

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 9, 1972.

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The meeting was called to order at 9:30 A. M. by Mayor Pro-Tem Gilbert Garza, in the temporary absence of Mayor John Gatti, with the following members present: HABERMAN, HILL, BECKER, HILLIARD, MENDOZA, GARZA, NAYLOR, PADILLA, GATTI; Absent: NONE.

72-11 The invocation was given by Reverend Vincent Castro, Jerusalem Presbyterian Church.

72-11 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

72-11 The minutes of the meeting of March 2, 1972 were approved.

72-11 Mayor Pro-Tem Garza recognized a class of government students from Churchill High School who were accompanied by their teacher, Mrs. Virginia Versteeg.

72-11 Mayor Pro-Tem Garza read a proclamation proclaiming Friday, March 10, 1972, as Thomas Jefferson Mustangs Day, in anticipation of their participation in the State Class AAAA basketball finals to be played in Austin. He recognized Mr. Jim Shuler, Coach, and Mr. Bob Chambers, Principal of Thomas Jefferson High School and congratulated them on their winning of the Class AAAA Regional IV Basketball Tournament last week.

Mr. Shuler introduced the individual team members to the Council and audience. The pep squad cheerleaders pinned appropriate red and blue ribbons on each of the Council members.

Mr. Chambers thanked the Council on behalf of the coaches and players for its expression of interest.

72-11 The following Ordinances were read by the Clerk and explained by Purchasing Agent, John Brooks, 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, Padilla; NAYS: None; ABSENT: Naylor, Gatti.

AN ORDINANCE 40,452

AUTHORIZING THE PAYMENT OF \$1,680.00 TO
THE UNITED STATES BUREAU OF THE CENSUS
TO FURNISH THE CITY WITH 28 REELS OF THE
1970 CENSUS.

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AN ORDINANCE 40,453

AUTHORIZING THE PURCHASE OF ONE (1)
ADDITIONAL TRUCK FROM THE INTERNATIONAL
HARVESTER COMPANY AT A TOTAL PRICE OF
\$3,278.13.

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72-11 The Clerk read the following Ordinance:

AN ORDINANCE 40,454

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH QUINTON-BUDLONG,
A CALIFORNIA CORPORATION, WHEREBY SAID
CONCERN SHALL PROVIDE CONSULTING SERVICES
TO THE CITY OF SAN ANTONIO FOR THE PURPOSE
OF DETERMINING THE EXTENT, TYPE AND NATURE
OF AIRPORT DEVELOPMENT FOR THE CITY OF SAN
ANTONIO AND ITS AIR TRANSPORTATION MARKET;
SAID CONTRACT TO BECOME EFFECTIVE UPON
ACCEPTANCE BY THE CITY OF CERTAIN GRANTS
FROM THE FEDERAL AVIATION ADMINISTRATION;
THE CONSIDERATION TO BE PAID THE SAID
QUINTON-BUDLONG IN SUCH CONTRACT TO BE
\$248,136.00.

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This Ordinance was explained by Mr. Tom Raffety, Director of Aviation, who reminded the Council that the Council had tentatively approved the award of this contract at an informal session in January. Two grants will be applied for. The first grant will be for \$131,892. The other one will be to complete the required \$248.136. The contract is contingent upon receipt by the City of the grant offer.

Mr. Raffety stated that the first grant application should be ready for City Council approval within 30 days. It is expected that FAA will provide grant funds within 30 days after the application is received by them. The first phase of the airport master plan will require about 10½ months to complete.

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

72-11 The following Ordinances were read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES:

AN ORDINANCE 40,455

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A LEASE AGREEMENT WITH MARTHA SUSAN

WHITMAN, DOING BUSINESS AS SUSANA,
PROVIDING FOR THE LEASE OF 400 SQUARE
FEET IN BUILDING NO. 221 AT HEMISFAIR
PLAZA, COMMENCING MARCH 1, 1972, AND
TERMINATING FEBRUARY 28, 1973.

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AN ORDINANCE 40,456

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A ONE (1) YEAR LEASE AGREEMENT WITH
CLINTON BAERMANN, DBA CARRIAGE HOUSE,
WHICH LEASE AGREEMENT PROVIDES FOR LEASE
OF BUILDING NO. 220 AT HEMISFAIR PLAZA
COMMENCING MARCH 1, 1972 AND TERMINATING
FEBRUARY 28, 1973.

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AN ORDINANCE 40,457

MANIFESTING AN AGREEMENT WITH RICHARD
ROSEN TO AMEND AND EXTEND FOR A ONE-YEAR
PERIOD, THE PRESENT LEASE AGREEMENT OF
BUILDING NO. 300 AT HEMISFAIR PLAZA.

