

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 6, 1975.

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

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75-13 The invocation was given by The Reverend Nathan Stone, Manor Baptist Church.

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75-13 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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75-13 The minutes of the meeting of February 27, 1975, were approved.

75-13 HONORARIUM FOR GILBERT FLORES

Dr. San Martin recognized Fire Chief I. O. Martinez and Firefighter Gilbert Flores, Jr., in the audience and invited them to the podium where he asked Chief Martinez to relate certain events pertaining to Mr. Flores.

Chief Martinez stated that on February 14, 1975, Mr. Flores was off duty. On that day, people ran to Mr. Flores at the apartment complex where he lived to tell him that someone was at the bottom of the swimming pool apparently drowned. Mr. Flores immediately responded by diving into the pool fully clothed to rescue the person. He then applied resuscitation until the Emergency Medical Service arrived.

Chief Martinez stated that this act was not reported and he knew nothing of it for several days until he began to get letters from witnesses.

Mayor Becker read the following commendation:

TO

GILBERT FLORES, JR.

PRESENTED IN RECOGNITION OF THE HEROIC ACTION OF GILBERT FLORES, JR., A MEMBER OF THE SAN ANTONIO FIRE DEPARTMENT, ON FEBRUARY 14, 1975, WHEN, AFTER OBSERVING A PERSON AT THE BOTTOM OF A SWIMMING POOL, AN APPARENT DROWNING VICTIM, HE JUMPED FULLY CLOTHED INTO THE POOL AND RESCUED MR. ROBERT CRUZ. HE THEN APPLIED ARTIFICIAL RESPIRATION AND SUCCESSFULLY REVIVED MR. CRUZ.

THIS UNSELFISH ACT OF BRAVERY AND DISPLAY OF PROFESSIONAL SKILL EXEMPLIFIES THE HIGHEST TRADITION OF THE FIREFIGHTERS' PROFESSION AND MERITS THE COMMENDATION OF A GRATEFUL CITIZENRY.

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The commendation was presented to Mr. Flores by Mayor Becker who, along with all the Council Members, congratulated him.

75-13

CARDIAC ARRESTS

Mayor Becker stated that recently he had seen on television a demonstration of three important phases of resuscitation for a person suffering a cardiac arrest. The first is to take the pulse; second, to thump on the chest and then perform mouth to mouth resuscitation. He suggested that the news media should publish these simple steps for the benefit of everyone.

75-13

OLMOS DAM

At the request of Mayor Becker, Mr. Mel Sueltenfuss, Director of Public Works, reported to the Council on the status of Olmos Dam in view of some reports recently appearing in the newspapers.

Mr. Sueltenfuss said that the dam was constructed to contain waters on a 100 year flood frequency. The City Council employed a firm of consultants to inspect the dam and the report of their study was made in September, 1974. The report confirmed that the dam is safe and will contain a 100 year flood based on the current procedure of leaving two gates open on the dam. The report recommended that a spillway be installed and some reinforcement added so that the dam would contain any possible rainfall.

Since the report was submitted the City has been pursuing the recommendations through the San Antonio River Authority.

Mr. Sueltenfuss stated that one matter currently being studied is if a spillway is provided and reinforcement added, then it would be possible to operate the dam with all gates closed and this would permit a 100 year storm to be contained behind the dam and possibly greatly reduce the amount of work that will be necessary in the downtown area. It could possibly save construction of a large bypass in the downtown area in connection with the San Antonio River.

Mr. Sueltenfuss assured the Council that this project is not being neglected in any way.

Mr. Ramon Rodriguez, Jr., said that he said that he had worked at the Olmos Dam from 1924 to 1930. He said that the dam was built as a retention dam of the very highest grade materials and is safe.

75-13

ROOSEVELT HIGH SCHOOL

Mayor Becker recognized a class of students from Roosevelt High School and welcomed them to the meeting.

75-13

REPORT BY E.O.D.C. ON SANYO
YOUTH DEVELOPMENT PROGRAM

Mr. Edmundo Zaragosa, Executive Director of E.O.D.C., stated that the Board of Directors has voted to terminate SANYO as of March 31, 1975, as operator of the Youth Development Program. The Board has decided to go to a regional concept of programming and to put more emphasis on programming of activities. He emphasized that in this change, no one will lose their job. Everyone who is now working in

the YDP Program will move to E.O.D.C. Instead of being reduced, the program will be enlarged. He outlined the general operating procedures in E.O.D.C., and outlined the changes that are occurring.

Mr. Bob Burke, Planning Director for E.O.D.C., furnished the Council with a schedule to be followed in transferring the YDP Program to E.O.D.C. and went over it in some detail for the Council.

Mr. Julian Rodriguez, Executive Director for SANYO, spoke to the Council and insisted that SANYO is doing a good job and the program should remain as it is. He asked that the cancellation of his contract be held in abeyance.

It was pointed out to Mr. Rodriguez that the City Council does not control E.O.D.C. even though it does have a representative on the Board.

After a thorough discussion of the matter, Mayor Becker asked that SANYO and E.O.D.C. get together and discuss this change further and try to come to an amicable agreement. It was suggested also that staff members attend such meetings and report back to the Council next week.

Mr. Morton said that he would like to have information showing the difference in staffing for YDP under its present structure and under its proposed structure in terms of numbers of people and dollars.

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PATIO OF STATES
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Mr. O. P. Schnabel, Founder, and Mr. Lonnie Crisp, President of Beautify San Antonio Association, spoke to the Council concerning the "Patio of States". This is an Association project involving an area on the Market Street side of the Convention Center. They distributed site plans showing where the Patio would be located and said that they are now simply asking that the Council approve the site selected.

Mr. Schnabel described the Patio and said there would be stores brought here from each state and there would also be a flag for each state.

Mr. Ron Darner, Director of Parks and Recreation, stated that the area selected is very critical to the Convention Center and must be well planned.

After discussion, Mr. O'Connell made a motion that the project be approved in principle. The motion was seconded by Mr. Morton and on the following roll call vote was passed and approved: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: None.

Mr. Schnabel then presented Mayor Becker and Mayor Pro-Tem San Martin with glamorized push brooms.

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75-13 The Clerk read the following Resolution:

A RESOLUTION
NO. 75-13-14

MANIFESTING THE INTENT OF THE CITY
OF SAN ANTONIO TO ENTER INTO AN
AGREEMENT WITH THE UNIVERSITY OF
TEXAS SYSTEM WHICH WILL PROVIDE
FOR THE EXCHANGE AND IMPROVEMENT
OF CERTAIN LAND IN HEMISFAIR
PLAZA.

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The Resolution was explained by Councilman Clifford Morton who stated that it represents a summary of the negotiations that have taken place between the City's staff and members of the staff of the University of Texas regarding the reallocation of certain properties that would provide better parking for the City and the Institute of Texan Cultures and better access to the grounds.

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

75-13

PRESENTATION BY THE INDEPENDENT
SCHOOL DISTRICTS OF BEXAR COUNTY

The following discussion took place:

MR. HARVEY L. HARDY: Mr. Mayor and Members of the Council, my name is Harvey L. Hardy. I am an Attorney here representing the 12 independent School Districts of Bexar County. I might say in passing that of these 12, 10 are either entirely or partly within the City limits. The only two that are not are Southwest and Somerset.

I'm here in their behalf to request that this Council waive the 14 percent which goes from the utility charges to the school districts into the City's General Fund. Now, this is not the first time that the school districts have been before this Council. This is the third appearance, the first, however, which I've attended. On October 17, last, Mr. Alvarado, one of the elected Board of Trustees, member of the Edgewood School Board, appeared as a spokesman for the group under the auspices of the Bexar County Federation of Schools, and on November 7, the same group returned.

We are here, again for - principally - for three reasons. First, the school districts have not yet received an answer to the petition, written petition, brief and verbal requests, and presentations heretofore made. Secondly, on the other occasions the delegations appeared on the Citizens to be Heard segment of the Agenda and not on the Agenda proper, and it may be that there is some legalistic inhibition for a Council to take action on any matter which is not posted on the bulletin board as part of the Agenda proper. Thirdly, there is an alternative or secondary cause of action which we might rely on if that became necessary which has not heretofore been given any publicity, and I would like, of course, to lay this other legal consideration out before you as a matter of public record.

Now, going back to the first reason for being here. It's been some four and a half months. The financial problems of the schools with their utility bills continues. We feel that the matter has been before the Council for a considerable period of time. It is, I think, well understood by all of you the alternatives, the reasons and so forth and my clients and the impetus of this comes from my clients, not from me, my clients are eager and anxious to receive an answer of some sort at this time if the Council would deem it advisable to give us such an answer. We would hope, of course, that the answer would be favorable and that you would accede to our request and waive the 14 percent.

