

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 20, 1972.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor John Gatti, with the following members present: HABERMAN, HILL, BECKER, HILLIARD, MENDOZA, GARZA, NAYLOR, PADILLA, GATTI; Absent: NONE.

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72-18 The invocation was given by Reverend Lee Muehlbrad, Christ Lutheran Church.

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72-18 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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72-18 The minutes of the meeting of April 13, 1972, were approved.

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72-18 The following Ordinances was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mrs. Haberman, seconded by Dr. Hilliard, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza.

AN ORDINANCE 40,609

APPROPRIATING A TOTAL OF \$10,200.00
OUT OF VARIOUS FUNDS FOR THE PURPOSE
OF ACQUIRING SANITARY SEWER EASEMENTS
IN CONNECTION WITH SALADO CREEK, LEON
CREEK - PHASE B, AND NORTHERN HILLS
SANITARY SEWER OUTFALL PROJECTS;
ACCEPTING SANITARY SEWER EASEMENTS IN
CONNECTION WITH ROSILLO CREEK - PHASE
B, LEON CREEK - PHASE C, RANCLAND
HILLS, AND THE TURNER PROPERTY SANITARY
SEWER OUTFALL PROJECTS; AND ACCEPTING
A DEDICATION OF 2.120 ACRES OF LAND FROM
THE BEXAR COUNTY HOSPITAL DISTRICT, IN
CONNECTION WITH SID KATZ DRIVE.

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72-18 Item No. 2 on the agenda, being a proposed swimming pool concession contract was withdrawn from consideration at the request of the City Manager.

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72-18 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza.

AN ORDINANCE 40,610

APPROVING A FINANCIAL AGREEMENT WITH THE STATE OF TEXAS, HIGHWAY DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ENTER INTO SUCH AGREEMENT AND APPROPRIATING THE SUM OF \$398,580.44 FROM STREET IMPROVEMENT BOND 1962 FUND 489-01, AND \$54,019.56 FROM STREET IMPROVEMENT BONDS 1971 FUND 409-2, FOR THE CONSTRUCTION OF THE EAST COMMERCE STREET-MONTANA STREET PROJECT.

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72-18 The Clerk read the following Ordinance:

AN ORDINANCE 40,611

MANIFESTING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE LIONS CLUB OF ALAMO HEIGHTS WHEREBY THE SAID LIONS CLUB IS GRANTED PERMISSION TO OPERATE AN OFF-STREET PARKING CONCESSION ON INTERSTATE HIGHWAY 37 RIGHTS-OF-WAY BETWEEN HOUSTON STREET AND McCULLOUGH AVENUE AND BETWEEN BROOKLYN AVENUE AND JONES AVENUE, FOR THE DATES OF APRIL 21 AND APRIL 22, 1972.

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Mr. Stewart Fischer, Director of Traffic and Transportation, explained that the Ordinance is for a parking concession for the Battle of Flowers Parade and the Fiesta Flambeau Parade.

Mr. Ed Hill asked why this concession is being awarded to the Alamo Heights Lions Club when there are so many organizations in San Antonio which might want it.

Mr. Fischer said that the only application for the concession was from the Alamo Heights Lions Club.

After discussion, on motion of Mr. Naylor, seconded by Dr. Hilliard, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza.

72-18 Mayor Gatti was obliged to leave the meeting and Mayor Pro-Tem Garza presided.

72-18 Items 5, 6, and 7 on the agenda, being proposed amendments to the City Code adjusting various fees for curb inspections, heating and air conditioning and plumbing permits, were introduced by Mr. George Vann, Director of Housing and Inspections. Mr. Vann stated that the increased fees would allow the City to break even but would not allow any profit.

A discussion developed concerning a comparison of fees charged in San Antonio and in other Texas cities. It was felt that before such substantial increases were adopted comparative figures should be available.

It was agreed to postpone action on these proposed ordinances until additional information is available for study.

72-18 The following Resolution was read by the Clerk and explained by Mr. George Vann, Director of Housing and Inspections, and after consideration, on motion of Mr. Mendoza, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Hill, Becker, Hilliard, Mendoza, Garza, Naylor; NAYS: None; ABSENT: Haberman, Padilla, Gatti.

