

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, FEBRUARY 28, 1980.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

80-12 The invocation was given by The Reverend Patrick McNulty, S.M., Holy Rosary Catholic Church.

80-12 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

80-12 The addendum to the minutes of the meeting of February 7, 1980 and the regular meeting of February 21, 1980, were approved.

80-12 CONSENT AGENDA

Mr. Steen moved that items constituting the consent agenda be approved with the exception of items #6, 20, 21, 24, 27, and 29, to be considered individually. Mr. Webb seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete.

AN ORDINANCE 51,869

ACCEPTING THE BID OF REX SUPPLY CO. TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH AN ELECTRICAL HOIST FOR A TOTAL OF \$ 4,160.00, LESS 1% - 10 DAYS.

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AN ORDINANCE 51,870

ACCEPTING THE BID OF M.G. BUILDING MATERIALS TO FURNISH THE CITY OF SAN ANTONIO WITH LUMBER FOR A NET TOTAL OF \$4,960.00.

\* \* \* \*

AN ORDINANCE 51,871

ACCEPTING THE LOW BID OF NATKIN SERVICE COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH THE OVERHAUL OF A TRANE CENTRIFUGAL WATER CHILLER FOR A TOTAL OF \$5,158.00, LESS 2% - 30 DAYS.

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AN ORDINANCE 51,872

ACCEPTING THE LOW QUALIFIED BID OF VALLEY PUMPS, INC. FOR THE PURCHASE OF SELF PRIMING PUMP PARTS AND APPROPRIATING SAID FUNDS FOR A TOTAL OF \$6,005.79, LESS 2%, FROM THE SEWER REVENUE FUND.

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February 28, 1980

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AN ORDINANCE 51,873

ACCEPTING THE BID OF MATCOTE COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH SWIMMING POOL PAINT FOR A NET TOTAL OF \$6,113.42.

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AN ORDINANCE 51,874

ACCEPTING THE LOW BID OF A-L WELDING PRODUCTS, INC., TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH WELDING UNITS FOR A NET TOTAL OF \$8,512.65.

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AN ORDINANCE 51,875

ACCEPTING THE LOW BID OF CROWN CHEMICALS INC. TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH INSECTICIDES FOR A NET TOTAL OF \$8,375.40 AND CANCELING THE CONTRACT WITH AGRI-TURF, INC., AS APPROVED BY ORDINANCE 51686 OF JANUARY 10, 1980.

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AN ORDINANCE 51,876

ACCEPTING THE BID OF VULCAN SIGNS & STAMPINGS, INC. TO FURNISH THE CITY OF SAN ANTONIO TRAFFIC AND TRANSPORTATION DEPARTMENT WITH ALUMINUM SIGN BLANKS FOR A NET TOTAL OF \$10,987.50.

\* \* \* \*

AN ORDINANCE 51,877

ACCEPTING THE BID OF THE TORGERSON COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION AND PUBLIC WORKS DEPARTMENT WITH A TRACTOR AND ROTARY MOWER FOR A TOTAL OF \$12,068.00, LESS 1% - 10 DAYS.

\* \* \* \*

AN ORDINANCE 51,878

ACCEPTING THE BID OF UARCO, INC., TO FURNISH THE CITY OF SAN ANTONIO MUNICIPAL COURT WITH THE PRINTING OF PARKING TICKETS FOR A NET TOTAL OF \$12,140.00.

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AN ORDINANCE 51,879

ACCEPTING THE BID OF ACME STEEL FABRICATORS AND ARMCO INC., METAL TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH REINFORCING STEEL FOR A TOTAL OF \$17,510.50.

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## AN ORDINANCE 51,880

ACCEPTING THE BID OF TEXAS FIRE FIGHTERS EQUIPMENT CO. TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH A RESCUE SYSTEM FOR A NET TOTAL OF \$29,442.00.

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## AN ORDINANCE 51,881

ACCEPTING THE BID OF CHEMICAL & TURF SPECIALTY CO., INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH FERTILIZER FOR A NET TOTAL OF \$53,167.85.

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## AN ORDINANCE 51,882

ACCEPTING THE LOW BID OF BRODART, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR CONVERTING CATALOG CARDS TO MACHINE READABLE FORMS.

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## AN ORDINANCE 51,883

AUTHORIZING EXPENDITURE OF THE SUM OF \$13,905.00 OUT OF REVENUE SHARING FUNDS FOR THE PURPOSE OF ACQUIRING THE TITLE TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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## AN ORDINANCE 51,884

AUTHORIZING PAYMENT OF AN ADDITIONAL \$18,662.10 TO GROVES, FERNANDEZ, FRAZER & ASSOCIATES, INC., FOR ADDITIONAL ENGINEERING FEES IN CONNECTION WITH THE BRIGGS STREET DRAINAGE PROJECT.

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## AN ORDINANCE 51,885

DECLARING CERTAIN BUILDINGS AT INTERNATIONAL AIRPORT TO BE SURPLUS.

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## AN ORDINANCE 51,886

FINDING THAT CERTAIN TAX ASSESSMENTS ARE INVALID AND ORDERING THAT THE INVALID ASSESSMENTS AND THE TAXES BASED THEREON BE CANCELLED.

\* \* \* \*

## AN ORDINANCE 51,887

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH \$2,000,000. IN CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

\* \* \* \*

AN ORDINANCE 51,888

AUTHORIZING EXECUTION OF A LETTER OF AGREEMENT WITH THE DEVELOPMENT AND EVALUATION ASSOCIATES TO PROVIDE TECHNICAL ASSISTANCE IN THE PREPARATION AND ANALYSIS OF AN EVALUATION OF THE RIDE SHARE PROGRAM; AND APPROVING A COST UP TO \$4,910.00 FOR THE WORK PAYABLE FROM THE 1979/80 TRANSPORTATION STUDY OFFICE GRANT FUNDS.

\* \* \* \*

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,889

ACCEPTING THE PROPOSAL FROM THE H.W. WILSON COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH RENEWAL SUBSCRIPTIONS FOR A NET TOTAL OF \$5,010.00.

\* \* \* \*

Mr. Webb moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to a question by Mr. Thompson, Mr. George Noe, Administrative Assistant to the City Manager, explained that these are periodical indices that are necessary in updating the Public Library's reference collection department. He also stated that the Library Director had recommended this request.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,890

ACCEPTING THE LOW QUALIFIED BID OF STODDARD CONSTRUCTION CO. IN THE AMOUNT OF \$84,000.00 TO CONSTRUCT THE PERSONNEL BUILDING FOR THE ANIMAL CONTROL FACILITY; AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONTRACT FOR THE PROJECT; ADOPTING A BUDGET FOR THE PROJECT; AND AUTHORIZING PAYMENT OF \$84,000 TO STODDARD CONSTRUCTION CO., \$4,203 FOR CONTINUED CONSTRUCTION EXPENSES AND \$7,240 FOR ADDITIONAL ARCHITECTURAL FEES TO WILLIAM E. PARRISH.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to a concern expressed by Mr. Archer, Mr. Rolando Bono, Assistant to the City Manager, gave background information regarding this item. He explained that the architects are paid through the supervision of the construction.

Mayor Cockrell stated that many businesses utilize the services of an architect during the construction of a facility at one time or another.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,891

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH STEPHEN J. CANTY & ASSOCIATES, FOR PREPARATION OF A PUBLIC WORKS DESIGN MANUAL; AND AUTHORIZING PAYMENT OF THE SUM OF \$26,000.00.

\* \* \* \*

Dr. Cisneros moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Mr. Thompson, Mr. Frank Kiolbassa, Director of Public Works, explained that the design manual is primarily a technical manual, yet it also is a policy manual that every contractor that does work for the City is required to use. He further explained that the manual will result in time-saving, since it will eliminate much time that is now being used by the staff by giving verbal instructions to contractors.

Mr. Canavan commended the department on this new endeavor.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,892

CLOSING AND ABANDONING A PORTION OF PARK AVENUE IN NEW CITY BLOCKS 3076 AND 352, AND AUTHORIZING A QUITCLAIM DEED TO VIA METROPOLITAN TRANSIT FOR AND IN CONSIDERATION OF THE SUM OF \$1.00.

\* \* \* \*

Dr. Cisneros moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a concern expressed by Mrs. Dutmer, Mr. George Noe, Administrative Assistant to the City Manager, explained that Park Avenue has been improved with asphalt surfacing, and normally would be sold at its appraised value, however, the Public Works Director has recommended that the cost of the right-of-way be waived to VIA, since it is a tax-supported institution, such as the San Antonio Development Agency and the public school boards. He explained that this procedure was being followed in order to be consistent with what has been done in the past.

Mr. Canavan concurred with Mrs. Dutmer's remarks, about VIA paying the proper amount.

Mrs. Dutmer stated that the City is weakening their position on this type of transaction which has been occurring for the past two years. She felt that this policy should be changed.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,893

ACCEPTING A GRANT OF \$155,495 FROM THE TEXAS STATE LIBRARY IN FEDERAL LIBRARY SERVICES & CONSTRUCTION ACT FUNDS TO ADMINISTER THE 1979/80 LIBRARY SYSTEM SERVICES PROGRAM IN DISTRICT 10 OF THE STATE LIBRARY SYSTEM; ESTABLISHING A FUND AND ADOPTING A BUDGET.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to a question by Mr. Thompson, Mayor Cockrell asked that staff prepare a report on the total amount of State Library Grant funds received this year, what these grant funds will be used for, and whether these funds were anticipated and included in the fiscal year, 1979/80 budget.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,894

AUTHORIZING PAYMENT IN THE AMOUNT OF \$13,600.00 TO ED YARDANG AND ASSOCIATES FOR THE PRODUCTION OF AUDIO NARRATION ON "SAN ANTONIO - THE HEART OF TEXAS" FILM PURSUANT TO ORDINANCE 50427 DATED FEBRUARY 22, 1979.

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Dr. Cisneros moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a concern expressed by Mr. Archer, Mayor Cockrell explained that the Convention and Visitors' Bureau is making a strong effort in attracting Japanese, German, and French tourism for the sake of the market industry in San Antonio; this is why it is imperative that the film be in different types of languages.

Mr. Archer took exception to the cost of this program.

Dr. Cisneros stated that the Japanese people are very tourist-oriented, and travel more than any other people in the world. He spoke in support of the Ordinance and felt that this would be a wise investment.

City Manager, Thomas Huebner recommended the passage of this Ordinance. He stated that the purpose was basically to get the foreign tourists to come back to the States and spend the American dollars here.

Mr. Steen concurred with Mr. Huebner's remarks and spoke in support of the Ordinance.

Mr. Eureste also expressed his views in favor of this Ordinance.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: Archer; NONE: None.

80-12 · ZONING HEARINGS

30. CASE 7962 - to rezone Lot 46, NCB 11971, 10214 McCullough Avenue, from "A" Single Family Residential District to "B-3R" Restrictive Business District, located on the southeast side of McCullough Avenue, being 100' northeast of the intersection of McCullough Avenue and U.S. Highway 281 North, having 165' on McCullough Avenue and a maximum depth of 147.5'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Dr. Cisneros moved that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,895

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 46, NCB 11971, 10214 MCCULLOUGH AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

\* \* \* \*

31. CASE 7969 - to rezone a 6.333 acre tract of land out of NCB 14445, being further described by field notes filed in the Office of the City Clerk, from "R-3" Multiple Family Residential District to "O-1" Office District, located approximately 365' northwest of Medical Drive and 625' northeast of Bluffcreek Drive, having a width of 419.66' and a length of 676'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting with adjacent land for public street frontage is accomplished. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,896

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 6.333 ACRE TRACT OF LAND OUT OF NCB 14445, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER PLATTING WITH ADJACENT LAND FOR PUBLIC STREET FRONTAGE IS ACCOMPLISHED.