Now, the problem facing the school districts is that, and, of course, it's a problem that the school districts share with other segments of the community but the schools, of course, are vitally concerned with their own problem and the people concerned are elected trustees like yourself who receives no compensation and whose only interest is in supporting an education for young people. The problem has been a tremendous increase in some cases amounting to 300 percent over the period of the last year or so. Overall, as I sense the situation from the figures which have been made available to me so far, on the average of a good 100 percent over the past year and of a 125 percent over the period of two or three years. Now, I do have, by way of illustration some exact figures from the San Antonio Independent School District. The total paid by the San Antonio District for utilities, gas and electric utilities, in each of the past four years, 1971 through 1974, rounded in 1971, \$395,300. Of this, \$48,500 went to the City of San Antonio, not to the utility, not for the purpose of utility use in anyway but simply into the General Fund of the City. In 1972, the figure, the total bill, gas and electric bill of the San Antonio System was \$516,400, \$63,400 of it went to the City. In 1973, there was a miniscule decrease, \$511,700 was the total bill, \$62,800 went to the City. In 1974, and when I say, give these years, it's a fiscal year from February 1, 1974 through January 31, 1975, the San Antonio Independent School District paid \$944,250 for its utilities, almost double the amount paid in the previous year. The take of the City's General Fund through the 14 percent of the 1974 gas and electric bill of the San Antonio School District was \$115,960.

Other school districts have had a worse experience pro rata. All of them have had pretty much the same experience. The school districts only have the advantage of ad valorem taxation which they have had to raise time and time again. They are not entitled to levy any gross receipts or sales tax such as the state does or, in effect, as we submit the City does through its utility bill.

Now, what is the solution to this problem? I respectfully submit to the members of the Council that a solution within the means of this Council which, of course, and no solution in the world completely solves any problems, but this would be a very material and substantial solution to the schools' urgent financial problems. It isn't mere melodramatics to say that the urgent financial problems of the schools or the urgent financial problems of our school children because it's a truism but the solution would be what's offered, what's laid out in an opinion by the Attorney General of Texas last fall. This City, as I understand it, requested through Representative Newton of the House Energy Commission, and if I have my facts in that regard are not exactly accurate, well, I think so, but I stand corrected. But in any event the Attorney General was asked whether the City of San Antonio could legally waive any or all of its 14 percent and the Attorney General answered that it could. Now, you say, why do you

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come here for the independent school districts asking us to waive the 14 percent as to them? Would not this be discriminatory to other institutions and customers? I submit that it would not be. Of course, we have no objections to relief being afforded to others, but after all, my clients, the trustees have a trust confided by the State of Texas by law and by the people of their areas as trustees to look after the business of their districts just as you are trustees of the City of San Antonio. We can say this in complete good faith. The law recognizes distinction based on classes, innumerable classes, like you have licenses for plumbers and not for other businesses and things of this kind. Class legislation based on real distinctions calling for different approaches is woven throughout the warp and woof of our law.

Schools are a unique class for any purpose in this context. It is the only education in the community devoted to the education, pure and simple, public school education of our young people. That's one distinction. Secondly, the only institution of any size which basically operates nine months out of the year. Now, this bears very specifically with regard to the utility use or drain on energy. It's the only institution of any great size which operates on a day which ends around 3:30 or 4:00, not completely, there are some activities during the summer months. There are some late afternoon and evening activities but these are relatively insignificant compared to the overall energy use of the school day, which is a nine months, seven-hour day. So, I submit that schools are a unique class and that their financial circumstances are unique.

As I pointed out, they are limited to an ad valorem tax and such help as the state gives them. Some of our poor districts here are already assessing property at 100 percent of value. You know, if all of the school districts, the richest of these school districts is now becoming a - bordering on becoming a poor district. A great many of these districts are desperate poor. When they pay a million dollars for utilities, whatever utilities have to cost, that's what has to be paid, but when 14 percent of that doesn't go to furnish the utility service but, in effect, at least, and I'm not here to debate on whether it's technically a tax or not, I'll line that out just for the record, but it has the form and effect of a gross receipt or sales tax. It's not a solution to the energy problem. It aggravates the energy problem.

I read predictions almost daily that our utility bills will double in the next few years. If that's true, that means the take of the City of San Antonio will double. Now, this is what - I want to make this vital point about this 14 percent, and I'm making these points only in behalf of the independent school districts, not only because they're my clients but because they constitute a unique class. This 14 percent of gross receipts, of the gross revenues to use the exact language, means that the sky is the limit. Now, City Public Service Board has always been efficiently operated. I think that has always been the general belief of the community and there are many of us who still believe that this is true. But suppose that they decided to spend two dollars when only one dollar was necessary to provide the service. The City of San Antonio through such a wasteful and extravagant operation would automatically double its take. You are getting the 14 percent not only on the totality of the charges based on the rate established by ordinance after hearing, you're getting those on these fuel adjustment or pass through charges automatically. The bigger the crisis, the higher the utility bills. The more emergency purchase of other fuels, the bigger the take. Now, that's just built-in, it's a

regressive gross receipts tax. If this was repealed, if you struck it out completely and in addition, substituted pursuant to a new state law a 14 percent gross receipt or sales tax, it would work out virtually to the penny and work in exactly the same way it's working now.

This leads right into our first legal contention and let me say that no one, and I will make a personal note as an Attorney, no one is more anxious than I if possible to avoid this litigation, if you can give us the relief we seek. I would not in any way foster or promote this litigation if there was another answer. Litigation would be a mark of failure. It would be, however, the method provided by a society where accommodation and relief is impossible.

Now, we contend first and this contention has been made before, it's been briefed and it doesn't come to you as new, but I do want to dwell just briefly again on this aspect of it. The courts have said this - whether a thing is a tax or not doesn't depend on the name. License fees and other things which are under the guise of regulation can be taxes if they are actually to raise revenue and by the other standpoint, things which are referred to as taxes may not be held to be taxes if they are only, if they do not fulfill a revenue raising function but a regulatory function. Well, we can hardly doubt that the 14 percent is strictly for the purpose of raising revenue. Now, I want to hasten to add that a City-owned utility is entitled to a reasonable return on its investment in its utility. But reasonable return on an investment is predicated on a percentage of return added to operating cost of course in establishing a percentage of the proper rate base that is of the fair value of the property used in useful - in furnishing the service.

There is absolutely no connection between the City's 14 percent take and any character of the rate base, whether based on fair value or original value or any of the other formulae, it has no connection with rate base. For this reason, and the 14 percent tax on the fuel adjustment very vividly and simplistically illustrates that because these emergency purchases do not necessitate or require any material increase in the capital structure of the line. It illustrates very clearly the fact that this 14 percent has no basis, no reference to rates. Now, if this is a tax, the schools shouldn't be paying it because by the Constitution and laws of this State, this is not a matter of debate. The rule of law is schools are no more susceptible of being taxed by cities than cities are, it's property being taxed by schools.

I come now to our alternative legal position. Let's assume the courts should say that this is not a tax. Let's say that it is a - in some way a return on an investment not on a rate base, perhaps, not a tax but a return on an investment, legal or illegal. And I preface it here by saying our courts have said here and in all jurisdictions that a City running a public utility and enjoying a monopoly status and engaging in a business for a charge is not exercising governmental functions. They can't use this as an agency or machine of government. They can't properly use it as a taxing agency. They're serving customers and they are subject in general to the same rules of a privately-owned public utility. Now, in Texas we have a law, Article 119, which regulates and defines the rate base of privately-owned public utilities and puts a limit on the return they can make, that says that rate base will be the fair value of property used and useful in performing the service and the return on that investment shall in no event ever

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exceed eight percent per annum. Now, there is no law regulating the amount or defining the rate base of City-owned utilities. I say in passing that, the State of Texas probably has the most primitive set of utility laws in looking at it in any direction of any of the 50 states in the union, but that's an aside. But the courts have held in certain cases involving City-owned utilities that they are obligated, that first that their operation thereof is proprietary and second, they are only entitled to a reasonable return. Well, that's just common sense. They certainly wouldn't hold that you be entitled to an unreasonable return. Well, our alternative plea if it became necessary would be that the charges are excessive and illegal. First illegal because they're not predicated on a rate base, on a legal rate base. Secondly, that they're excessive, that the rate of return and this requires a development of figures, and I don't have it. So, we feel very strongly that such an accounting would show that the City's rate of return is excessive. It is more than any six or eight percent or whatever is on the actual investment in what could be considered reasonable and therefore is charging its customers too much.

