

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 29, 1974.

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The meeting was called to order at 8:30 A. M., by Acting Mayor Councilman Dr. Jose San Martin, in the temporary absence of the Mayor, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, O'CONNELL, PADILLA, MENDOZA; Absent: NONE.

74-43 The invocation was given by The Reverend Charles Kemble, Universal City Baptist Church.

74-43 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

74-43 The minutes of the meetings of August 19 and 22, 1974, were approved.

74-43 MEXICAN-AMERICAN UNITY COUNCIL
NEIGHBORHOOD HOUSING SERVICES PROJECT

Mr. Juan Patlan, Executive Director of the Mexican-American Unity Council, aided by Mr. Mike Garcia, gave the Council a brief status report on the Neighborhood Housing Services Project which is sponsored by his organization. This is a pilot program involving ten City blocks on the City's west side to rehabilitate houses and for the improvement of public facilities such as sidewalks, curbs, etc. He outlined the project's organization and described the cooperation being given by the residents of the area, the City and local financial institutions. He asked that the Council continue its endorsement of the project.

Mr. Cipriano Guerra, Director of Community Development and Planning, said that the project is patterned after a similar project in Pittsburgh which was very successful. The City staff has great hopes that the pilot project will succeed and will eventually be expanded Citywide.

Mrs. Cockrell urged that areas in the River Corridor be examined as potential sites for this project.

The Council agreed that the project is good and also expressed best wishes for success.

74-43 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-43-50

ENDORING U. S. 281 NORTH EXPRESSWAY
AS PROPOSED BY THE TEXAS HIGHWAY
DEPARTMENT.

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

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In answer to a question concerning the North Expressway, Mr. Stewart Fischer, Director of Traffic and Transportation, stated that the only threads of litigation remaining which concerns the matter is the question of payment of attorneys' fees for those opposing the expressway. There are to be no other appeals on the matter.

74-43 The following Resolution was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mrs. Cockrell, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

A RESOLUTION
NO. 74-43-51

REAFFIRMING ITS POSITION THAT
THE PRESENT LOCATION OF THE
INTERNATIONAL AIRPORT IS THE SITE
FOR DEVELOPMENT AS THE AIR CARRIER
AIRPORT UNDER THE AIRPORT MASTER
PLAN.

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74-43 LITIGATION AGAINST LO-VACA GATHERING CORPORATION

The following discussion took place:

DR. SAN MARTIN: Mr. Mayor, may I impose on the Council for a few minutes. I want to request that the City Manager give us a report on the two items that I submitted to him for consideration on last Tuesday. One of them was on the status of Mr. Wilbur Matthews as co-counsel with Mr. Reeder and the financial arrangements that may have been made and in a short report exactly what Mr. Matthews has been doing along with Mr. Reeder in the lawsuit.

CITY MANAGER GRANATA: Yes, sir. Mayor and Council, we were asked by Councilman San Martin, "please give us a report on any proposal which you may have made with the firm of Wilbur Matthews to join our City Attorney, Mr. Crawford Reeder, in the lawsuit against Coastal States."

This is the answer to me from Mr. Reeder, "I am not aware of any proposal which has been made by the City Council or you with reference to this subject. I have made no such proposal. As the matter now stands, it seems that Mr. Matthews and his firm are co-counsel for me in the subject lawsuit, but that there is pronounced sentiment on the Public Service Board for removing Mr. Matthews and his firm from participation in the matter. I am working with and am in contact with Mr. Matthew's firm more or less constantly on this matter but, so far, I have merely scratched the surface. Their

knowledge of the matter - particularly the facts - is immensely greater than mine since they have been handling it since its inception. Members of the Matthews firm have expressed to me their concern that their status be clarified, but have expressed a willingness to aid me in any way they can pending such clarification. I strongly feel that this firm should be kept in the case as well as in the matters before the Railroad Commission, but that determination is initially up to the Public Service Board. I know of no reason, however, that if the Board chose to discharge the firm the City Council could not retain the firm. That, of course, is a matter for the Council's determination."

This morning I received - I asked Mr. Reeder to call the firm of Mr. Matthews to see what proposal they would make to us if we should retain them and their estimated proposal is some \$300,000 to \$400,000 to last about three years, over a three year period is what the proposal would be.

DR. SAN MARTIN: Mr. Mayor, I'd like to bring this to the attention of the Council because I think that this needs to be clarified. I believe that when Mr. Crawford Reeder requested additional legal help be assigned to him, he specifically mentioned the firm of Wilbur Matthews because of their expertise in this particular area. I believe, if I recall correctly, that every member of this Council seemed to be or at least I thought the consensus was that we were in agreement that he should assist Mr. Crawford Reeder. At least I don't remember any dissention or any opposite views, and I'm sure that since no motion was taken, there was no way to find out. Now, I feel that, regardless of the status of Mr. Matthews and CPS, whether he stays with them or whether he's not their legal counsel any more, I think that this Council should go on record as expressing its desires on whether to retain Mr. Matthews with Mr. Crawford Reeder.

Now, I feel very strongly about this for two reasons, first of all, I feel that there's no other legal firm in San Antonio that has the expertise in this particular area as Mr. Wilbur Matthews has. Secondly, I feel very strongly that the citizens of San Antonio expect this Council to proceed and pursue this legal action to the very best of its ability with all its strength at its command in order to make it a successful lawsuit and for that reason, Mr. Mayor, I thought that we should clarify the status. Now, anytime that the City Council employs a consultant or any type of additional help whether it's legal, engineering, or any type of consultant, I think we should have a proposal in writing rather than just say, "go to work for us and somewhere down the line, you send us a bill." That is the reason why I requested that this be clarified.

MAYOR BECKER: I think that in order to deal with this matter properly, Councilman Morton expressed a desire to be present at the discussion of this. Now, he had to leave the Council Chamber this morning and go to the Change of Command at Randolph Field. General McBride is changing over the command to General McKee. So, if you would, I think he'd appreciate it if we could wait until his return and that possibly will be somewhere in the neighborhood of 12:00, at least, I hope. Would that be satisfactory?

DR. SAN MARTIN: It would be perfectly all right with me, Mr. Mayor, if it's all right with the other members of the Council.

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MRS. LILA COCKRELL: Mr. Mayor, may I ask to get one thing clarified though while we're having - well, in the interim. I will say that my understanding perhaps is just a little bit different of where we are now and perhaps this can be clarified between now and noon. It was my understanding at the CPS Board meeting which I attended when the matter was under discussion as to whether to proceed with the filing of the lawsuit, that the decision was made at that time to go ahead with filing the lawsuit. It was agreed that the City Attorney would be the lead attorney in acting to file the lawsuit, but it was my understanding from that meeting that the CPS was perfectly willing and agreeable to having the City Attorney call upon the resources of the Wilbur Matthews firm as consultants or aides or any way that it was necessary, recognizing the long background of work which this firm has had on the case. I assume that to mean that they were, while they were not authorizing the firm to go in the lead role, they were authorizing and, in fact, would pay for the participation on the consulting basis. Following that, the City Council again backed up the fact that its attorney would be the lead attorney in this matter and authorized him to utilize whatever consultants he desired including the Wilbur Matthews firm for aid and assistance. Obviously, since they are the ones who have been working on it all this time, the City Attorney has asked for that aid. So, as of now, I had assumed that there was not need at this time for a contract, but I think perhaps it should be clarified as to CPS's understanding of their responsibility toward their legal counsel in the matter of their serving as consultants to the City Attorney, and if they do not understand it the way that I understood it and have stated it, then certainly, I see the need for further clarification, particularly as to in whose benefit or to what account they are acting. So, rather than discuss it, I just want to ask if between now and noon, if there could be a further report back from perhaps the Chairman of the CPS Board as to his understanding of that particular questions.

MR. ALVIN G. PADILLA, JR.: Mr. Mayor, along with that, and I'm not anxious to discuss the matter of what attorneys are to be used and so forth at this time, I think the Council has pretty well agreed to take it up later in the day, but Mrs. Cockrell has raised an interesting point, and I would like perhaps some background work done between now and the time we meet so that perhaps this question in my mind can be cleared up. The matter of whether we use the Wilbur Matthews firm or not has not been decided, that's one, but in the event that we should decide to use them, there's a question in my mind as to the propriety of using them as consultants. I'm anxious to know how they are paid by Public Service and what arrangement they have with Public Service. I cannot see on the one hand a particular arrangement with Public Service and on the other hand because the City Attorney is to be the lead attorney, in the event that their services and talents are used, their information is used, that we sign another contract with them. I'm anxious to know whether this particular point would be proper, whether it would amount to double compensation because of the particular intricacies of this case and the way it's being handled. I don't want to see the Matthews firm retained by Public Service on the one hand and paid by the City of San Antonio as a consulting attorney on the other for doing the very thing that they're retained to do in the first place.

CITY MANAGER GRANATA: Mayor and Council, it's my understanding that if the - first let me say that I recall the status exactly as Mrs. Cockrell stated if I may add one thing, I believe they were instructed to take the name of Wilbur Matthews off of the pleadings. Is that correct? Maybe you can explain. That was the one thing

and then they'd stay in the case now. If the CPS discharges the firm, then I don't think CPS, in my opinion, would be paying them any fee then it would be up to us to make a proposal.

MR. PADILLA: This has not been done, Sam.

CITY MANAGER GRANATA: I know, this has not been done to date, that's correct. So, until.....

MR. PADILLA: And if we're going to decide this at noon, you know, unless the attorney, the firm is dispensed with between now and lunch time.....

CITY MANAGER GRANATA: But, assuming that they are discharged by CPS today or the next Board meeting, then we have been informed that it will cost us \$300,000 to \$400,000 to retain them for the next three years.