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32. CASE 7964 - to rezone Lots 7 thru 12, Block 48, NCB 2012, in the 2900 Block of W. Ashby Place, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the south side of W. Ashby Place between Peacock Avenue and Rouse Avenue, having 300' on W. Ashby Place and 150.37' on both Peacock Avenue and Rouse Avenue.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

Mr. Alderete spoke on behalf of a concern raised by the residents in the area and asked that the one block of W. Ashby Place between Wilson and Peacock be made a two-way street in order to allow the residents of Rouse Avenue to have access to this street. He asked that this be made part of the motion.

Mr. John Shaw, Board member of the Salvation Army, stated that he was aware of the request made by Mr. Alderete. He stated that this would create a problem with traffic because of the existing traffic light on Cincinnatti and people making a left turn on Ashby Place. He spoke regarding the great deal of traffic that this would incur on W. Ashby Place; however, this could be tried on a trial-run basis as part of a compromise.

Mr. Stewart Fischer, Director of Traffic and Transportation explained that this is no problem, however, if traffic problems do arise, this street can be changed back to the way that it was previously.

At this point, Mayor Cockrell asked that the Traffic Department through the City Manager, be instructed to open Ashby between Peacock and Wilson to two-way traffic on a trial-basis.

After discussion, Mr. Alderete moved that the recommendation of the Zoning Commission be approved. Mr. Thompson seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,897

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 7 THRU 12, BLOCK 48, NCB 2012, IN THE 2900 BLOCK OF W. ASHBY PLACE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

\* \* \* \*

33. CASE 7956 - to rezone NCB's 1156, 1157, 1158, 1159, 1164, 1165, 1166, 1167, 1174, 1175, 1176, 1177 and 1173 save and except Lot 13, and 1172 save and except Lot 15, in the 500 and 600 Block of Hood Street, in the 1500, 1600 and 1700 Blocks of Carson Street, in the 500, 600 and 700 Block of I.H. 35 North Expressway, from "C" Apartment District and "L" First Manufacturing District to "R-1" Single Family Residential District; said property is bounded by Hood Street on the north, I.H. 35 North Expressway on the south, Frank Street on the west, and Ash Street and Edgar Street on the east, having 838' on Hood Street, 1000' on I.H. 35 North Expressway, 1800' on Frank Street and a total of 1590' on Ash Street and Edgar Street.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,898

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS NCB'S 1156, 1157, 1158, 1159, 1164, 1165, 1166, 1167, 1174, 1175, 1176, 1177, and 1173, SAVE AND EXCEPT LOT 13, AND 1172 SAVE AND EXCEPT LOT 15, IN THE 500 AND 600 BLOCKS OF HOOD STREET, IN THE 1500, 1600 AND 1700 BLOCKS OF CARSON STREET, IN THE 500, 600, AND 700 BLOCK OF I.H. 35 NORTH EXPRESSWAY, FROM "C" APARTMENT DISTRICT AND "L" FIRST MANUFACTURING DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

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80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,899

AUTHORIZING EXECUTION OF A LETTER OF AGREEMENT WITH THE TEXAS A & M RESEARCH FOUNDATION FOR THE FOUNDATION TO PROVIDE TECHNICAL ASSISTANCE IN DESIGNING A SAN ANTONIO STREET INVENTORY AND MANAGEMENT SYSTEM; AND APPROVING A COST UP TO \$35,000.00 FOR THE WORK PAYABLE FROM THE 1979/80 TRANSPORTATION STUDY OFFICE GRANT FUNDS.

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Dr. Cisneros moved to approve the Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Mr. Thompson, Mr. Stewart Fischer, Director of Traffic and Transportation, explained that at the present time, the City has very poor records of its streets. He stated that this project will help overcome this deficiency. He explained how this system is intended to provide in one location all of the physical data concerning all of the streets, plus maintenance records, accident statistics, traffic regulations and control devices and utility data. He further stated that this would enable the City to more intelligently plan improvements.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Steen, Cockrell; NAYS: None; ABSENT: Canavan, Archer.

80-12 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Steen, Cockrell; NAYS: None; ABSENT: Canavan, Archer.

AN ORDINANCE 51,900

AUTHORIZING AND DIRECTING THE CITY MANAGER  
TO EXECUTE REVISED ENTITY SEWER SERVICE  
CONTRACTS WITH CERTAIN SUBURBAN ENTITIES.

\* \* \* \*

80-12 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,901

AUTHORIZING SUBMISSION OF AN AMENDMENT TO  
GRANT NO. C-48-1211-01-2 AWARDED TO THE CITY  
BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
FOR AN INCREASE OF \$27,896.00 TO SAID  
GRANT FOR THE WASTEWATER TREATMENT FACILITIES  
PLANNING PROJECT; INCREASING THE BUDGET OF THE  
PROJECT TO \$8,041,780.00; AUTHORIZING A CON-  
TRIBUTION OF \$9,299.00 TO THE PROJECT FROM 1975  
SEWER REVENUE BOND FUNDS; AND AUTHORIZING AN  
AMENDMENT TO THE AGREEMENT ON THIS PROJECT  
WITH PAPE-DAWSON, INC., VICKREY & ASSOCIATES,  
INC., AND LOCKWOOD, ANDREWS & NEWMAN, INC.,  
ACTING IN JOINT VENTURE TO PROVIDE SERVICES  
TO BE USED AS INPUT AND DEVELOPMENT OF AN  
APPROVABLE MUNICIPAL PRETREATMENT PROGRAM AT  
A COST OF \$47,803.00.

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80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,902

ESTABLISHING REVISED SANITARY SEWER SERVICE  
CHARGES WITHIN AND WITHOUT THE CORPORATE  
LIMITS OF THE CITY OF SAN ANTONIO.

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Mr. Webb moved to approve the Ordinance. Mr. Steen seconded the motion.

Dr. Cisneros asked ~~about the status of a suggestion made~~ by Mr. Wing two weeks ago, with respect to the educational program.

Mr. Frank Kiolbassa, Director of Public Works, explained what steps had transpired in the past two weeks. He stated that before the rate goes into effect, each customer will be receiving a brochure, or a hand-out, which will explain the why of it and the value of a quality system and the value to the City of having such a system.

In response to a question by Mrs. Dutmer, Mr. Kiolbassa stated that he could not predict that there will not be an additional rate increase.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,903

ACCEPTING THE LOW QUALIFIED BID OF H.B. HEATH & SON IN THE AMOUNT OF \$1,074,876.25 TO CONSTRUCT THE BURLESON SCHOOL DRAINAGE - PHASE I PROJECT; AUTHORIZING EXECUTION OF A CONTRACT COVERING SUCH WORK; PROVIDING FOR PAYMENT AND AUTHORIZING REVISIONS TO COMMUNITY DEVELOPMENT PROGRAM FUNDS BUDGETS AND TRANSFERS OF FUNDS TO THIS PROJECT.

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Dr. Cisneros moved to approve the Ordinance. Mr. Wing seconded the motion.

Mr. Alderete took exception to the fact that monies are being reprogrammed from the North San Joaquin Street Project. He stated that in this project, there is no excuse for the delay of the utility relocation and further stated that many of the residents have been complaining for quite some time.

Mr. Frank Kiolbassa, Director of Public Works, explained that the North San Joaquin Street Project, as originally funded, was insufficient in the amount to do the work. He stated that at that time, the City Water Board's utility was being compensated out of the project itself; with this problem and the cost of the construction, there was not enough money to do the job. He stated that as originally appropriated, the project will need \$499,000. to complete the job.

Mr. Alderete expressed concern that the City Council had taken action two years ago to provide street repair and now, the project is being taken away from the residents, due to lack of funds.

A discussion then took place as to why this project had not been recommended to the Council especially since the engineering work had been completed on it. Also a discussion then ensued as to where along the line, this project was halted from completion.

Mayor Cockrell stated that all members share the concern brought forth by Mr. Alderete, regarding projects that have gone through all the work of getting approved by the Council, assuming that the project is going forward. She stated that it is disconcerting to find out two years later, that the project has "fallen through the crack."

Mr. Kiolbassa explained that there were other projects in other districts that were cut-off from funding under the Community Development Block Grant Program.

At this point the meeting was recessed at 2:10 P.M. due to technical difficulties, and reconvened at 2:25 P.M.

Discussion continued.

Mr. Marcus Jahns, Director of Budget and Research, explained the process by which the projects are considered. He explained the difficulty they had encountered due to the cost overruns in the neighborhood of \$20 million through the past years. He stated that it appeared that this project, the North San Joaquin Project, was one of those funded in relation to other high priority projects. In response to a question by Mr. Alderete, Mr. Jahns read from a list delineating projects that had received high priority and thus received funding.

Mayor Cockrell expressed concern that the Council has not been made sufficiently aware of the total list of the under-funded projects and their relation to setting up the priorities.

City Manager, Thomas Huebner stated that the reason that this is not on the Consent Agenda is because a choice has to be made in terms of proceeding with the Burleson School Drainage Project, and when you have as many over-runs as in the Community Development Block Grant funding, a choice again, must be made.

At this point in the meeting, Mayor Cockrell asked that this item be pulled in order to allow for a full work session so that each Council member can become familiar with those projects that are under-funded.

Mr. Marcus Jahns stated that he would be willing to report back to the Council in one week's time alternative sources of funding, which would require borrowing from other projects.

A discussion then took place on other projects that have been funded, however, they have not been completed due to lack of funds.

Mr. Wing stated that this has been the process and this Ordinance is not breaking precedent. He stated that the Council is being faced with a choice at this time. He also stated that some of these projects have been waiting for four years.

Mr. Alderete stated that he would not be satisfied until the necessary monies are allocated towards the North San Joaquin Project.

In response to a question by Mr. Alderete, City Manager Huebner stated that he recommended that staff fund the Vista Verde South Project, because he felt it necessary to fulfill the legal commitment made between the City and the Urban Development Application Grant (UDAG).

At this time, Dr. Cisneros made a substitute motion to postpone this Ordinance for one week in order that all potential sources of funding for the North San Joaquin Project can be identified. Mr. Steen seconded the motion.

Mr. Webb spoke against the substitute motion to postpone. He stated that reprogramming of funds has occurred in every district and spoke in opposition to this process being changed because of one Council member's concern.

Mr. Eureste stated that he would not mind taking a look at all the cost over-run projects, but to pull this item because of concern expressed for one project, would not be fair. He felt that the Burleson School Project should be approved today and made the suggestion that next week in a work session, the Council look at the total cost over-runs.

Mr. Thompson concurred with remarks made by Mr. Webb and Mr. Eureste. He spoke in support of the passage of this Ordinance.

A discussion then took place regarding the substitute motion made by Dr. Cisneros.

In response to a question by Dr. Cisneros, City Attorney, Jane Macon explained that if the motion is to postpone for a time certain, then the motion is debatable; if the motion is to table, then it is not debatable.

Debate continued regarding the substitute motion.

Mr. Marcus Jahns addressed the Council and informed them as to what projects have not been funded.

After a lengthy discussion, the substitute motion failed to carry by the following vote: AYES: Cisneros, Alderete; NAYS: Webb, Dutmer, Wing, Eureste, Thompson, Archer, Steen, Cockrell; DISQUALIFICATION: Canavan; ABSENT: None.