That sums up the major portion of my presentation. The consequences of your action here would be on the one hand to give extensive, dramatic and most helpful relief to the school districts of this community, most of whom are impoverished, none of whom are in strong financial condition. And in an area of where they - where the waiver will not in any way take one penny away from the utility operation, its operation, its maintenance, its debt service, its improvement, its surplus, its contingency fund, all of that is provided for before the City's 14 percent comes out. The 14 percent is not used and is not usable by the utility or for the utility to solve the energy crisis. It goes for other things. We say this that this charge is regressive, it's hurtful and it's not - it adds to the utility problem of the very important category of customers, it does not solve anything. The schools feel so desperate about that. The media of course has given this a lot of publicity and they use headline words and so be it. If you call it a threat of a suit so be it. There's been no secret about it. They feel desperate. They feel that if you cannot see it in your hearts to give - to voluntarily give the relief which the Attorney General has made possible that then they have no choice but to do the best, they feel a trustee's obligation. They have nothing to lose and they have a tremendous amount to win. I make no prediction about the outcome of the case. There are questions of first impression. They're difficult. It's going to be tough, hard and long, drawn-out and expensive on everybody. As a last resort, but when you're putting out, when the group's putting out millions over and above the actual cost of the utilities that they can't afford and the cost of the suit will be virtually nothing compared to what they would save and gain if they won. They have nothing to lose. Well, there it is.

Suggestions have been made that they should save by practicing conservation. Going back to the illustration, Mr. Harry Stanford, the Assistant Superintendent for Business, prepared these figures. He said this jump from '73 to '74 from half a million to a million dollars was in spite of a 25 percent decrease in consumption by the school districts in the latter year. They have been forced - all the school districts have been forced to conserve. Those who would now preach further conservation would by definition have to be talking about immature eyes groping with fine print in dimly lit classrooms with teachers and students sweltering in airless and sometimes windowless rooms in warm weather, the

curtailment or elimination of athletics, of PTA night meetings, of extra-curricular activities, underheating in winter and so forth and so on. That I submit is not conservation. I would be the last to tell you that their conservation practices are perfect. I doubt the City's conservation practices are perfect. But they have been forced by economic necessity to practice as rigid a conservation as is possible and still continue their full program.

Now, if we can't afford a program of giving our children a good education, and I'll again risk delving into that. I really believe that it's just if our children are not entitled consideration, well, then, who in the heck is. I certainly thank you for listening to this, and I think I can assure you that this will be our last appearance on this subject. Thank you very much.

MAYOR BECKER: Mr. Hardy, let me - before you leave, I want to say that I've been fascinated with your presentation here this morning. One of the things that is sort of a side benefit of being on this Council is to hear the many people that have appeared before this Council in the last two years that I've been a part of it, four years I should say, and I just want to congratulate you on perhaps what I would consider to be the most impassioned plea that I have ever been fortunate enough and privileged enough to hear. And the part about the immature eyes is almost I'd say - that should go down in the annals of this Council Chamber as a piece of descriptive poetry that shouldn't be ever forgotten or stricken from the records. That is beautifully done.

MR. HARDY: Thank you very much. I hope it wasn't taken as Fourth of July oratory. It may sound melodramatic but it was heartfelt and sincere.

MAYOR BECKER: I know that, sir, and you evinced that throughout your entire speech. Now, I would like to commend you also on this one statement that you made, and I think I have this correct "legal action is the mark of failure." I agree with you on that. Without a question of a doubt when people can't resolve their differences without having to go to court something has gone amiss, something has gone awry. I would only submit to you this, though, and that is there isn't a person on this Council that isn't sympathetic to your plea this morning, not a person that is not sympathetic to your cause. There's not a one of us that doesn't realize exactly the predicament that the schools are in. My own business as I have reported here in the past is enjoying a three times increase in its utility bills for the year of '74 over the calendar year of '73, three times. The utility bill for the company is now more than the rent, and it used to be that the rent was about three times more than the utility bill, so it's just reversed its position. I would only say this to you, sir, that we're going to be called upon down here, those of us that are here at this moment, those of us that will proceed and graduate to the next City Council Class of '75-'77, we're going to be called upon to provide assistance to many, many, many people, citizens, private citizens, home dwellers, family units that are unable to keep pace with this utility thing. I just want to mention that as a means of ameliorating or mitigating our.. ..

MR. HARDY: May I make one statement in response to that?

MAYOR BECKER: Absolutely.

MR. HARDY: That is, of course, a severe social problem, but I submit we have a lot of severe social problems and they should be dealt with and money should be spent on them, but improperly funded education, I submit would be the worst of all social problems because the education of our young people is a long range future hope, and if you have to make a choice between the two, I would submit in all sincerity that careful consideration should be given to this unique class of people whom I represent from that standpoint, from the preservation of the minds and skills of our youth.

MAYOR BECKER: I grant you that that certainly is an important consideration and one that we're not unmindful of. I only submit the fact though because I think there's going to have to be a melding, if you will, of these efforts on a cooperative, coercive basis, so to speak, to where we can accommodate both your problems and the problems of these other people. So, the 14 percent is going to be called upon to do many things. Now, as I recall it, the 14 percent was originally set up as to provide a return to the City of San Antonio on invested capital when the Public Service was acquired from the American Traction Company. I believe that was the previous owner. The 14 percent was used to provide in lieu of the usual utility taxes and all that sort of thing that would - it would have been the beneficiary of provided that it did not own that utility itself. Where the 14 percent figure came from, you know, is anybody's guess. I don't know how they arrived at that really, but it was.....

MR. HARDY: Historically, the 14 percent came in, I believe, about 1961 at the earliest '51. The original acquisition in '42 interestingly even ironically enough, provided for a flat figure payment to the City each year of \$211,000, I believe or close to that and to the San Antonio School District of \$113,000. That latter was ruled to be illegal because the City could not donate its money to the school district. Now, in effect, the school district has been giving nearly that sum of money each year to the City, but it was not then until more modern times that the 14 percent was instituted and actually San Antonio enjoyed such dirt cheap electric and gas service in those days that no one called it in to question because the bills were so low.

Your Honor, please, I'm quite mindful of the problems this Council faces, and I realize that any source of revenue is unwillingly surrendered in complete good faith because you have had more claims on you for worthy causes than you'll ever have money. But let me say this, balance it against the group - the needs of the group, the type of group that comes before you and then consider it from this standpoint that with the energy situation going to make all utility bills increasingly higher and like you say, it's more than rent now, and it used to be just a fragment - this is going, I'm sure going to get worse rather than better. In that kind of situation careful consideration should be given that you give what relief you can to these customers and the others by only charging for utilities that amount of money it takes to run them to include a small reasonable return and remit the rest. I predict that your successors in office several years from now are going to be facing a terrific pressure because if people are going to be facing - if a couple is going to be getting a hundred dollars, a humble couple is going to be getting a \$125 bill when they're used to \$25 or \$30 they're going to find out that 14 percent of that goes to matters extraneous to furnishing the utility, you can imagine.....

MAYOR BECKER: If I may say one thing further, Mr. Hardy, I would only like to offer this observation, this Council, the following Councils are going to have to start making reassessments, proper determinations as to priorities. There was a lengthy editorial in the paper the other day by some esteemed writer that is a syndicate writer for one of the newspapers, and I don't mean to be critical when I say this but I'm merely trying to be factual. The New York City Police Department was cited as an example as to how many cases arrest people being apprehended for misdemeanors, crimes, felonies, whatever it happens to be - rape, murder and everything else, the case load on the judicial system in the City of New York was bringing about this pre-bargaining situation because of necessity. I mean, it's impossible for a judge or a jury to try successfully and intelligently try 50, 100 cases a day so it brought about this device, let's say. The judicial system, the appropriation for the judicial system in the City of New York has not kept pace with the load. The chances are that same thing might start occurring in other cities where we're living down here if it hasn't already. We know that it's occurred in many of our eastern and northern cities. Perhaps we're going to have to start apportioning this money in a different fashion because what good does it do to arrest a bunch of people if they're not going to have to appear in any way and be sentenced or fined in the manner that they deserve is what I'm trying to say and not some sort of a system that expedites the case load you see.

MR. HARDY: Mr. Mayor, that's very well stated and very thought provoking, and I have a thought in answer to it. I did serve in the District Attorney's office in my younger days for five years, I know what crime is, I know that judicial system, the DA's Office, the police are underfinanced, but I know this from dealing with these people, I've prosecuted felons long ago, many times, I know this, these things need funding. We need more money for them. We need to reorder certain priorities. There's one thing, one solution, one priority, that should never be put in second place and that's education because my goodness it's - most of these people that fall into the toils of - the law are under-educated, believe me.

