attorney General to come in as a friend of the court. I do not have, in fact, I'm not sure that there's actually been a resolution perse written on it.

MR. CASTILLO: What, Mayor Cockrell, what we're saying is that we want you to direct the attorneys to go to court on August 23 because the reason for this, this doesn't mean that you can't leave an option open that this is fine with us, no problem there. But we got to have the vote today so that they can, these people are very confused, and the only way you can really show them that you do mean business to go to court, then we'd like to get a vote on this today. That's why we're asking a resolution to put...

MAYOR COCKRELL: Let me just state this. I have stated and every member of the Council has heard me, that our direction to the attorneys is to continue all preparation to go to court to meet the trial date. It represents the consensus of this Council. Is there anyone who feels I have not stated this correctly?

DR. CISNEROS: Madam Mayor, as a matter of procedure, perhaps a motion by way of a support of the Mayor's position would be in order....

MAYOR COCKRELL: A statement.

DR. CISNEROS: A statement directing the Attorney General. So, even though we don't have a formal resolution to vote on. I would make a motion that we.....

MR. TENIENTE: Make it in English and Spanish too.

DR. CISNEROS: That we support the position that the Mayor has articulated. And I'd make a motion to that effect.

MR. HARTMAN: I would second that motion, Madam Mayor.

REV. BLACK: May I mention.....

MAYOR COCKRELL: Rev. Black.

REV. BLACK: I would certainly be willing to accept a motion to the effect that what the Mayor has said defines the Council's position. But this does not, what he's saying is something - what Councilman Cisneros is saying is something a little bit different from that.

MR. PYNDUS: Mayor, may I.....

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Ramon, I'd like to.....

REV. BLACK: I think she's defining what the Council, where the consensus of the Council is. I think that's where.

MR. PYNDUS: I'd like to state my position because I kind of feel I'm being badgered. And I don't like being crowded. You know my position and I've held consistent position. We want to keep that suit going unless we have one fine offer that pays off ten times the bankruptcy.

Now, for you to come in and demand a resolution from this Council after you have heard every one of us verbally say we're going to stick to the suit. I don't think that shows enough trust from your side. And so, I don't think a Resolution is necessary, and nor would I vote for one at this point. I think it cuts off some options, I think it reveals our hand, and I think that we stated our position and you should have trust in our position.

MR. CASTILLO: Mr. Pyndus, we have all the trust in the world in you and this Council here. We do have the trust in you, but all this closed door meetings that have been going on, we can't - we're very uneasy - we can hardly sleep at night. We cannot sleep at night just waiting and waiting to see what's going to happen. What if the Council is going to turn against us? This is what I'm saying. It's not, Mr. Pyndus, we trust you, we know your position, we know your intelligence, we know you have dignity with these people, but it's not that we don't trust you.

MR. PYNDUS: I agree with you. I think those secret sessions we've had are unnecessary, and I make the motion that we pass a resolution that we will stick to the lawsuit because this has happened.

MR. CASTILLO: Thank you.

MR. TENIENTE: You were badgered, there were no secret meetings.

MR. PYNDUS: I wasn't badgered at all, there were some secret sessions reported in the paper and that's why I.....

MAYOR COCKRELL: All right.

MR. BILLA: Mayor, I take exception to that, if I may. I want to speak to this because I very seldom have the opportunity to speak.

MAYOR COCKRELL: All right, Mr. Billa.

MR. BILLA: I would just like to say this, I mean these good folks come here and accuse certain people of having secret meetings and that. But I know of occasions where the COPS organization has invited me and numerous Council people and if there was no public announcement of that gathering then it falls under the closed meeting law to my way of thinking and you'd like to get us there and try to badger us and coerce us and force us to your way of thinking, and I've not seen any public announcement of those meetings.

MR. CASTILLO: That's not true, Mr. Billa. You're welcome to our meetings any time you want to, Mr. Billa.

MR. BILLA: I know that I can come to it but I see no public announcement of it, announcing that a public open meeting.....

MR. CASTILLO: How many times have I called you at home to attend a meeting, Mr. Billa. Lots of times I called you at home, you didn't want...

MR. BILLA: That's not the question. I want a definition from my attorney, Madam Mayor if that's an open meeting or not.