Mr. Alderete requested for information regarding the list of projects that were able to be borrowed from and the staff's rationale for not borrowing from other projects other than the North San Joaquin Project.

Mayor Cockrell recommended that this information be held until the City Council has a chance to review all the other projects.

Mr. Wing spoke against the request by stating that this information is not germane to the item presently being considered by the Council.

Mayor Cockrell stated that the request was germane because Mr. Alderete wants to propose an alternative source for the funding.

At this point, Mr. Alderete made a substitute motion to allocate the monies for the Burleson School Drainage Project from the District 6 contingency fund. Dr. Cisneros seconded the motion.

After consideration, Dr. Cisneros withdrew his second.

The motion died for a lack of a second.

Mr. Alderete made a substitute motion that the passage of the Ordinance be delayed until Mr. Kiolbassa comes back with information regarding this matter. Dr. Cisneros seconded the motion.

Mr. Steen spoke against the motion to delay this item.

Mrs. Dutmer spoke for the motion to postpone this item until later in the agenda.

After discussion, the motion failed to carry by the following vote: AYES: Cisneros, Dutmer, Alderete; NAYS: Webb, Wing, Thompson, Archer, Steen, Cockrell; DISQUALIFICATION: Canavan; ABSTAIN: Eureste; ABSENT: None.

The original motion to approve this Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; DISQUALIFICATION: Canavan; ABSENT: None.

Mr. Alderete asked that staff provide him with a written report on the department responsible for recommending against the North San Joaquin Street Project.

Mr. Steen made a motion to have a work session on the projects that are unfunded and to establish a procedure to go by. Mr. Wing seconded the motion. On roll call, the motion, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Archer.

80-12 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Archer.

AN ORDINANCE 51,904

ACCEPTING THE LOW QUALIFIED BID OF BRUCE CONTRACTING COMPANY, INC., IN THE AMOUNT OF \$813,798.83 FOR CONSTRUCTION OF THE EASTSIDE STREET IMPROVEMENTS- NORTH PROJECT; AUTHORIZING EXECUTION OF A CONTRACT COVERING SUCH WORK; AUTHORIZING PAYMENT OF THE CONTRACT, ENGINEERING FEES, AND CONTINGENT EXPENSE; ESTABLISHING A FUND, ADOPTING A BUDGET; AND APPROVING A REVISION IN COMMUNITY DEVELOPMENT FUNDS AND CONTRIBUTIONS THEREFROM TO THIS PROJECT.

\* \* \* \*

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,905

AUTHORIZING AN AMENDMENT TO ORDINANCE 51604, FOR CONTINUATION OF THE METRO COMPREHENSIVE NUTRITION PROJECT FOR ONE MONTH COMMENCING MARCH 1, 1980 AND ENDING MARCH 31, 1980, APPROVING A BUDGET OF \$128,867.00 THEREFOR; APPROPRIATING FUNDS AND AUTHORIZING EXECUTION OF AGREEMENTS WITH PRIVATE AGENCIES FOR OPERATION OF SEWER SERVICES.

\* \* \* \*

Mrs. Dutmer moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Dr. Cisneros, Mayor Cockrell stated that she is working with the AACOG staff to meet with Governor Clements on the home matter.

Mr. William Donahue, Director of Human Resources and Services, stated that the situation is critical. He explained the present problems with the contract and stated that if the problem is not corrected, they could find themselves without money for this project.

Dr. Cisneros asked that the Council members be kept apprised on this matter.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

The Clerk read the following Resolution:

A RESOLUTION  
NO. 80-12-16

APPROVING THE TERMS OF THE WATER AND  
SEWER REFUNDING ORDINANCES.

\* \* \* \*

The following discussion then took place:

MAYOR COCKRELL: What we have is an ordinance with different parts and so we need to lay those out and may we call on the staff to begin the process.

MR. LOUIS FOX (ASST. CITY MANAGER): I believe it's fair to state that the City Water Board staff and the City staff are in agreement essentially on the bulk of the proposed refunding ordinance that's submitted before the City Council. There are several or at least three identified alternatives for providing for a combination of the two systems. That combination obviously being under the City Council or a combination under the City Water Board. The Water Board submitted two alternatives for your consideration and the City staff submitted one, identified as Alternative 3. And I think the substance of the difference in recommendations is this. First, the question of what constitutes adequate notice and secondly what is the desired procedure for combining the systems with regard to Council decisions slash public decision concerning the consolidation. And then the third substantive item, I believe is how long should it be before the combination become effective. The Water Board suggested a 3/4 vote of the City Council being appropriate, one with a referendum of the people suggested the other without a referendum. The City staff felt that a majority of the City Council after following the process that is called for in the Charter with regard to franchising is appropriate that being a simple majority after a three reading process of the combined ordinances. And finally, we recommend that unlike the Water Board, which recommends a one year time frame before the take over occur. The City staff recommends that six months would be appropriate on the concept that it may be desirable for a combination to occur on a fiscal year period. And with a one year time frame we may miss that window, if you will, for getting the systems together. We think that within six months the problems can be worked out. I believe the Water Board staff and the Water Board members are here. City staff recommends Alternative 3, which is a simple majority of the Council and that's our report.

MAYOR COCKRELL: And basically the recommendation number three, tracks the City franchise procedure.

MR. FOX: That's correct. And also follows more or less the present indenture that the Water Board is operating under, without the provision for refunding.

MAYOR COCKRELL: Alright fine. Now, we'll call on the Water Board Chairman, Mr. Schaefer.

MR. JOHN SCHAEFER: Thank you, Mayor. John Schaefer, Chairman of the City Water Board. You have received the various alternate proposals. There has been a change in the City staff proposal from the time we originally received it. Item 7 originally, they were in agreement that one year would pass before any actual consolidation took place. This has been changed to six

months. At this point, I don't really know why. But it has been changed. We feel that a year is essential, because of the employees and so forth.

MR. FOX: I'm sorry, I should have mentioned that the six months was the minimum time the Council in the ordinance could direct any length. And I apologize for not making that clear.

MAYOR COCKRELL: It would be a six months minimum, but then up to whatever time Council, I see.

MR. SCHAEFER: Their original agreement and ours was one year minimum. That's probably minor, but we do feel that a minimum of a year would be required, if it were to take place, because of the personnel problems, as well as contractual problems and so forth. However, that is minor. The major items, which Lou mentioned, and I think that they're very important would be the affirmative vote of 3/4 of the Council in Item 1 to set a referendum for combining these either under the City or under the Water Board. Alternate 2 would be a three course affirmative vote without a referendum. We're recommending Alternate 1 in its place, Alternate 2 as acceptable. As far as tracking a franchise, the franchise ordinance, I think it must be pointed out to the Council, that this is a much graver situation than entering into a franchise, for instance, with an outlying city, or franchise of a nature that where you're using streets, for instance cable T.V. or otherwise. You're actually talking here about changing the entire municipal corporate structure of the City of San Antonio. Now, when you talk about either combining and taking away from the City function, the sewer and water treatment, wastewater treatment and putting it under a separate board, i.e. the Water Board. Or you're talking about doing away with a concept of the utilities having separate boards and functioning as a board and putting that back as a City department solely.

This is a major step. It's not a simple thing, and I feel very strongly regardless of my position as Chairman of the Water Board. I feel very strongly that the public utilities, if we're going to change the actual structure, the corporate structure and after all this is a corporate structure, these utilities are owned by the City corporation. And we need the citizen input on this, because it's going to affect the citizens. It's going to affect the bonds, the salability of the bonds and a number of things which you're very familiar with. But, I really feel that the most important aspect in this is that it is a major decision to be made. That it should require the consensus of the Council to even call for a referendum. I think that this idea of coming up on any Thursday and saying we're going to do away with what we now have, in either direction is very dangerous, because the citizens do rely on these. It's a necessity of life. And that really is the basic thrust that I would make to you that it is very essential. It's not something to be done lightly. There are bond holders, there are rate users, rate payers, taxpayers involved and it's something that I feel the Council should take a very, very close look at and should require more than just a Thursday vote. I'll be happy to answer any specific question.

MAYOR COCKRELL: Yes. John, as I understand it, the provisions, what was explained by staff, are really just about identical though to what is in the present indenture other than requiring a refunding.

MR. SCHAEFER: No. Well, that's true. But that, of course, is the safeguard in the present indenture, is that refunding is not a minor thing. This is really the refunding that we're talking about in the present indenture. And you realize how complicated that is, and how that you have to make a major basic decision to refund. If you're going to leave the refunding in, then that in itself is a safeguard. But when you take that safeguard out

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and say we don't want refunding, we want to be able to do it without refunding. That's a safeguard and you're removing that safeguard. And when you do, I think you have to put one in its place. And I think that having the consensus of the Council, by that I mean more than just a simple six of eleven. I think you need a 3/4 vote to say, hey, this Council is basically united behind this. And we've looked at all the ramifications of it, because you're relieving yourself of a safeguard, you need to replace that safeguard. And I feel the same thing is true with a referendum. That you say, alright citizens, we're making a major step here and we want your concurrence in this, because it's not a light thing. You're dealing with the necessity of life here. So in relation to that, you're taking that safeguard away, Mayor. It's not a light thing to say, well we're just doing away with the refunding. That is the safeguard in the current indentures.

MAYOR COCKRELL: Alright, Mr. Steen.

MR. JOHN STEEN: Thank you, Madam Mayor. I would like to move at this time that we approve Item 41, using Alternative #1, as proposed by the City Water Board under Sections 28 C and D of the ordinances.

MRS. HELEN DUTMER: I'll second it.

MAYOR COCKRELL: It's been moved and seconded that we use Alternative 1. Doctor Cisneros is next, but he is out of the room. Mrs. Dutmer.

MRS. DUTMER: Yes. I'd rather go for number one, if we have to select one of the two of these things.

MAYOR COCKRELL: There are three. One of the three.

MRS. DUTMER: Or three. When and if it comes to pass that they are combined at any time, I would rather go slowly and take our time. Give ourselves as much time in the process as possible, so that we're sure that we're doing the right thing. At any time in the process, if it becomes apparent that we're making mistakes, we can zilch it at that time. For very frankly I do not want the Water Board under the City of San Antonio. Council changes every two years. True there's a few left on, but new ones come on. And there's a very distinct possibility that the policies of the Water Board could be changed, if it came under the City. It could be changed every two years, and this would be utter chaos. And very candidly, I do not want sewers under the Water Board. First reason, is that there are going to be many acre feet of water that is usable for industrial purposes in this City when the new plant is built. I want the City of San Antonio to have the jurisdiction over these waters and not the Water Board. And secondly, in the very near future this City is going to have to address the disposal of both solid waste and the sludge. And it's not going to be a very easy question to decide and the brunt of what happens is going to come to the City irrespective. So this is my feeling on it and I would vote for Alternative #1. At least that gives us the time period to think about what we're doing.

MAYOR COCKRELL: Alright, Mr. Webb.

MR. JOE WEBB: Yeah, I was listening to what the Chairman of Trustee Board was talking about, something to the effect if you take something away, you have to put something in its place. I think he's speaking of some safeguards, I think is what he's probably talking about. And I didn't quite exactly understand what the safeguard you were putting in the place and I wanted to get that clear.

MAYOR COCKRELL: Mr. Schaefer, would you like to respond.

MR. SCHAEFER: Well, the safeguard is two-fold. One, that it would take a 3/4 vote of the Council to call a referendum, so that you couldn't just on any given third, if you have six votes just suddenly change everything. Secondly, the referendum would allow the citizens to voice their opinion on a very major issue. So, I feel that's a safeguard. If this needs to be done, the citizens need to understand that not just to come to Council and with a simple vote and do it. So, that is in my opinion an adequate safeguard of letting the citizens have a vote in their future.