MAYOR BECKER: I'm sure they are.

MR. HARDY: I say this, this Council can't solve in its last few weeks in office, can't solve the energy crisis, I'm not here as an energy expert. I'm not trying to tell you how to solve the energy crisis. This Council can give immediate, dramatic relief without material injury to the revenues of the City....

MAYOR BECKER: We understand.

MR. HARDY: In an area which is so urgent, is in such bad straits and is so important to this community now and in the future that I respectfully submit in closing, and no fooling this time, that you ought to seriously consider giving the relief or the waiver of the 14 percent to the independent school districts, and now, I'm through and I appreciate it.

MAYOR BECKER: Mr. Hardy, I'd just like to say this if I may, and I'm not trying to keep you here forever, this Council, I think would be derelict if it just summarily agreed right at this moment to act on this in any way, but what we would like to do is to discuss it amongst ourselves, discuss it with our legal counsel, discuss it with our financial counsel, Mr. White, and certain of the City department heads and so forth as to see what effect it would have. In other words, we should know exactly what we're doing before we commit ourselves to a course of action, and I think that you would agree with that.

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MR. HARDY: Yes, and I believe I'm going to bind my clients and stay any court hand for at least from one week from tomorrow and hope - now, I haven't brought this out, but I have met with your fine City Attorney who is a long time close friend of mine and a very able adversary, and I've met with Mr. Reeder about this in the interim after these other presentations. I mean the efforts, and my clients have been the City Public Service Board on another phase of the matter. We have made an all out effort. It has been before you for some four and a half months - I don't want to appear niggardly in giving you additional time, but I would - I do bind my clients on my own initiative to wait at least till a week from tomorrow, and we had really planned to move sooner than that.

REVEREND CLAUDE W. BLACK: Mr. Hardy, I would just like, as a Member of the Council, express the fact that there's really no disagreement in the substance of your argument in terms of the value of education, the great problems associated with any kind of penalty that might be exerted upon education. The thing that we are wrestling with is that the revenue of the City has been tied to a formula that is related to the very problem that you're talking about. Just as you talk about the increased cost, the problems of education, there's almost in every area, hospitals, which are significant to the operation of our community. This is really not an adversary problem. It's not a problem of one adversary against another. It's a problem of community and how do we redefine revenue for our City. How do we redefine ways of keeping the proper protection, fire protection, the proper police protection, the proper City maintenance, the proper services that this City has come to expect in a community where you are lacking in large industry for tax resources, and so the City has set up a formula.

Now, I certainly don't see you as an adversary. I see you as a citizen concerned about a particular element of our community need. I don't know how we can bring together the hospital people, the school people, the welfare folks, and all and say how do we redefine revenue in the City of San Antonio because we're caught. We're caught. I've got a burned down Church, and I received a utility bill for \$500 that I don't understand. I just don't understand how you can have half of the use of your Church and double your bill. I don't understand that. But, what I'm trying to say is you're not an adversary. It's a community effort that somehow we've got to bring all of the forces of this community together and try to see how we're going to solve it.

Now, I don't know, suppose you won it in court, let's say we won it, suppose the hospital people won it in court, suppose all of the people who are faced with it won it in court, where would our City be, in terms of its needs, in terms of meeting its responsibilities. And this is the only thing I'm simply saying that we've got a community problem that upsets all of us. If there's any way that we can pull all of these forces together and say let's redefine the objective of needed revenue within our City in terms of health services, in terms of police protection, in terms of fire protection, in terms of the tremendous number of individuals who are on low salaries that can't afford - a lady called me who makes \$65 - has an income of \$65 a month and has a \$57 utility bill. So, I don't see you as an adversary. I'm just simply saying how can you, in the midst of it, can you make some recommendations of how we deal with this in terms of all of these City needs.

MR. HARDY: Just in a word, it would be a suit to declare the law - a declaratory judgment suit - it wouldn't be an adversary suit in the common sense, but I do want to thank you for your remarks, Rev. Black, and particularly you, Mr. Mayor, and all of you for your close attention to my presentation. It makes a speaker feel good if everybody is listening and I think I did have your attention, and I do thank you for that.

MAYOR BECKER: Your presentation was most admirable.

MRS. LILA COCKRELL: Mr. Mayor, may I ask this one question, and that is I recall that during the discussions that your clients have had with the City Council, it was also mentioned that there were some aspects in the rate structure itself that they objected to, and I wondered if you would report to us on the negotiations with the City Public Service in regards to the specific problems as your clients saw them in reference to the way the rates are now being applied.

MR. HARDY: The results have been highly inconclusive. Now, I don't know if the Council - it took me some time to understand. The problem is a matter of demand rates. The school districts have been hurt very much by a change. For a long time each month - the demand rate is cranked into the household bills of just ordinary mortals. It isn't separated. It's a formulistic thing, but big institutional users have an actual consumption and a demand rate. The demand rate is what's needed for the utility to be able to hit a peak.

MAYOR BECKER: Well, Mr. Thomas is back there in the back, and he's very conversant with this, Mr. Hardy.

MR. HARDY: Well, they used to average three times a month, and then they quit it. They started taking the peak load of the City the one time a month at a time of day, usually 5:00 P.M., in the summer-time for example when the schools are all closed. That alone caused a substantial increase in the utility bills over and above inflation, fuel adjustment and the 14 percent. They've appeared many times. Their staff people work with the City Public staff people. To answer your question, the results have so far been completely inconclusive.

MAYOR BECKER: Mr. Hardy, may I go one step further, please with you. I'd like to compliment you on the manner in which you conducted your presentation. You've appealed to the reasoning of this Council, if we're capable of that, and I would like to think that we are capable of using our reasoning powers. It wasn't in any way inflammatory; it wasn't in any way accusative; it wasn't in any way vitriolic or vilifying or oppressive or any of these kinds of things. You can rest assured that you made, I think, I believe I can speak for myself at least, you made an impression on me that was most favorable this morning, and I think other Councilmen would join in with that feeling. It's refreshing to see this type of a.....

MR. HARDY: You're very kind. I think that's a very kind compliment.

MAYOR BECKER: Well, we appreciate you, sir.

MR. LACY: Mr. Mayor, there's one thing I'd like to ask Mr. Hardy to do and that demand meter has bugged me ever since I've been on the Council, and I read the case, of course, over in Houston, and they declared it to be unconstitutional or illegal, and.....

MR. HARDY: I wish you would furnish me with that case.

MR. LACY: But I think it was - whether or not the City Council has the prerogative of passing on it. I believe that was it.

MAYOR BECKER: It's for peak loads, you know, Glenn.

MR. LACY: Yes, I know but they reach up in thin air and they use the multiple they want and then they charge the pass through on the electricity that isn't even burned in the first place.

MR. HARDY: That certainly hasn't been any laughing matter to the school districts, but that, of course, is something they've gone into and tried to work with the City Public Service Board on that and all hope, there, I don't believe is gone, but the results have been completely inconclusive.

MAYOR BECKER: This is the little thing that has to do with something that's gone on down here in the past with Glenn, and it's sort of an in-joke and that's the only reason there's any laughter that was provoked by this demand business.

MR. LACY: At least the ladies didn't let -- put it in the home. They got together and said we don't want those darn demand meters in our homes, and they didn't do it but they kept the businessman saddled with the demand meter.

MR. RICHARD TENIENTE: Mr. Becker and then Dr. Nielsen, I think that for the record I would like to state that in the news media I was labeled as an ally to the Bexar County Federation. I'm certainly sympathetic with the problem and have worked with the Federation in the past, having worked with School Districts. However, I think that I can speak for every member of the City Council as saying that all of us are allies in this cause. I don't want to be labeled as a champion of the people when, in fact, we are all looking in the same direction. It's ironic that this be presented to us during Public School Week, because here we are trying to improve our schools and we're facing a crisis where we have served in both positions. However, I'm real satisfied that what Mr. Becker has said in providing quick attention to this matter, immediate attention to this so that we can come up with some solution. I'm real concerned about the immediate relief that is necessary, and I strongly feel that this has to be some strong consideration.

MR. HARDY: We certainly appreciate your early consideration of this. Since it's run so long anyway, a moment to say that for the past two years I have worked with two of your members as a legal advisor for the Fire and Police Pension Board, Mr. Lacy and Dr. San Martin - I've worked with him for many years. It's a very sad thought to me, personally, that the good Doctor will be leaving us soon, and I do want to pay him a tribute to his fellow Council members. I don't know if you all have any comprehensive idea of how hard and dilligently and self-sacrificing he has labored for the benefit of the Fire and Police Pension Fund and the firemen and policemen. This is out of order I know, but I just have to say it, thank you.