CITY ATTORNEY CRAWFORD REEDER: I probably know a little bit about it. That's spread out over a three year period - not to retain them. That's about what you're going to have to pay them for three years....

CITY MANAGER GRANATA: You just got this information.

CITY ATTORNEY REEDER: That's right, I just now got it. Well, that's all I have to say, you don't have to pay \$300,000.

CITY MANAGER GRANATA: No, it's spread out over a three year period.

CITY ATTORNEY REEDER: That's just a ball park figure.

MR. PADILLA: In total costs, that's not a retainer.

CITY MANAGER GRANATA: That's provided they are discharged. If they're not discharged, then I don't think we have to pay anything.

CITY ATTORNEY REEDER: If they're not discharged, you don't pay anything.

REV. CLAUDE BLACK: I think in addition to this, Mr. Mayor, there are additional questions that naturally must be answered. Let us say that we do not retain that firm that we would invite another firm. It seems to me that the question of who's going to pay the fee related to an issue that is both related to the City Public Service Board and the City is a very significant issue that has to be resolved, whether or not the City Public Service Board would have an obligation to pay the fee even if that firm is not employed. When we move into these areas involving, of course, the management and where we have two bodies, two different bodies, it creates a complex issue on it, and I think we will have to resolve who is going to pay the fee no matter who's doing it.

DR. SAN MARTIN: Well, Rev. Black, this is precisely the reason that I asked Mr. Granata to bring it up for today's discussion. Mr. Mayor, I think at this time, since we have already agreed to wait until Councilman Morton returns, I think we're just going to be going through the same things that we'll be going through when he comes back. So, perhaps Mr. Baskin will be kind enough to wait until Mr. Morton returns and then I'd also like to clarify in between some of the points that took place while you were on vacation for two weeks, and we did give at least a show of consensus.....

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MR. PADILLA: I should have made it four weeks.

DR. SAN MARTIN: Well, you should have made it four weeks.

MR. PADILLA: I ran out of money.

DR. SAN MARTIN: Well, okay, I would like at this time, Mr. Mayor, to postpone this item until Mr. Morton returns.

CITY MANAGER GRANATA: May I ask one question, Mayor, what was I instructed to do by noon?

DR. SAN MARTIN: Or whenever he shows up.

MRS. COCKRELL: No, I wanted you to clarify this matter of whether or not the CPS understood the situation as I did, and I'll just say maybe I was the only one who misunderstood, if there is a misunderstanding - I thought that they authorized the use of the firm in a consulting basis, whereby their general retainer would also cover and their assumption of the fees would also cover any work done in liaison with the City Attorney. That point I think needs to be clarified and if it's not understood by both parties, why we need to have it understood.

CITY MANAGER GRANATA: Would you clarify that before noon please or maybe you're in a position to do it. As I understand it, I think maybe....

CITY ATTORNEY REEDER: I don't mean to make a good impression on you all but after a year and a half, I don't guess I could salvage much anyhow. I didn't hear what you said, Mrs. Cockrell, I was talking to.....

MRS. COCKRELL: All right. What I said was that although CPS authorized the filing of the lawsuit utilizing you as City Attorney as the lawyer of record or whatever the correct title is.

CITY ATTORNEY REEDER: That's right.

MRS. COCKRELL: It was my understanding that they agreed to your being able to call upon the professional services of the Matthews firm, and this I took to mean that they were also responsible for the payment of the necessary fees in connection therewith.

CITY ATTORNEY REEDER: Well, that's what I understood. That was my understanding and that's my understanding of any conversation with.....

MRS. COCKRELL, Well, now that's what I want to have verified that they also understood it that way.

CITY MANAGER GRANATA: Let's verify that they do and they're still paying Wilbur Matthews.....

DR. SAN MARTIN: No, Mrs. Cockrell, Mr. Mayor, if I may, I have an entirely different opinion.

MRS. COCKRELL: Well, that's what we need to get clarified.

DR. SAN MARTIN: That's right. When CPS agreed to the filing of the lawsuit, it was with the understanding that Crawford Reeder would file the suit and that the firm of Wilbur Matthews would not be involved. So, I don't see how we can call on them when CPS - you don't do this kind of work, you don't get paid for it.

CITY MANAGER GRANATA: We do need to clarify it because my position was after Crawford appeared before the Council once again to clear it up, you asked could you.....

MAYOR BECKER: What is your understanding, Jim?

MR. JIM BASKIN: My understanding, Mr. Mayor and ladies and gentlemen, we are - our firm is counsel for the City Public Service Board, we were we are. At the meeting of July 22, two Councilmen voted to file the counter-claim, two Councilmen voted against it, four named the case that we're talking about.

DR. SAN MARTIN: Trustees, trustees.

MAYOR BECKER: Trustees of the City Public Service Board.

DR. SAN MARTIN: Not Councilmen, not Councilmen.

MR. BASKIN: Excuse me, Trustees, I stand corrected. Two Trustees voted to do so and two voted not to do so on an already prepared pleading. The names of the attorneys on the pleading as of that time were Crawford Reeder, City Attorney, my name - I would have been lead counsel, Ferd Meyer, Jr., a partner in our law firm, and John Wood, who has been - who has worked virtually nothing except Public Service matters since he's been in our firm. It was agreed to postpone any discussion as to whether we would be the lead counsel in the case until a later date. We remain the counsel for the Public Service Board. We simply retyped the last page removing the three names of Al Mitchum, my own and two others that Crawford filed the lawsuit. If the Board and the attorneys, both Bill Matthews and I assured the Board that we would do everything that we possibly could do on behalf of the City and its users of gas and electricity to bring off this lawsuit. We are - not we shall - but we are working with Mr. Reeder. We will bill our services to our clients, the City Public Service Board. We are authorized to do so. That's my understanding.

MAYOR BECKER: That two-two vote was occasioned by the absence of the fifth member of the Public Service Board who was out of the country.

MR. BASKIN: That's correct.

MRS. COCKRELL: But then there was a - when the vote was retaken on the issue of the filing of the lawsuit and when the second vote was on the issue as I recall it, you made the motion of filing the lawsuit with only the name of the City Attorney as the attorney.

MAYOR BECKER: There was a point of order, Lila, about the two-two vote and there was a difference of opinion as to what position a certain member of the Board occupied on a two-two vote and so forth. So, we resolved it by compromising in that fashion.

MRS. COCKRELL: But at any rate, this does answer the question that I had in mind. So, I guess.....

MR. BASKIN: It's simply that the Board has postponed until some future time the determination as to whether we will be lead counsel in the case or not.

MAYOR BECKER: Right.

DR. SAN MARTIN: So, the only item that needs to be clarified then, of course, is that if anytime your law firm should not represent City

Public Service Board, then at that point, the City Council will have the City of San Antonio through its City Council will have to arrive at an agreement or arrangement to assist Mr. Crawford Reeder. Is that correct, Mr. Baskin?

MR. BASKIN: I would assume that.

DR. SAN MARTIN: And, if that is the wishes of the Council that it would be a completely separate and.....

MR. BASKIN: Let me state, I am unaware of a firm meeting at which a "proposal" has been made to the Council. I dare say perhaps somebody made an estimate.....

MR. PADILLA: The point is made, Mr. Baskin, that that was a telephone call.....

CITY MANAGER GRANATA: This morning.

MR. BASKIN: That's what I'm saying, somebody probably made an estimate rather than an offer and I would assure this Council that our law firm would not make any commitment along those lines without talking to Bill Matthews, and he's out of the country at the time.

CITY ATTORNEY REEDER: Let me clear this up. His firm didn't submit any offers. The City Manager asked me to find out how much they would cost if we had to have them if the Board fired him, and that's what they gave me a ball park figure.

MAYOR BECKER: Well, you're generally billed by the hour, are you not? Or tenths of hours, whatever the case may be, in most legal matters?

MR. BASKIN: That's a very frequent way of doing it, yes, Mr. Mayor.

MAYOR BECKER: That's one method. If you put 100 hours in on something, at X dollars per hour that's generally one method of determining the fee, isn't that correct?

MR. BASKIN: Yes, sir.

DR. SAN MARTIN: I think a lawsuit would be somewhat different from that type of billing, wouldn't it be, Jim?

MR. BASKIN: No, that could easily be an agreement between client and attorney for handling litigation. We do that all the time also.

MAYOR BECKER: It's a negotiated contract, as it were, isn't it generally - depending on the type of service.

MR. BASKIN: Professional persons do not negotiate contracts, Mayor, we're certainly open to - we don't want to displease clients, of course, but we're not in the marketplace.

MAYOR BECKER: Well, okay. We won't discuss that.

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MR. PADILLA: Maybe you ought to be. It'd make it better for everybody.

MAYOR BECKER: Thank you very much.

MR. BASKIN: Are you going to take this up again about noon? I'd like to be here if you are. If not, I'm going to work.

MAYOR BECKER: We're waiting for Mr. Morton to come back from the change of command ceremony at Randolph. He indicated that he should, hopefully, be back somewhere in the vicinity of noon. He was going to try to make it as close to noon as possible. Now, that's all. Now, what we can do, Jim, if it would please you, is when Mr. Morton does return then we can notify you. It's not too far a distance from here and you can come back, if you like at your convenience. Okay?

MR. BASKIN: That will be fine, yes, sir.

MAYOR BECKER: That will relieve you from having to wait.

MR. BASKIN: I just thought possibly the clarification might have removed the necessity for further discussion, that's all I was inquiring into.

MAYOR BECKER: We'll put it on that basis, that if you want to return, fine.

MR. BASKIN: Give me a call, if you're going to take it up, please.

MAYOR BECKER: Right. Mighty good. Thank you.