A RESOLUTION
NO. 72-18-27

DECLARING THE CITY'S INTENTION TO
COMPLY WITH THE HOUSING ACT OF 1949
AND THE CIVIL RIGHTS ACT OF 1964 IN
CONNECTION WITH A DEMOLITION GRANT
FROM THE DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT PERTAINING TO THE
MODEL CITIES AREA.

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72-18 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Finance Director, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor; NAYS: None; ABSENT: Padilla, Gatti.

AN ORDINANCE 40,612

ACCEPTING THE PROPOSAL OF JAMES R. LAIRD
AND COMPANY TO PERFORM CERTAIN SERVICES
IN CONNECTION WITH THE JOINT CITY-COUNTY
TAX REAPPRAISAL PROJECT FOR THE SUM OF
\$78,500.00 AND AUTHORIZING A TRANSFER OF
FUNDS.

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72-18 Mayor Gatti returned to the meeting and presided.

72-18 The Clerk read the following Ordinance:

AN ORDINANCE 40,613

GRANTING TAX EXEMPTION OF CERTAIN PROPERTY
OWNED BY THE WOMEN'S CLUB OF SAN ANTONIO
AND OTHER PROPERTIES OWNED BY VARIOUS
RELIGIOUS ORGANIZATIONS.

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Emmanuel Baptist Church, Church building, in New City Block 10273.

Mt. Pisgah Baptist Church, Residence used for storage, in New City Block 1325.

Texas Dellcrest Unit of Jehovah's Witnesses, Church parking, in New City Block 3179.

The Women's Club of San Antonio, Property used for business meetings, in New City Block 1879.

Christian Fellowship Baptist Church, Church building, parking area and church yard, in New City Block 10307.

Escuela Magnetico Espiritual de la Comuna Universal, Parking area, in New City Block 7929.

Shenandoah Church of Christ, Church building and parking area, in New City Block 11668.

Evangelical Assemblies, Inc., Residence used for church services and storeroom, in New City Block 7850.

Latin American District Council of the Assemblies of God, Inc., Church building and Sunday school, in New City Block 7927.

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The Ordinance was explained by Mr. Earl Dean, Tax Assessor. He described each of the properties proposed to be tax exempt.

Councilman Hill questioned how property owned by the Women's Club could qualify for tax exemption.

City Attorney Howard Walker stated that the Women's Club is exempt by State law.

Members of the Council discussed the City's policy of granting tax exemptions. It was pointed out that the Assessor is actually authorized to rule on eligibility for exemption, and this is not the responsibility of the Council. However, it has been the practice to present exemption requests to the Council for approval.

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After consideration, on motion of Mrs. Haberman, seconded by Mr. Mendoza, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill (except for Women's Club), Becker, Mendoza, Naylor, Gatti; NAYS: None; ABSTAIN: Hilliard, Garza, Padilla; ABSENT: None.

After a thorough discussion of many facets of tax exemption, it was agreed that this subject be scheduled for a more detailed study at an early "C" session of the Council.

72-18 The following Ordinance was read by the Clerk and explained by Mr. Otto Krebbs, Director of Comprehensive Planning, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Naylor, Padilla, Gatti; NAYS: None; ABSTAIN: Garza; ABSENT: None.

AN ORDINANCE 40,614

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PARTNERSHIP OF WILLIAM A. HOWARD AND LOUIS R. LA PIERRIERE FOR CONSULTATION WITH AND TRAINING OF CITY STAFF PERSONNEL IN INTERPRETING INFRA-RED PHOTOGRAPHY WORK IN CONNECTION WITH THE COMMUNITY RENEWAL PROGRAM.

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72-18 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,615

AUTHORIZING APPLICATION TO THE UNITED STATES CIVIL SERVICE COMMISSION FOR A GRANT TO BE USED IN ESTABLISHING A PERSONNEL DEVELOPMENT PROJECT IN THE CITY.

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AN ORDINANCE 40,616

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS CRIMINAL JUSTICE COUNCIL FOR A GRANT IN THE AMOUNT OF \$10,808.00 FOR THE PURPOSE OF PROVIDING SPECIAL TRAINING FOR SAN ANTONIO POLICE DEPARTMENT PERSONNEL; SAID GRANT TO BE FOR THE PERIOD OF JUNE 1, 1972 THROUGH MAY 31, 1973 AND ESTABLISHING VARIOUS ACCOUNTS FOR THE PURPOSE OF ADMINISTERING THE FUNDING OF THIS PROJECT.