MAYOR COCKRELL: All right, let me just.....

MR. BILLA: I want an opinion from my attorney. I think that I'm entitled to an opinion from my attorney, Mayor.

MAYOR COCKRELL: May I ask. Mr. Billa, we will certainly will try to get you an answer. May I ask the attorney to clarify what constitutes an open meeting, a closed meeting under the open meeting clause.

CITY ATTORNEY PARKER: Under the provisions of Article 625217 of Vernon's Annotated Civil Statutes, the only time you have to have a meeting in posting a notice is when a quorum of the City Council is present. And that means five members. And at that point in time then you have to post a meeting if you're going to discuss City business. Now, you can have a meeting of more than five, five or more members of the City Council or quorum of the City Council if it is a social gathering or something of that nature or some type of other meeting where no City business is discussed. The prohibition is where you meet in numbers. In this particular instance, it would take where five of the City Council meets at a point without having posted a notice and discussed City business. If you meet in numbers of four without the expressed intention of circumventing the open meeting statute, it is not a violation of Article 625217. Now, if where it's possible, it's highly possible that where a citizen's group of some kind invites the entire City Council to come out to a meeting with them and they would be then discussing City business, that there should be a proper notice posted on the City bulletin board of that meeting.

MR. BILLA: Absolutely right.

CITY ATTORNEY PARKER: But a meeting of four people with anybody to discuss City business where it is not done with the expressed intent to circumvent the open meetings law, in other words, where one of those four then goes to meet with some more where they would then constitute a majority on the same issue. That is prohibited, but you would have to have evidence of that intent. Otherwise, the meeting of just four people alone to discuss something is not a violation of the open meetings law.

MR. BILLA: Thank you Mr. Parker.

MR. TENIENTE: Madam Mayor, I'd like to ask you this because it's my understanding that first of all that afternoon it was certain, meeting with certain businessmen just like to have meetings here with other people. And that you were aware, you were appraised of the fact that there would be a couple of Council, several Council people to discuss

certain aspects. Individual questions that may come about. But certainly no, no formal action would have been taken as it is now, as is evidenced now. There's no changes...being made as far as the direction of the lawsuit at this time and there's no such thing as a secret meeting. It makes it sound so divisive. Phil, this is entirely wrong. It's not a secret meeting because it wasn't intended that way. It was just a gathering with the attorneys to talk about some of the problems of the lawsuit but that's all. And I'm sure that you have I'm sure that you have had certain meetings with certain people in the staff at other times during your.....

MR. CASTILLO: Mayor Cockrell, I'd like to say one thing. If the City Council wants to meet, I'm sure they can meet right here. It's a public meeting. They can meet right here and they can close the door if they want to, but they can meet at City Hall, not at Luby's cafeteria. I would like to ask.....

MAYOR COCKRELL: Let me.....

MR. BILLA: Or at any COPS organization.

MR. CASTILLO: I would like to ask for Mr. Pyndus' motion.

MAYOR COCKRELL: Let me ask, first of all, we have a pending motion now, would you restate the motion, Mr. Pyndus.

MR. PYNDUS: I would like to restate it because the Council has vacillated in the past on several important issues. And if these people are concerned about our position, Mayor, I think our position should be clarified formally.

MAYOR COCKRELL: Do you want me to restate what I stated earlier and that was accepted to have been the Council. Was there a previous motion?

MR. PYNDUS: My motion was that we state our official position of following through on the suit so there'd be no misunderstanding.

DR. CISNEROS: I second it.

MAYOR COCKRELL: All right, yes. Number one, as I think this summarizes that what I understand to be the Council's feelings. Number one, that the present settlement is unacceptable. Number two, that we are prepared and the attorneys are instructed to proceed with the lawsuit. Yes on the appointed date, yes, they have been instructed. Number three, we again stated that if a substantially improved settlement is offered or is available, we will give it consideration. Now that does not state that we will accept it, just states that we will just give it consideration which I think sets the position.

MR. BILLA: Call the question.

MR. PYNDUS: I think it's very well done.

MR. TENIENTE: I would support that, but I still want a clarification, Mayor, because it makes it appear as the label of a secret meeting is - has been held. And that's no such thing as that. And I'd like to see...