MR. WEBB: Alright, I would like to ask the Assistant City Manager, Mr. Fox. You said that you've discussed these proposed revisions, you know, for the refunding of outstanding water and sewer revenue bonds. And you don't have any agreement, except for you prefer Alternative 1.

MR. FOX: Alternative 3.

MR. WEBB: I'm sorry, Alternative 3 and the only difference that I see is that you're against the fact of a referendum. Is that the only difference that I....

MR. FOX: Well the 3/4 vote and one referendum I think the majority is appropriate. The majority of City Council is appropriate without a referendum. And it does call for three readings of the Council and the staff felt that was adequate for a public hearing of the issue.

MR. WEBB: But basically the matter of disposing of the bonds is - has been agreed upon by both entities.

ASSIST. CITY MGR. FOX: That's correct.

MR. WEBB: Can you just elaborate just a little bit as to why you feel that a referendum would not be necessary.

ASSIST. CITY MGR. FOX: Well, maybe it's more philosophical than anything, but City Council is elected by the people of San Antonio and most of the Charter provisions require a majority of that body acting in their wisdom. The Water Board, a consolidation of that organization with the sanitary sewer system is something that since the City of San Antonio owns the Water System the City Council is ultimately responsible for providing water service, in this case it has delegated that authority or responsibility more appropriately delegated the responsibility for providing water service to the Water Board. And it may be up to the City Council, if it wishes, to again take over or to manage the Water System in the City.

MR. WEBB: How would this circumvent the possibility of a new Council one day wanting to perhaps maybe regain its responsibility for the Water Board, how would this - would this in any way circumvent the process or are we just talking about the revenue bonds.

ASSIST. CITY MGR. FOX: Well, it's obviously much more - it would be obviously much more difficult for the City Council to assume the responsibility for the water operation if it were put before referendum. In other words, the referendum process is used, it's a possibility if the ...

MR. WEBB: But I think you're missing my point. The point I'm making is, if we go with Alternative one, which is the recommendation by the Water Board then how will it make it difficult for us to - at any future date for any Council to take over the Water Board.

ASSIST. CITY MGR. FOX: The City Council - first of all you need more than a majority, you need three-fourths of the members to get it on the ballot, just to put it on the ballot. Then you need a majority of the voters to approve that consolidation and a referendum is an expensive proposition, it's easily \$100 thousand every time you hold one.

MR. WEBB: In other words, in order to make this change the very upstart we're talking about nearly \$100 thousand just to the taxpayers to begin with. Is that correct?

ASSIST. CITY MGR. FOX: If you have a referendum that's correct.

MR. WEBB: If you have a referendum.

ASSIST. CITY MGR. FOX: The process as I understand it would be much like we did the last time. City Council was presented with a study by both staffs that considered the question of consolidation. City Council by simple majority ruled that the City Water Board should stay where it's at. So that system works, I mean .....

MR. WEBB: The point I'm trying to make is, and I think maybe I better change horses and talk to the other gentleman there, the Chairman of the Board, Madam Mayor, if I may.

MAYOR COCKRELL: All right. Mr. Schafer, please.

MR. WEBB: I think the point that I see here that would be significant in the future is the fact to make any decision for the Water Board this Council would have to have a three-fourths majority vote in the future. If we bind ourselves into what you have suggested here and what the motion made by John Steen and seconded by Helen Dutmer, that it would bind this Council in the future a three-fourths a majority in order to do anything with problems at the Water Board. Is that not true?

MR. SCHAEFER: No sir, that's not true. This would only be the total combining of the sewer and water system, either under the Water Board or under the City as a department. It wouldn't mean, so far as individual regulations of the Board and so forth, that you'd have to have a three quarter majority vote. No, it's not tying your hands, it's merely saying that if you want to take the drastic step of combining these two, then it should be a consensus i.e. three quarters vote, but not to change say policy or to change regulations. That's not the point of it and that's really not in the bond indenture.

You see the bond indenture is something that you're holding out to the bond buyer and saying, you can rely as they have in the past, and as I say the safeguard there was that this bond would have to be refunded. You're relying on the management of a Board which has a track record which has a continuity rather than say or any Thursday afternoon a majority of the City Council can change the whole ball game, you don't know what your bond is going to be worth. Now, that's really what the indenture is about. As to what we're saying as to those bond holders these are the rules of the game. If they're going to combine the Water Board and give them added responsibility of sewer treatment or vice versa if they're going to disband the Board and make it a City department, they have to go through certain steps to do it, but from the day to day regulations that doesn't really have anything to do with us.

MR. WEBB: Mr. Schaefer in the past there has been some problems, you know, with our relationship, City vs Water, Council vs Water, you know the

story, and I don't want to rehash all of that. There are some things that have transpired that I felt I wished we could have, from the citizens point of view to have handled them a little bit more expeditiously, okay. Now that - I said that and the reason why I mention it now, is because I don't want this thing to become even a greater problem in us dealing with our water problem.

MR. SCHAEFER: This ordinance has nothing to do with the day to day regulations of the Board or the problems that you're speaking. It has nothing whatsoever to do. I think the City staff would agree.

MR. WEBB: Okay. Just one more from the City staff and I'll be through, Madam Mayor. Would you respond to that question.

ASSIST. CITY MGR. FOX: In all due respect I do disagree philosophically. First of all that the three quarters vote requirement under the indenture, theoretically, or maybe in practice can put the City Water Board in a greater independent position in dealing with the City Council. In other words, the City Council knows that you have to get three quarters of a vote and hold a referendum to do anything about the City Water Board.

MR. WEBB: That's just the point.

ASSIST. CITY MGR. FOX: That's just the point. And the other point is that the marketability of the bonds really has nothing to do with the indenture and we have this from the fiscal advisor, two of them .....

MR. WEBB: Mr. Fox, let me tell you one thing. I like the notion of citizens to be heard, okay, through a referendum, but I also like the notion that I was elected by the citizens, and I feel that I can speak in the best interest of particularly those people that I represent for the most part, as well as San Antonio. And then we're also here to make sure that we spend those dollars wisely, okay. And for that reason, then, if a referendum is going to cost us \$100 thousand then that means that the citizens out there are going - we've got to pay that money back, is that correct? You know, we've got to pay for it, okay, and we've got to get that money from somebody, so who do we get it from? We get it from the citizens, is that correct?

ASSIST. CITY MGR. FOX: Yes, sir.

MR. WEBB: So that would be one of the other reasons why I wouldn't want to favor a referendum, and I'm speaking in favor right now based on what I - and it might be that I'm getting, not getting the information correctly the way I perceive it, but it looks as though that the simplest thing for us to do as a City Council would be to take alternative three which is the one that the City staff had proposed, and I grant it that I understand what the Chairman has said, is that he would like to have some safeguard and that was the reason why he's more in favor of number one. I would like to offer a substitute motion that we go with Alternative three.

MR. WING: Second.

MR. SCHAFER: Mr. Webb, if I might I might just - I'd like to clarify one thing that Mr. Fox said because I don't agree with the veracity of the statement and that is that the Water Board - that the Council would be required a three fourths vote "to do anything with the Water Board". That is not in this ordinance, period. This ordinance requires a three quarter vote simply if you want to totally combine the system. It does not require a three quarter vote of this Council to do anything with the Water Board, i.e. regulations or other wise.

MAYOR COCKRELL: I don't think that the Asst. City Manager intended to imply other than just pertaining to the provisions.

MR. SCHAEFER: That's why I wanted to clarify because it does not take that.

MAYOR COCKRELL: Thank you. All right, does that conclude Mr. Webb .....

MR. WEBB: I'm okay, Madam Mayor. I'm finished.

MAYOR COCKRELL: The Manager.

CITY MANAGER HUEBNER: Yes. Madam Mayor and members of the Council, I think there's one key point in here that you should be sensitive to. With the recommendation that CWB has, that is three quarters vote of the Council, three quarters of eleven is eight and one quarter. In other words, nine people on this Council would have to agree before you could initiate your action which stated the other way means that three members of this Council could thwart the will of the majority. I think there's a real issue of representation here.

MAYOR COCKRELL: Thank you, sir. Dr. Cisneros.

DR. CISNEROS: Madam Mayor, I do not favor City absorption of the Water Board by any means or stretch of the imagination. I think we've got a very good water system. I think it's one that wins national awards. I think it's one where there's good morale on the staff, it's managed well. We have a water system that we can be proud of. I had the opportunity last Friday to speak in Houston to the Texas Water Conservation Association which is utility managers from all over the State, water utility managers, and they hold the San Antonio Water System as one of the models for the State. It's a proven formula, it works well, it's lead to the growth that San Antonio is witnessing now and for one I do not favor taking the Water Board over at this time.

Now there may be some point in the future when for financial reasons, economic reasons or some other reason it is advisable to do so, but I for one don't feel we should do it at this time. I do respect, though, the prerogatives of this City Council as the highest elected body in the City and the chief policy makers for the people of San Antonio. And respect the Council in its judgement and its wisdom enough that I don't think we need to put any especially extraordinary or onerous requirements on the Council. A majority vote of the Council with sufficient provisions for repeating that vote on several different occasions and a month's delay for consideration is in my view sufficient, a safeguard against any precipitous action.

I support the staff recommendation for alternative number three. I feel strongly about it. The Council in four years since the districting system, or going on four years since the districting system, has yet to take any action that could be called damaging to the City of San Antonio. There have been votes which have been taken and reversed when the legal implications were stated or when the community opinion was stated but there's been no action that you can point to and say, that is a disastrous harmful action for the City. There's been no great portent from this Council. The Council is essentially a political body and if it takes an action and between the first and second reading there is a great public outcry then in the second reading the Council's not going to act the same way or by the third reading it will see the light. By the end of a month it will be abundantly clear what the right thing to do is for the majority of the people of San Antonio. I have no fear about a majority

of the Council acting or not acting in a certain way. If a majority of the Council can spend with the assistance of CPS \$90 million or \$150 million or \$75 million on a bond issue in one sitting then that just doesn't argue for making it harder then to do that then to absorb another utility system.

I have faith in the judgement of the people who are here now and who will follow us on this body so I would argue strongly for alternative number three. I do not favor the Water Board and I'm speaking - taking over the Water Board, and I'm speaking as a person who doesn't favor taking it over. If I had the chance to vote on it again, and again, and again I'd vote, we don't take it over. It's a good system, it's a proven formula, let it work. But the circumstances may change at some point in the future and the Council, whoever the people are they need to be respected to have the same judgement that we have today by a majority in saying that we don't want to take it over. At some point a majority may decide that it's the advisable thing to do.

Now, second issue of concern for me, and that is the provisions that we talked about last week with respect to tracking - tracking Council policy. Given that I don't feel that the Water Board ought to be taken over the practical question for me is the relationship between that autonomous and independent system or fairly autonomous in this City and I want to see what's in here along the lines of the tracking provisions that I referred to and that I think the majority of the Council stated in the previous motion.

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MAYOR COCKRELL: We call on Mr. Fox.

DR. CISNEROS: I need to see the sections and the devises and the provisions that have been built in here.

ASSIST. CITY MGR. FOX: Madam Mayor, I believe on page 41, the bottom of the page, there is a statement that basically states that the operational policies of the Board of Trustees shall parallel those of the City Council insofar as practical. Also on page 45, personnel policies on the last sentence in D, established by the Board of Trustees shall parallel those of the City insofar as practicable. The reason it was written broadly, we discussed this at some length and the problem of placing that in the indenture in a very specific way as to positions and titles and salaries, leaves a difficult audit trail and Mr. White and, I believe Mr. Shields, both agreed that we have to have a document that can be audited. It's our opinion that this achieves what Councilman Cisneros suggested, and we both support it.