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AN ORDINANCE 40,617

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS CRIMINAL JUSTICE COUNCIL FOR A GRANT IN THE AMOUNT OF \$3,506.00, FOR THE PURPOSE OF PROVIDING EQUIPMENT FOR THE SAN ANTONIO POLICE DEPARTMENT EXPLOSIVE ORDNANCE UNIT; SAID GRANT TO BE FOR THE PERIOD OF JUNE 1, 1972 THROUGH MAY 31, 1973; AND ESTABLISHING VARIOUS ACCOUNTS FOR THE FUNDING OF THE PROJECT.

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AN ORDINANCE 40,618

EXPRESSING THE INTENT OF THE COUNCIL TO EXECUTE A CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF PUBLIC WELFARE FOR PROVISION OF HOMEMAKER SERVICES FOR THE ELDERLY IN THE SAN ANTONIO MODEL NEIGHBORHOOD AREA.

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72-18 The following Ordinance was read by the Clerk and explained by City Attorney Howard Walker, and after consideration, on motion of Mr. Naylor, seconded by Dr. Hilliard, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 40,619

APPROPRIATING \$753.00 OUT OF SEWER REVENUE BOND FUND NO. 404 PAYABLE TO JAMES KNIGHT, COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF PAULA FRANCISCA COVER IN SATISFACTION OF AND AS SPECIFIED IN THE AWARD OF SPECIAL COMMISSIONERS IN CONDEMNATION CASE NO. C-881 FOR THE ACQUISITION OF A PERMANENT EASEMENT 30 FEET WIDE AND CONTAINING 0.402 ACRES OF LAND MORE OR LESS, AS WELL AS DAMAGES FOR A TEMPORARY CONSTRUCTION EASEMENT 25 FEET WIDE AND CONTAINING 0.334 ACRES OF LAND MORE OR LESS, REQUIRED FOR SEWER MAIN PURPOSES ON THE ROSILLO CREEK SEWER MAIN PROJECT, PHASE A, IN BEXAR COUNTY, TEXAS.

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72-18 The following Ordinance was read by the Clerk and explained by Mr. Bill Toudouze, Project Manager for Urban Renewal Agency, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 40,620

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL R-C-7 LOCATED WITHIN THE ROSA VERDE URBAN RENEWAL PROJECT, TEX. R-78 TO CALLAWAY DEVELOPMENT COMPANY FOR THE SUM OF \$81,753.00, BEING \$.75 PER SQUARE FOOT.

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72-18 Item No. 18 of the agenda, being a proposed resolution concerning the purchase of Mustang Island, was withdrawn from consideration.

72-18 The following Ordinance was read by the Clerk, and after consideration, on motion of Mr. Padilla, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 40,621

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WILBER SMITH AND ASSOCIATES TO FURNISH THE CITY WITH CERTAIN ENGINEERING ANALYSES AND THE ECONOMIC FEASIBILITY OF CONSTRUCTING A MUNICIPAL PARKING STRUCTURE IN THE HISTORIC MEXICAN MARKET AREA AND APPROPRIATING THE SUM OF \$18,000.00 OUT OF 1970 FARMER MARKET BONDS IN PAYMENT THEREFOR.

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72-18

CITY MANAGER REPORTS

City Manager Henckel stated that he had received a letter today from Finnis E. Jolley, Area Director for HUD, advising that San Antonio's application for \$235,000 for the Tainter Gate on the river has been denied but stated that HUD will participate with the City in the removal of the Old Tainter Gate, the recirculating system, the sluice gate and landscaping.

Mr. Henckel said also that he was informed last Friday that the City's application for credit for the Tower of the Americas has been approved for only 25 percent of the total cost. He stated that this would seriously affect other programs such as acquisition of land for the Federal offices, the State office building site and some Urban Renewal programs.

As soon as an appointment with the Under Secretary of HUD can be arranged, City Manager Henckel along with Mayor Gatti and Mr. Winston Martin will go to Washington to have these decisions reversed if possible.

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Dr. Hilliard asked about the status of the summer recreation program.

City Manager Henckel stated that no word has yet been received concerning the grant for this program. As soon as word is received, this subject will be scheduled in a "C" Session.

72-18 ZONING HEARINGS

a. CASE 4482 - to rezone Lot 19, Block 38, NCB 11754, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the northwest side of West Avenue, being 150' northeast of Larkspur Drive; having 400' on West Avenue and a depth of 487'.