DR. SAN MARTIN: Maybe after Mr. Morton hears what we discussed here, he may be satisfied.

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(At this point the discussion on this subject ended pending arrival of Mr. Morton. Later in the day the conversation resumed as follows:)

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DR. SAN MARTIN: Mr. Mayor, I just want to bring up the point that I brought up this morning that was deferred until Mr. Morton was here. I'd like to say that some of the points were clarified while you were not here but I think for your benefit they should be repeated. It won't take too long. My reason for asking for this clarification is that I felt that it was not fair to Mr. Crawford Reeder, as our City Attorney, to be asked to be the lead attorney for a suit unless he knew exactly under what conditions he was going to work. As you recall, two weeks ago he appeared before this Council and specifically asked for additional help, i.e. Mr. Wilbur Matthews because of his background. Now, what I wanted clarified was exactly what was the situation at this point whether Mr. Matthews was actively helping Mr. Crawford Reeder, who was paying Mr. Matthews at that time? In other words, where are we and where are we going? Now, that's where we were this morning.

MRS. COCKRELL: Will you comment on what we brought out during the....

DR. SAN MARTIN: Yes, I think maybe you want to....

MAYOR BECKER: Where is Mr. Reeder? Or whoever can make that explanation.

MRS. COCKRELL: Let me just give my understanding of what was said this morning. I think it was said this morning we sort of reviewed the different events that had transpired and it was my understanding that it was agreed that at the present time, Mr. Reeder has been authorized by the Council to use whatever consultants he felt desirable. He was utilizing the Matthews firm but since the Matthews firm is still the attorney for the CPS, it was clarified that time for their services would be billed to CPS and that was agreed as being understood by everyone.

DR. SAN MARTIN: There is only one problem that I think should be clarified very much. Mr. Mayor, perhaps you, as a member of the CPS, can illustrate this. That CPS has specifically asked that Mr. Reeder handle the case. Is that correct? That Mr. Matthews do not involve himself as representing CPS.

MAYOR BECKER: Only on an advisory and consulting basis.

DR. SAN MARTIN: Okay, if I remember correctly at the meeting where it was decided that the lawsuit was filed, that was not explained, Mr. Mayor.

MAYOR BECKER: Well, I don't have that much of a recollection. That was the intent, however. I think that was evident by the fact that we instructed Mr. Reeder to call upon Mr. Matthews of the Matthews firm at any time he so desired.

DR. SAN MARTIN: Yes, it was made plain here at the Council level but I don't believe I recall that it was ever made plain at the CPS Board level.

MAYOR BECKER: Well, I think the understanding was implicit inasmuch as that's been the way it's been operating up to this point to the best of my knowledge.

DR. SAN MARTIN: All right. Now the point is, I feel very strongly that Mr. Reeder has been given a very serious responsibility to pursue this case in the very best way he knows how. I know he knows he has the confidence of this Council in his ability to do the job that he's expected to do but I think that citizens of San Antonio need to know that this is not just a showcase effort on the part of the Council that we're just not

filing a lawsuit to appease the angry citizens or to shut their mouths because this is the feeling that I've been getting, Mr. Morton, and I can assure you that it has been expressed to me on many occasions and to other members of the Council. I think that we need to reemphasize the fact that we're in court to win, not just to make a show of it and I think Mr. Reeder would be handicapped if he did not have the entire support of this Council and all the help that he has to know, he has to know exactly where he is and where he's going. I don't want to speak for him but if he has any disagreements with my work, I'm sure that he's perfectly capable of saying so.

MAYOR BECKER: Well, I'd like to say this, Doctor, that I don't think it's the intent of any Council member to place this suit in any light where it's considered as a showcase effort, you know. We're not trying to stage something here. This is for real. I don't think that Mr. Reeder I can't really speak for him accurately, but in my opinion at least he has not been seriously hampered up to this point to say the least by the arrangement that we've been operating under. Now, there's one further point that I don't think this Council has ever really properly addressed itself to.

In this whole matter of this Coastal States, Lo-Vaca, Oscar Wyatt thing we've had almost intense interest in filing a suit against those three entities. They're the only ones that have ever been discussed to the best of my knowledge. I haven't heard of anybody else mentioned. Now, in that connection, I'd like to use this analogy if I may, that we have a two-part situation here. On the right side, we have Coastal-Lo-Vaca-Oscar Wyatt, et al and they're being cited. On the other side of the ledger, we have Alamo Gas Company, various people that were connected with that, those that were involved in the transaction directly or indirectly and so forth and this group has never been mentioned as part of being also a party of this situation. Now, I don't understand really how in all fairness the City of San Antonio can view this thing as being one-sided to that extent. It looks like if we're going to really pursue the matter and do a 100 percent thorough job on it, we'll include everybody.

DR. SAN MARTIN: I couldn't agree with you more, Mayor, except that at this particular time I think we need to put our lawsuit against Coastal States in its proper perspective. It has to be completely independent of the item on the last side of the page that you have mentioned. I think eventually we will refer or address ourselves to the other side of the page.

MAYOR BECKER: I'm not saying that the two should be co-mingled, so to speak, in the suit. I'm saying that there should be two separate suits filed, one of which has already been filed. The second one should also be filed as separately and independent one of the other and I don't think it should be something that should be done eventually. I think it should be something that should be dealt with concurrently, simultaneously, whatever word you care to use because really the problem is related in many ways part and parcel one or the other and I don't see how they can be looked upon in a timeframe as one being more important or urgent or imperative than the other. To me, I think they should be moved on in unison and they move forward in unison.

MRS. COCKRELL: Mr. Mayor, I'm afraid I do not agree with everything you have said. First of all, in the matter of the Alamo Gas Contract, I am waiting myself to get the full results of the special committee of inquiry and I'm maintaining an open mind on that subject until the committee has completed its work. I do think that we should recognize the fact that the City of Corpus Christi, the City of Austin, the Lower

Colorado River Authority all are in exactly the same situation that the City of San Antonio is in primarily because of one problem, and that is that Lo-Vaca has oversold its gas reserves. Now then, in all of these other cities, there was no Alamo Gas contract and yet they are in exactly the same situation that we are and so to somehow say it's the fault of the Alamo Gas contract, you know, I just don't think it's really addressing. I think that the true fact is that regardless of the Alamo Gas contract, the culprit is the one who oversold the gas reserves and that was Coastal States and Lo-Vaca Gathering Company - Gas Company. I feel that if the Committee of Inquiry results when it was made public completed shows that there was any wrongdoing that should be addressed in terms of liability then certainly at that time, I will be willing to commit, to join in the suit against those parties but as of now I don't feel that I have all the data and I'm awaiting the results of the committee of inquiry.

MAYOR BECKER: Well, Lila, let's follow up the logic that you just used. You say that you're keeping an open mind but then on the other hand you say that Lo-Vaca oversold the gas reserves.

MRS. COCKRELL: Yes, sir, I am taking the statement of Mr. Oscar Wyatt he made himself at the San Antonio hearing of one year ago and it is on the tape of the meeting as saying, yes, he did oversell.

MAYOR BECKER: There are extenuating circumstances, however, that are involved in this situation that could possibly show that the original dedicated gas reserves that were purported to be in fact one trillion two hundred million cubic feet were never there at all. So I don't know that you can accurately say that one condition exists without viewing the other condition. That's the reason that I say they should both be dealt with in a simultaneous fashion because to prejudge one and not make a judgement of the other is really getting out of sync as far as I'm concerned.

DR. SAN MARTIN: Mayor, may I answer what Mrs. Cockrell has just said. I think we need to wait not only until the Commission of Inquiry turns in the final report, I think we need to know what the grand jury report is going to be. It may be that the grand jury has had information which has not been made available to our Commission. Even if it is, I think, that at that point then we need to address ourselves to that problem. The only thing that concerns me is that Mr. Crawford Reeder is going to have to answer, make some response to the - for instance, the change of venue request by Mr. Oscar Wyatt. I think that as soon as he knows where he stands as far as his supporting counsel, the better off you would be to do what we ask him to do. If for any reason and I'd like to make this statement here today because I have made it before that if for any reason whatsoever, and I'm not questioning the motive of the Trustees of CPS, if for any reason they decide to dispense with the services of Mr. Wilbur Matthews, then I intend to ask this Council to consider hiring Mr. Matthews by the City Council to support Mr. Crawford Reeder.

MAYOR BECKER: All right. Let me just make this one further statement. I think the Council has done its duty half-way, half-way. In my own opinion, we'd be derelict, we'd be remiss in our complete duty or complete responsibility if we address ourselves to just half of this problem. I think the citizens of this community are entitled to be represented in this matter with respect to the other half of the problem - it being specifically this Alamo Gas situation. I think they've been waiting for 13 years now, some 13 years rather patiently to have an answer on this subject. I know that I for one would also like to know something about it and would like to have an answer on it.

MRS. COCKRELL: When could the committee be reporting, Dr. San Martin.

DR. SAN MARTIN: As far as I can tell, and we were delayed a little bit because we were asked additionally to make some comments, some investigation into Mr. Wilbur Matthews himself and we expect to terminate this within the next couple of weeks. I think that we're not ready, Mr. Mayor, to address ourselves to the left side of your page. But yet, Mr. Crawford Reeder may be making decisions today or tomorrow that hinge on the type of support that he needs to have. That is the reason why I brought this up.

MAYOR BECKER: In my own view, this is only mine, I don't think that Mr. Reeder has been hamstrung or hampered by the present arrangement and in that connection, even though it seems to be more or less in a state of suspension at the moment, I think it's not imperative or so imminent that we need to make this type of a decision today.