MAYOR COCKRELL: Let me just state that I think the attorney has stated the law on secret meetings. And I would just say so far as I am personally concerned, I have met with any number of groups in and out of City Hall sometimes it's been one of the Councilmen there, sometimes two of the Councilmen there. I've gone out and met with COPS groups. I've had COPS groups in my office...on many different subjects of City interest. And certainly it did not intend nor do I think I was violating the open meetings law. Now, in this case, there were four Councilmembers who met. The attorney has stated that that does not constitute a violation of the open meetings law. And so I think that that clarification does need to be made. And so, let me just say I will so far as my personal point of view is I try to meet with various groups, citizens groups, COPS groups, businessmen groups, I just try to be open and available to the citizens. And I think that is an important point. Yes, Dr. Cisneros.

DR. CISNEROS: I think there is an important decision that is being made this afternoon, at least the newspaper article that I read this morning indicated that the purpose of that meeting was to try to come to some consensus on postponing the start of the trial. And, I think what we have done this afternoon shows that there will be no postponement beyond the August 23rd date.

MR. CASTILLO: Mayor Cockrell, will you go with the resolution, please, madam.

MR. TENIENTE: Don't always go by what is in the paper because many times things have been misquoted or misleading.

MR. CASTILLO: We believe you, Mr. Teniente.

MAYOR COCKRELL: All right, we have a motion and a second. Rev. Black.

REV. BLACK: I would like to make a statement on this. Now, if voting on this means that we will reject any legal advice regarding the extension of time for the suit, then I will vote no on this. If voting on this does not bind our hands to consider this matter once we have heard from our attorneys, then I will certainly vote this as an expression of the Council. Not necessarily mine, but as an expression of the consensus of the Council. But I certainly cannot vote for it in terms of what Councilman Cisneros has said if in the later, if in a later period, we have an opportunity to hear from our attorneys and they say that it is necessary to extend the time, I don't want to mislead. I don't want to give the impression that I am going on record saying I am not going to extend the time over against any legal advice that I might get.

MAYOR COCKRELL: Right, all I can, to clarify that, Reverend Black, is all I can say is that what our, what we are saying is these are our instructions. As of this point, this is what our position is. Now then, certainly we don't lock the attorneys out as they come to us with some further information that we don't have now, we would have to hear them.

REV. BLACK: That is all I wanted to understand.

MAYOR COCKRELL: But this is our position, these are our instructions, this is where we are. Right. All right. Those in favor of the motion please say aye.

ROLL CALL VOTE: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

MAYOR COCKRELL: The motion carried. Thank you.

MR. CASTILLO: Mayor Cockrell, members of the City Council, I want to thank you very much for your votes today, that shows that tell us one thing that you are concerned for our citizens, it's strictly for the public interest, and I want to say thank you very much again. I can hardly find the words to say any more so I just say thank you very much again. Thank you.

76-37 The meeting was recessed at 3:55 P. M. and reconvened at 4:05 P. M.

MR. J. H. LOGAN

Mr. J. H. Logan, 310 Marquette, spoke about making a contract with other gas companies, and spoke against a settlement with Lo-Vaca. He said that the City Public Service Board should have stayed with United Gas Company.

REV. S. CLIFTON BYRD

Rev. S. Clifton Byrd spoke to the Council urging them to pass an ordinance terminating the fuel adjustment charge. (A copy of his statement is filed with the papers of this meeting).

City Attorney Parker stated that from a legal standpoint, he would strongly advise against passage of such an ordinance.

Mayor Cockrell advised Rev. Byrd that there would have to be a majority of the Council in favor of putting the matter on the agenda, and since there is none it would not be placed on the agenda.

In response to Mayor Cockrell, on the question of a proposed referendum on this subject, City Attorney Parker stated that there is a Texas Supreme Court case which says that utility rates are not subject to referendum or initiative.

MR. JOE RAINEY MANION

Mr. Joe Rainey Manion stated he would like to speak to the Council in an executive session about a possible conflict of interest.

76-37 The following Ordinance was read by the Clerk and explained by Mr. John Rinehart, Operations Manager of Fiscal Planning and Control, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Nielsen.