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

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that a six foot (6') solid screen fence is erected along the southwest property line. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,622

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 19, BLOCK 38,
NCB 11754, FROM "A" SINGLE FAMILY
RESIDENTIAL DISTRICT TO "R-3" MULTIPLE
FAMILY RESIDENTIAL DISTRICT, PROVIDED
THAT A SIX FOOT (6') SOLID SCREEN FENCE
IS ERECTED ALONG THE SOUTHWEST PROPERTY
LINE.

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b. CASE 4490 - to rezone the north irregular 144' of Lot 151, NCB 11253, 7150 New Laredo Highway, from "B" Two Family Residential District to "B-3" Business District, located on the southeast side of New Laredo Highway (U. S. Highway 81 south), being 387.5' northeast of the cutback between New Laredo Highway (U. S. Highway 81 south) and Briggs Avenue having 71.26' on New Laredo Highway (U. S. Highway 81 south) and a maximum depth of 144'.

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

No one spoke in opposition.

After consideration, on motion of Mr. Hill, seconded by Mr. Becker, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,623

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH IRREGULAR 144' OF LOT 151, NCB 11253, 7150 NEW LAREDO HIGHWAY, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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c. CASE 4527 - to rezone the east 300' of the north 250' of Tract 5, NCB 14941, 5200 Block of Leonhardt Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District; and the south 277' of the east 300' of Tract 5, and the east 300' of Tract 5-A, NCB 14941, 5200 Block of Leonhardt Road, from Temporary "R-1" Single Family Residential District to "R-4" Mobile Home Residential District.

These are located on the south side of Leonhardt Road, being 1575.57' west of Weidner Road; having 300' on Leonhardt Road and a depth of 1478'. The "B-2" being on the north 300' and the "R-4" being the remaining portion of subject property.

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

No one spoke in opposition.

After consideration, on motion of Dr. Hilliard, seconded by Mr. Becker, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,624

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 300' OF THE NORTH 250' OF TRACT 5, NCB 14941, 5200 BLOCK OF LEONHARDT ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE SOUTH 277' OF THE EAST 300' OF TRACT 5, AND THE EAST 300' OF TRACT 5-A, NCB 14941, 5200 BLOCK OF LEONHARDT ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-4" MOBILE HOME RESIDENTIAL DISTRICT.

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72-18 Mr. Reynolds Andricks, Festival San Jacinto Association, expressed appreciation to the City Council for its support of the Flambeau Parade and the Fiesta celebration.

Mr. Andricks then asked the girls in the Fiesta Galaxie to introduce themselves. After the introduction, the girls shook hands with members of the Council.

72-18 At 10:45 A. M. King Antonio L, in the person of Mr. Roane Harwood, accompanied by the Texas Cavaliers, paid a goodwill visit to the City Council. King Antonio introduced Miss Clay West Burns Christensen, Queen of the Order of the Alamo's Court of Our Heritage, and Princess Cynthia Groos. The King then presented each Council member with a token of appreciation.

72-18 ANNEXATION

The Clerk read the following Ordinance in its entirety for the first time:

AN ORDINANCE 40,625

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 40,565.01 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO AND PROVIDING FOR SEVERABILITY.

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Following the reading of the Ordinance, this conversation took place:

MAYOR GATTI: It is customary at this time, after a first reading, to ask if there are any citizens who care to be heard. I have a sheet on which six citizens have asked to be heard. We will listen to each citizen for five minutes if they still care to be heard. The first is Mr. George Kline.

MR. GEORGE KLINE: Your Honor Mayor, and fellow Councilmen, and my good friend Mr. Becker and the entire group. I just want to say, Ladies and Gentlemen, just forever hold your peace about this annexation. When the City expands and goes out, spreads out, naturally it's goind to cost a lot of money. We are taxpayers here, and we think a lot of this administration, the Mayor, the City Manager and the people of San Antonio and the Police Department, the City. I want to just tell you they didn't go out there and just make up their minds to just pull the people in here to pay more taxes just to have something to do. I believe in paying taxes. My daddy's niece and her husband struggled out there about 1961 and 1962 for grounds to build a little home, and they finally got it. They lived in a trailer. That place out there way back then in 1965 and 1966 and way back there looked like a mud hole. Now who did that. The City of San Antonio. Naturally, you are going to have to pay more taxes. You are entitled to pay more taxes and you should pay more taxes. Don't have a grudge against the City because they went out there. Plumbing and sewer, the gas and the lights that costs money.