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MAYOR BECKER: Well, we appreciate that, Mr. Hardy. After having been labeled last Sunday as a do nothing Council for two years, I can appreciate your kind remarks because it's awfully hard to me to see how you can spend 60, 70, 80 hours a week in City business and be regarded as a do nothing group of people. So, maybe the gentleman that wrote the article might have been able to have benefitted his own information about what we do here had he ever come over here in those two years and visited us.

MR. HARDY: Believe me, I understand. I meet with two Councils and two Boards every month, and I realize how hard you work.

MAYOR BECKER: When I'm reincarnated I want to come back as an attorney, so I can whip the hide off of certain people with words, you know.

DR. D. FORD NIELSEN: Mr. Mayor, not only for your benefit, but I think the point of future public policy determination is critical. I would like very much, and I know I speak for myself, but I assume Mr. Teniente, too, since we're both new would like all of the past legal memos, data, et cetera, et cetera, that the City Attorney may have provided in the past several months to the rest of the Council.

I had a talk with Mr. Finlay yesterday about the legality, illegality, question and so forth with the trust with the indenture in other words. On some sliding scale perhaps as these costs go up you know, I don't like the expression, windfall profit, because there's no profit involved in this at all, and in no sense can I see any of this as a matter of profit or loss on your part, but in terms of meeting responsibilities to the overall citizens, I'd like some help, and I speak for myself, at least, any policy determination for down the road on how we handle this matter, the other issues that Reverend Black raised. What is CPS, for instance? I'm not yet familiar with what their planning and policy is regarding this issue, and we need to get this together.

MR. HARDY: I say this that as an attorney I have been one since I was twenty-one. I have never refused to look at any proposition - I haven't accepted them all, but I think a closed mind is the worst thing that anybody in any walk of life can carry around.

DR. NIELSEN: Of course, the other thing all of us can do is to continue to lobby the legislature and the governor for a healthy realistic school aid bill. I do know that even in Uvalde, for instance, they've had to raise their school taxes twice in the last several years simply because there hasn't been enough funds.

MR. HARDY: I don't believe depending on the legislature is the immediate or meaningful answer that we need.

DR. NIELSEN: But it is a long term answer.

MR. HARDY: Thank you all so much.

MAYOR BECKER: Thank you very much.

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75-13

MONTHLY REPORT BY CITY PUBLIC SERVICE BOARD

Mr. Don Thomas, Manager of Information Services, reported that the average utility bill for the month of March will be about \$5 less than in February. As a result of a year-end audit, the cost of gas has increased which is reflected in the fuel adjustment charge.

75-13

CITIZENS TO BE HEARDHIGHER EDUCATION IN SAN ANTONIO

Mr. Dick McCracken, 127 Perry Court, presented each Councilman with a brochure describing the ten local institutions of higher learning which are located in San Antonio. These schools have recently formed an organization called the Higher Education Council of San Antonio, Inc. (A copy of the brochure is included with the papers of this meeting.) Mr. McCracken thanked Mayor Becker for proclaiming Higher Education Week in San Antonio.

MRS. JIM CANARD

Mrs. Jim Canard, 10410 Annapolis Drive, spoke as a PTA representative of four schools located on Vance Jackson Road. She made reference to recent publicity regarding bicycle trails proposed by the City. She said that she felt the money could be better spent to provide basic transportation trails near schools and shopping centers so all citizens could benefit by them. She asked that the relocating of the trails be given serious consideration.

Mr. Cipriano Guerra, Director of Planning and Community Development, said that he will meet with Mrs. Canard and discuss this matter with her.

The meeting recessed for lunch at 12:40 P. M. and reconvened at 2:15 P. M.

75-13

CITIZENS TO BE HEARD (Continued)RAUL RODRIGUEZ

Mr. Raul Rodriguez said that the news media ridicules him to try to keep him from appearing before the City Council. The newspaper also will not give him space in their "Letters to the Editor" columns.

Mr. Rodriguez then distributed copies of an Express editorial concerning a new power plant to be constructed by the Brazos Electric Power Cooperative. He claimed that the editorial was false and failed to reveal true facts. (A copy of the papers submitted by Mr. Rodriguez are included with the papers of this meeting.)

KARL WURZ

Mr. Karl Wurz, 820 Florida Street, said that the City should not employ consultants who do nothing more than collect and compile facts given to them. He suggested that this could better be done by the staff.

REV. CLAUDE BLACK

Rev. Black commented that the Council has for several years given much attention to "Citizens to be Heard". He suggested to the media that they take note of what citizens are saying to the Council that are not necessarily angry. He recalled that in times past the only way he could get coverage by the news media was to act out of order. As long as he had remained orderly and dignified, the media paid no attention. He said that he felt the media would help the community by publicizing issues brought to the Council.

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75-13 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem San Martin presided.

75-13 ZONING HEARINGS

A. CASE 5939 - to rezone Lots 31, 32, and 33, Block 3, NCB 8675, 1135-1139 Parkridge Drive, from "A" Single Family Residential District to "I-1" Light Industry District, located on the north side of Parkridge Drive being 350' east of the intersection of Parkridge Drive and Slavin Avenue, having 132' on Parkridge Drive and a depth of 224.53'.

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

AN ORDINANCE 44,989

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 31, 32, AND 33, BLOCK 3, NCB 8675, 1135-1139 PARKRIDGE DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

B. CASE 5903 - to rezone Lots 2 and 3, Block 10, NCB 11726, 10910 through 11002 Baltic Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the southeast side of Baltic Drive being 120' northeast from the intersection of Baltic Drive and Anchor Drive, having 240' on Baltic Drive and a depth of 150'.

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. Nielsen 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: San Martin, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Becker.

AN ORDINANCE 44,990

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 2 AND 3, BLOCK 10, NCB 11726, 10910 THROUGH 11002 BALTIC DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

C. CASE 5943 - to rezone Lots 1, 2, 2-A, 2-B, and 2-C, NCB 14746, 5800 Block of North F. M. 1604 West, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the south side of F. M. 1604 West between Old Fredericksburg Road and Regency Blvd., having 2058.58' on F. M. 1604 West, 2141.87' on Old Fredericksburg Road, 3903.81' on Regency Blvd. and also 649.34' on U.T.S.A. Blvd.

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. Teniente 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: San Martin, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Becker.

AN ORDINANCE 44,991

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, 2, 2-A, 2-B, AND 2-C, NCB 14746, 5800 BLOCK OF NORTH F. M. 1604 WEST, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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D. CASE 5923 - to rezone Parcel 60 and 61, NCB 15332, 6301 Old Highway 90 West, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the north side of Old Highway 90 West between Arvil Avenue and Rodriguez Road, having approximately 323' on Old Highway 90 West, 1188' on Arvil Avenue and 1080.97' on Rodriguez 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.

604

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

AN ORDINANCE 44,992

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 60 AND 61, NCB 15332, 6301 OLD HIGHWAY 90 WEST, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

E. CASE 5946 - to rezone Lots 275, 281 and 282, Block E, NCB 11551, 5900 Block of Silvercrest Drive, 4500 Block of Callaghan Road, from "A" Single Family Residential District to "B-1" Business District, located southeast of the intersection of Silvercrest Drive and Callaghan Road, having 187.54' on Silvercrest Drive and 333.48' on Callaghan Road.

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

Mr. James A. Gunn, the applicant, said that the staff and the Planning Commission have examined this zoning request and reduced his original application from "B-2" to "B-1" Business. He asked the Council for favorable consideration.

Sgt. Charles W. Lennon said that he is opposed to this zoning request because the traffic on Callaghan Road is already much too heavy and business zoning would generate more traffic. He described the terrain and the serious traffic problems already existing. He also said that the noise level is very high due to heavy traffic.

Mr. Teniente asked that the Director of Traffic and Transportation review this situation to see what might be done.

After consideration, Mr. Teniente 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: San Martin, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Becker.

AN ORDINANCE 44,993

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 275, 281 AND 282, BLOCK E, NCB 11551, 5900 BLOCK OF SILVERCREST DRIVE AND 4500 BLOCK OF CALLAGHAN ROAD, FROM "A" SINGLE FAMILY

RESIDENTIAL DISTRICT TO "B-1" BUSINESS
DISTRICT, PROVIDED THAT PROPER REPLATTING
IS ACCOMPLISHED.