AN ORDINANCE 47,028

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR A \$2,300.00 GRANT FOR FUNDING A PROJECT KNOWN AS "VALLEY HI CRIME PREVENTION PROJECT".

* * * *

76-37 The following Ordinances were read by the Clerk and explained by Mr. M. Winston Martin, Executive Director of the San Antonio Development Agency, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Nielsen.

AN ORDINANCE 47,029

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL 7311-R-1, LOCATED WITHIN THE KENWOOD NORTH PROJECT, TEX. R-136, TO GILBERTO SALDANA AND WIFE MANUELA B. SALDANA FOR THE SUM OF \$850.00 BEING \$0.30 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,030

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL C-C-37(A), LOCATED WITHIN THE URBAN RENEWAL ROSA VERDE PROJECT, TEX. R-78, TO GEORGE E. PITTARD FOR FOR THE SUM OF \$26,900.00 BEING \$17.80 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,031

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL C-C-37(B), LOCATED WITHIN THE URBAN RENEWAL ROSA VERDE PROJECT, TEX. R-78, TO DANIEL SAN MIGUEL, SR., FOR THE SUM OF \$27,400.00 BEING \$9.42 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,032

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL C-C-38, LOCATED WITHIN THE URBAN RENEWAL ROSA VERDE PROJECT, TEX. R-78, TO EMILIO R. CADENA FOR THE SUM OF \$30,523.00 BEING \$6.16 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,033

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL C-C-40, LOCATED WITHIN THE URBAN RENEWAL ROSA VERDE PROJECT, TEX. R-78 TO JOSE A. GARZA FOR THE SUM OF \$30,648.00 BEING \$6.68 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,034

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL C-C-41, LOCATED WITHIN THE URBAN RENEWAL ROSA VERDE PROJECT, TEX. R-78, TO PETE CORTEZ, FOR THE SUM OF \$659.75 BEING \$1.75 PER SQUARE FOOT.

* * * *

AN ORDINANCE 47,035

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF A PORTION OF DISPOSITION PARCEL L-b-24, LOCATED WITHIN THE URBAN RENEWAL VISTA VERDE PROJECT, TEX. R-109, TO DON J. PROVENZANO AND WIFE PAULINE F. PROVENZANO FOR THE SUM OF \$10,202.40 BEING \$0.70 PER SQUARE FOOT.

* * * *

76-37 The following Ordinances were read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman, Nielsen.

AN ORDINANCE 47,036

AMENDING THAT CERTAIN LEASE BETWEEN THE CITY OF SAN ANTONIO AND PAGE AIRWAYS, INC., AT INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 47,037

MANIFESTING AN AGREEMENT WITH TEXACO, INC. TO EXTEND THE PRESENT LEASE AGREEMENT AT INTERNATIONAL AIRPORT, AND PROVIDING THAT EITHER PARTY MAY CANCEL THIS AGREEMENT DURING THE LAST SIX MONTHS OF SAID TERM, UPON GIVING OF SIXTY (60) DAYS' NOTICE.

* * * *

AN ORDINANCE 47,038

MANIFESTING THE EXTENSION, FOR A TERM OF ONE YEAR OF THAT CERTAIN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CHAPARRAL AVIATION FOR THE BULK STORAGE AND DISTRIBUTION OF FUELS AT SAN ANTONIO INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 47,039

MANIFESTING AN AGREEMENT WITH EXXON COMPANY, USA, TO EXTEND THE PRESENT LEASE AGREEMENT AT INTERNATIONAL AIRPORT, AND PROVIDING THAT EITHER PARTY MAY CANCEL SAID TERM, UPON GIVING SIXTY (60) DAYS NOTICE.

* * * *

76-37 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Teniente, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Hartman, Nielsen.

AN ORDINANCE 47,040

MANIFESTING AN AGREEMENT WITH MOBIL OIL CORPORATION, TO EXTEND THE PRESENT LEASE AGREEMENT AT INTERNATIONAL AIRPORT, AND PROVIDING THAT EITHER PARTY MAY CANCEL SAID AGREEMENT DURING THE LAST SIX MONTHS OF SAID TERM UPON GIVING SIXTY (60) DAYS NOTICE.