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72-11 The following Ordinance was read by the Clerk and explained by
Mr. George D. Vann, Jr., Director of Housing and Inspections, and after
consideration, on motion of Mr. Becker, seconded by Mr. Mendoza, was
passed and approved by the following vote: AYES: Haberman, Hill, Becker,
Hilliard, Mendoza, Garza, Naylor, Padilla; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 40,458

GRANTING PERMISSION TO MANTON L. TRACY, JR.
TO ERECT A SEVEN-FOOT HIGH FENCE ALONG THE
REAR OF HIS PROPERTY LOCATED AT 2902 CHISOLM
TRAIL.

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72-11 The following Ordinances were read by the Clerk and explained
by Mr. John Rinehart, Assistant Director of Model Cities, 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; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 40,459

ACCEPTING A GRANT IN THE AMOUNT OF \$44,356
FROM THE TEXAS CRIMINAL JUSTICE COUNCIL FOR
CONTINUATION OF THE PERSONAL BAIL BOND
PROGRAM IN BEXAR COUNTY, AUTHORIZING IN-KIND

CONTRIBUTION TO SUCH PROGRAM BY THE CITY, ESTABLISHING A NEW FUND AND APPROPRIATION ACCOUNT FOR SUCH PROJECT, AND APPROPRIATING A BUDGET FOR SUCH PROJECT.

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AN ORDINANCE 40,460

ACCEPTING A GRANT IN THE AMOUNT OF \$50,000 FROM THE TEXAS CRIMINAL JUSTICE COUNCIL FOR CONTINUATION OF THE COMPREHENSIVE LOCAL REHABILITATION TREATMENT PROGRAM FOR DRUG DEPENDENTS, A PROGRAM CO-FUNDED BY MODEL CITIES, FOR THE PERIOD NOVEMBER 1 TO DECEMBER 10, 1971, AND APPROPRIATING A BUDGET FOR THE EXPENDITURE OF SUCH GRANT.

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AN ORDINANCE 40,461

ACCEPTING A GRANT IN THE AMOUNT OF \$150,000 FROM THE TEXAS CRIMINAL JUSTICE COUNCIL FOR CONTINUATION OF THE COMPREHENSIVE LOCAL REHABILITATION TREATMENT PROGRAM FOR DRUG DEPENDENTS, A PROGRAM CO-FUNDED BY MODEL CITIES, FOR THE PERIOD DECEMBER 10, 1971 TO MARCH 31, 1972, AND APPROPRIATING A BUDGET FOR THE EXPENDITURE OF SUCH GRANT.

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AN ORDINANCE 40,462

APPROVING THE HOMEMAKERS SERVICES FOR THE ELDERLY PROJECT, AUTHORIZING APPLICATION FOR A GRANT OF \$87,562.00 FROM THE STATE DEPARTMENT OF PUBLIC WELFARE, DESIGNATING THE HEALTH DEPARTMENT AS PROJECT CONTRACTOR AND ESTABLISHING THE PROJECT BUDGET.

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72-11

The Clerk read the following Ordinance:

AN ORDINANCE 40,463

CHANGING THE POSITION NAME OF INTERGOVERNMENTAL COORDINATOR TO DIRECTOR OF INTERGOVERNMENTAL SERVICES AND ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR OF INTERGOVERNMENTAL SERVICES.

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Mr. Bob MacDonald, Director of Intergovernmental Services, stated that this move is required by the HUD annual arrangements program and is a desirable change to increase the scope of this department.

City Manager Henckel said that Mr. Cliff Edgar, formerly Assistant Director of Parks and Recreation, has been appointed to fill this position.

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

72-11 Item 13 of the agenda, being a proposed Ordinance to accept a bid for management consultant services was withdrawn from consideration at the request of Mayor Pro-Tem Garza. It will be placed on the agenda for next week.

72-11 The Clerk read the caption of a proposed Ordinance authorizing a contract with United Businessmen of San Antonio.

Mayor Pro-Tem Garza said that Mayor John Gatti had stated that he would try to be present when this matter was considered. He suggested that the consideration of this matter be delayed until Mr. Gatti entered the meeting. The suggestion was agreed to by all other members of the Council and action was postponed.

72-11 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; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 40,464

CONFIRMING THE APPOINTMENT OF KATIE FERGUSON TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO; AND CONFIRMING THE RE-APPOINTMENT OF DR. TOM C. REYNOLDS AND M. CORONADO SANCHEZ TO SAID BOARD.

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AN ORDINANCE 40,465

ACCEPTING THE PROPOSAL OF DALTON-TRANE SERVICE AGENCY, INC. FOR CERTAIN REPLACEMENTS AND REPAIR WORK PERTAINING TO THE AIR CONDITIONING SYSTEM IN THE CITY HALL ANNEX BUILDING AT A TOTAL PRICE OF \$16,028.79; AUTHORIZING PAYMENT OF SUCH SUM AND ESTABLISHING AN \$800.00 CONTINGENCY ACCOUNT, ALSO APPROVING A TRANSFER OF FUNDS.