* * * *

G. CASE 5980 - to rezone Lots 22, 23, 24, and 25, Block F, NCB 11440, 4800 and 4700 Blocks of Pettus Avenue, from "A" Single Family Residential District to "R-2" Two Family Residential District.

Lots 22 and 23 are located northwest of the intersection of Pettus Avenue and Broadview Drive, having 505.04' on Pettus Avenue and 407' on Broadview Drive.

Lots 24 and 25 are located northeast of the intersection of Pettus Avenue and Broadview Drive having 511.06' on Pettus Avenue and 408' on Broadview Drive.

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

Mr. Ralph Bender, representing Quincy Lee Company, the applicant, said that this will be a rental project with federal assistance. There will be 80 units constructed on the 10-acre site. They will be in 8 clusters and each cluster will have a small recreation area. He asked for Council approval of the change in zoning.

Mr. Diodolo Guerra, 4903 Bartmer, spoke in opposition. He said that this is a very quiet neighborhood and is well maintained by the residents. Development as proposed would reduce property values and increase traffic. Also he said that the type of people who would rent these units would allow them to become dirty and accumulate trash. He asked that the request be denied.

Speaking in rebuttal, Mr. Bender said that there is, of course, no way to guarantee the integrity of the occupants. If Council requested it, he said that there would be no objection to rezoning the property to "R-2(PUD)".

After discussion, Mr. Teniente moved that the recommendation of the Planning Commission be overruled and the rezoning denied. This motion died for lack of a second.

After further consideration, Mr. Morton made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a 25' building setback line is imposed along the west, north and east property lines. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Black, Lacy, Morton, O'Connell, Nielsen; NAYS: Teniente; ABSENT: Cockrell, Becker.

AN ORDINANCE 44,994

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 22, 23, 24,
AND 25, BLOCK F, NCB 11440, 4800 AND
4700 BLOCKS OF PETTUS AVENUE, FROM "A"
SINGLE FAMILY RESIDENTIAL DISTRICT TO
"R-2" TWO FAMILY RESIDENTIAL DISTRICT,

PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A 25' BUILDING SETBACK LINE IS IMPOSED ALONG THE WEST, NORTH AND EAST PROPERTY LINES.

* * * *

75-13 Mayor Becker returned to the meeting and presided.

F. CASE 5937 - to rezone the northeast 125' of Tract 8-H, NCB 12056, 11215 Coker Loop Road East, from "A" Single Family Residential District to "B-3" Business District, located on the northwest side of Coker Loop Road East, being 767.7' northeast of the intersection of North Loop Road and Coker Loop Road, having 125' on Coker Loop Road and a depth of 518.3'.

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

Mr. Camargo said that written opposition from owners of more than 20% of the property within 200 feet of the area had been received which would require 7 affirmative votes to approve the rezoning.

Mr. Frank Benton, the applicant, said that he would construct an office-warehouse on the property for storage of overhead doors. He said that the area is sparsely populated and the rezoning would not affect anyone.

Mr. Melvin Kessler, Jr. also spoke in favor of the request.

Mr. Nolan Wellmaker, an attorney, spoke as a representative of residents in the area. He displayed a plat showing the location of persons objecting to the rezoning and submitted a petition signed by 49 residents opposing the request.

He described the fine homes in the area and then distributed photographs of several of them to illustrate his point.

Mr. Frank Brawn also spoke in opposition saying that if this rezoning were granted, it would open up the entire area to business.

Mayor Becker read a list of persons who had signed up as opponents but did not speak.

Mr. Benton then spoke in rebuttal saying that there are already some businesses in the area and asked for Council approval.

After consideration, Mr. Teniente moved that the recommendation of the Planning Commission be overruled and the request for rezoning denied. The motion was seconded by Dr. San Martin and was passed and approved by the following roll call vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell.

The request for rezoning was denied.

H. CASE 5819 - to rezone a 32.198 acre tract of land out of NCB 8702, being further described by field notes filed in the office of the City Clerk, 7531 Broadway, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; a 10.004 acre tract of land out of NCB 8702, being further described by field notes filed in the office of the City Clerk, from "A" Single Family

Residential District to "B-2" Business District; and a 362.358 acre tract of land out of NCB 8702, being further described by field notes filed in the office of the City Clerk, from "A" Single Family Residential District to "I-2" Heavy Industry District for a quarry and cement manufacturing.

The "R-3" zoning being located on the south side of Nottingham Drive, being 523.67' west of the intersection of Broadway and Nottingham Drive with a maximum depth of 1110'.

The "B-2" zoning being located southwest of the intersection of Broadway and Nottingham Drive, having 767.76' on Broadway and 523.67' on Nottingham Drive.

The "I-2" zoning being located 160' north of Tuxedo Avenue and 160' northwest of Nacogdoches Road, having a maximum width of 4225' and a maximum length of 5300'.

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

Mr. Camargo said that because of written opposition, seven affirmative votes would be required to approve the rezoning.

Mr. Travis Moursund, Chairman of the Board of San Antonio Portland Cement Company, spoke in favor of the request. He reviewed the history of the company and said that this land was acquired in 1906 and operations begin in 1908 long before any development began in the area. He described the property and the measures his company has taken to protect the residents in the vicinity.

Mr. Moursund said that this is really more than a zoning problem because of the north expressway which is under construction. Tuxedo Avenue will become a main artery leading to the expressway and the City of Alamo Heights as well as the residents are using this zoning request as a lever to obtain right-of-way to widen Tuxedo and Nacogdoches Road. He said that these are two separate matters and should be considered separately.

Mr. Bill Worthy, a member of the Alamo Heights City Council, spoke concerning the matter. He agreed that this company has been an exceedingly good neighbor. He reviewed the traffic situation in the area and said that his only interest is in preserving the residential character of Tuxedo and Nacogdoches Road. He pointed out that traffic will be greatly increased when the expressway is opened and provision must be made for it now. So far, it has not been possible to reach an agreement with the cement plant for additional right-of-way. He urged that rezoning be withheld until an agreement is reached. He suggested that if rezoning is approved that "I-2" zoning be limited to the plant site and that the quarry area be zoned "R-A" with a quarry permit.

Mayor Becker said that somehow a compromise should be worked out. He said he did not like the idea of using the right-of-way problem as a threat. He then asked Mr. Moursund and Mr. Worthy to retire to a private conference room to try to work out some kind of agreement.

Later in the meeting, the two gentlemen returned to the Council meeting. Mr. Moursund said that they had agreed to postpone action on this zoning request for three weeks. During that time, they will work with the Traffic and Transportation Department and the City of Alamo Heights and attempt to resolve the issues.

Others speaking in opposition were:

Father J. Murphy
Mr. Charles Gorham
Mr. George Geis
Mr. Kenneth Dunn

After consideration, Dr. San Martin moved that consideration of this case be postponed three weeks. The motion was seconded by Dr. Nielsen and was passed and approved by the following roll call vote: AYES: San Martin, Becker, Black, Morton O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Lacy.

Mr. Morton said that he wished to make a motion as to a general principle on which zoning would be considered in three weeks.

Mr. Moursund said that his company had no intention of industrial development in the northern portion of the area.

MR. MORTON: I wonder what would be the maximum area that we would have as a buffer?

MR. MOURSUND: I would say about 300 feet.

MR. MORTON: Then we are saying that that 300 foot buffer all the way around except for what is now proposed "R-3" and "B-2" would be zoned "R-A" and in the "R-A" classification, they would not be allowed to have any other industrial use other than the one that they currently have. I think something on this order is reasonable. I think that we all have to consider the fact that number one, Portland has been here a long time. They do have some prior rights that obviously those folks who moved out there subsequently had to recognize. On the other hand, I don't think that just because you come in late that you don't have rights either. So I'm suggesting that as a basis upon which we would consider this zoning assuming that we are able to get the right-of-way that we need. I say forget Alamo Heights and San Antonio. Let's talk about serving people who live in Bexar County. That's what we really ought to be concerned with. So I move that we will consider this in principle on that basis three weeks from now.

MR. W. J. O'CONNELL: I would second it and I understand that staff will be bringing back a plot with the zoning such as Mr. Morton described rather than the plot we have now.

MR. CAMARGO: Let's go over that right quick. That's 300 feet from the right-of-way.

MR. MORTON: Let's talk about 300 feet from the new right-of-way.

MR. CAMARGO: How about this area up here?

MR. MORTON: I don't think they said they want anything, did they - the north half of it.

MR. MOURSUND: That would be quarry - "R-A".

MR. MORTON: So we are saying that the 300 foot buffer would be along Tuxedo and along Nacogdoches until you get up to the "R-3" and a line that would be drawn straight across right there - Nottingham.