DR. SAN MARTIN: No, I'm not asking - it may not even be necessary to make this type of a decision but I certainly feel that when we send Mr. Crawford Reeder to do the kind of job we ask him to do I don't think we ought to give him a BB gun if the opposition is coming back with heavy artillery.

MAYOR BECKER: I don't....

DR. SAN MARTIN: I know you don't but I think he needs to know.

MAYOR BECKER: About.....

DR. SAN MARTIN: About what?

MAYOR BECKER: About nuclear. Nuclear.

DR. SAN MARTIN: Nuclear. All right. Well, let's get.....

REV. BLACK: Mr. Mayor, could I just.... It seems to me that ever since we have been discussing this whole problem that Alamo has been one of the issues that has come forth in the discussion and there seems to be.....

MAYOR BECKER: May I suggest that you clarify that Alamo Gas System? You're liable to have the Daughters of the Republic of Texas on you.

REV. BLACK: Alamo Gas has been a part of the discussion. Its creation, its relationship to the way in which we have gotten into this matter. It seems to me that the Council has this obligation, it does have the obligation that wherever there are facets of questions or wherever there are questions regarding the manner in which the City found itself in that position in spite of the fact that other cities may not be raising the same kind of questions. It might be that they have to raise their own questions regarding how they got into the situation that they are facing. But it seems to me that when we have discussed this matter that it introduces to our discussion the issue of Alamo and in that light it seems that we do have an obligation to at least clear up questions. If the question can be best cleared up by filing a suit that direction, it seems to me that we have that obligation. I see the Council not only as having the responsibility to recover whatever damages that they have suffered as a result of any abuse but I see also that a great number of citizens want to know how in the world did we get into this state, the question of how we got into this, how we got ourselves into this kind of situation needs to be answered. It's extremely difficult to continue what I might call a running debate between those persons who advocate one position and

others advocate another position and you can best stop that kind of debate by having them resolved in the place where they can best be resolved and I think that is in the courts. Now, I'm not an attorney. I don't know what kind of timing you would put on it but I would certainly think, as I never addressed the issue of timing regarding the other suit, but I certainly think that there's a relationship since these two issues have been raised as primary issues to the increase in our rates and I for one would certainly, would ask the Council and would look forward to the Council really giving a great deal of consideration to a decision in this matter.

MR. MORTON: Mr. Mayor, with the permission of the Council, I would like to ask Mr. Reeder if we're sitting here talking abstractly if you were bound, tied and gaged, could you tell us how you've been handicapped so far?

CITY ATTORNEY REEDER: I'll have to state and I appreciate your remarks Dr. San Martin, your expression of confidence, I hope I can merit it. I haven't been handicapped up to this part. When I filed the lawsuit that Wilbur Matthews had drawn up the other side as you know Mr. Morton and Mr. Lacy knows had the Monday next after the expiration of 20 days to file an answer. So that came out to roughly over three weeks. I spent that three weeks going over all of the pleadings and as much of the background material as I could to get it in my mind and try to get the issues in my mind and also hit the law books some. There was not a lot that the Matthews firm could do to help me there. I had to help myself. In the early stages you have to help yourself. You can't rely on somebody else to tell you what to do. We're getting to the point now, partly because two of the defendants of the case have filed what is called plea of privileges, which is simple pleas to have the suit moved from this county to the county of their residence and those pleas require answering within 10 days after our receipt of them. I'm getting into a little difficulty and I'm needing some help from them and I'm getting the help. I went to them this week right after I got the pleas of privilege served on me and we agreed to split them up. They took one of them and I took the other one. I'm carrying the ball on one and they're carrying the ball in the other. I'm carrying it against old Oscar and they're carrying it against one of the corporate entities that they know more about than I do. That's going to take me the rest of this week and into the next week to finish and that's one preliminary step. I'm still not handicapped. I can handle that. But starting not long after I file our answer to those pleas to have that suit moved, it's going to start getting sticky because I'm to the point now that I've educated myself almost as far as I can educate myself and now, I'm going to have to start getting into their files and I'm going to have to ask them questions about their files and they're going to have to tell me because they have files that literally stretch from me to the Mayor in physical length about this suit. I can't read them by myself. I could in time but I'm not going to be able to do it any sooner than two or three months and a lot of reading on my part could be saved if they were in the suit and if as questions arise in my mind, I could ask them and they could give me the answers. In other words, while it hasn't been necessary for me to work with them or anybody else up until now, starting pretty soon, it's going to be necessary and they've got a two-year lead time over anybody else.

MR. MORTON: We're aware of that and I think it's very valuable information and experience that we in no way want to handicap the use of. When you say very soon, what are we talking about?

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CITY ATTORNEY REEDER: Well, I anticipate that after I file our controverting pleas to their pleas of privilege that the court is going to set hearings on those pleas of privilege within a couple of months. All right, now that means two months. When you try a plea of privilege, as you perhaps know Mr. Morton, you almost have to try your case. You have to make out a prima facie case. So we're going to be hitting it hot and heavy starting with the time the court sets those pleas for hearings and that is when it starts getting sticky, starting right away, next week. We're going to have to start getting with this lawsuit and getting ready to put on our prima facie case and it's going to take every day of the next two months. That's what I'm getting concerned about. That's the immediate thing. I might add that the purpose in, well, I don't want to say that either. I won't add anything. I will say with respect to going after Alamo and the group that was involved in the original contract back in 1961 that I can certainly concur with what you say, Mr. Mayor. I think all avenues ought to be explored but I will tell you further that if you all were to tell me right now to file suit against the Alamo group and the Public Service Board members who were members of the Board at that time, I wouldn't know what to sue them for because I don't know what we've got.

MR. MORTON: How would you go about determining what took place before you might find out whether you either had a civil or a criminal offense or both.

CITY ATTORNEY REEDER: Perhaps to some extent from Dr. San Martin's committee report on this investigation, that's one source. The grand jury report that we're looking forward to that may be next month or may be next week.

MR. MORTON: What would you say will be the outside date on the grand jury?

CITY ATTORNEY REEDER: Well, I hate to invade the D. A.'s province, Mr. Morton. He said 90 days or rather he asked for another 90 days. As I recall the District Judge - District Judge Dial gave him 90 days subject to its not becoming a political football or something like that. I read it in the paper. That's all I know. We used the expression ball park figure, I would guess they'd come up with a report in six weeks or so. That would be my guess, I don't know. I might tell you another thing that in the course of the preparation of this suit against Coastal, Lo-Vaca, and Oscar Wyatt, we're going to take a lot of depositions. We're going to have to take depositions and undoubtedly, a lot of the interrogatories and a lot of the documents and one thing and another that we're going to be asked to - be furnished are going to go to the genesis of this controversy. Now, we're going to learn out of this suit a lot about that Alamo controversy, you see, without there being another lawsuit and it might very well be, I don't say there will, but that might very well be a lot of facts that we'll find out about this that we don't know now.

MR. MORTON: In other words, we're talking about three areas, the grand jury, the committee and this lawsuit to find out what if any civil or criminal responsibility might rest with the principles of Alamo and others?

CITY ATTORNEY REEDER: That's right. I can't believe that after getting the report of Dr. San Martin, the committee of which Dr. San Martin was a member and of the grand jury, including transcripts from the court reporter, I guess that was a court reporter that you all.....

DR. SAN MARTIN: Yes, we had a court reporter, and all the witnesses were under oath.

CITY ATTORNEY REEDER: All right, sir. Now, of course, we can't get the grand jury testimony because that's secret but we can get a report. I can't believe that with those two things plus what we call discovery that we're going to have to go through in this lawsuit that I'm speaking of now against Coastal, Lo-Vaca and Wyatt, that we're not going to know a great deal more in say, six months about Alamo than we know now. I hate to kick around terms like six months loosely but it's going to take us longer than that to get this suit prepared - to try on the merits of the ultimate trial of it. It's going to take longer than six months, but we've got to get ready on that venue thing within a couple of months.

MR. MORTON: Well, in addressing myself to Mrs. Cockrell's position. I find the possibility of perhaps having two people to look to for recovery either in damages or which would be legal or in equity, I find that both positive and negative that having two people to look to for recovery can be very positive. I disagree slightly with her in this respect. It was Alamo that introduced us to Coastal States and because we have confused Coastal States as being our supplier when we had the writing of the contract. They were one of the bidders. Now one question I'd like to ask on this would it have been possible to have drafted a contract between Alamo and the City Public Service Board to where if there was an assignment of that contract or if this corporation merged with another corporation that at that time that contract would have become null and void.

CITY ATTORNEY REEDER: It may have been possible to have put such a provision in the contract. As I recall, the contract from having gone over those documents over here in the last month, we did in fact put a provision in the Alamo contract to the effect that they would come up with the financing and the pipelines for the thing and if...and then when they came to the public, I say we did, the Public Service Board did when Coastal did come in and in effect help Alamo out by helping them get financing and giving them gas reserves or making them available to them with the joint venture - the Public Service people at the instance of the Matthews firm insisted that provisions be put in the Alamo-Coastal contract for the use and benefit of the City of San Antonio that Coastal would be fully liable on all of Alamo's obligations. Now, that's one of the things we're relying on.

MR. MORTON: Okay, is it possible for Alamo to discharge their obligations to the City Public Service or to the City of San Antonio completely even though there possibly could have been false representations on the reserves and as a result of the merger, the people that introduced us to Coastal are free and clear.

CITY ATTORNEY REEDER: I didn't understand the first part of your question.

MR. MORTON: Okay, what I'm saying - is it possible for X to enter into a contract with the City Public Service. X takes this contract, merges their entire corporation, X's corporation into Y and yet the principles and the corporation X no longer have any responsibility when there's a subsequent violation.