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COMPLAINT OF MARION L. MARSHALL

Councilman Hilliard asked permission to read a written report of the committee appointed by Mayor Pro-Tem Garza last week to investigate the complaint of Mr. Marion L. Marshall charging police brutality. The committee is composed of Councilmen Hilliard, Becker and Padilla.

A copy of the full text of the committee report is included with the papers of this meeting.

The recommendations of the committee were as follows:

1. That Officer T. Garner be exonerated of any charges. It is the committee's determination that he was not guilty of any acts of commission.
2. That Officer R. Lindorfer was guilty of over reacting and exercising imprudent judgment and that this committee embraces the decision of Chief E. E. Peters to suspend Officer Lindorfer for a period of five (5) days.
3. That the incident of February 29, 1972 not reflect in any manner against Mr. Marshall's record with either local, state or national law enforcement agencies or their affiliates.
4. That the Council offer Mr. Marshall and his family an official apology for the incident of February 29, 1972.
5. That the Council direct the medical expenses occasioned by the events in question be assumed by the City of San Antonio, and
6. That Marion L. Marshall be reimbursed for any actual time lost from his place of employment necessitated by the imperative of medical care and his appearance before the City Council Committee Hearing.

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Chief of Police Emil Peters agreed that the committee report fully covered the proceedings of the hearing.

After consideration, Mr. Hill moved that the report of the committee be approved by the Council. The motion was seconded by Mr. Mendoza and carried by the following roll call vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla; NAYS: None; ABSENT: Gatti.

CITY MANAGER REPORTS

City Manager Henckel reported on his trip to New York with Finance Director Carl White which was made for the purpose of visiting the rating agencies. He said that it was the consensus of the people they visited that if the City contemplates a sale of bonds, it should be done as soon as possible. It is anticipated that the bond market will be on the increase in late spring and early summer.

Mr. Henckel recommended that at next week's Council meeting an Ordinance giving notice of sale be passed. This would permit a sale of bonds on May 4. He advised Council members that in their packet of mail next week they will receive a review of priorities for consideration.

72-11 Mr. Becker made the following statement:

BECKER: Mr. Mayor, may I bring up a matter. I don't know whether it is the proper time or not, but last week I discussed informally two matters with Mr. Henckel and Mr. Walker. One, Do City Council members have a right to attend board meetings, etc., of the various City agencies? I'm speaking of the City Public Service Board, the City Water Board and the Transit System. I understand that we do have that right to attend those meetings.

I would only follow-up with the remark that I would encourage as many of us as possible to make it a practice to attend those meetings whenever and wherever possible.

Two, I asked whether or not the City had the right to request that a member of the City's Purchasing Department also attend these meetings with respect to bidding and bid letting, bidding practices, etc. I don't know exactly what our legal status is with regard to that, but as far as the City Purchasing Department, under the head of Mr. Brooks, I don't know of any more efficient and more just manner in which the bidding could be handled than it is being handled by the Purchasing Department. If you have a report on that, Jerry, I'd appreciate it.

HENCKEL: I have a monthly meeting with the managers of the other utilities and at the next meeting, I will ask all of the managers informally to have a member of the City Purchasing Department sit in at their bid awards and work with their purchasing departments because the combination of volume buying would be beneficial to everybody. I'm sure they can use our expertise and I'm sure we can get some pointers from them. I don't anticipate any problem so far as the managers allowing that. If that happens, I'll come back to you.

MENDOZA: Charlie, I'd like to support your recommendation. I think that it's a good idea to sit in and participate in these discussions.

BECKER: Well, we are charged with that responsibility and I've been derelict up to this point. I haven't attended any meetings. I think it's high time that I do.

HABERMAN: Charlie, they have asked us on numerous occasions, and I wouldn't want it to be said here that they haven't asked us. I haven't been able to attend.

BECKER: I'm merely bringing up a point this morning. Since we do have the right to do it, we should make the attempt.

GARZA: I'm sure that your comments are not a reflection on their purchasing departments, but you would like to see some coordination between the groups. I think that ought to be made clear.

BECKER: Right.

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72-11 Mayor Gatti entered the meeting and presided.

72-11 ZONING HEARINGS

a. CASE 4447 - to rezone Lots 9, 10, 11 and 12, Block 4, NCB 810, 724 Lexington Avenue and 200 Block of East Euclid Avenue, from "H" Local Retail District and "E" Office District to "I-1" Light Industry District; located southeast of the intersection of East Euclid Avenue and Lexington Avenue; having 222.3' on East Euclid Avenue and 161' on Lexington Avenue.

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

Mr. Thad Ziegler, the applicant, stated that he would withhold comment until any opponents had spoken.

Mrs. Agnes Lambert, 715 Baltimore, who said she was also speaking for other residents in the area, passed around snapshots of the apartment houses and residences in the immediate area. She stated that expansion of Mr. Ziegler's business would greatly reduce property values in the neighborhood and the noise would force apartment tenants to move. She asked that the Council deny the request.