If you folks don't live out there, you ought to just go out there and see what they are living in. They are living about as good as we are, and I want to thank the good Mayor and the City Manager and the Councilmen to let me have this little time to say what I wanted to say. I love San Antonio. We support San Antonio and each Council sits up here, and they have their opinions and Mr. Becker whenever he opens his mouth he says something, and so does the City Manager. Now, let's all just have our peace of mind, and just go along with the City of San Antonio, the Councilmen and the Mayor and the City Manager and say yes we agree on everything you have said and done and that's it and the Police Department too. They have a big job. They need more money. They need more people. They need more protection. Why they go out there never knowing if they are going to come back or not. Thank you, Mayor, for your good courtesy and you too, Mr. Becker. God bless all of you, it's my prayer and my wishes to this set up.

MAYOR GATTI: Thank you, George.

MAYOR GATTI: Mr. Homer Ziegler.

MR. HOMER ZIEGLER: Your Honor, Mayor Gatti, Members of the Council, I'm Homer Ziegler, the Chairman of West Bexar County Citizens' Committee Opposing Annexation. I would at this time like to compliment the City Planning Commission on a job that I think was well done in respect to preparing an analysis of the income and expenditures pertaining to the proposed annexation. However, I would have to point out that this report or this analysis only shows the proposed taxes, the income and the revenues that would be derived by the City. We have failed, as citizens in the areas to be annexed, to be showed up to this point any plans in respect to what commodities, service is going to be furnished when and in what amount. I would further like to point out that the Northwest Volunteer Fire Department last year sent a letter to the Mayor of the City of San Antonio requesting that we be given the opportunity in the Fire Department to sit down with any plans with respect to annexation including the sequence of commodity services to be furnished. On September 7, Mayor Gatti replied to our letter that I would like to read. At that time, Mr. Harvey Parker was President. It is addressed to Northwest Volunteer Fire Department, Post Office Box 27197, San Antonio, Texas, 78227. "Dear Mr. Parker, thank you for your letter requesting a meeting regarding annexation plans for the community serviced by your department. I wish to point out that the City Council has not determined by priority to the areas to be annexed, therefore any meeting to discuss these problems would be premature. At the time that this decision is made, Mr. Henckel and I would be happy to meet with you and your group and will so notify you. Thank you for bringing this matter to my attention. Sincerely, John Gatti, Mayor." To this date, we have not been invited to sit in on any plans. I would like to advise you that as far as the West Bexar County Citizens' Committee is concerned, we have only started to fight. As you probably have read in the newspapers, we have presently two petitions. One for the repeal of three ordinances, two of them applicable to New Town Ranch, the other one applicable to the 40,565.01 acres of land to be annexed. The other one, gentlemen, requests an ordinance to be adopted by the City Council to permit the citizens in the future to vote on annexation. Our main issue is not the fact that we are fighting the City in respect to their expansion in conjunction with annexation extra territorial jurisdiction. The main issue is that we have been denied the right, our Constitutional rights, under the United States Constitution to have a vote and a say in our self determination on a one man one vote concept. Therefore, I would ask that further action on this annexation be delayed until such time detail plans can be presented to the people to be annexed and so that we have a fair chance to look at everything that is going to be imposed on us. I would like to thank you for the time to speak this morning.

DR. ROBERT L. M. HILLIARD: Mr. Ziegler.

MR. ZIEGLER: Yes sir.

DR. HILLIARD: With reference to the two petitions that you mentioned about Ranch Town and annexation, the one on Ranch Town, I understand would be invalid, illegal, at this time because it was to be done within 30 days at the time it was passed and the time has elapsed, so it would be out. The other that you mentioned here. It has struck my mind that, even if you got enough signatures of people out in your area to call an election, that you would lose badly because the vast majority of people inside the City want annexation. We receive 10 to 1 letters from people in favor of annexation.

No one, but no one wants to pay more taxes. No one here is going to vote to pay more taxes. And this is why if we had an election outside of the area, we know that you would lose nine to one because no one wants to pay more taxes. I don't want to pay more taxes, City, County, State or otherwise, but I pay them like I'm supposed to.

MAYOR GATTI: Thank you, Mr. Ziegler.