CITY ATTORNEY REEDER: No, the only - you can't just sign away, it's elementary contract law that you can't just sign away your liability.

MR. MORTON: Your liabilities.

CITY ATTORNEY REEDER: That's right and they, in fact, didn't I mean the.....

MR. MORTON: They just merged the whole project.....

CITY ATTORNEY REEDER: They merged the whole thing and Coastal said, in effect, we will stand in Alamo's shoes. That's what the contract said.

MR. MORTON: Can they do that without getting a release of Alamo's obligations from the City Public Service?

CITY ATTORNEY REEDER: From the Public Service Board, I don't think they can and I think they did get a release. I could be in error. Those questions were going through my mind too but I believe that they got a release. However, I may be mistaken. I think that what happened was that after Coastal undertook to perform all of Alamo's obligations and pledged in writing for the use and benefit of the City of San Antonio and the City Public Service Board expressing naming the Public Service Board and the City as third party beneficiaries of the contract, then Coastal bought all of Alamo stock is what happened, and that's what became of Alamo and then later dissolved the corporation. Then took the contract that had originally been with Alamo and assigned it to Lo-Vaca. That's the chain of events. And with our permission, or with the permission of the Public Service Board.

MR. MORTON: You're sure of this.

CITY ATTORNEY REEDER: I am reasonably sure.

DR. SAN MARTIN: Mr. Morton, the Commission of Inquiry is almost ready to finish that aspect. I'm not at liberty to tell you exactly what was done but it is looking at that particular aspect.....

MAYOR BECKER: There are certain aspects and elements in this whole thing though that need to be brought to the attention of the public because throughout the history of this thing, one will just examine the various records of the United Gas Corporation versus and all this business that's going on. There are contradictions. There are conflicting statements. There are inconsistencies and many other things that are rather apparent to almost anyone that takes the time to read it. Now, it would seem to me that in light of all this, it would be well and worth our time as the City Council representing the people of the City of San Antonio to at least go to the trouble of trying to ascertain exactly what was the situation, you see, because I have always wondered personally why the hue and cry has always been directed at Coastal-Lo-Vaca and Wyatt and never once directed at the other segment of this equation. And X plus Y equals Z, you know. We've had an equation here but no one has dealt with it in a forthright fashion. It's been in a state of limbo now, in a state of flux, in a state of suspension off in an eddy of quiescence for an awful long time and I believe, in my own mind at least, that it is one of the things that has caused the dilemma of some of the citizens and many of the citizens in this corporate San Antonio that we represent with respect to their utility bills today.

CITY ATTORNEY REEDER: I think that's probably correct. I would make this observation about that, that after Coastal entered the picture, Alamo introduced us to Coastal as Mr. Morton said. After Coastal entered the picture, they furnished us fully with all of our gas requirements for about almost ten years without any sweat at all. There was no controversy, no difficulty. And then all of a sudden and because as Mrs. Cockrell has pointed out and I think it's true, I mean I think what Oscar Wyatt said is true, he sold his reserves to TUFECO, et al, and at the time, I don't want to argue the lawsuit now, I think it would probably not be dignified for me to do it although I'm not the most dignified person in the world

but it would also be more stupid than I really am, I'm saving my ammunition for the court. But I think that Oscar Wyatt sold gas out from under us and he said he did, okay. Now I'm not calling him a bad guy for doing that. I'm just saying that's it. It wasn't Alamo that did that and it wasn't the then members of the Public Service Board from back in 1961. So I think I stated to the House Energy Commission when I was having to talk before them some weeks ago, at the same time you were there, I stated something like this, that if there was wrongdoing in the formulation of that Alamo contract and I make no comment about it one way or the other because I frankly don't know, it wasn't the proximate cause of our ultimate difficulties. In other words, the people who were operating at that time probably couldn't have foreseen that these 1971-72 developments 10 years later. I can't see how they could have. But in any event, I think that it was those 71-72 deals of Coastal and of Wyatt that put us in our difficulty. There's a good deal of evidence to that effect, I mean volumes of evidence before the Railroad Commission. Now one other observation that I make and I'm not carrying a grief for Wilbur Matthews or the Matthews law firm, in fact, I'd just as soon quit talking about them. I would like to have them for the suit but then I'll take whoever the Council gives me. It's not going to help our case either in the Railroad Commission or in the courthouse to be fighting - I've said things along this line before - with the 1961 Public Service Board people or the Alamo people. In other words, I don't think that the other side would like anything better than to see us get into a local fight here about who's fault all this was. Now, I don't mean we should whitewash it but I mean that we should keep our eyes peeled and I know you're doing it and it may be developments will come about that will give us a basis for legal proceedings arising out of those 1961 deals against those people. I don't say that they will, it's possible. But I just caution you as a lawyer not to be waving the flat too hard at anybody except the people who are our known identified enemies. We have known identified enemies and we have some others that may be enemies and we don't know whether they are or not. That's the best I can say.

DR. SAN MARTIN: This is precisely what I'm saying, Mayor, that we'll get to that other thing somewhere down the line. I'm not saying I want to ignore it, I'm just saying that we're not ready for this other aspect of whatever we intend to do. I think that the fact that, as Mrs. Cockrell pointed out, that they sold our reserves and in doing that, Mr. Wyatt came to San Antonio and tried to break our contract that is precisely the basis for Mr. Reeder's fight, isn't it, Mr. Reeder?

MRS. COCKRELL: Let me clarify my statement just to this extent. I believe, I'm not sure if I stated it correctly. I believe what Mr. Wyatt said in response to a question, was he admitted that they had oversold their deliverability. I think that was the correct word and I just wanted to be sure (inaudible).

MAYOR BECKER: Well, I'd like to only state this point. That I think we're engaging in assumptions as to the perhaps damaging aspects if that be the case of engaging in more than one suit at a time. Now, you know, I don't pretend to be an attorney, that's not my role in life but....

CITY ATTORNEY REEDER: I don't know whether it's mine or not either.

MAYOR BECKER: But can we accurately and with preciseness engage in assumptions such as that it would be damaging, it would be in the worst interest, let's say, to the City of San Antonio to be contemplating this other action. Now, does that necessarily prejudice the case that the City of San Antonio has against Coastal, Lo-Vaca, and Mr. Wyatt?

CITY ATTORNEY REEDER: It depends on how we play it.

MAYOR BECKER: Exactly. Now, so you know, that's all I'm trying to say is it would seem to me to be out of order to make a point-blank statement that in order to engage in this other action would of necessity and in by itself prejudice the suit that we have on the burner right now. I would just say it depends on how we play it.

CITY ATTORNEY REEDER: That's right.

MAYOR BECKER: And I think that's the crux of the situation.

CITY ATTORNEY REEDER: That's right. I assume I'm going to keep on working with these boys over here with the Matthews firm until I'm told different.

MAYOR BECKER: Yes, sir, yes, sir. Okay. Is there any further discussion on this point - on this subject? Nothing?

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74-43

DRAINAGE PROBLEMS

Dr. San Martin asked the City Manager for a report on his request to itemize the most urgent drainage problems in the City.

City Manager Granata stated that he had received a memorandum from Dr. San Martin requesting a list of what was considered to be the top ten drainage problems in the City, the cost of those projects and how much could be financed at this time without a tax rate increase.

City Manager Granata read his prepared report (a copy is included with the papers of this meeting) in which he listed 15 projects estimated to cost a total of \$41,123,500. Only six projects had been updated to include inflationary effects so he pointed out that the total could increase to \$45 or \$46 million. He said that this amount could be financed through a bond issue without an increase in tax rate. Mr. Granata emphasized that these are his recommendations offered for Council approval for inclusion in a November bond election. If bond committees are to be appointed to study needs for the City than he would recommend delaying the election until a full package could be put together.

Mr. Padilla asked if these 15 projects were completed, what would be the overall improvement to the City.

City Manager Granata said that there would still remain some drainage programs. The recommended projects are designed for 25 year storms and a 100 year storm would cause flooding. He estimated that it would require \$200 million to take care of all of the problems.

Dr. San Martin asked if it would be reasonable to set a goal of three years for completion of the 15 projects considering R.O.W. acquisition and engineering to be done.

City Manager Granata estimated three to four years for completion.

Mrs. Hector Aleman, representing C.O.P.S., reminded the Council of their commitment to complete the Mayberry Project at once. She expressed concern that the Council is now considering a bond election.

Mayor Becker assured Mrs. Aleman the Council's commitment still stands. He also explained that the Council is attempting to find a way to finance other needed drainage at the same time.

In concluding the discussion it was agreed that a resolution on this subject would be prepared for Council's consideration at its next meeting.

74-43

PUBLIC HEARING

The Clerk read the following Ordinance:

AN ORDINANCE 44,251

APPROVING AND ADOPTING MAJOR AMENDMENT
NO. 1 MODIFYING THE URBAN RENEWAL PLAN
FOR KENWOOD NORTH PROJECT, TEX. R-136

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nsr

AND DIRECTING THAT SAID AMENDMENT BE
FILED AS PART OF THE URBAN RENEWAL
PLAN FOR KENWOOD NORTH PROJECT, TEX.
R-136.

* * * *

The Ordinance was explained by Mr. Winston Martin, Executive Director of the Urban Renewal Agency. He said that a bank on San Pedro Avenue had purchased two lots on the east side of San Pedro for the installation of drive in windows. The use of those lots was of concern because traffic exiting would go into the Kenwood residential area. The Resident Committee in the Kenwood area suggested that the bank acquire two additional lots in order for traffic to have room to exit directly onto San Pedro Avenue. This arrangement was completed and the purpose of this amendment to the plan is to accommodate that change.

No one spoke in opposition.