Mr. Ziegler rebutted by describing the surrounding area which is rapidly becoming more commercial and said that he felt that his improvements would benefit the neighborhood. He asked for favorable consideration of his request.

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

AN ORDINANCE 40,466

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 9, 10, 11 AND
 12, BLOCK 4, NCB 810, 724 LEXINGTON
 AVENUE AND 200 BLOCK OF EAST EUCLID
 AVENUE, FROM "H" LOCAL RETAIL DISTRICT
 AND "E" OFFICE DISTRICT TO "I-1" LIGHT
 INDUSTRY DISTRICT, PROVIDED THAT A 6'
 SOLID SCREEN FENCE IS ERECTED ON THE
 EAST PROPERTY LINE.

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b. CASE 4493 - to rezone Lot 6-B, being that portion presently inside the City Limits and the northwest 50' of Lot 5-B, NCB 11671, 2447 Lockhill-Selma Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; located on the northeast side of Lockhill-Selma, being approximately 1585' northwest of the cutback between Harry Wurzbach Hwy. and Lockhill-Selma Road; having 300' on Lockhill-Selma and a maximum depth of 505'.

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. Hill made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. Mr. Becker 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, Padilla, Gatti; NAYS: None; ABSTAIN: Naylor; ABSENT: None.

AN ORDINANCE 40,467

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 6-B, BEING THAT PORTION PRESENTLY INSIDE THE CITY LIMITS AND THE NORTHWEST 50' OF LOT 5-B, NCB 11671, 2447 LOCKHILL-SELMA ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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c. CASE 4282 - to rezone Lot 1, Block 9, NCB 14539, 2100 Block of Oak Hill Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; and Lots 8 through 13, Block 5, NCB 14535, Lots 5 through 7, Block 10, NCB 14540, and Lot 1, Block 11, NCB 14541, 2100 Block of Oak Hill Road, from Temporary "R-1" Single Family Residential District to "R-2" Two Family Residential District; located on the east side of Oak Hill Road, 1110.24' south of Pow Wow Drive; having 847.32' on Oak Hill Road and a maximum depth of 535.0'. The "R-2" being on the south 120.70' and north 115' of subject property and the "R-3" on the remainder.

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 proper replatting is accomplished. 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: Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti, Haberman; NAYS: None; ABSENT: None.

AN ORDINANCE 40,468

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 1, BLOCK 9, NCB 14539, 2100 BLOCK OF OAK HILL ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND LOTS 8 THROUGH 13, BLOCK 5, NCB 14535, LOTS 5 THROUGH 7, BLOCK 10, NCB 14540, AND LOT 1, BLOCK 11, NCB 14541, 2100 BLOCK OF OAK HILL ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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d. CASE 4360 - to rezone Lot 44, Block 3, NCB 8418, 2109, 2111, 2113 West Avenue, from "A" Single Family Residential District and "F" Local Retail District to "B-3" Business District; located on the west side of West Avenue 104' north of Gardenia Street; having 100.11' on West Avenue and a maximum depth of 410.3'.

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. Hill made a motion that the recommendation of the Planning Commission be approved, provided that a 6' solid screen fence is erected along the South and West property lines. Mr. Becker 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 40,469

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 44, BLOCK 3, NCB 8418, 2109, 2111, 2113 WEST AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A 6' SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTH AND WEST PROPERTY LINES.

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e. CASE 4409 - to rezone a 0.15 acre tract of land out of NCB 6557 and a 0.10 acre tract of land out of NCB 8567, being further described by field notes filed in the office of the City Clerk, being those portions not presently inside the City Limits of Olmos Park, from "B" Two Family Residential and "D" Apartment District to "B-2" Business District; located on the north side of Norwood Court, 150.0' west of McCullough Avenue; having 45.20 on Norwood Court and a depth of 242.75'.

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 proper replatting is accomplished. Dr. Hilliard 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 40,470

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS A 0.15 ACRE TRACT
OF LAND OUT OF NCB 6557 AND A 0.10
ACRE TRACT OF LAND OUT OF NCB 8567,
(BEING FURTHER DESCRIBED BY FIELD
NOTES FILED IN THE OFFICE OF THE CITY
CLERK), FROM "B" TWO FAMILY RESIDENTIAL
AND "D" APARTMENT DISTRICT TO "B-2"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATting IS ACCOMPLISHED.

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f. CASE 4411 - to rezone Lots 1 through 5, Block 105, NCB 9464, 918 Petaluma Boulevard, from "B" Two Family Residential District to "R-4" Mobile Home District; located on the southeast side of Petaluma Boulevard, 288.89' northeast of Jean Drive; having 323.6' on Petaluma Boulevard and a maximum depth of 1373.5'.

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 40,471

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 5, BLOCK 105, NCB 9464, 918 PETALUMA BOULEVARD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-4" MOBILE HOME DISTRICT.