* * * *

76-37 The following Ordinance was read by the Clerk and explained by Mr. Nolie Torbert, Assistant Director of Finance, and after consideration, on motion of Mr. Billa, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Hartman, Nielsen.

AN ORDINANCE 47,041

AUTHORIZING PAYMENT OF \$4,200.00 FROM THE GENERAL FUND BUDGETARY ACCOUNT NUMBER 01-01-01, INDEX CODE 200196, TO THE NATIONAL LEAGUE OF CITIES FOR ANNUAL MEMBERSHIP DUES FOR THE YEAR OCTOBER 1, 1976 THROUGH SEPTEMBER 30, 1977.

* * * *

76-37 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: Pyndus, Cisneros, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Billa, Hartman, Nielsen.

AN ORDINANCE 47,042

MAKING AND MANIFESTING A CONTRACT BETWEEN THE FROST NATIONAL BANK OF SAN ANTONIO AND THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE MAKING OF LOANS BY SAID BANK TO SAID CITY DURING THE PERIOD BEGINNING AUGUST 1, 1976 AND ENDING JULY 31, 1977, AND TO PAY INTEREST ON DEPOSITS TO SAID CITY FOR SAID FISCAL YEAR.

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AN ORDINANCE 47,043

AUTHORIZING PAYMENT OF \$12,430.00 TO THE TEXAS MUNICIPAL LEAGUE FOR SERVICES TO BE RENDERED DURING THE 1976-77 FISCAL YEAR.

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AN ORDINANCE 47,044

CLOSING AND ABANDONING PORTION OF AN ALLEY RUNNING FROM THIRD TO FOURTH STREETS BETWEEN BROADWAY AVENUE AND TAYLOR STREET, AND AUTHORIZING A QUITCLAIM DEED TO 301 BROADWAY BUILDING CO., INC. FOR THE CONSIDERATION OF \$5,350.00.

* * * *

76-37 The following Ordinances were read by the Clerk and explained by Mr. George Vann, Director of Building and Zoning, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Teniente, Nielsen.

AN ORDINANCE 47,045

GRANTING PERMISSION TO ERECT A FENCE EIGHT FEET IN HEIGHT AT 1911 EAST LAWNSDALE DRIVE.
(MR. LAMAR W. GARDNER)

* * * *

AN ORDINANCE 47,046

GRANTING A PETITION TO ERECT A 10' HIGH CHAIN LINK FENCE AT 263 COUNTRY LANE, KNOWN AS LOT 20, BLOCK 2, NCB 16479.
(MR. JAMES R. STEWART)

* * * *

AN ORDINANCE 47,047

PERMITTING THE ERECTION OF A FENCE ON CITY RIGHT OF WAY IN FRONT OF THE PROPERTY AT 907-909 RIVER ROAD. (MR. ARTHUR VELTMAN, JR.)

* * * *

76-37 The Clerk read the following Ordinance:

AN ORDINANCE 47,048

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR AN ALLOCATION OF \$154,300.00 TO OPERATE A THIRD YEAR OF THE SAN ANTONIO ENERGY CONSERVATION PROGRAM BEGINNING SEPTEMBER 1, 1976; DESIGNATING A FUND AND BUDGETARY ACCOUNTS AND APPROPRIATING FUNDS AND APPROVING A PERSONNEL COMPLEMENT FOR THE PROJECT.

* * * *

Mr. Stewart Fischer, Director of Traffic and Transportation, explained the ordinance which authorizes the Energy Conservation Program for a third year. The funding for this program is 90 percent federal, and 10 percent state. There are no city funds involved.

Mr. Pyndus questioned the effectiveness of this program.

Mr. Fischer stated that it is difficult to show the effectiveness of this program. They have tried new approaches and have just completed a 17 minute slide and tape program for a high school audience, trying to change the younger audience's attitude. Mr. Fischer stated that this program is a good one and recommended its approval.

Mr. Pyndus asked that the ordinance be pulled to give the Council more time to review the effectiveness of the program.

Mr. Hartman moved to approve the ordinance with an understanding of broadening the whole matter of energy conservation. Rev. Black seconded the motion. On roll call, the motion, carrying with it the passage of the Ordinance, was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Teniente, Cockrell; NAYS: Pyndus, Rohde; ABSENT: Nielsen.