I guess what I'm saying is that it's almost impossible to be specific on this issue, but we wrote it in as best we could.

DR. CISNEROS: I think section C, it looks like is the strongest statement. It says, "the Board of Trustees when expending funds for improvements and materials and supplies shall be governed by the provisions of the City Charter." And since the City Charter refers to the planning procedure and such I presume by reference to the City Charter that the Water Board is then made part of the full planning process and the Planning Commission and the rest of that.

ASSIST. CITY MGR. FOX: They parallel our policies.

MRS. DUTMER: Read that again, Henry.

DR. CISNEROS: It says, "the Board of Trustees when expending funds for improvements and materials and supplies" - expending funds for improvements is about the most important thing they do.....

ASSIST. CITY MGR. FOX: Exactly, and when we discussed for extension policies, for example, the question came up of whether or not the City's policy paralleled that of the Water Board and we presented to the Council where there were some differences and where we did have differences in policies, extension policies being one. The City Council has not really made a decision or made any recommendations formally to the City Water Board as to those extension policies. The ultimate enforcement of that parallel question comes through the granting of rates. And at time it's reviewed and we did last time during the rate discussion.

DR. CISNEROS: Okay. Did you say that there are differences in policies now? That there exists a variation in key policies, like the extension policy?

ASSIST. CITY MGR. FOX: Well, our extension policies are different. As you know the Water Board has the Community Water Development Fund, they have a different free footage allowance for extending water service. There are others that I can't recall right off the top of my head, but there are others that were discussed during that - the consideration of the Camp Dresser McKee report.

DR. CISNEROS: I guess I would feel comfortable if there were a section in here that placed the burden on somebody, City Manager's Office probably, to submit a periodic report to the Council on where variations in policies might exist. Periodic, say, yearly or at every bond allocating time or every rate increase time, but some device by which someone informed the Council of where variances exist.

ASSIST. CITY MGR. FOX: May I make a suggestion, Madam Mayor. With that possibly a simple ordinance by the City Council rather than placing it in the indenture to place on the books an ordinance that requires on an annual or a whatever basis that Council desires .....

DR. CISNEROS: The City's utility supervisor.

ASSIST. CITY MGR. FOX: That would be the proper place. Utility supervisor.

DR. CISNEROS: Mayor, I would really like to see something like that, and I will take the staff's word that the indenture is not the proper place to do it. And I'm not saying we would do anything with the information, but I think it would be useful for the Council to have an objective kind of report on a periodic basis, yearly, perhaps, of where there is variation between what the Charter or the Planning Commission or the Council has established its policy and where the Water Board is. And that way at least some meaningful public debate on the difference between those positions could be conducted instead of just allowing them to continue, you know, unattended. I would - at the conclusion on the vote on this, I would like the opportunity to make a motion that such a device be drafted in ordinance form.

MAYOR COCKRELL: All right. Mr. Thompson.

MR. THOMPSON: Madam Mayor, the conflict in my mind is in the ongoing continuity of the Board how much we feel or how deeply we feel about that continuity and how we should commit ourselves to that concept of continuity and then as you make that judgement you find yourself questioning the plurality of vote of Council. The responsiveness of the Water Board to the community and how contemporary we are with that responsiveness. Are we behind the times or is the Water Board and the City Council in sync with one another if they are out of sync, how does that resynchronization occur.

They're very difficult questions and when we have rather sharp difference then that brings out the weakness in any kind of procedure for resynchronization. I would favor proposition one, the ability to have more than a simple majority. I think it's a commitment that we owe in order to have the stability of the Water Board. That has as its sacrifice, however, the additional burden to bring into agreement Council and Water Board if there's differences. And we sacrifice that, as Council, in requiring the greater majority of vote. There's no problem whatsoever if we all have the same attitude; we all possess the objective of serving the citizens of San Antonio in the most efficient and effective manner, in doing so equally for all citizens throughout the whole community, north, south, east and west.

I have no way of believing or surmising that that would not be the objective of the Water Board. If however it was apparent that that objective had been subverted to some other stated purpose, that is to say we saw preferential treatment or if we saw that the Water Board was on a tangent then I think it would become apparent to not only a simple majority but three-fourths of this Council that there was some problem. At that time the Council would act, probably with more than just three quarters, it would act unanimously.

So, my opinion is that I must give something to get something. I must give up this simple majority right in order to obtain the continuity that I think the Water Board or that kind of service deserves, the citizenry deserves. I'm alarmed because I have to give that up, I don't do it without some degree of jealousy about it, but I am willing to commit - to make that kind of commitment. When I make it, at least for those that are here in this room from the Water Board, Mr. Schaefer, Mr. Van Dyke, the concern I have is that we always are speaking the same language, working for the same people, operating with the same rules and objectives in mind and when we differ we both approach our differences with compassion for those people that might be suffering for our differences. And those are those rate payers that we all have to work for. I know my words will die as soon as the vibrations are uttered, but we need to keep those goals in mind at least. Thank you.

MAYOR COCKRELL: All right. Mr. Eureste.

MR. EURESTE: Yes, Madam. I'm going to support the staff's recommendation to go with, that would be number three. Do we have any other contracts where we have a nine vote requirement to get out of that situation?

CITY ATTORNEY MACON: The only place - is that addressed to me, Mr. Eureste?

MR. EURESTE: Yes.

CITY ATTORNEY MACON: The only place that we do require nine votes is when there are more than 20 percent of the residents objecting to zoning, otherwise a simple majority is required by the Charter.

MR. EURESTE: But that was more or less imposed on us by State.....

CITY ATTORNEY MACON: That's by State statute.

MR. EURESTE: State statute. And the Charter really is asking the Council to make decisions based on a simple majority of the members that are elected to serve in those places. It seems to me that that's what the Charter is saying and that this contract or that option one, that was being proposed would not be in line with the provisions of the Charter in terms of the prerogatives of this Council.

I don't know whether to view it as a question on my integrity or my colleagues' integrity or the future, the integrity of the future Council when we have to provide for a certain safeguard. I guess we could have a safeguard of nine, or we could have a safeguard of ten or eleven. The Charter as it was written has a safeguard of requiring six votes, that's a simple majority and that's usually the way we make decisions here. I think if we wanted to push safeguard, you know, maybe we should take all the bonds that the City Water Board has asked us to pass to take them to the voters or to require all bonding issues to require a three-fourths vote of the Council. I mean if you are really sincere about safeguard. But, I don't think that is the case. The question here has to be with the potential for a City Council at some point in the future wanting to or at least leaning in the direction of taking over in some form the operations of the Water Works System and somehow or another to tie the hands of a future Council with the provisos that are included in option one which is three-fourths vote of eleven members. And as the Manager stated, that's 8.25 and you can't, one quarter, one member of the Council, so that pushes you to needing nine votes. That would be a highly unusual situation, and I don't know that you really need a safeguard of nine. I think that the Charter protects the majority by saying that it takes six votes to do business if you want to do it any faster

then there are other provisions of the requirement, but in the round the Charter talks about six votes. I would find it highly questionable, and probably it would be legal but I would find it very questionable for a bare majority of this Council to vote in a nine vote requirement on this indenture that we're looking at. It doesn't seem right for six members of the Council to be able to require a future Council to put together nine votes to get out of that situation.

I think that if this Council is asking a future Council to muster up nine votes to redo what has been done, then it should - I would assume if we talk about something that makes sense that it would require nine votes today, to require nine votes of future Council. Of course, I don't think those rules would be allowed to be put into place today, but I think if you look at it logically, it just doesn't make that much sense for a simple majority today to require a three-fourths vote of a future Council on this same issue.

I don't know that there are any safeguards that are needed. The safest, as bad as it might seem, but the safest situation for the consumer has got to be the elected official who is elected into office by the popular will of the public. If there are safeguards that are missing it would have to be with members that are appointed to boards because there the voters do not have access to those individuals in terms of recalling them, booting them out of office, etc. etc. It's somewhat bothersome to hear members of the Water Board to come before this Council and talk about this great need for safeguarding something. The Water System doesn't belong to the Board. The Water System doesn't belong to the City Council. It belongs to the people. We are their elected representatives who sit here at their pleasure not at ours. We represent them here and if the majority of the Council backed by a constituency that has put them into office decides at some future point that other arrangements should be made with regard to the Water Works System or with the Sewer System then that majority should be allowed to move accordingly. I think that is fair.

If a simple majority, today, starts making it almost impossible for a future Council to alter contracts and to alter decisions that are made today, you can only expect that same situation to continue. What I'm trying to say is that it is a two way street, it's a two - the blade has two edges, it can cut both ways. And I ask you not to alter the requirement, I ask you to try to make policies that are in line with the Charter. You want to change the Charter, take it to the voters, but don't try to circumvent that Charter and the intentions of that Charter. The Charter says simple majority of those elected into office. That's how we make decisions.

You can't have rules changed for some decisions and other rules for other decisions. I have no interest in taking over the Water Works System. Not today, anyway. I don't know if I will in the future, I don't know if a future Council will have that interest. I don't know. I guess the debate, if the debate dealt with simple logics and merit and that was all that was to it, then I guess we could talk about the Charter, but I'm sure that the debate goes beyond that. It goes into what a future Council might look like. Just remember that the future Council is also going to be reflected in a future Board. So if you don't allow a future Council the flexibility that the present Council has then don't expect the future Councils to give the kind of flexibility that is needed on the Board to make the decisions that we need for the Water System here in San Antonio. I ask you simply to examine the options very carefully. To go with option one is to require something that is very unusual of this Council. Six votes can require that, but it would be a very unusual vote, it would also be a very unusual requirement. Thank you.

MAYOR COCKRELL: Thank you. I just wanted to advise the Council so that you can be thinking about it as we continue the speaking, that I'm going to propose for Council consideration that instead of adopting either one of the two pending considerations we have before us that we adopt in effect what would be a combination that the franchise would include two alternative provisions. It would include the alternative number three as proposed by the staff but with the requirement that it require a three-fourths vote to pursue that process or in the alternative that we would have the number one as proposed by the Water Board but with just a simple majority required to call for a referendum. My thought being that it would require less votes on a Council to turn the decision over to the voters, the simple majority. And I think that way there would be two alternative procedures and I wanted to let the Council know what I was going to propose as you are thinking about the two alternatives before you. Mr. Steen.

MR. STEEN: How would you work that, Madam Mayor? What you're going to propose.

MAYOR COCKRELL: Yes, we have pending a main motion and a substitute, and it would be my judgement that probably there would not be six votes either way and what I would propose is that this be, in effect, a compromise proposal that would incorporate something of each one. It would give an alternative procedure, but I think modifying each one to the extent of making the more difficult procedure a little less difficult in moving it from three-fourths to a majority and making the less difficult procedure a little bit more difficult by changing the percentage.

MR. STEEN: Madam Mayor, thank you very much. As Mr. Schaefer has already stated, water is the most important thing to people anywhere. And I know that good water is the most important thing in the lives of people living in this City. And I don't think that the nine vote situation or the three fourths vote situation is very important in what we're talking about and I think we've dealt on that alot. Whether we have a simple majority or whether we have six votes or nine votes doesn't make a difference in my way of thinking, but I think that the referendum is very important because water is so important to people and I think they ought to be allowed to vote on whatever happens to the City Water Board and to the City Council just like they are allowed to vote on each district person that belongs to the City Council.