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g. CASE 4491 - to rezone 0.403 acre tract of land out of Tract A, NCB 14880, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-3" Business District; located on the southeast side of Stemmons Drive, being 80' southwest of the intersection of Bandera Road and Stemmons Drive; having 138.55' on Stemmons Drive and a maximum depth of 169.31'.

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 proper replatting is accomplished. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,472

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 0.403 ACRE TRACT OF LAND OUT OF TRACT A, NCB 14880, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK), FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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CITY CLERK: Your Honor, before you came in we had passed over an Ordinance. It reads:

AN ORDINANCE 40,473

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE UNITED BUSINESSMEN OF SAN ANTONIO FOR CARRYING OUT THE MODEL CITIES LOCAL DEVELOPMENT CORPORATION PROJECT FOR THE THIRD ACTION YEAR, ESTABLISHING AN ACCOUNT AND APPROPRIATING FUNDS FOR CONTRACTUAL SERVICES TO BE RENDERED.

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HILLIARD: I so move.

BECKER: Second it.

HABERMAN: I am going to take exception here and make a substitute motion. I move that the City run the program itself.

Mr. Mayor, I probably should say a few words on this, but I think I said what I intended to say downstairs except for the fact that San Antonio-the City of San Antonio-is continually faced with regular situations in relation to this firm. We do not have anything against the people per se, but in order to have better built in control of a situation that is at the present time handling one-quarter of a million dollars, I feel very strongly that the City, itself, should run the program. And, certainly, then if we are chastised because of any laxity in the program we, ourselves, can take care of it in house. We do not have to ask others to take care of our problems for us. For this reason I feel very strongly that the City go ahead and operate the program.

GATTI: Would you read that again. Are there any conditions to it? I wasn't here for the early session.

HILL: Mr. Mayor, maybe I can clear up our positions. My recommendation to the Council in "B" Session was that we put UBSA in business and that the City Manager audit-spot audit- anytime within the 90 days to see that they are complying with the deficiencies that are cited in the audit and that he have a monthly report submitted to the Council as to the progress being made by UBSA on this audit report and that periodically, not just the 90 days, but every 90 days or how often the Council so desires, instruct the City Manager or give him the authority to go ahead and perform a spot audit. The point being that we have people there to run this operation and I think they should be given a chance to operate it and that the City maintain a check to be sure that they are complying with the regulations and that they are clearing up the deficiencies in this audit. This was my recommendation to the City Council.

HABERMAN: In relation to that, Mr. Mayor, I said that is fine for some conditions but they are too broad conditions. I said I could go along with some more specific conditions, but in light of the fact that might not be the possibility. I am still contending that with a question of \$40,000 that HUD could not allow, that we certainly need to re-look at this in more than a general way. If we have to go to conditions, I am

suggesting that we take the TAC assistance which provides assistance to our Model Cities area and ask them to do three specific items. Those three specific items would be that we get a competent fiscal officer to review the situation, not only insofar as the general financing is concerned but also insofar as packaging of loans, etc. Further, that there be a re-assessment of the total needs of the personnel and capabilities involved that this can tie in with the packaging of loans and that there be an internal monitoring or follow-up on the loans that they are doing - that the loans really are covering exactly what it was projected to cover in the beginning. For this reason, I must still first go with the motion that the City run the program because in addition to the above conditions, I would feel that a loan committee not only should be established but that it should have the input of the City involved in it. I would first of all like to see this run by the City for a pilot program period of a year to a year and a half. Then, we can see at that time how the procedures and controls will be. We have too much money here involved to let any more criticism come to the City on a program that we are, in fact, responsible for.

HILL: Well, I would say if we are going to take that approach, Mr. Mayor, we may as well take over all agencies - Model Cities and everything else - because we cannot establish the management checks. We cannot have the staff provide the expertise and the coordination with the various agencies. So, let's just dissolve all agencies and the City run the whole thing.

HABERMAN: I don't really get the fact that we've been criticized on the others.

HILLIARD: The motion dies for lack of a second. I call for the question on the previous motion.

GATTI: Are you calling for the question?

HILLIARD: On the previous motion, yes.

GATTI: Okay. Call the roll.

CLERK: This is on the original motion.

Mr. Mendoza - Aye

Mr. Garza - Aye

Mr. Naylor - Aye

Mr. Padilla - Aye

Mayor Gatti - I'm voting no. I agree completely with Mrs.

Haberman's recommendation and I think we are making a big mistake not to establish the checks and balances that she has recommended.

HILL: Well, we are establishing them, Mr. Mayor, but in a different manner.

(ALL TALKING)

HABERMAN: No.

GATTI: Okay, let's go. You all made a statement. You don't mind if I make one, do you?

HILL: Aye.

BECKER: Aye.

HILLIARD: Aye.