Mr. Hartman asked that a "B" session be set up to discuss the program of energy conservation in the broader sense.

76-37 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Rohde presided.

76-37 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Teniente, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Billa, Cisneros, Nielsen, Cockrell.

AN ORDINANCE 47,049

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION COVERING A CERTAIN STREET SAFETY PROJECT AT THE INTERSECTION OF GOLIAD ROAD AND PECAN VALLEY ROAD, AUTHORIZING PAYMENT OF THE CITY'S SHARE OF \$3,090.00 TO THE STATE TREASURER AND ESTABLISHING A FUND AND ACCOUNTS FOR THE PROJECT.

* * * *

76-37 The following Ordinances were read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Billa, Nielsen, Cockrell.

AN ORDINANCE 47,050

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION COVERING A CERTAIN STREET SAFETY PROJECT AT THE INTERSECTION OF CASTROVILLE HIGHWAY (OLD U.S. 90 WEST) AND ACME ROAD, AUTHORIZING PAYMENT OF THE CITY'S SHARE OF \$2,200.00 TO THE STATE TREASURER AND ESTABLISHING A FUND AND ACCOUNTS FOR THE PROJECT.

* * * *

AN ORDINANCE 47,051

MANIFESTING AN AGREEMENT WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR EXTENSION OF A CONTRACT FOR THE LONG RANGE PUBLIC TRANSPORTATION STUDY.

* * * *

AN ORDINANCE 47,052

AUTHORIZING A TRANSFER OF \$50,000.00 FROM 1970 STREET IMPROVEMENT BOND FUNDS TO THE PERRIN-BEITEL ROAD IMPROVEMENTS FROM I. H. 410 NORTH TO ROLAND DRIVE PROJECT AND APPROPRIATING SAID SUM FOR THE ACQUISITION OF DRAINAGE EASEMENTS NEEDED IN SAID IMPROVEMENT PROJECT.

* * * *

76-37 The Clerk read the following Ordinance:

AN ORDINANCE 47,053

APPOINTING DR. COURAND N. ROTHE DIRECTOR OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE UNEXPIRED TERM OF DR. W. R. ROSS WHO HAS RESIGNED.

* * * *

City Manager Granata stated that he has appointed Dr. C. N. Rothe as the City's Director of Public Health and this ordinance is necessary in order for Dr. Rothe to also be appointed the Director of the San Antonio Metropolitan Health District as per an agreement with the County in 1966. The Director of the Metropolitan Health District is jointly appointed by the City and the County. The County is to take action on this appointment following Council's approval today. The State Health Department will also accept the appointment upon receipt of a copy of this ordinance and a copy of the commissioners' action. City Manager Granata then introduced Dr. Rothe to the Council.

Dr. Rothe spoke to the Council about the Swine Flu program which is to begin in October and end in December.

Mayor Pro-Tem Rohde asked Dr. Rothe to investigate all food establishments to see if they are meeting the City's standards.

After consideration, Mr. Teniente made a motion to approve the Ordinance. Mr. Billa seconded the motion. On roll call, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Nielsen, Cockrell.

Mayor Cockrell returned to the meeting and presided.

Mr. Teniente asked Dr. Rothe to prepare a report on innovative health programs involving the community.

Dr. Cisneros asked Dr. Rothe to prepare a goals report.

Mayor Cockrell asked that the San Antonio Metropolitan Health District Board forward the City Council their goals also.

76-37 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: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

AN ORDINANCE 47,054

AUTHORIZING PAYMENT OF \$15,449.23 TO THE SAN ANTONIO RIVER AUTHORITY AS CONSTRUCTION AND ADMINISTRATIVE OVERHEAD COSTS FOR UNIT 5-3 ON THE APACHE CREEK PROJECT.

* * * *

AN ORDINANCE 47,055

ACCEPTING THE BID OF HOUSTON BRIDGE AND ENGINEERING CO., INC. IN THE AMOUNT OF \$2,546,801.53 FOR CONSTRUCTION OF THE WAGNER DRAINAGE PROJECT 68-C; AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONSTRUCTION CONTRACT COVERING SAID WORK; APPROPRIATING FUNDS AND AUTHORIZING PAYMENT FOR CONTRACTUAL SERVICES TO BE RENDERED; PROVIDING FOR A CONTINGENCY ACCOUNT AND PROVIDING FOR PAYMENT OF ADDITIONAL ENGINEERING FEES.