MR. MOURSUND: My colleague has called one thing to my attention and we would have to delineate it. We've got that coke pile down in that corner and the top of the line of the dike would have to be the line there.

The motion was passed and approved on the following roll call vote: AYES: San Martin, Becker, Black, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Lacy.

I. CASE 5932 - to rezone a 0.067 acre tract of land out of NCB 15655, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located 390' east of Whitewood Drive and 390' north of Medina Base Road, being 70' in length and 42' in width.

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

Mr. Camargo said that this is a temporary residential zone and only five affirmative votes would be required to overrule the Planning Commission.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be overruled and the rezoning be approved. Rev. Black seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell; ABSTAIN: Morton.

AN ORDINANCE 44,995

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS A 0.067 ACRE TRACT
OF LAND OUT OF NCB 15655, BEING FURTHER
DESCRIBED BY FIELD NOTES FILED IN THE
OFFICE OF THE CITY CLERK, FROM TEMPORARY
"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT.

* * * *

Mr. Morton said that a club has been operating in this apartment project. He said that by his interpretation of the zoning ordinance, he should not be operating a private club in "R-3" zoning. He said the Council should look at this because there is more of this type of activity going on as he felt it should be zoned "B-3" to permit liquor to be sold.

Mr. Camargo said that it has come to his attention that the Texas Alcoholic Beverage Commission is issuing private club licenses without approval from the City in apartment complex areas. He said that the Planning Department is proposing amendments to place taverns in a separate district and bring to the Planning Commission and the Council a form of special approval for the dispersing of alcoholic beverages. In this way, the Commission and the Council could dictate the location of these club houses in conjunction with the pools and other facilities.

Mr. George Vann reviewed his discussion with the Beverage Commission and said that with their interpretation of the law, there would be nothing to prevent a private club from operating in a single family residential area.

J. CASE 5922 - to rezone the remaining portion of Lot 12, NCB 8816, 2200 Block of I. H. 10 West, from "B" Two Family Residential District to "B-3" Business District, located on the northeast side of I. H. 10 Expressway being 50' west of the intersection of Brad Avenue and W. Mariposa Drive, having 55.1' on I. H. 10 Expressway and a maximum depth of approximately 84'.

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

Mr. Rudy Aguilar, the applicant, said that this is an odd size lot which was left over from construction of the expressway. He said that he had bought it originally to run as an auto shop but later found that he is closed off from access. He therefore is asking for rezoning so that he can lease it for advertising purposes. He asked for favorable consideration of his request.

Mrs. Thomas Gray, 1737 W. Mariposa, spoke in opposition. She said that the property might be sold and used for a beer joint.

Also speaking in opposition were:

Mrs. Bernice Giles, 1738 W. Thorain
Mr. Robert D. Gonzalez, 1802 W. Thorain

They expressed concern over increased traffic and noise and the possibility of converting the property to be used for sale of alcoholic beverages.

After consideration, Mr. Teniente moved that the recommendation of the Planning Commission be overruled and the request for rezoning be approved. The motion was seconded by Mr. O'Connell. On the following roll call vote, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 44,996

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 REMAINING
PORTION OF LOT 12, NCB 8816, 2200
BLOCK OF I. H. 10 WEST, FROM "B" TWO
FAMILY RESIDENTIAL DISTRICT TO "B-3"
BUSINESS DISTRICT.

* * * *

The Clerk read the following Ordinance:

AN ORDINANCE 44,997

LEVYING AN AD VALOREM TAX FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO; LEVYING A TAX TO SUPPORT THE CITY-COUNTY T. B. CONTROL BOARD; LEVYING A TAX TO PAY THE INTEREST ON THE FUNDED DEBT OF SAID CITY; AND TO CREATE A SINKING FUND THEREFOR; AND FIXING THE TAX RATE AT \$1.89 PER \$100.00 OF VALUATION, ALL SAID TAXES BEING LEVIED FOR THE TAX YEAR BEGINNING JUNE 1, 1974 AND ENDING MAY 31, 1975.

* * * *

The Ordinance was explained by Mr. Carl White, Finance Director, who said that the details of the City's finances had been given last week. He said that the City Manager had written a memorandum concerning pay increases. The sales tax payment for the quarter ending December 31st has been received, and it is about \$400,000 less than anticipated.

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

The Clerk read the following Ordinance:

AN ORDINANCE 44,998

APPROPRIATING THE SUM OF \$1,300,000.00 FROM THE GENERAL FUND AND AUTHORIZING TRANSFER THEREOF TO NON-DEPARTMENTAL ACCOUNT 16-30-01, TRANSIT SYSTEM SUBSIDY, TO PROVIDE THE CITY'S MATCHING REQUIREMENTS FOR FEDERAL ASSISTANCE FOR FISCAL YEAR 1974-75.

* * * *

The Ordinance was explained by Mr. Carl White, Director of Finance, who said that this subsidy had been built into the budget so that it can be used as matching funds for a federal grant. In the past this has been taken from Revenue Sharing funds which cannot be used as matching funds.

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

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Dr. San Martin stated he voted yes with the understanding that the salaries of the five people in the Transit System will be reviewed by the Council. The lower administrative salaries also are to be reviewed. He asked that information be provided soon.

75-13 Item No. 3 of the Agenda being a proposed ordinance denying the petition of Concord Public Utility District for expansion of its acreage was withdrawn from consideration. It was explained that a letter had been received withdrawing the petition.

75-13 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Mr. O'Connell, seconded by Mr. Teniente, was passed and approved by the following vote: AYES: Becker, Black, Lacy, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, San Martin, Morton.

AN ORDINANCE 44,999

ACCEPTING THE LOW QUALIFIED BID OF G. W. DICKERSON & SONS IN THE AMOUNT OF \$19,951.50 FOR CONSTRUCTION OF IH-35 TEXACO SUBDIVISION OFF-SITE SANITARY SEWER; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT WITH SAID CONTRACTOR FOR SAID CONSTRUCTION; APPROPRIATING THE SUM OF \$20,950.00; AND AUTHORIZING PAYMENT OF \$19,951.50 TO G. W. DICKERSON & SONS AND \$998.50 AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

* * * *

75-13 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Rev. Black, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, San Martin.

AN ORDINANCE 45,000

AMENDING ORDINANCE 44,823 OF JANUARY 16, 1975, TO INCLUDE WATER MAIN RELOCATION AND CONSTRUCTION AS BID BY SUBJECT CONTRACT BY HOUSE-BRASWELL CO., IN THE AMOUNT OF \$16,049.00 AND AUTHORIZING PAYMENT FROM MISCELLANEOUS PROJECT CONTINGENCIES.

* * * *

75-13 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Mr. Teniente, seconded by Mr. Lacy, was passed and approved by the following vote: AYES: Becker, Black, Lacy, Morton, O'Connell, Teniente; NAYS: None; ABSENT: Cockrell, San Martin, Nielsen.

AN ORDINANCE 45,001

ACCEPTING THE LOW BID OF ACTION UTILITY COMPANY TO CONSTRUCT THE DONORE PLACE SANITARY SEWER OUTFALL FOR A TOTAL OF \$84,704.25; AUTHORIZING EXECUTION OF A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT; AUTHORIZING A TRANSFER OF FUNDS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR THE PROJECT AND ADDITIONAL ENGINEERING FEES, AND ESTABLISHING A MISCELLANEOUS CONTINGENCY ACCOUNT.

* * * *

75-13 The following Ordinance was read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion of Mr. Lacy, seconded by Rev. Black, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Teniente; NAYS: None; ABSENT: Cockrell, Nielsen.

AN ORDINANCE 45,002

MANIFESTING AN AGREEMENT WITH GRETCHEN EAGAN, AN INDIVIDUAL D/B/A "MINI-STUDIO", TO EXTEND THAT LEASE AGREEMENT PROVIDING FOR SPACE IN BUILDING NO. 212 AT HEMISFAIR PLAZA, FOR AN ADDITIONAL ONE YEAR TERM, COMMENCING FEBRUARY 1, 1975, ACCORDING TO THE SAME TERMS AND CONDITIONS.

* * * *

75-13 The following Ordinance was read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Lacy, was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, O'Connell.

AN ORDINANCE 45,003

MANIFESTING AN AGREEMENT WITH MARTHA DAVENPORT, AN INDIVIDUAL D/B/A "DAVENPORT'S CERAMICS", TO EXTEND THAT AGREEMENT PROVIDING FOR LEASE OF SPACE IN BUILDING NO. 208 AND 209 AT HEMISFAIR PLAZA FOR AN ADDITIONAL ONE YEAR TERM, COMMENCING FEBRUARY 1, 1975, ACCORDING TO THE SAME TERMS AND CONDITIONS.