MR. ZIEGLER: I would like to ask one question.

MAYOR GATTI: No, you are finished.

MR. ZIEGLER: I would like to know what happened to the petitions that were mailed into the City Council - eight mail bags out here in the hall?

MAYOR GATTI: I appreciate very much your coming down here. Mr. Walker, just to set the record straight, would you tell the Council what the State law is in reference to this alleged deprivation of rights of citizens insofar as calling an election?

CITY ATTORNEY HOWARD WALKER: Well, the State law, of course, prescribes annexation procedures and they are augmented by Charter requirements. Now, this question has been raised before in other areas. The Federal Courts have already ruled that the so called "voting procedures" are not required, and it is not a due process; it is not a violation of due process of law that property is annexed without the consent of those being annexed. Our own circuit has so held, and if this matter gets into court, and I assume it will, we fully expect to be successful in it.

MAYOR GATTI: Thank you.

MR. GILBERT GARZA: Mr. Mayor, at least the question Mr. Ziegler asked, I think about the petitions, the whereabouts of the petitions should be answered.

MAYOR GATTI: What about it?

MR. GARZA: If we received them at least he ought to know.

MAYOR GATTI: I don't know what he's talking about. He wants to know where to put them?

MR. CHARLES BECKER: He wants to know if we received them.

MAYOR GATTI: I haven't received them. If he delivered by U. S. mail, I would imagine I would have received them.

Mrs. Ward Maas.

MRS. WARD MAAS: Mr. Mayor, thank you for getting my name right, very few people do.

MAYOR GATTI: Did I get it right?

MRS. MAAS: I have only one thing to say. I would like, you know, to know what, if I have to pay more taxes, how much and so forth because my budget, as we are all on budgets, plus I would like to have the right to vote. Thank you.

MAYOR GATTI: Thank you very much.

Mrs. Dutmer.

MRS. HELEN DUTMER: Good morning, Your Honor, Councilmen, I am Mrs. John Dutmer, residing in the City of San Antonio. I am a little bit concerned because, in speaking with these people earlier in the day, it seems that there is a great lack of communication here. I believe that one of the things they would like to know are some valid facts. I can see their concern because everyone is concerned these days with their pocket books and their taxes. On the question of their right to vote, I would say that if we gave them their right to vote when you demand your rights from one person you are stepping on the rights of another. If there is and had they realized that if we give them a right to vote on their disposition then we also of the City of San Antonio request the same rights and therefore, it would be an absolute moot question because we know that they are going to vote against it in a predetermined vote and the people of San Antonio are going to vote for it. The preponderance of people are for it. So this would be a moot question, and there is no longer any need to argue the point. Further, it seems to me that if we would get together with Mr. Ziegler and with his committee and sit down as adults and try to come to some sort of an agreement that everyone concerned could be, if not happy about it, at least placated in the situation. No one wants to pay more taxes and you're right. Now, I think when you sit down and figure up, I own property in incorporated cities outside of the City.

There are times when I have gotten so angry with this Council with other Councils, that I am ready to pick up, pull up stakes and move out. But, thank God, that reasoning is the better part of my emotion and when we sit down and we figure up the various amounts of money that we would have to put forth in the incorporated cities outside of the City of San Antonio and balance them against our taxes that we pay within the City of San Antonio, we find that, in addition to being able to enjoy all of the facilities and all of the vast amount of pleasures that the City of San Antonio affords us, we immediately pull out and back off because we come out on the short end. I am very definitely not only in the interest of these people who are to be annexed but also in the interest of the people of the City of San Antonio, I am definitely for the annexation. It must be done.

MAYOR GATTI: Thank you, Mrs. Dutmer. All right, we have heard from everyone that has signed in. What's your pleasure.

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MR. ALVIN PADILLA, JR.: I move the Ordinance be passed and approved for publication.

MR. BECKER: I second the motion.

MAYOR GATTI: Call the roll.

MR. GARZA: One question, Mayor Gatti, this first reading, once we have this first reading, I just want all the Council members and particularly the staff to be sure that everything that is included in this particular ordinance will not be changed before the next reading because otherwise it will make it invalid as I understand from Mr. Walker. I would like for at least make that one comment or explain it to the Council so that we are all sure that's what we are reading.

MR. BECKER: What do you contemplate being changed, Gilbert?