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

74-43

MARKET BUILDING

Dr. San Martin said that he was concerned that the Board of Directors of San Antonio Development Agency had failed to endorse the Market project and asked Mr. Winston Martin to explain.

Mr. Martin stated that one of the board members, an architect, did not agree with the exterior design of the new building. He agreed that the building was fine functionally, but only objected to the aesthetics. Since positive action of the Board is not a legal requirement, the Board decided to take no action at all. He assured the Council that this would not delay construction and that it will go to bid as scheduled.

74-43

Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Mendoza presided.

74-43

CITIZENS TO BE HEARD

WEST END MULTI-SERVICE CENTER

Mr. Prince Morgan, William Wallace, and Rev. Boone addressed the Council concerning the new West End Multi-Service Center. They agreed that it is a fine, big, beautiful building but said that it is not serving as it was designed to serve. They complained that the building is open only eight hours a day and certainly should be open 16 hours each day. Residents in the area should have a voice in the use of it and its activities.

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Mr. William Donahue, Director of Special Services, explained that he has had meetings with the people in the area and has endeavored to meet their needs. It is a new facility and is not fully manned yet. He admitted there may have been some mistakes, but these are being corrected.

City Manager Granata assured the delegation and the Council that Mr. Donahue and his staff would continue to work with the people and to get the center running smoothly.

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MRS. LACY

Mayor Pro-Tem Mendoza recognized the mother of Councilman Glenn Lacy who was visting and welcomed her to the meeting.

- - -
MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez, 719 Delgado, showed an enlarged picture of Governor Smith signing the permanent voter registration act. Included in the picture was Martin Sada who Mr. Rodriguez stated was instrumental in promoting permanent voter registration. He offered to give the City the picture if it would be displayed in a prominent place in the Council Chamber.

Mayor Pro-Tem Mendoza stated the offer would be taken under consideration.

- - -
MR. CHARLES MIDDLETON

Mr. Charles Middleton, representing San Antonio Welfare Rights Organization, asked the Council for an answer to the Utilities Bill of Rights he had proposed to the Council last week.

City Manager Granata said that the City's utilities have been asked to comment on it and he hoped to have a report by the meeting of September 12, 1974.

- - -
MRS. RENA McCALLEB

Mrs. Rena McCalleb stated that she had previously asked the Council to give the San Antonio Welfare Rights Organization free space in the West End Multi Service Center, but to date had heard nothing.

City Manager Granata stated that Mr. William Donahue is reviewing the operation of the center now and will include her organization in his report.

Rev. Black suggested to Mrs. McCalleb that she prepare a written proposal relating the services that her organization renders so that Mr. Donahue will have it in his review.

MR. DON JONES

Mr. Don Jones, 930 Britton, said that he had heard Mayor Becker state on television that his company's employee pension fund had owned shares of Coastal States stock. He said he considered this to be a conflict of interest and asked that the Council investigate the matter.

Mayor Pro-Tem Mendoza said that the request would be taken under advisement.

CITY PUBLIC SERVICE BOARD

Mrs. Cockrell said that she had received many complaints that it is extremely difficult to get a telephone call through to the City Public Service Board. She suggested that the Board may need additional trunk lines.

CITY PUBLIC SERVICE PAY INCREASE

Mrs. Cockrell made reference to a publicized pay increase granted to City Public Service employees this week. She said that all City agencies should have a unified approach to pay scales and this sensitive area needs coordination.

City Manager Granata stated that he would provide the Council with an analysis next week.

74-43 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-43-52

ACCEPTING A DONATION FROM TEMPLE
BETH EL OF PLAYGROUND EQUIPMENT
FOR INSTALLATION IN A CITY PARK.

* * * *

Mr. Richard Goldsmith, representing the Centennial Committee of Temple Beth El, stated that the congregation of Temple Beth El had donated more than \$10,000 toward the purchase of playground equipment. They wished to donate the equipment to the Park Department to be installed wherever the Department wishes with the hope that it will be enjoyed by children of all ages. Their only request was that a simple plaque be placed wherever the equipment is installed stating where the equipment came from.

Mayor Pro-Tem Mendoza expressed the appreciation of the Council and the citizens of San Antonio for this very nice gift.

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

74-43 The meeting recessed for lunch at 12:00 Noon and reconvened at 1:50 P. M., with Mayor Becker presiding.

74-43 ZONING HEARINGS

C. CASE 5689 - to rezone Lots 1 through 15, Block L, NCB 14664, 8700 Block of Oxford Road and 8700 Block of Kitchener Road, from Temporary "R-1" Single Family Residential District to "P-1(R-3)" Planned Unit Development Multiple Family Residential District.

Subject properties are bounded by Kitchener Road on the north, Lincoln Road on the east, Oxford Road on the south and Rochelle Road on the west; having 2,184' on Kitchener Rd., 1,400' on Lincoln Road, 2052' on Oxford Road and 1570' on Rochelle Road.

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

No one spoke in opposition.

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

AN ORDINANCE 44,252

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 1 THROUGH 15,
BLOCK L, NCB 14664, 8700 BLOCK OF OXFORD
ROAD AND 8700 BLOCK OF KITCHENER ROAD,
FROM TEMPORARY "R-1" SINGLE FAMILY RESI-
DENTIAL DISTRICT TO "P-1(R-3)" PLANNED
UNIT DEVELOPMENT MULTIPLE FAMILY RESI-
DENTIAL DISTRICT, PROVIDED THAT PROPER
PLATTING IS ACCOMPLISHED.

* * * *

D. CASE 5662 - to rezone Lots 19 and 20, Block 1, NCB 3720, 3200 Block of Clark Avenue, from "B" Two Family Residential District to "B-2" Business District, located on the east side of Clark Avenue, being 85' north of the intersection of Clark Avenue and Glover Street; having 60' on Clark Avenue and a depth of 100'.

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

Mr. J. A. Uzzell, owner of the property being considered, said that he owns the adjoining property extending all the way to Glover Street. The other property is already zoned for business and he intends to build a commercial building for various kinds of small business. He asked that the Council consider his request favorably.

Mr. Joe Street, representing owners of property in the area, said that there had been a number of attempts to rezone this property but each time the request has been denied. He said that no one would oppose office zoning but they do oppose "B" zoning because of night-time activities.

Mr. Joe Compean spoke in opposition saying that he was opposed to any kind of zoning which permitted the sale of alcoholic beverages. He asked that the application be denied.

Mrs. Helen Dutmer, 739 McKinley, also spoke in opposition to the request.

Speaking in rebuttal, Mr. Uzzell said that the property would be well maintained and would be a credit to the neighborhood.

After consideration, Mr. O'Connell moved that the recommendation of the Planning Commission be upheld but that the property be zoned "B-1" Business District rather than "B-2" Business District which was requested, provided that proper replatting is accomplished and that a six foot solid screen fence is erected on the east property line. Mr. Padilla seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 44,253

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 19 AND 20, BLOCK 1, NCB 3720, 3200 BLOCK OF CLARK AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE EAST PROPERTY LINE.

* * * *

A. CASE 5666 - to rezone Lot 89, NCB 11888, 102 and 110 West Sunset Road, from "O-1" Office District to "B-2" Business District, located southwest of the intersection of Sunset Road and Broadway; having 183' on Sunset Road and 150' on Broadway.

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

Mr. Ralph Bender, representing the applicant, said that the applicant, Miss Sherryl Smith, intends to put in an antique and gift shop and the building is now being remodeled for that purpose. He said that the intended use is a typical "B-1" use and Miss Smith would be willing to accept that zoning instead of the "B-2" zoning which the Planning Commission denied.

No one spoke in opposition.

After consideration, Mr. Morton moved that the recommendation of the Planning Commission be overruled and the property be rezoned to "B-1" Business District. The motion was seconded by Mr. Mendoza. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 44,254

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 89, NCB 11888, 102 AND 110 WEST SUNSET ROAD, FROM "O-1" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT.

* * * *

B. CASE 5601 - to rezone Lots 20 through 27, Block 4, NCB 8179, 200 Block of Bexar Drive, from "R-2" Two Family Residential District to "R-3" Multiple Family Residential District, located southwest of the intersection of Bexar Drive and Evelyn Drive; having 518.02' on Bexar Drive and depth of 135'.

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

Mrs. Carolyn Spears, representing the applicant Mr. Leon Feingold, reviewed the application and outlined the area being considered.

Mr. Ralph Bender also spoke for the applicant. He presented a sketch of the intended development and said that there would be a dedicated non-access easement plus a 6' wall along Bexar Drive and on Evelyn Drive. The only access would be from Donaldson Avenue. There would be a total of 42 units. None would be three-story and those units on the west end of the project and those along Bexar Drive would be one story. Mr. Bender said that he thought the project was well planned and would be an asset to the area.

Mr. Glen Cameron, 240 Bexar Drive, presented a petition in opposition to the rezoning.

Also speaking in opposition were:

Mr. Robert Rylander, 246 Bexar Drive
Mrs. Antonio Perez, 219 Bexar Drive
Mr. Ralph Gembler, 227 Bexar Drive
Mr. Henry Rodriguez, 247 Bexar Drive

The opponents said that additional apartments were not needed in the area, it would increase traffic and the noise level would be greatly increased. All of the opponents expressed desire to retain the present zoning and prevent overcrowding.

Ms. Spears spoke in rebuttal and had photographs of the apartment complex owned by Mr. Feingold, which faces on Donaldson Avenue. She assured the Council that the additional apartments would be equally maintained.