My way of thinking in looking at any of these alternatives, I would rather go along with anything, simple majority or anything else on the City Council as long as it finally ended up in the hands of the people which would mean that it would go through a referendum. I like that, I think as far back as I can remember, I know when we had the moratorium they let that go to a vote of the people. It did cost money, but the people expressed what they wanted and that's what they got out of it. And I think this is just as important and I would certainly be willing to go along with your compromise, Mayor. Either with alternative one with the simple majority and the referendum which I would prefer or the other way around. Thank you very much.

MAYOR COCKRELL: It would be my proposal that that choice, both of them be written into the indenture so that a future Council could elect to go either way it wished. Fine. Mrs. Dutmer.

MRS. DUTMER: Yes. I can go along, I'm amenable to alternative one with the simple majority vote, but I don't know still that I would be real happy with three because from the way it's written from the time lapse between the first and third readings would be not less than 30 days. You can take this thing over in 30 days and you can get nine votes together very easily. We've seen it happen. If it were only the Council that's sitting now, and the present

managers that we have, I'd have no problem whatsoever with this alternative three. What we're talking about is an indenture, a contract between City and the bond holder and that will go for maybe 20 years and in 20 years you don't know if I had the ability to see 20 years down the road, boy it would just be real great, but I think one of my Council colleagues referred to the key point in it and that is that water doesn't belong to the Water Board nor does it belong to the City Council. It belongs to the people and that's why we should have the requirement for a referendum in the process.

I recall not too long ago that this Council took a vote on a moratorium. There were those that agreed and those that did not agree, but the one thing that stood out clearly is that it should go to a vote of the people and the people spoke so there was no more problem. As far as my mind is concerned there was no more problem to it.

If we make it too easy I see it as a first step in a takeover. As far as the terminology written again here now on page 43 and 45, the following Council policy is close as practicable I've seen this Council sit and make some decisions. Because of the emotion at the moment that we are diametrically opposed of what City Water Board policy is and as far as on page 45 referring to the process for the improvement, material and supplies I think that refers to the bidding process and not to the actual rulings on the Water Board. It's true, we were elected by the people, but we as electees of the people also appoint the Water Board, so we are spoken through the Water Board, unless, of course, you have some doubts about those that you've appointed now.

I would like to see us stick with alternative one with the simple majority because here again we have the time, the process, we have more time and it's a very serious step. Without water this City is gone; it's dead, and I think that we need to take every precaution there is to protect the source and the distribution of water to this City.

MAYOR COCKRELL: Mr. Canavan.

MR. CANAVAN: Personally I'm going to support it when it comes out in the form of a motion, the Mayor's compromise. I personally had agreed with Councilman Eureste and some of the others who talked about more than a simple majority as far as referendum and my recommendation was going to be for simple majority that has been incorporated with the referendum which is have no opposition to taking it before the voters. We just did, and in the form of a bond issue. We have in various moratoriums and so on. Charter revisions, so it's not that we are all empowered to vote on everything and it's okay to take it to the voters.

But I also like the idea that in the event in future years that a vast majority of the Council feels that they want to bring the Water Board into the City that we not have to go to the expense of a referendum vote, and so I see no problem with the three quarter vote on that, so I think it's a very good compromise, and I'm going to be very supportive of it.

MAYOR COCKRELL: Mr. Alderete.

MR. ALDERETE: I have a question for Lou Fox. Lou, am I to understand that if this motion passes, does it, how does it bind future Councils, could you explain that to me?

MR. FOX: Well, if there was a request by a majority of the City Council to take over, or proceed to combine the systems, then City Council would have to choose one of two ways in which to act. By simple majority, I would assume you could decide that it would require a three-quarters vote to bind that arrangement, or, by a simple majority of the Council, you could agree to a referendum. I think that's how it would work. I asked the City Attorney to give that some thought, I'm not sure---

MR. ALDERETE: Maybe I can have a response as well from the City Attorney. What I'm driving at is that, are bonds going to be sold, or something that would tie us to this particular wording here?

MR. FOX: That would be the procedure for whatever wording you came up with --that would be the--

MAYOR COCKRELL: May we ask the City Attorney to make any comment on the idea of the proposal.

CITY ATTORNEY JANE MACON: Okay, basically, what you're doing is contracting with the bond holders. And so, with the Council passing on the provisions of this indenture, it's like a contract, you are agreeing to those provisions. And so, that is why it's different than us just passing a simple ordinance and then coming back and changing. To alter that contract, you would have to have agreement of all the bond holders. So, it is a serious provision, otherwise you'd end up with some refund.

MR. ALDERETE: Let me ask you, was the City Water Board, did its birth come about by referendum vote?

MR. FOX: I don't know. I think the City--

MRS. MACON: Wasn't it purchased?

MR. ALDERETE: But was it purchased by referendum-- was there a referendum vote that purchased the Water Board?

MAYOR COCKRELL: May we ask Mr. Van Dyke? Perhaps you recall.

MR. VAN DYKE: To my recollection, it was the Council vote to buy the system. I don't recall --

MRS. DUTMER: And it was floated by a bond issue, I can tell you.

MR. VAN DYKE: In 1925.

MAYOR COCKRELL: Yes sir. It was before our time, so...

MRS. DUTMER: I'm sorry, Madam Mayor, I'd like to say it was before my time, but it wasn't. I recall very clearly. They did vote to take over the water system and they passed bonds in order to do it and sold the bonds and that's where your---

MR. ALDERETE: I wasn't trying to embarrass anybody on Council, Madam Mayor.

MRS. DUTMER: Oh, I'm not ashamed. I earned every wrinkle I have, Joe.

MR. ALDERETE: I wish---what I was driving at is that I don't see--I see an inconsistency in that we would have to go for a referendum vote to take--

MR. SCHAEFER: The question was, how was the Water Board established. It was established by referendum.

MRS. DUTMER: Yes. It was under Commissioner form of government. It wasn't under --

MR. ALDERETE: Then it was established by referendum. Okay, you have effectively taken the wind out of my sails. You just cut me off at the pass, Mr. Schaefer. Very good point. I see how we're going to run into some possible problems in the future and I don't necessarily support the compromise, but thank you for the information, Mr. Schaefer.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. DUTMER: I'm sorry, I wish I could be real pleasant, and say that I'll go for the compromise, but I simply can't do it conscientiously, because if both are incorporated into the referendum, they're going to take the easy way out, and the easy way out is to get nine votes and to run the thing through on three readings, and you've got it. Rather than asking the people, what do you want done with your water? And I simply I still will agree with Bernardo, this water belongs to the people and they should have a right to say what's going to happen to their Water Board. And I'm going to speak very, very strongly for Alternative One with six--simple majority vote, and that has both your safeguards and your easy six vote get, if you want it. But if you're going to put both of them in there, they're going to take the easy way out if there's a serious intent to take over the Water Board.

MAYOR COCKRELL: Mr. Webb.

MR. WEBB: Now I'm confused all over again. With your alternative, Madam Mayor, that you've just put into the picture here, no, I'm afraid not, I'm afraid that I won't be able to go with it. I like Three as it is, and I think I'm going to stick with that.

MRS. DUTMER: Question, Madam Mayor.

MAYOR COCKRELL: Yes, Mrs. Dutmer.

MRS. DUTMER: What motions are on the floor right now?

MAYOR COCKRELL: Alright. There is the original motion was for Alternative One, the substitute motion is for Alternative Three. I laid out the idea that if neither motion passed, that I was going to propose this arrangement. Compromise. So the voting is now, if there is no further discussion, the voting is on Alternative--the substitute motion, which is to approve Alternative No. Three, as it now stands. Mr. Eureste.

MR. EURESTE: I'll pass then.

AYES: Cisneros, Webb, Wing, Eureste, Alderete.

NAYS: Canavan, Archer, Steen, Cockrell, Dutmer, Thompson.

ABSENT: None.

CITY CLERK: The motion failed.

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MAYOR COCKRELL: Alright. We go to the original motion. And the original motion is for Alternative No. One. Mr. Steen.

MR. STEEN: As the maker of the motion, do I have a right to amend it? I'll pass to Mrs. Dutmer.

MAYOR COCKRELL: Alright. Dr. Cisneros is next.

DR. CISNEROS: I would like to make a substitute motion, and the substitute motion would be along the lines of the Mayor's compromise, with both offers available to the Council and written into the indenture. Not just one, as Mrs. Dutmer has suggested, but both, which is the three-fourths vote, by majority of the, three-fourths vote of the Council to absorb the Water Board on three different readings, with a minimum period of a month, or a simple majority to enact the referendum. To put the question to a referendum and let the voters decide.

MR. CANAVAN: Second.

MAYOR COCKRELL: That's been seconded. Is there discussion on the motion? Mrs. Dutmer.

MRS. DUTMER: Well, I don't suppose it's speaking to that, I've stated my position on that before but what I would like, since I'm next up, is, is it in order to amend the main motion after a substitute has been made?

MAYOR COCKRELL: Yes, it's possible to do that.

MRS. DUTMER: Alright, I would like to make an amendment to the original motion, and that is that there be six votes required with the other remaining in place. Change the number of votes to six.

MAYOR COCKRELL: Is there a substitute to that motion? Excuse me, a second.

MR. STEEN: I would second it.

MAYOR COCKRELL: Under Roberts' Rules of Order, when there is a substitute motion pending, it is acceptable to go through the process of accepting changes or amendments to either the original motion or the substitute motion so that is why we entertain that motion.

MRS. DUTMER: Alright, since I still have the floor, Madam Mayor, I wonder, which do you prefer, do you prefer to go into a filibuster, and I can read all this material to you all, word by word, or I just find that I cannot compromise the water of this City. I can't do it by inclusion of both alternatives for the simple reason I see further down the road what's going to happen, and if there is a serious intent to take over the Water Board, it's a very simple thing to do with both alternatives in there. They're going to choose the alternative they want, gonna have their nine votes in the first place, They're gonna have nine votes to go along with the one that they choose, and it, well, I just see trouble down the way, so whatever this Council deems is wise, if you all see the two alternatives in there, there's nothing I can do to stop it. However, it won't be on my vote let's put it that way.

MAYOR COCKRELL: Mr. Eureste.

MR. EURESTE: I'm gonna pass.

MAYOR COCKRELL: Let me just state, as the person who had suggested the choice for the Council, it would be my opinion, that if, in any future Council, nine members out of eleven, agreed that they wanted to follow a particular process, I would have to assume that it was something that would reflect the wishes of the citizens. But, if nine members out of the eleven, in fact, erred in their judgement, there is always the possibility open to the citizens, that they can initiate a petition, and call for a referendum and overturn the vote of the Council, as was done in the controversial zoning case, that we all remember. In that case, the citizens, just, it wouldn't fly, and so the citizens got their petitions signed and they overturned the Council's decision. So that opportunity would be available if the citizens were displeased.

MRS. DUTMER: Yes, Madam Mayor, but let's look at the end result. And the end result, the mall prevailed in that referendum, so--

MAYOR COCKRELL: That was a, of course, a legal peculiarity to that one case, but ....Dr. Cisneros.

DR. CISNEROS: Yes, I'm going to vote for the compromise measure, because the votes are not there, as just was seen for the Alternative No. Three, which was the staff recommendation. In response to Mrs. Dutmer, if one wanted to absorb the Water Board, some time in the future, I would think it would be far easier to have a simple majority to set a referendum, and put it to the public than it would be to try to get nine members of the City Council to agree on something that complicated. And, as the Mayor has already said, if nine people out of eleven did agree to it, that would be an overwhelming position on the part of those nine persons. It's difficult to get nine votes for a controversial and difficult subject. It's very difficult to get nine votes out of eleven. I think that as much as I would have liked to have seen Alternative No. Three, how more democratic can you get than six people which is a majority of the Council, setting a referendum for the majority of the people to vote. I mean, what more indicative of the democratic process is there, and that's in there, and it is in there, Mrs. Dutmer has wanted it to be in there alone, because she amended the original motion, but it's there. It's there. It's possible.