MR. GARZA: I don't have any changes at all, but all I am trying to say is that if anyone is or maybe the majority of the Council is contemplating on making any further changes between now and the final reading that we ought to make it now before we have the next reading.

MR. BECKER: This is the 59 square miles, is it not? The 40,566.

MR. GARZA: Also is the staff clearly certain that the description of the properties are valid and legal?

CITY MANAGER HENCKEL: Yes, sir, we are. We advised the Council prior to the commencement of any proceedings that the City Council had until the final reading to delete, but you cannot add. The purpose being that the Council has an open mind that at any time until the annexation actually takes place upon the final reading it's your prerogative to make changes. This question came up in staff meetings again and Howard has furnished the Manager with a legal opinion which I will pass on to the Council. He will answer any questions you may desire in respect to this.

CITY ATTORNEY HOWARD WALKER: There are two reasons why an area should neither be deleted nor increased after the first reading. One involves the Charter provision. Now, all City Charters are a little different in this respect, but San Antonio's City Charter specifically makes a provision that after the first reading it shall lay over on the table, so to speak, for a 30 day period before it shall be passed. Now, it is referring to the ordinance as written at the first reading and if you then change it between the first and second reading you are then running into the 30 day new requirement, number one. Number two, under the State statutes, if the City were annexing specifically under the State statute alone and did not have its Charter provision, under the same statute it is possible for an area to be decreased or deleted after the public hearing and prior to the final reading. However, the courts are very clear that where you have a Charter provision which requires a specific requirement, and we do have it in this town, that you must then follow your Charter provisions in addition to the State law, of course. In other words, our Charter adds further requirements on to us, and our Charter provisions specifically requires that when you have your first reading that ordinance, that ordinance shall lay over for 30 days and then be passed at the second reading. Now that ordinance obviously means that ordinance and its attachments as you passed it. You can't come in 30 days later and change it because in doing so you are then presenting another ordinance and then your 30 days period has to reapply. That way you are not going to have a legal question in case you get into court.

MR. GARZA: I just wanted to at least make that clear so that we all know what we are voting on.

CITY MANAGER HENCKEL: Let's get this clarified. Of course, Howard just gave you his verbal opinion. You will have a copy of the written opinion. We have two laws here and we want to make sure that we haven't misled the Council. Howard, as I just understood you to say, they cannot make a deletion.

CITY ATTORNEY WALKER: According to the Charter. If you did not have the Charter provisions, you would not be bound by that case. But, you do have the Charter provisions so you are bound by that case.

MR. GARZA: Under the State law, you can delete.

CITY MANAGER HENCKEL: Well, in your opinion that you furnished me you said that you can't second guess the courts. But, in your viewpoint, if they made any deletion it would be upheld under the State law in the Brownsville case. This is where we have a conflict.

CITY ATTORNEY WALKER: There is really no conflict here. My own personal viewpoint is that if this matter were to be subjected to an attack that our Charter would be interpreted in such a way that the case which follows the State law, the State statute would apply. But that is highly gambling, and I am advising you not to gamble on it.

MR. BECKER: Are we in complete conformity of this that we have in our possession here today?

CITY ATTORNEY WALKER: Yes, of the State law and the Charter.

MR. GARZA: Are we sure that the staff has all the legal requirements for metes and bounds and area?

CITY ATTORNEY WALKER: As far as we know, that is an engineering problem. I can't give you an opinion. As far as we know, the metes and bounds are accurate. That's not in my province.

MAYOR GATTI: Call the roll.

AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

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CITIZENS TO BE HEARD

Mr. Raul Rodriguez spoke to the Council about what he considered to be a defect in the administration of the Model Cities program. He stated that members of the CPPC and CRC should be paid. He reviewed records of these organizations pointing out the poor attendance record of the members. He also reviewed the duties of the members.

Mayor Gatti asked Mr. Roy Montez to give the Council a report on the attendance of Council appointed members to these Boards.

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Mrs. Helen Dutmer explained the organization of the Women's Club and its activities and why it should be tax exempt. She stated it is also fully as qualified for exemption as the Patrician Movement at St. John's Seminary. Mrs. Dutmer expressed the feeling that the City Council should have the right under the law to determine which properties are qualified to be tax exempt.

There being no further business to come before the Council, the meeting adjourned at 11:40 A. M.

A P P R O V E D


M A Y O R

ATTEST:


C i t y C l e r k

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