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72-11 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Hilliard, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Hilliard, Becker, Mendoza, Garza, Naylor, Padilla, Gatti; NAYS: None; ABSENT: None.

AN ORDINANCE 40,474

APPOINTING MR. LOUIS P. TERRAZAS AS
A MEMBER OF THE MODEL CITIES CITIZENS'
PARTICIPATION POLICY COMMISSION.

* * * *

72-11

CITIZENS TO BE HEARD

Brother William Dooling, Chairman of the Board of United Businessmen of San Antonio, thanked the Council for its vote of confidence in his organization. He said he wished to allay some of the fears that have been expressed. He stated that his group has been working with City staff to institute the internal controls that have been mentioned.

Mrs. Julie Marquez, Executive Director of UBSA, also thanked the Council for its action in approving the UBSA contract. She assured the Council that their trust would not be betrayed.

Mr. Raul Rodriguez, 719 Delgado Street, spoke to the Council asking for an investigation of the poverty program. He said that young women are being referred to the Midwest Corporation by various agencies in the City. They are then subjected to indecent assaults by the officials there. Mr. Rodriguez filed copies of affidavits to this effect with the City Clerk, and they are filed with the papers of this meeting.

After discussion of this complaint, Mr. Rodriguez stated that he had not appeared before the Board of Directors of E.O.D.C.

Mayor Gatti advised Mr. Rodriguez that the matter should properly be discussed with E.O.D.C. since that is the governing body for the poverty programs. He stated also that he will discuss the matter with the President of E.O.D.C.

Mr. Enrique Cordova, 3007 Monterey, spoke to the Council about a dilapidated house located at 1608 Colima Street which should be torn down. He stated that it is often used by drug pushers and is about to lean on a house that he owns next door.

Mr. Henckel said that there is a project for the demolition of dangerous premises in that area of town, and he will have this house included in this project.

Mrs. Maria Dominguez spoke to the Council about the need for a Little League Park in the Dellview area and also a summer recreation program in that area.

Mrs. Haberman reminded Mrs. Dominguez that there is a temporary area that can be used at El Monte and West Avenue.

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Mrs. Dominguez asked that this be made permanent rather than temporary.

Mayor Gatti advised Mrs. Dominguez to go on and use this land for a year and then discuss other arrangements.

Mr. Clayton Russell spoke to the Council about dilapidated houses in Villa Coronado. He also discussed population figures of various cities and urged the City to go ahead with its annexation program.

Mr. Robert Dickson, 5335 N.W. Loop 410, speaking for the Texas Conference of Churches, read a Resolution which was passed by the Conference at its meeting last month. The Resolution expressed deep concern over the showing of X and R rated movies at drive-in theaters. This was an informative Resolution and did not seek an immediate action, although the hope was expressed that the Council might be able to help.

Mayor Gatti said the Council is also concerned, and it has been discussed with City Attorney Howard Walker.

Mr. Walker stated that in view of decisions made by the U.S. Supreme Court, there is virtually nothing that can be done.

The matter was left with the Council for consideration.

Mr. Howard F. Spencer, 242 Albert Street, appeared before the Council and read a prepared statement alleging an incident of police brutality. (A copy of Mr. Spencer's statement is included with the papers of this meeting.) The incident is alleged to have occurred at 3:30 in the afternoon where he was picking up his daughter at school. He asked that the Council take the matter under consideration.

After discussion of the matter, Mr. Becker moved that a committee composed of Councilmen Becker, Hilliard and Padilla be appointed to investigate this incident. The motion was seconded by Mr. Mendoza, but failed to carry by the following roll call vote: AYES: Hill, Becker, Hilliard, Mendoza; NAYS: Haberman, Padilla, Gatti; ABSENT: Naylor, Garza.

Mayor Gatti advised Mr. Spencer that the matter will be investigated by Associate City Manager George Bichsel and a report made to the Council.

Mr. Becker apologized to Mr. Spencer for the treatment that he had received.

(A complete transcript of this discussion is included with the papers of this meeting.)

Reverend R. A. Callies, Jr. read a statement concerning police tactics in the City. (A copy of his statement is included with the papers of this meeting.) Reverend Callies was accompanied by Mrs. Edward C. Duncan and Elder Sam Holland each of whom spoke regarding police brutality.

Mrs. John Dutmer, 739 McKinley, spoke to the Council regarding two ordinances passed at this meeting which would fund the Patrician Movement.

Mr. William J. Wallace, Jr. spoke to the Council protesting the five day suspension of the police officer involved in the Marshall case. He insisted that the officer should be dismissed from the force.

Councilman Hilliard stated that the committee considered the seriousness of the police officer's offense and the committee was satisfied that the punishment was sufficient.

Mr. Wallace invited members of the Council and the City's staff to a meeting of leaders of the Black Community on Monday night at 7:00 P.M. to discuss some of the City's problems. The purpose of the meeting is simply to help solve problems. The meeting is to be held at 528 North Center Street.