* * * *

76-37 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: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Teniente, Nielsen.

AN ORDINANCE 47,056

AUTHORIZING EXECUTION OF FOUR FIELD ALTERATIONS IN CONNECTION WITH VARIOUS CITY CONSTRUCTION CONTRACTS.

* * * *

AN ORDINANCE 47,057

ACCEPTING THE LOW BID OF \$18,305.00 FROM G.P. FALBO, INC. TO CONSTRUCT LAKESIDE SUBDIVISION, UNITS 5 & 6 OFF-SITE SANITARY SEWER MAIN; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT COVERING SAID WORK; APPROPRIATING THE

SUM OF \$19,305.00 IN FUND 52-003, PROJECT NO. 003106; AND AUTHORIZING PAYMENT AS SET OUT HEREIN.

* * * *

AN ORDINANCE 47,058

AUTHORIZING THE CITY MANAGER TO ENTER INTO A STANDARD PROFESSIONAL SERVICES CONTRACT WITH HARRY JEWETT ASSOCIATES TO PROVIDE ENGINEERING SERVICES AND PREPARE PLANS AND SPECIFICATIONS FOR CAMINO REAL SUBDIVISION OFF-SITE SANITARY SEWER MAIN; APPROPRIATING THE AMOUNT OF \$6,190.00 AND AUTHORIZING PAYMENT AS PROVIDED HEREIN.

* * * *

76-37 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Teniente, Nielsen.

AN ORDINANCE 47,059

ACCEPTING THE LOW QUALIFIED BIDS OF AMFAC ELECTRIC, GRAYBAR ELECTRIC CO., INC., SUMMERS ELECTRIC, AND WHITE PLAINS ELECTRICAL SUPPLY CO., INC. TO FURNISH THE CITY WITH ELECTRICAL MATERIAL FOR PALO ALTO TERRACE PARK FOR \$5,401.01.

* * * *

AN ORDINANCE 47,060

ACCEPTING THE LOW QUALIFIED BID OF SIGNAL ENGINEERING COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TRANSISTORIZED PRINTOUT TRAFFIC COUNTERS FOR A NET TOTAL OF \$7,950.00.

* * * *

76-37 The meeting recessed at 5:25 P. M. and reconvened at 5:45 P. M. with Mayor Pro-Tem Rohde presiding.

76-37 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Billa, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Nielsen, Cockrell.

AN ORDINANCE 47,061

APPOINTING A CHARTER REVISION COMMITTEE CONSISTING OF NINE (9) MEMBERS.

* * * *

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

SECTION 1. There is hereby established a Charter Revision Committee, consisting of nine (9) members, for the purpose of studying the present Charter of the City of San Antonio and recommending to the City Council, any changes and/or additions thereto.

The Committee shall elect a Chairman, Vice Chairman and Secretary from its membership.

SECTION 2. The following nine (9) persons are hereby appointed as members of the Charter Revision Committee to serve for an indefinite period:

1. George De La Garza
2. Gilbert J. Murillo
3. Mrs. Margaret Lecznar
4. Larry Travis
5. James Saunders
6. Paul Silber
7. E. J. Burke, Jr.
8. Rev. Edmundo Rodriguez
9. M. D. Wright

* * * *

76-37 The Clerk read the following letter:

August 6, 1976

Honorable Mayor and Members of the City Council
City of San Antonio, Texas

Madam and Gentlemen:

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

August 3, 1976

Petition submitted by Mr. & Mrs. Salvador Martinez, 222 Ostrom St., San Antonio, Texas 78212, requesting authorization to retain the existing fence on their property at 222 Ostrom Street.

/s/ G. V. JACKSON, Jr.
City Clerk

* * * *

There being no further business to come before the Council, the meeting was adjourned at 5:50 P. M.

A P P R O V E D

Lela Cockrell
M A Y O R

ATTEST:

G. V. Jackson, Jr.
C i t y C l e r k

August 12, 1976
el

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