After consideration, Dr. San Martin moved that the recommendation of the Planning Commission be upheld and the application for rezoning denied. Mrs. Cockrell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

E. CASE 5663 - to rezone the east 150.0' of Lot 18, NCB 10735, 1331 South W. W. White Road, from "A" Single Family Residential District, to "B-2" Business District, located northwest of the cutback between South W. W. White Road and Rice Road; having 100' on Rice Road, 76.65' on South W. W. White Road and 70.60' on the cutback between these two roads.

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

No one spoke in opposition.

After consideration, Mr. O'Connell made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected on the west property line. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Morton.

AN ORDINANCE 44,255

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 150.0' OF LOT 18, NCB 10735, 1331 SOUTH W. W. WHITE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE WEST PROPERTY LINE.

* * * *

F. CASE 5680 - to rezone Lots 25, 26, and 27, Block 10, NCB 6409, 703 W. Summit Avenue, from "B" Two Family Residential District, to "R-3" Multiple Family Residential District, located northwest of the intersection of W. Summit Avenue and the Missouri Pacific Railroad R.O.W. line; having 85' on W. Summit Avenue and 126' on the Missouri Pacific R.O.W. Line.

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

No one spoke in opposition.

After consideration, Mr. Padilla made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence is erected on the west property line. Mr. O'Connell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Becker, Black, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, San Martin, Morton.

AN ORDINANCE 44,256

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 25, 26, AND 27, BLOCK 10, NCB 6409, 703 W. SUMMIT AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE WEST PROPERTY LINE.

* * * *

G. CASE 5673 - to rezone a 17.783 acre tract of land out of NCB 15052, being further described by field notes filed in the office of the City Clerk, 6600 Block of Ingram Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located north of the intersection of Ingram Road and Loop 410 Expressway; having 1110' on Loop 410 Expressway and 855.33' on Ingram Road.

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

No one spoke in opposition.

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

AN ORDINANCE 44,257

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 17.783 ACRE TRACT

OF LAND OUT OF NCB 15052, BEING
FURTHER DESCRIBED BY FIELD NOTES
FILED IN THE OFFICE OF THE CITY CLERK,
6600 BLOCK OF INGRAM ROAD, FROM TEM-
PORARY "R-1" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER PLATTING IS ACCOM-
PLISHED.

* * * *

H. CASE 5679 - to rezone Lots 15-F, 15-G, and the remaining portion of Lot 15-E and the north irregular 90' of Lot 15-D, Block 8, NCB 8084, 2600 Block of S. W. 36th Street, from "B" Two Family Residential District to "I-2" Heavy Industry District for the sales and storage of surplus aircraft parts and supplies, located southeast of the intersection of S. W. 36th Street and Dale Road; having 298.5' on Dale Road and 220' on S. W. 36th Street.

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

No one spoke in opposition.

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

AN ORDINANCE 44,258

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 15-F, 15-G,
AND THE REMAINING PORTION OF LOT 15-E
AND THE NORTH IRREGULAR 90' OF LOT 15-D,
BLOCK 8, NCB 8084, 2600 BLOCK OF S. W.
36TH STREET, FROM "B" TWO FAMILY RESI-
DENTIAL DISTRICT TO "I-2" HEAVY INDUSTRY
DISTRICT FOR THE SALES AND STORAGE OF
SURPLUS AIRCRAFT PARTS AND SUPPLIES,
PROVIDED THAT PROPER REPLATTING IS
ACCOMPLISHED.

* * * *

I. CASE 5715 - to rezone a 14 acre tract of land out of NCB 16094, being further described by field notes filed in the office of the City Clerk, 5000 Block of Woodstone Drive, from "R-3" Multiple Family Residential District to "P-1(R-6)" Planned Unit Development Townhouse District, located on the south side of Woodstone Drive, being 2342' east of the intersection of I.H. 10 Expressway; having 989.71' on Woodstone Drive and a maximum depth of 684.53'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,259

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 14 ACRE TRACT OF LAND OUT OF NCB 16094, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 5000 BLOCK OF WOODSTONE DRIVE, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "P-1(R-6)" PLANNED UNIT DEVELOPMENT TOWNHOUSE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

74-43 The meeting recessed at 3:15 P. M., to consider a "B" Session item regarding prevailing wage scales and reconvened at 4:00 P. M.

74-43 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: San Martin, Becker, Black, Lacy, Morton, O'Connell; NAYS: None; ABSENT: Cockrell, Padilla, Mendoza.

AN ORDINANCE 44,260

AMENDING THE TERMS AND CONDITIONS UPON WHICH PERMITS FOR OPERATION OF AUTO RENTAL SERVICES AT INTERNATIONAL AIRPORT ARE TO BE GRANTED, BY INCREASING THE MINIMUM MONTHLY FEE AND ELIMINATING DEDUCTION OF DISCOUNTS TO CUSTOMERS FROM GROSS RECEIPTS PAID TO CITY.

* * * *

AN ORDINANCE 44,261

MANIFESTING AN AGREEMENT WITH CONINE RENTALS, INC., D/B/A BUDGET RENT A CAR OF SAN ANTONIO, TO AMEND THE TERMS AND CONDITIONS OF SAID COMPANY'S PERMIT FOR OPERATION OF AUTO RENTAL SERVICES AT INTERNATIONAL AIRPORT SO AS TO INCREASE THE MINIMUM MONTHLY FEE AND TO ELIMINATE DEDUCTION OF DISCOUNTS TO CUSTOMERS FROM GROSS RECEIPTS PAID TO CITY.

* * * *

74-43 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Mendoza presided.

74-43 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Dr. San Martin, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: San Martin, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

AN ORDINANCE 44,262

AUTHORIZING PAYMENT OF \$97,020.00 OUT OF FUND NUMBER 705-01, TITLED "NORTHEAST PRESERVE - PROJECT NUMBER 48-00208" FOR ACQUIRING TITLE TO CERTAIN PROPERTIES IN CONNECTION WITH AFOREMENTIONED PROJECT.

* * * *

74-43 The following Resolution was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Mr. Morton, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: Sar Martin, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

A RESOLUTION
NO. 74-43-53

AUTHORIZING APPLICATION TO THE TEXAS
PARKS AND WILDLIFE DEPARTMENT FOR A
PUBLIC OUTDOOR RECREATION FACILITY
PROGRAM GRANT FOR DEVELOPMENT OF
ACEQUIA RECREATION AREA.

* * * *

74-43 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: San Martin, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Cockrell, Becker, Padilla.

AN ORDINANCE 44,263

AUTHORIZING EXECUTION AND SUBMISSION
OF AN APPLICATION TO THE U. S. DEPARTMENT
OF THE INTERIOR, TO OBTAIN TITLE TO 20.90
ACRES OF FEDERAL SURPLUS PROPERTY AT BROOKS
AIR FORCE BASE TO BE USED FOR PARKS AND
RECREATION PURPOSES.

* * * *

AN ORDINANCE 44,264

ACCEPTING A GRANT FROM THE TEXAS
STATE LIBRARY IN THE AMOUNT OF
\$156,310.00, TO BE USED IN FURNISHING
LIBRARY SERVICES TO MEMBER LIBRARIES
IN DISTRICT 10; AND ESTABLISHING AND
APPROPRIATING FUNDS FOR THE PROJECT.

* * * *

74-43 The following Ordinance was read by the Clerk and explained by Dr. William R. Ross, Director of the Metropolitan Health District, and after consideration, on motion of Dr. San Martin, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Becker.

AN ORDINANCE 44,265

AMENDING CHAPTER 6 OF THE CITY CODE
REGULATING THE KEEPING OF LIVESTOCK
WITHIN THE CITY; PERMITTING THE KEEPING

OF SWINE BY FFA AND 4-H ENROLLEES
UNDER CERTAIN CONDITIONS; AND
PRESCRIBING A FINE FOR VIOLATIONS
NOT TO EXCEED \$200.00.

* * * *

74-43 Mayor Becker returned to the meeting and presided.

74-43 CONSIDERATION OF ANNEXING 10.75 ACRES ON CIBOLO CREEK

The Clerk read a proposed ordinance setting a date, time and place for a public hearing on the proposed annexation of 10.75 acres of land.

The Ordinance was explained by Mr. Charles Stromberg, Assistant Director of Comprehensive Planning, who said that the annexation task force had recommended the annexation along Nacoches Road and Evans Road in order to extend the extra territorial jurisdiction limits. That was accomplished on August 19, 1974.

Mr. Stromberg said that a property owner had requested that the annexation be extended to take in his property but it is less than 500 feet wide. This area is adjacent to Cibolo Creek and also to the City of Selma and is really a small void. There is a legal question of annexing less than 500 foot wide strips. He also said that the task force feels that this legal point should be cleared up in court because there are other similar areas. On a map, Mr. Stromberg showed how the ETJ limits just barely go beyond the City of Converse and due to accuracy limitations of the existing maps, it is difficult to know just where the extension falls.

Mr. Padilla moved that the ordinance be adopted and his motion was seconded by Dr. San Martin.

Mr. Morton took exception to the annexation of a piece of property on which there is a legal question and asked why it is being done.

City Manager Granata said that it is being done to continue orderly growth and as protection for the Randolph Air Force Base area.

Mr. Morton said that he felt it is very important to be absolutely sure that any annexation is legal to protect the City and that staff should go back and make certain adjustments to be sure that this annexation is legal.

Mr. Padilla said that the Council had agreed to this annexation in exchange for Mr. Pape dropping his opposition to the previous annexation.

Mr. Morton moved that the Council direct the staff to make sure that the annexation that took place in August can be defended in the courts of the State of Texas with the laws as we have them today and if we do not have sufficient property in order to be able to assure this Council of that that they acquire it by annexation.

August 29, 1974
nsr

-33-

There was no second to Mr. Morton's question.