There being no further business to come before the Council, the meeting adjourned at 12 o'clock noon.

A P P R O V E D

John Mills
M A Y O R

ATTEST:

A. H. H. H. H.
C i t y C l e r k

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 4. *...*
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THIS IS A TRANSCRIPT OF THE CHARGES
OF POLICE BRUTALITY MADE BY MR. HOWARD
F. SPENCER ON MARCH 9, 1972.

* * * *

MR. SPENCER: My name is Howard F. Spencer. I appreciate this time. I was supposed to have been at the doctor's at 10:45 but I stayed here and waited through pain trying to get something over that should be in this City.

San Antonio, Texas
March 9, 1972

Members of the City Council
City of San Antonio, Bexar County, Texas

Gentlemen:

It is with a deep sense of regret that I make this appeal to the Council requesting that you all investigate and properly deal with Officer Henria, and cause him to answer to the following charges:

1. Executing an arrest without probable cause.
2. Illegal search and seizure, based on an arrest without probable cause, at which time a pocket knife within size limited was confiscated. The officer returned the pocket knife by putting it in my mail box at night at 242 Albert Street.
3. Conduct unbecoming to an officer, to wit: Undue and unnecessary force demonstrated including pushing and jerking me around. I am under the doctor's care and I told the officer I had just come from the doctor's office after taking a treatment. The officer referred to me as being smart.
4. Intimidating my nine (9) year old daughter, screaming and calling her a liar to cover up for "her father". I was locked up in the officer's car and handcuffed. My daughter told me about the officer calling her a liar after I came back from jail.
5. My car was driven to jail by another officer who was called to the scene to assist the arresting officer. Officer Henria was talking to a minister and a friend of mine as we are both members of St. Luke Baptist Church. They were trying to plead with him that they have known me for a long time.
6. So in order to prevent a reoccurrence of this and other events that could lead to unnecessary development, I beg of this, it's action or additional legal action will be initiated. The name of witnesses are in my possession.

Thank you kindly,

/s/ Howard F. Spencer

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I am a little weak now. Of course, I should have been at the doctor's office at 10:45. I didn't know it would take this long to be here. I called up Dr. Hilliard and talked to him about it, and I know Mr. Ed Hill. He used to be my chief at Kelly Field. He was the highest man around there. I'm thankful for you all and I hope that you will take into consideration what I have said.

HILLIARD: What was the original event which precipitated the officer stopping you?

SPENCER: I told my daughter to....I always pick her up at school at 3:20. She goes to Pauline Nelson. I was late getting from the doctor so I drove on up Zarzamora. I told her I would come down on the right hand side. I got to Zarzamora just before you get to Laurel. The Chinaman has a store there, I stopped there. I saw her coming and she passed over Laurel there. I pulled over to the side to pick her up, and when I opened the door the officer hollered at me, "you're blocking traffic." I said, "well, soon as I close my door and let my daughter in, I'll go on."

So, I went on and turned on Laurel. There's a big dance hall there, and I just pulled right in there and backed up and was going to come back down Zarzamora. But he had turned around, came back because he came and ran right in on me on Laurel and stopped.

He said "you're under arrest," and he jumped out of his car. I said "what for, officer?" Then I saw he was a corporal. I said "oh, corporal, you shouldn't ----." I said "oh, corporal, what's the trouble?" He said "you insulted me." I said "well, what did I do?"

About that time I noticed my door slam and I looked around, and my daughter had jumped out and she was running and going around his car and going down Zarzamora Street about four blocks where I had to take her. I said "officer, that's my little daughter only 9 years old. She may get run over. See her crying. Let me go pick her up or you go take her on home." He said "you're under arrest." I said "well, I know I'm under arrest but I'm not going any place, but my daughter may get run over. She's all excited. This is the first time she has seen this. This is the first time I know anything about it. I'm 58 years old and I've never had hand cuffs on me before. I never have been arrested before."

BECKER: What did you say your age is?

SPENCER: I'm 58. So then he said "well, you're under arrest right now." Then he went to kinda pushing me around. I said "let's talk a little while." About that time the preacher drove up and the other fellow, Mr. Harding (?) drove up. They got out and said "what's the matter Mr. Spencer?" I said "oh, I'm just" This officer said I called him a bad name. They said "what did you call him?"

I said "I don't know." He said I called him one. I don't understand what he's talking about. He tickled me what he said. I never heard of it before.

To make it short, he carried me on down and put me in jail--to arrest me-- and after he got me down to the jail house then he wrote up a ticket saying I was stopping traffic. He gave me a ticket down there after.....

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The Sargeant down there laughed when he told him that name that he said I called him. They had never heard that before either. I said "I haven't either." So then after I told him, "let me go on back" in the meantime after he put the handcuffs on me and put me in the car my daughter came back. She went and got my other son. He is fourteen. She went down to the house and got him. She was all out of breath and crying. I saw them out there.