MAYOR COCKRELL: Mr. Eureste.

MR. EURESTE: I can live with the compromise, I think it's a good compromise. Especially the one where you take it to the voters. I think if Mr. Schaefer is correct in what he has stated, that the water works system was voted in by the voters, the voters then created the water works system, and I would assume that it took a majority of the Council at that time to take that issue to the voters in the form of a referendum, so we are then proposing a similar process to undo the system, and it seems to be very fair. Now, I think to really clean it up, it would be proper to strike out that option of the three-fourths vote. I think that would deal with the concern that Mrs. Dutmer had. You strike that out and you leave a very clean option and that is, six votes and a referendum.

DR. CISNEROS: That's the amendment to the original motion.

MR. EURESTE: Yes, but...

MAYOR COCKRELL: The original motion, and not the substitute, then.

DR. CISNEROS: Speaking against the substitute for the original motion amending..... Is that what you're doing, Bennie?

MR. EURESTE: No, we have a substitute motion. I'm already confused enough as it is, with my problem, and you all are further confusing me. No, the substitute motion calls for a, Modified Option One, and a Modified Option No. Three. The Modified Option One is asking for six and a referendum, and No. Three, which would be another alternative, is asking for nine votes of the Council. And my advice would be to offer an amendment that would strike out on the substitute motion, this is an amendment to the substitute motion, to strike out that second option that would dissolve the water works system, or combine the systems with the simple nine votes of the City Council, an action that would not require the referendum. If that could be stricken out from the substitute.

MAYOR COCKRELL: May I ask, were you trying to strike out simply the provision requiring the three-fourths vote, or the entire option?

MR. EURESTE: No, just that part.

MAYOR COCKRELL: The three-fourths vote?

MR. EURESTE: Yes Ma'm.

MAYOR COCKRELL: So you were trying to amend by striking out the three-fourths vote and substituting a majority for using that option. In other words, Option Three?

DR. CISNEROS: Strike out the option.

MR. EURESTE: That option. Completely. And leaving in its place....

MAYOR COCKRELL: The Chair rules that that is now the original, the intent of the amendment now pending to the original motion, and the Chair, in other words, if we now vote on the amendment to the original motion, that

would offer before the Council two choices, then, and then you would be supporting the original motion, as amended.

MR. EURESTE: No Ma'm, the original motion was asking for three-quarters, three-fourths---

MAYOR COCKRELL: The amendment is now pending for that original motion.

MR. EURESTE: What is the amendment?

MAYOR COCKRELL: To strike out the three-fourths and substitute the majority.

MR. EURESTE: Is that all?

MAYOR COCKRELL: On the original motion, yes. It isn't...yes.

MR. EURESTE: Alright, where is the three-quarter vote? Is that on the floor at all?

MAYOR COCKRELL: Let me recap this for the Council. We have an original motion pending and a substitute motion pending. The original motion was Option One. The substitute motion was the combination of the two alternatives. Alright, Option One has now been proposed an amendment to the original motion by Mrs. Dutmer. We have not yet voted on that. That would move to strike out the three-fourths rule and substitute simple majority for that Option One.

MR. EURESTE: Did she get a second on that?

MAYOR COCKRELL: Yes, that was seconded. Perhaps we can vote on that and then we will have the two proposals before us, in their final form. Yes, we can vote on the amendment. We can vote to perfect each of the two proposals. Those favoring the amendment please say aye. Any opposed no. This is the amendment to strike out in the original motion the ...allright, we'll have a roll call.

MR. STEEN: Would you repeat it again....

MAYOR COCKRELL: Alright. The roll call will be on Mrs. Dutmer's amendment to the original motion. The original motion was the three-fourths vote to call a referendum.

MR. STEEN: To make it a simple majority.

MRS. DUTMER: Six votes instead of nine.

MAYOR COCKRELL: It will require only six votes in Option One.

MR. STEEN: I vote Yes.

MAYOR COCKRELL: Yes.

DR. CISNEROS: No.

MR. WEBB: No.

MRS. DUTMER: Yes.

MR. WING: No.

MR. EURESTE: No.

MR. THOMPSON: I'm going to have to ask for a clarification before I vote.

(inaudible)

MRS. DUTMER: Mr. Eureste says he didn't understand.

MAYOR COCKRELL: Alright, let me lay this before you once more. In, as I stated to you all, in the process of considering substitute motions, it is possible to go through the process of perfecting both the substitute motion and the original motion. Mrs. Dutmer's motion was an amendment, a simple amendment to the original motion, and we're going to see if that passes or not, before we vote on either the substitute or the original, as

amended, if the amendment passes. So, the only thing that you're voting on right now, is whether or not to amend the original proposal by striking out three-fourths and substituting majority, necessary to call a referendum. Would you like to initiate the roll call over again?

MR. EURESTE: Let me ask one question first.

MAYOR COCKRELL: Yes sir.

MR. EURESTE: My clarification. The substitute motion that was--that proposes the two options--

MAYOR COCKRELL: Yes, sir.

MR. EURESTE: Is that on the floor, the way it appears in this document.

MAYOR COCKRELL: No.

MR. EURESTE: How is it on the floor?

MAYOR COCKRELL: The substitute motion is on the floor in a --offering a combination of either Alternative Number One with change to reflect a simple majority vote, or a choice of Alternative Three, with a three-fourths vote. Both alternatives would be written into the indenture, so that the future Council could select either of those two processes. Alternative Number One, the original motion, would be to set one choice only, one process only, and we're right now voting on the amendment to that original motion.

MR. EURESTE: And Mrs. Dutmer's is simply to....

MAYOR COCKRELL: Is to change that to a simple majority as opposed to a three-fourths. Allright. Shall we initiate, I think there was some confusion. Shall we initiate the roll call again to be sure that everybody understood it?

MR. STEEN: I vote Yes.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: No.

MRS. DUTMER: Yes.

MR. WING: No.

MR. EURESTE: Yes, now that I understand it.

MR. THOMPSON: Yes.

MR. ALDERETE: Yes.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

The motion carried.

MAYOR COCKRELL: So. We now have pending the substitute motion, if you're ready for a vote. Mr. Eureste.

MR. EURESTE: I would like to offer an amendment to strike out the second option of the three-fourths vote, and I'll say this.....

MAYOR COCKRELL: The Chair rules that that is, in effect, the original motion, and by voting down the substitute, you will end up with that original motion.

MR. EURESTE: I'm amending the substitute that is proposed, and that substitute that is proposed is calling for ..

MR. STEEN: He's amending Alternate Three, he wants to go back to a simple majority, instead of a three-fourths and Alternate Three.....

MR. EURESTE: No, sir. No, I'm just going to strike out.

MAYOR COCKRELL: Well, the Chair rules that the motion....

MR. EURESTE: How can I amend the substitute? I don't think that's fair.

MAYOR COCKRELL: The Chair points out to you, that all you have to do is vote no on the substitute, and then your entire proposal is pending now, as the original motion. If you want to vote for that, vote for the original motion. Vote no on the substitute.

MR. EURESTE: But I like part of the substitute.

MAYOR COCKRELL: Well, the part of the substitute that you like, is now the original motion. As amended.

MR. EURESTE: So, what do I do to get what I want?

MAYOR COCKRELL: Vote no on the substitute.

MR. EURESTE: Vote no on the substitute.

MAYOR COCKRELL: Yes, sir. Mrs. Dutmer.

MRS. DUTMER: Well, I was just going to clarify for Ben what it is if we can clarify it. The substitute motion says six votes with referendum, that's on Alternative One. The --we also, at the same time, include in the agreement, a substitute, Alternate Three, which would be nine votes, no referendum. So, if you vote against the substitute motion, you automatically vote for the original.

MR. EURESTE: Let me tell you what I'm trying to get at. It seems like I'm confused, but I'm not. I'm sort of playing along. I was going to raise a parliamentary point a while ago, and I should have. It-the thing is, I don't want to take all your time. Because this is a very complicated subject. When you have an original motion on the floor, and you have a substitute, the substitute is treated like the first amendment. Like a primary amendment. That substitute, then can be amended. You cannot amend the original motion. You can only amend the primary amendment, and that exhausts the number of amendments you can have on a motion and the number of motions that you can have on the floor at any one time. Parliamentary procedure allows you to have no more than three motions on the floor. The original motion, a primary amendment and a secondary amendment to that primary amendment.

MAYOR COCKRELL: Mr. Eureste, if you would see me after the meeting, I can--we'll go through the book together because I've looked it up once before.

MR. EURESTE: Yes, we have debated that point before.

MAYOR COCKRELL: And I showed it to you in the book, as I understood it, and I'll show it to you again.

MR. EURESTE: And I showed it to you the way I understood it.

MAYOR COCKRELL: Yes. Okay. We'll discuss it after the meeting. Mrs. Dutmer.

MRS. DUTMER: My understanding was the same as Mr. Eureste's, but I kept my big mouth shut at the right time.

MAYOR COCKRELL: Dr. Cisneros.

DR. CISNEROS: Yes, I'd like to speak strongly in favor of keeping both options available to the Council, in the substitute motion. The ability to move with nine votes over a months period of time without a referendum, or the ability to move with six votes and have a referendum. Now, I think the majority of the Council is in favor of the latter portion of it, I think that's

clear from the vote that was just taken. I'd like to articulate an argument for the first part of it, which is the nine votes. Let's say a situation develops--we don't know the future, but something develops where it is abundantly clear to eleven people on the City Council, that the right thing to do is take over the Water Board. Why doom the City to a hundred thousand dollar plus expenditure to do that, when with simply nine votes over a period of a month, it could be done. There is a question of the practicality--the money involved, of holding the election, the procedure and all of that, when with nine votes, it could be done. It's entirely clear to me that it might happen at some point where eleven members of the Council agree to do it, but because of the action we will take right now, their hands would be tied, and they would not be able to do the common sense, business-like thing to do at that time, because they would have to have an election. I think we would be hurting ourselves if that's the only procedure we left on the table and I want to argue strongly for keeping both options open. And with respect to Mrs. Dutmer's point of a minute ago that somehow it would be easier to do, and folks would do that just precipitously and haul off and take over the Water Board, you cannot get nine votes for something that's difficult and controversial, so there's plenty of safeguard there for those who are worried about that.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. DUTMER: Yes. I take it then, Henry, that you don't want people to have their say on what will will happen to their water. If you're going to do it in a businesslike way, a business goes to its stockholders, which in effect, are their citizens, to find out what they think would be best for their company, and their future. And I would say if we're going to do it the businesslike way, that we should go to the people at any cost, a hundred thousand dollars is a drop in the bucket compared to mismanagement of a water system, and if the people vote that way, and the citizenry of the City want it, and it turns out bad, then they have only themselves to blame as well, as they have to accept their share of the responsibility. The other way, they say, well, we elected you, but you didn't do what we told you to do up there, and I am just going to have to hang in there for the people to have the right to say what happens to their water.

MAYOR COCKRELL: Mr. Eureste.