Mr. Morton moved that the motion by Mr. Padilla to adopt the ordinance be tabled. The motion was seconded by Mr. Lacy. On the following roll call vote, the motion carried: AYES: Cockrell, Becker, Lacy, Morton, O'Connell, Mendoza; NAYS: San Martin, Black, Padilla; ABSENT: None.

Mr. Morton moved that the City's staff be directed to come back with a second phase annexation that the Legal Department can say it can defend under the laws of the State of Texas and at that time schedule a public hearing.

Mr. Padilla expressed his disappointment as he felt sure the Council had made a commitment to go ahead with this annexation.

Mrs. Cockrell asked that the staff supply a transcript of the conversation where the Council made the commitment.

74-43 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 44,266

AUTHORIZING ADDITIONAL PERSONNEL FOR THE CITY'S DEPARTMENT OF EQUAL EMPLOYMENT OPPORTUNITY TO PERFORM SERVICES FOR THE CETA - MANPOWER TRAINING PROGRAM, APPROVING A BUDGET AND PERSONNEL COMPLEMENT, AND APPROPRIATING FUNDS.

* * * *

AN ORDINANCE 44,267

APPROVING A BUDGET AND PERSONNEL COMPLEMENT FOR FEDERAL AID METROPOLITAN - WEST COMMERCE IMPROVEMENTS PROJECT, APPROPRIATING FUNDS AND AUTHORIZING TEMPORARY LOANS TO THE PROJECT PENDING RECEIPT OF GRANT FUNDS FROM THE STATE HIGHWAY COMMISSION AND ACCEPTING A GRANT FROM THE TEXAS HIGHWAY COMMISSION OF \$174,755.00 IN SUPPORT OF THE PROJECT.

* * * *

AN ORDINANCE 44,268

ACCEPTING AN ADDITIONAL GRANT FROM THE U. S. DEPARTMENT OF LABOR OF \$285,500.00 TO CONTINUE THE CITY'S EMERGENCY EMPLOYMENT ACT PROGRAM THROUGH MARCH 31, 1975, INCREASING THE BUDGET OF SAID PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO OPERATING AGREEMENTS WITH DELEGATE AGENCIES IN THE PROGRAM THROUGH THE EXTENDED PERIOD.

* * * *

The Clerk read the following Ordinance:

AN ORDINANCE 44,269

AUTHORIZING WRITE-OFFS OF ACCOUNTS RECEIVABLE TOTALING \$3,115.00 FOR SERVICES RENDERED BY THE CITY EMERGENCY MEDICAL SERVICES DIVISION, FIRE DEPARTMENT, IN ACCORDANCE WITH RECOMMENDATIONS OF THE AMBULANCE REVIEW COMMITTEE.

* * * *

Mr. Carl White, Director of Finance, explained why the various accounts are being charged off. Some because of fictitious names, wrong addresses, etc. Total write offs including this Ordinance is \$10,270. It appears that the collection rate will be 45 to 50 percent.

Mrs. Cockrell stated that she has asked the City Manager to have the City Attorney review ordinances passed by Dallas and Houston relative to prohibiting private ambulances from monitoring the radio calls received by the Emergency Medical Service.

Assistant City Attorney Louis Garcia said that an ordinance will be submitted for consideration very soon. It will also set regulations for private ambulances.

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

74-43 (At this point the Council resumed discussion of the litigation against Lo-Vaca Gathering Company. See page 9 of these minutes)

74-43 The following Resolution was read by the Clerk and explained by Mr. Jim Parker, Assistant City Attorney, and after consideration, on motion of Mrs. Cockrell, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: Mendoza.

A RESOLUTION
NO. 74-43-54

AUTHORIZING THE CITY ATTORNEY TO FILE SUIT AGAINST THOMPSON ENGINEERING COMPANY AND A. T. THOMPSON, JR., FOR RESOLUTION OF A CONTRACT DISPUTE.

* * * *

August 29, 1974
nsr

74-43 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: Cockrell, Becker, Black, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: San Martin, Mendoza.

AN ORDINANCE 44,270

ACCEPTING THE LOW BID OF GALINDO & SONS WELDING TO FURNISH THE CITY WITH ANIMAL CAGES FOR A NET TOTAL OF \$6,480.00.

* * * *

AN ORDINANCE 44,271

ACCEPTING THE LOW BID OF TITMUS OPTICAL, INC., TO FURNISH THE CITY WITH CERTAIN VISION TESTERS FOR A TOTAL OF \$1,645.00.

* * * *

AN ORDINANCE 44,272

ACCEPTING THE LOW QUALIFIED BID OF COMMUNICATIONS EQUIPMENT, INC., TO FURNISH THE CITY WITH PORTABLE RADIO UNITS FOR A NET TOTAL OF \$4,500.00; AUTHORIZING PAYMENT OF \$4,500.00 TO SAID COMPANY; AND AUTHORIZING PURCHASE AND PAYMENT OF ADDITIONAL UNITS AT THE QUOTED PRICE.

* * * *

AN ORDINANCE 44,273

ACCEPTING THE BID OF WILLIAM L. AND MARJORIE W. SCHWETHELM TO OPERATE THE PEDAL BOAT CONCESSION AT BRACKENRIDGE PARK FOR A TWO YEAR PERIOD, FOR PAYMENT OF 37 1/2% OF GROSS RECEIPTS TO THE CITY, WITH A MINIMUM ANNUAL GUARANTEE OF \$8,000.00.

* * * *

AN ORDINANCE 44,274

ACCEPTING THE LOW QUALIFIED BID OF CRANE SUPPLY CO., TO FURNISH THE CITY WITH A BACKFLOW PREVENTER FOR A TOTAL OF \$2,375.60, LESS 2% - 15 DAYS.

* * * *

AN ORDINANCE 44,275

ACCEPTING THE PROPOSAL OF STRUCTURAL METALS, INC., TO FURNISH THE CITY WITH 40,000 LINEAL FEET OF REINFORCING STEEL FOR A NET TOTAL OF \$5,613.87; AND AUTHORIZING PAYMENT OF \$5,613.87 TO SAID COMPANY.

* * * *

74-43 The following Ordinance was read by the Clerk and explained by Mr. Bob Fisher, Administrative Assistant, and after consideration, on motion of Mr. Padilla, seconded by Mrs. Cockrell, was passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: San Martin.

AN ORDINANCE 44,276

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SAN ANTONIO BALLET COMPANY, PROVIDING FOR SAID COMPANY TO STAGE SIX FREE FAMILY CONCERTS BETWEEN SEPTEMBER 1, 1974, AND JULY 31, 1975, IN CONSIDERATION OF PAYMENT BY THE CITY OF \$9,205.00; AND AUTHORIZING PAYMENT OF SAID SUM.

* * * *

74-43 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: San Martin.

AN ORDINANCE 44,277

REAPPOINTING GEORGE A. FRENCH, C. RAY DAVIS, AND ENRIQUE S. GONZALEZ AS MEMBERS OF THE BOARD OF EQUALIZATION TO COVER THE 1974 CITY TAX YEAR AT THE SAME RATE OF PAY.

* * * *

AN ORDINANCE 44,278

TRANSFERRING THE SUM OF \$88,094.00 IN THE GENERAL FUND TO PARKS AND RECREATION DEPARTMENT FOR USE IN THE MENTAL HEALTH/MENTAL RETARDATION RECREATION PROGRAM AND ESTABLISHING A BUDGET AND AUTHORIZING A PERSONNEL SCHEDULE FOR SAID PROJECT.

August 29, 1974

nsr

74-43BARBARA DRIVE CULVERTS

Mrs. Cockrell said that about a year ago citizens had been promised box culverts. This is for the Barbara Drive project.

City Manager Granata said that revenue sharing funds have been programmed for this project and will be given prompt attention.

74-43MAINTENANCE AND SECURITY IN BRACKENRIDGE PARK

Mrs. Cockrell said that she has received a letter raising questions about the maintenance and security in Brackenridge Park.

Mr. Ron Darner, Director of Parks and Recreation, stated that cleaning has been going on for several weeks in the wooded area. Five additional park rangers are being processed at the present time. This should greatly improve park security.

74-43SISTER CITIES

Dr. San Martin reminded the Council that the City of Guadalajara has officially approved the Sister City relationship with the City of San Antonio. There will be additional negotiations to conclude but both cities have already taken the initial step now of passing a resolution approving such relationships.

74-43NOVEMBER BOND ELECTION

Dr. San Martin requested that the City Manager prepare a resolution declaring the Council's intent to call an election in November to consider the 15 drainage projects which were discussed earlier in the day.

74-43

The Clerk read the following letter:

August 23, 1974

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

Gentlemen and Madam:

The following petitions were received by my office and forwarded to the City Manager for investigation and report to the City Council.

August 21, 1974

Petition of Mr. J. P. Castillo, 574 Avondale, San Antonio, Texas, and signed by other residents, requesting adequate drainage, street curbs, and sidewalks in the 200 and 300 Blocks of East La Chapelle Street.

August 29, 1974
nsr

August 21, 1974

Petition of Mr. Roy B. Campbell, Jr.,
333 East Summit, San Antonio, Texas,
requesting permission to retain a
rock wall over six (6) feet in
height located on the west side of
his back yard at 333 East Summit.

August 23, 1974

Petition of Mrs. Consuelo Tejeda,
5439 Hayden (Rear), San Antonio,
Texas, and signed by other residents
of the area, requesting that the City
of San Antonio take immediate action
to assume the water rights for the
newly annexed area, Hillside Acres.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council,
the meeting adjourned at 6:35 P. M.

A P P R O V E D



M A Y O R

Charles L. Becker

ATTEST: *J. H. Inselmann*
City Clerk

August 29, 1974
nsr

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