So, the officer went up to her and said "Little girl, did you hear your daddy call me a bad name?" She said "no, sir." I could see her say "no, sir." And she was crying and shaking her head. I was locked in the car. This preacher and this other fellow hollered and told me what he said. They didn't like it.

He said, "you're a liar." And then he caught himself and he said, "are you lying to cover up for your daddy?" She said, "no, sir" and she kept on crying.

That's when I kicked on the car and told him to come take me on down and get me over with because I said "If I wasn't handcuffed I'd think something was going on wrong out there." He said "well, we'll take you on down."

BECKER: This happened at 3:30 in the afternoon?

SPENCER: Well, it happened about 3:30 when I was gone to meet my daughter.

HABERMAN: Mr Mayor, may we just ask our City Manager, please, to just follow up on this report and have a notice to us or give us information on it.

BECKER: I'd like to make a request, Mr. Mayor, that we appoint a 3 member commission as we did in the case of Mr. Marshall consisting of Mr. Padilla, Dr. Hilliard and myself, if possible, to investigate this particular case and arrive at some facts and see exactly what the situation is because it looks to me to be an unreasonable and inordinate situation for a man of 58 years old at 3:30 in the afternoon picking up his daughter from school getting in all this kind of fuss and feathers and grief over practically nothing at all.

GATTI: Does anybody second this motion?

MENDOZA: I second that motion.

GATTI: Any discussion? Call the roll.

HABERMAN: Nay, and I am going to explain why. I am going to vote no because I do want the report first before we appoint committees on each and every complaint that we are going to be receiving. I think we have a right to know both sides of the question before we start appointing committees on each side. My vote is no.

HILL: Aye.

BECKER: I am going to explain why I vote aye and make the motion. This gentleman here does not appear to me to be a trouble maker in any way, shape, fashion or form. I believe his story as I believed Mr. Marshall's story. I think he is sincere and honest and telling the truth. We are getting entirely too many of these complaints. It has been said up here before that the City Council in the final analysis will be the civilian review board to hear out these things if necessary. I think it is our responsibility, and we would be derelict in our duty if we don't. So, I vote aye.

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HILLIARD: AYE.

MENDOZA: AYE.

GARZA: ABSENT.

NAYLOR: ABSENT.

PADILLA: I am going to vote no and I'd like to explain why. Last week we met on the Marshall case - Dr. Hilliard, Mr. Becker, and myself - in fact, it was yesterday. I was very much impressed and I am very much concerned about these things. Do not construe my no vote to mean otherwise, please.

I was very much impressed by the way the case was handled by the Chief of Police. I would like, before we set the precedent of having every one of these mistakes that are made by officers brought directly to the City Council, I would like to keep it in the hands of the Police Chief as long as I have confidence that he is doing a good job and running his department in a very professional manner. This kind of thing that is alleged is uncalled for and I do have confidence that he will take the necessary corrective actions when these things, tragically, do happen. So, I am going to vote no at this time but I reserve the right to change my mind if I don't see the proper results.

GATTI: I am voting no for the same reason that Mr. Padilla gave.

CLERK: The motion fails, your Honor.

BECKER: Well, I'm going to request of Chief Peters, are you here, Chief? There seems to be entirely too much of this sort of misunderstanding occurring in this City. Now, had this man been 17, 18 or 19 years old and having a reputation for being a hot head and whatnot, that's one thing. But you can look at him and tell that he doesn't fit those specifications or characteristics. I'm going to rely on you, as we did yesterday, to try to bring this sort of thing under control and minimize it to the irreducible minimum. Any acceleration of this sort of thing in the future and I think, really, that there is going to have to be some serious overhauling within the structure of the Police Department in order to prevent these things from occurring. This case is absurd on the face of it. A man 58 years old and I would consider him to be genteel, mild mannered, gentlemanly and courteous, and I don't see any necessity for handcuffing a person of that type over something as insignificant as this apparently was.

SPENCER: This is what I'd like to say sir. This is just intimidation that he put upon me - 58 years old and never have been arrested before in my life. Never had handcuffs. And then my little daughter, 9 years old. See he had her all excited when she jumped out of my car and ran 4 blocks. She may have got run over or anything could happen. And I told him my daughter didn't know what he was arresting me for, and he told me "you called me a bad name." And I said "officer, I haven't" Now I wouldn't say nothing before my daughter especially. If I have something to say to you I'll just talk to you straight. I said, "I'm the superintendent of my Sunday school. I've been in church ever since I was fourteen years old. My father has been superintendent of the Sunday school for 60 years." He's over 90 years old now and staying with me.

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GATTI: Mr. Spencer, we thank you very much for coming. You've already exceeded the period. We are going to have Chief Bichsel investigate this and give a report to the Council.

BECKER: Whether anyone else cares to do it or not, I'm apologizing to you for the conduct on behalf of the City of San Antonio for the treatment that you have received.

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