MR. EURESTE: Yes Ma'm. The reason--you know, I remember that--I'm still debating my parliamentary point, and I know that the position that Councilman Cisneros has taken now, but--so even if I pushed it, I don't think that my request would prevail. But, I'm still speaking to the parliamentary point that I made a little while ago, and I do recall that this point has been debated before between you and I, and I recall the City Attorney rendering a decision, and I recall you sending me a note, and I recall me doing further research and going to your office, and you saying to me, okay, I understand the point you're trying to make. And you agreeing with the point I was trying to make.

MAYOR COCKRELL: I thought it was on an entirely different point. We don't remember the same.

MR. EURESTE: Well, I remember pretty well, cause I'm the one that has sparked this debate, and I have to remember all the points that are being made, and it's just like when you had me booted out of the City Council Chambers, and that appeared on the front page, and I went back to you and I told you that you were wrong and you said, okay, I'm wrong, and that appeared in page 14C of the newspaper. So, you know, I just need to point out to you that I would like to pursue this point, but not here in the Council Chambers, and would like to ask for the Attorney to provide you with a proper interpretation of Roberts Rules of Order on this particular point.

MAYOR COCKRELL: Why don't we meet after the meeting?

MR. EURESTE: My point is, that if you have an original motion on the floor, you can substitute the original motion. That becomes the primary amendment and then you have one more opportunity to put another motion on the floor, and at that point, you are looking at a secondary amendment to that motion, I mean, to that primary amendment. And, you cannot go around making two amendments on different parts of an original motion at the same time. What you did a little while ago is what now has complicated the motion that is before us. The motion that is before us should be amended, but you have locked it up. You know, the motion that you have right now should be amendable, and I want to know why--and I offered a motion a

little while ago simply of striking out one part of the substitute motion.

MAYOR COCKRELL: And I explained to you that a substitute motion has to be different from the original motion, and if you struck out that provision the substitute motion would now be identical with the original motion.

MR. EURESTE: No, it wouldn't.

MAYOR COCKRELL: Well, the Chair ---

MR. EURESTE: How can it be identical to the original motion?

MAYOR COCKRELL: Because the original motion has been amended.

MR. EURESTE: That's working it backwards.

(inaudible)

MAYOR COCKRELL: The Chair is offering to meet with you afterwards, to read the book together to sit down with the City Attorney, but if we can, just let's vote on the item and dispose of it.

MR. ARCHER: Mayor, could I ask a point of information?

MAYOR COCKRELL: Yes, Mr. Archer.

MR. ARCHER: Could--on Henry's three-fourths, would it ever be possible later down the line for another Council to change the number of people on the Council from ten to seventeen?

MAYOR COCKRELL: No, sir. Well, the number of persons on the Council could be changed by a Charter Amendment, and the three-fourths provision would still apply to three-fourths of what ever number were then on the Council

MR. ARCHER: Excuse me, I should have thought more.

MAYOR COCKRELL: Yes sir. Allright. We now, what is now pending--let's see, Mr. Alderete is not in the room, I don't know if he chooses to vote. Does Mr. Alderete wish to return to participate in the vote? Fine. Allright. We're going to take the vote at this time on the substitute motion which would provide two alternatives. I think we all understand that if this motion should pass, that obviously, the Attorneys would have to put it in the correct legal form. If for any reason that was impossible, we would be so advised. But we would assume that the Attorneys could write it up in the correct legal form. Clerk will call the roll.

MR. ARCHER: Yes.

MR. STEEN: No.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: Yes.

MRS. DUTMER: No.

MR. WING: No.

MR. EURESTE: No.

MR. THOMPSON: Yes.

MR. ALDERETE: No.

MR. CANAVAN: Yes.

The motion carried.

MAYOR COCKRELL: The motion carried. We now vote on the motion as substituted. Those in favor say aye. Those opposed no. Mr. Alderete.

MR. ALDERETE: I--

MR. EURESTE: Can we have a roll call?

MR. ALDERETE: Okay, go ahead. After the votes are taken, I have a technical question, Madam Mayor.

MAYOR COCKRELL: Allright. This is the original motion as amended by substitution.

MR. STEEN: No.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: Yes.

MRS. DUTMER: No.

MR. WING: No.

MR. EURESTE: Yes.

MR. THOMPSON: Yes.

MR. ALDERETE: No.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

MAYOR COCKRELL: Motion carried. Mr. Alderete.

MR. ALDERETE: Yes, I was gonna ask a technical question, Madam Mayor. In--if there was to be a referendum held on the bringing of the Water Board under the wings of City Management, would there be any, I mean, it's a technical question now, but would there be any ability of City Water Board to pass out, or advertise propaganda using City Water Board funds? Against the take-over of the Water Board?

MAYOR COCKRELL: I have no idea.

MR. ALDERETE: Well, I'm very concerned about it.

MAYOR COCKRELL: I think that the Council would have to turn it over for a legal opinion.

MR. ALDERETE: Yeah, because that's of concern to me because if in a referendum they could utilize the money of the City Water Board to express their position which may be contrary to the position of the Council, then we're in a heap of trouble.

MAYOR COCKRELL: Let me ask the City Attorney to comment.

MRS. MACON: I think, Mr. Alderete, the election code is very specific as to what tax dollars can be used, and what public funds can be used for, and I'll be glad to delineate those for you, because it's very limiting in terms of that. And private funds would have to be used, if there were differing opinions then.

MR. ALDERETE: Well I'll tell you why, Jane, that I'm concerned about it. Because I recall CPSB utilizing monies to run advertisements, to support the South Texas Nuclear Project when there was some opposition to it, and they did stop it after a while, but I'm concerned that if, in the event, that there would be an all out campaign effort, between the City Council and the City Water Board that they would be able to utilize their funds to thwart any effort of a take-over. That's my major concern. I mean, it's already - the precedence is set, and that's what my basic fear stems from.

MAYOR COCKRELL: Well, we would assume then, that the interpretation is that the State law regulating use of funds would give some guidelines there. Now, then we'll go over to the next item.

80-12 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Mr. Thompson, was passed and approved by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Canavan.

A RESOLUTION  
NO. 80-12-17

AUTHORIZING THE COMPLETE COUNT COMMITTEE TO ACT ON BEHALF OF CITY COUNCIL IN THE LOCAL REVIEW PROGRAM BY THE BUREAU OF THE CENSUS.

\* \* \* \*

80-12 The Clerk read the following Resolution:

A RESOLUTION  
NO. 80-12-18

URGING THE STATE LEGISLATURE, AFTER PASSAGE OF FEDERAL HB. 3434, TO ENACT LEGISLATION FOR THE ALLOCATION OF FUNDS IN AN EQUITABLE DISTRIBUTION, FOR CHILD CARE CENTERS.

\* \* \* \*

Mr. Alderete moved to approve the Resolution. Mr. Eureste seconded the motion.

Mr. Remigio Valdez thanked the Council for their support regarding this Resolution. He also recognized a group of citizens who were present in the audience in support of this Resolution.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Canavan.

80-12 The Clerk read the following Ordinance:

AN ORDINANCE 51,906

AUTHORIZING THE TRANSFER OF 66 PERMITS TO OPERATE A TAXICAB SERVICE IN THE CITY OF SAN ANTONIO NOW OWNED BY SAM D. GODFREY D/B/A CHAPARRAL TAXICAB, INC., TO RUDOLPH T. TIMPTE D/B/A CHAPPARAL TAXICAB, INC., IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-2.2 OF THE CITY CODE.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Mr. Eureste seconded the motion.

In response to a question by Mr. Thompson, Mr. Louis Garcia, Assistant City Attorney, stated that they have checked on Mr. Timppte's financial statement and everything is in order.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Canavan.

The Clerk read the following Ordinance:

AN ORDINANCE 51,907

GRANTING A LICENSE TO RIVER WALK PROPERTIES, INC., TO OCCUPY SPACE OVER THE RIVER WALK ADJACENT TO NEW CITY BLOCK 139, AND MANIFESTING AN AGREEMENT IN CONNECTION THEREWITH.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Mr. Webb seconded the motion.

In response to a question by Mr. Thompson, Mr. George Noe, Administrative Assistant to the City Manager, explained why a license is required regarding this matter.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Canavan.

ANNEXATION PETITIONS

Mr. Wing stated that in the particular case of Green Springs Valley Subdivision, other facts have rendered it less than 50% of the majority and asked if this means that the petition will still have to come before the City Council.

Mr. George Noe, Administrative Assistant to the City Manager, explained that it will not be included in the ordinance setting up a public hearing.

CITIZENS TO BE HEARD

MR. BILL GRASS

Mr. Grass, representing the Lanark Area Homeowners' Association, read a prepared statement asking for a resolution opposing the scheduled housing project entitled Tex. 6-49 at the corner of Lanark Drive. He stated that there is grave concern that it will have an adverse effect on their properties. He also stated that there is an increase in crime in housing projects and that the residents are very concerned about this. He also stated that educational facilities would be adversely effected.

Mayor Cockrell stated that this matter would be referred to the staff and a report will be made to the Council. She stated that a resolution cannot be approved today.

MR. LARRY HAGY

Mr. Hagy made reference to articles that appeared in the newspaper on the review process on the project scheduled at the corner of Lanark and Hollow Street. He stated that comments were made with reference to the drainage problems that exist at that location. He also read from applications to HUD and stated that projects had been turned down because of drainage problems.

He distributed pictures of the existing drainage problems and sewer back-ups. He stated that they feel that the project will add to the drainage problems.

MRS. FRANCES CADENA

Mrs. Cadena speaking on behalf of the Board of the Advocates stated that on January 10, 1980, someone from the Advocates Organization had presented a request before the City Council. She stated that six weeks later, they hadn't heard anything from the City staff.

Mr. Alex Briseno, Assistant to the City Manager, stated that Mr. Noe was instructed to meet with Mrs. Cadena and give her a report which has been prepared and distributed to the City Council.

MRS. MARIA DOMINGUEZ

Mrs. Dominguez stated that staff is not elected and the citizens should have something to do with salaries paid to them. She also stated that citizens that speak on the Citizens To Be Heard Session should not be gagged.

MRS. ROSA G. VALDEZ

Mrs. Valdez expressed concern about the open channel drainage project on Callaghan Road. She spoke in opposition to the open channel and stated that it is a health hazard. She stated that she feels it will be used for criminal activity. She asked that the drainage project be closed and asked that there be a freeze on the construction.

Mayor Cockrell explained that this matter would be turned over to the City staff and the Council member in District 6. She asked that the City Manager expedite this matter.

MR. DAVID C. GARCIA

Mr. Garcia, representing the Mexican-American Cultural Center stated that they received a letter from the Archdiocese on a musical program that they are approving. He explained that they are in the process of seeking City sponsorship and funding and would appreciate any facilities or funding that the City can give them.

Mayor Cockrell stated that this matter would be referred to the Arts Committee and that the Council will be kept apprised.

At this point in the meeting, Mr. Eureste stated that he is very concerned with rules which were adopted by the City Council at last week's "B" Session on the procedure to be followed at the Citizens To Be Heard.

He asked that this new rule be adopted as an Ordinance by the City Council.

Mayor Cockrell asked that it be placed on the agenda for consideration at next week's meeting by the City Council.

30-12 The Clerk read the following Letter:

February 19, 1980

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

February 28, 1980  
mb

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

February 19, 1980

Petition submitted by Mr. Randy Dym, requesting annexation for Churchill Estates Subdivision into the City of San Antonio

\* \* \* \*

/s/ NORMA S. RODRIGUEZ  
City Clerk

There being no further business to come before the Council, the meeting was adjourned at 6:20 P.M.

A P P R O V E D

*Lila Cockrell*

M A Y O R

ATTEST: *Norma S. Rodriguez*  
City Clerk

February 28, 1980  
mb