* * * *

75-13 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, Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 45,004

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CHARLES S. MARSH TO MANAGE, CONTROL AND DIRECT THE OPERATION OF THE PAINTING AND ART WORK DISPLAY AREA AT INTERNATIONAL AIRPORT; ADOPTING RULES AND REGULATIONS FOR THE DISPLAY OF ART WORKS AT THE AIRPORT UNDER SAID CONTRACT.

* * * *

AN ORDINANCE 45,005

MANIFESTING AN AGREEMENT WITH EXXON COMPANY, U. S. A., SUCCESSOR TO HUMBLE OIL AND REFINING COMPANY, TO EXTEND THAT PERMIT FOR DELIVERY OF AVIATION FUEL AND LUBRICANTS TO LESSEES AT STINSON FIELD FOR AN ADDITIONAL FIVE YEAR TERM ACCORDING TO THE SAME TERMS AND CONDITIONS.

* * * *

AN ORDINANCE 45,006

GRANTING PERMISSION TO MR. ROSCOE HUGHES TO ERECT AN EIGHT FOOT WOODEN PRIVACY FENCE ON PROPERTY AT 328 WEST ELSMERE IN THE CITY.

* * * *

AN ORDINANCE 45,007

GRANTING PERMISSION TO MR. J. S. GOMEZ TO ERECT AN EIGHT FOOT SOLID SCREEN FENCE ON PROPERTY AT 1449 CULEBRA IN THE CITY.

* * * *

75-13 The Clerk read the following Ordinance:

AN ORDINANCE 45,008

AMENDING CHAPTER 34 OF THE CITY CODE TO REQUIRE THAT NOTICE BE POSTED REGARDING THE CONDITIONS FOR PARKING IN A COMMERCIAL PARKING AREA; PRESCRIBING THE SIZE OF THE NOTICE; PROVIDING A PENALTY FOR ANY VIOLATION BY FINE NOT TO EXCEED \$200.00; AND PROVIDING FOR SEVERABILITY.

* * * *

The Ordinance was explained by Mr. Tom Finlay, Assistant City Attorney, who said that it was drawn up as a result of recent activities of wrecker companies. Commercial parking lots will be required to have prominent signs stating parking fees, size of lettering and, in the event a car is towed away, where it can be claimed.

Mr. Finlay advised the Council that an order has been issued restraining All Around Towing Company from towing vehicles from parking lots unless they are requested in writing by the lot owner for each vehicle by the Court today.

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

75-13 The Clerk read the following Ordinance:

AN ORDINANCE 45,009

PROVIDING FOR EXTENSION OF THE EMERGENCY MEDICAL SERVICES PROGRAM IN THE UNINCORPORATED AREAS OF THE COUNTY AND IN OTHER INCORPORATED CITIES FOR AN ADDITIONAL ONE YEAR TERM.

* * * *

The Ordinance was explained by Mr. Tom Finlay, Assistant City Attorney, who said that this is the annual renewal of the E.M.S. agreement with other entities. He explained that each year the charge made to each participant is calculated each year based on experience the previous year and considering the estimate for the coming year.

Mr. Finlay pointed out that there is a statement in the Ordinance which says that "it is the intention of the City Council, if a new financing method should be arrived at it will be made available to all cities regardless of the fact that they have already approved the agreement". Some of the cities are holding up on signing the agreement thinking that something new may be worked out. He said that he would like to write to those cities and request that they make a decision and get their checks in before the end of March. He asked if this action would meet with Council's approval.

Mr. Morton moved that the action suggested by Mr. Finlay of writing to these cities be carried out. The motion was seconded by Mr. Teniente and on the following roll call vote, was passed and approved: AYES: San Martin, Becker, Black, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Lacy.

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

75-13 The Clerk read the following Ordinance:

AN ORDINANCE 45,010

GRANTING THE FIESTA COMMISSION PERMISSION TO CONDUCT A CARNIVAL DURING FIESTA WEEK.

* * * *

400

The Ordinance was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that after the last discussion of the carnival, the attorney for the Fiesta Commission determined that the contract the Commission had with the carnival operator was not valid so bids were requested. Four bids were sent out, two bids were received. Mr. Phil Sheridan submitted the high bid in the amount of \$185,151. Mr. Jack Leon has called and stated that he felt that he and his client, Mr. Love, have been fairly treated and were satisfied to have had the opportunity to bid.

Under this agreement, the Fiesta Commission is responsible for disposal of all garbage generated by the carnival and are to clean up the site after the carnival moves out. The authorization is from Wednesday, April 16 through April 28, 1975.

Mr. Fischer said that this year no payment will be made to the City but there will be a charge starting next year.

Mr. Morton asked Mr. Jim Gorman to explain his negotiations with Four Seasons, Inc. for the carnival site and asked if the lease will cost \$24,000.

Mr. Gorman stated that \$24,000 is the fee.

Mr. Morton said that the Four Season property is now being used as a parking lot. Their income as a parking lot would be much less than the \$24,000. He said that Four Seasons has not complied with their agreement with the Urban Renewal Agency on the disposition of this land. The land could be taken back by the Urban Renewal Agency.

After discussion, Mr. Morton said that he would move that if this property isn't leased to Fiesta San Antonio Association on what would be their average daily rate of income over the last 12 days from 60% of the gross revenues of the parking business then no later than next Thursday the Council would request the San Antonio Development Agency to take this land back for non-performance of the agreement. The motion was seconded by Mr. O'Connell and on the following roll call vote, was passed and approved: AYES: San Martin, Becker, Black, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Lacy.

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

75-13 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: San Martin, Becker, Black, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell, Lacy.

AN ORDINANCE 45,011

ACCEPTING THE LOW BID OF RENCO SUPPLY TO FURNISH THE CITY OF SAN ANTONIO WITH PAVEMENT MARKERS (REFLECTORIZED) FOR A NET TOTAL OF \$7,705.00.

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AN ORDINANCE 45,012

ACCEPTING THE LOW QUALIFIED BID OF GIRARD MACHINERY AND SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A TRACTOR-LOADER FOR A NET TOTAL OF \$33,148.00 AND AUTHORIZING PAYMENT OF SAID SUM.

* * * *

AN ORDINANCE 45,013

ACCEPTING THE LOW BID OF RALPH R. GRAY CONTRACTOR, INC. FOR THE RENTAL OF HEAVY EQUIPMENT FOR REDEVELOPMENT OF WILLOW SPRINGS GOLF COURSE; APPROPRIATING FUNDS, AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$169,990.00.

* * * *

75-13 The following Resolution was introduced by Dr. San Martin and after motion duly made and seconded was passed and approved by the following roll call vote: AYES: San Martin, Becker, Black, Lacy, Morton, O'Connell, Nielsen, Teniente; NAYS: None; ABSENT: Cockrell.

RESOLUTION OF RESPECT
NO. 75-13-15

WHEREAS, life came to a close for Mr. Romulo Munguia, Sr., on Monday, March 3, 1975, and

WHEREAS, he has been prominent in the printing industry in this City, and

WHEREAS, he has always been a champion for freedom for the individual as well as for respect for the dignity of the individual, and

WHEREAS, he has always been active in the affairs of this community and has worked indefatigably to strengthen relations between his native Mexico and the City of San Antonio, and

WHEREAS, he was the originator of the idea that created extension courses at the University of Mexico in San Antonio in 1948, NOW, THEREFORE:

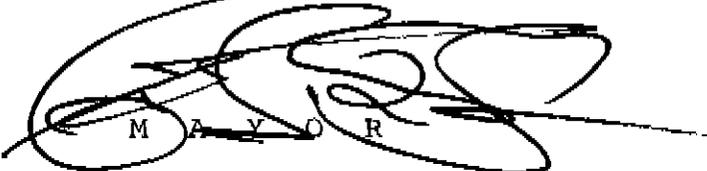
BE IT RESOLVED by the Members of the City Council of the City of San Antonio, on behalf of ourselves and the citizens of this community that we do express our deep regret upon the occasion of the death of Mr. Romulo Munguia, Sr., and tender to the bereaved members of his family our heartfelt sympathy.

BE IT FURTHER RESOLVED that this Resolution be spread upon the permanent records of the City and that a copy of the Resolution be sent to the members of the bereaved family.

* * * *

There being no further business to come before the Council, the meeting adjourned at 6:45 P. M.

ATTEST: 
J. H. INSELMANN
City Clerk

A P P R O V E D

M A Y O R
Charles L. Becker

March 6, 1975
kry
6:45 P.M.

