

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 23, 1970.

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The meeting was called to order by the presiding officer,
Mayor W. W. McAllister, with the following members present:
McALLISTER, JAMES, NIELSEN, TREVINO, HILL, CALDERON, TORRES, BURKE;
Absent: COCKRELL.

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70-18 The invocation was given by Mr. Royce Makin, Central Christian
Church.

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The minutes of the regular meetings of April 9, 1970 and April
16, 1970 and the special meeting of April 14, 1970 were approved.

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The Mayor recognized Mr. Joe Garcia, instructor at Harris
Junior High School, and his class of Government students.

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70-18 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: McAllister, Calderon, Burke, James, Nielsen, Trevino,
Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 38,466

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF ECONOLITE TO FURNISH THE CITY
OF SAN ANTONIO, DEPARTMENT OF TRAFFIC
AND TRANSPORTATION WITH CERTAIN
TRAFFIC CONTROL EQUIPMENT PEDESTRIAN
INDICATIONS FOR A NET TOTAL OF
\$7,531.00.

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AN ORDINANCE 38,467

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF SINGER TRAFFIC CONTROLS, SINGER
GENERAL PRECISION, INCORPORATED TO
FURNISH THE CITY OF SAN ANTONIO,
DEPARTMENT OF TRAFFIC AND TRANSPORTATION
WITH CERTAIN TRAFFIC CONTROL EQUIPMENT
LOOP DETECTOR AMPLIFIERS FOR A NET
TOTAL OF \$2,020.00.

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April 23, 1970
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AN ORDINANCE 38,468

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF GIRARD MACHINERY & SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH TWO STREET SWEEPERS, LESS TRADE-INS, NET \$23,187.00.

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AN ORDINANCE 38,469

ACCEPTING THE ATTACHED QUALIFIED BID OF RUFUS A. WALKER & COMPANY TO FURNISH THE CITY OF SAN ANTONIO INTERNATIONAL AIRPORT WITH CERTAIN RUBBER-ASPHALT SEALER FOR A TOTAL OF \$2,185.00.

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AN ORDINANCE 38,470

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF GULF POOL EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION WITH GAS CHLORINATORS FOR THE CITY SWIMMING POOLS FOR A TOTAL OF \$1,747.00.

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AN ORDINANCE 38,471

ACCEPTING THE PROPOSAL OF AND MANIFESTING A CONTRACT WITH A. J. MONIER & CO., INC. FOR THE MAINTENANCE OF THE HEATING AND AIR CONDITIONING SYSTEM LOCATED AT THE MAIN LIBRARY BUILDING FOR PERIOD BEGINNING ON MAY 16, 1970 AND TERMINATING JULY 31, 1971.

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70-18 The following Ordinances were read by the Clerk and explained by Aviation Director, Tom Raffety, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 38,472

CONSENTING TO AN AGREEMENT PROVIDING THAT BRANIFF AIRLINES, INC., WILL USE PREMISES LEASED FROM THE CITY AT INTERNATIONAL AIRPORT TO OPERATE GROUND SUPPORT EQUIPMENT AND FACILITIES AND PASSENGER SERVICES FOR RIO AIRWAYS, INC., IN ADDITION TO THE REGULAR BRANIFF OPERATIONS, UPON CERTAIN TERMS AND CONDITIONS.

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AN ORDINANCE 38,473

ACCEPTING THE LOW BID OF H. B. ZACHRY, COMPANY FOR CONSTRUCTION OF AN APRON REPLACEMENT AT THE SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OF \$213,258.00 TO H. B. ZACHRY COMPANY OUT OF AIRPORT REVENUE FUND 8-01; AUTHORIZING PAYMENT OF \$3,000.00 TO LODAL & BAIN ENGINEERS, INC. FOR PROFESSIONAL SERVICES; \$8,000.00 TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT AND \$2,500.00 AS A MISCELLANEOUS EXPENSES ACCOUNT, ALSO AUTHORIZING A TRANSFER OF FUNDS.

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AN ORDINANCE 38,474

AUTHORIZING EXECUTION OF A THREE YEAR CONTRACT WITH AMERICAN LOCKER COMPANY FOR INSTALLATION AND MAINTENANCE OF COIN-OPERATED LOCKERS AT INTERNATIONAL AIRPORT WITH THE CITY TO RECEIVE SIXTY-SEVEN (67%) PERCENT OF THE GROSS RECEIPTS.

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70-18 The following Resolution and Ordinances were read by the Clerk and explained by Public Works Director, Sam Granata, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

A RESOLUTION

REQUESTING TEXAS WATER QUALITY BOARD TO DESIGNATE THE CITY OF SAN ANTONIO TO CONSTRUCT AND OPERATE THE REGIONAL SEWERAGE SYSTEM FOR THE ROSILLO CREEK WATERSHED.

* * * *

WHEREAS, the Rosillo Creek Watershed is rapidly developing into a heavily populated area, and

WHEREAS, the Rosillo Creek Watershed lies adjacent to the City limits of the City of San Antonio and the major portion of the area is within the City's extra-territorial jurisdiction, and

WHEREAS, there is no regional and area-wide sewage collection, treatment and disposal system to serve the citizens of the area, and

WHEREAS, additional development in the area without a regional system would require additional individual disposal plants, and

WHEREAS, the City of San Antonio's Master Sewer Plan provides for service of this area by gravity flow to the Salado Creek Sewage Treatment Plant, and

WHEREAS, the City of San Antonio has funds available to extend a sewer main from the Salado Creek Sewage Treatment Plant to serve the Rosillo Creek Watershed, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

The City of San Antonio requests the Texas Water Quality Board:

1. Designate the City of San Antonio as the agency to provide the service for the regional sewage collection, treatment and disposal system for the Rosillo Creek Watershed.
2. Approve the charge of reasonable connection fees and monthly sewer service charges by City of San Antonio to assist in defraying the costs of the regional system.
3. Assist the City of San Antonio in every way possible to obtain Federal funds available to assist the City in construction of the regional system.
4. Upon availability of the regional system, to require all existing sewerage systems in the region to connect to the City's regional sewerage system and pay the necessary charges and fees, and to require the existing sewage treatment facilities in the region be abandoned, at no cost to the City of San Antonio.

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AN ORDINANCE 38,475

AUTHORIZING SAM GRANATA, JR., DIRECTOR OF PUBLIC WORKS, TO MAKE APPLICATION FOR A FEDERAL GRANT TO OBTAIN ADDITIONAL FUNDS NECESSARY TO CONSTRUCT THE ROSILLO CREEK OUTFALL SANITARY SEWER MAIN.

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AN ORDINANCE 38,476

ACCEPTING THE BID OF KELLY CONSTRUCTION COMPANY FOR CONSTRUCTION OF SAN PEDRO AVENUE, MEDIAN PROJECT, LOOP 410 TO SERENADE DRIVE; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING \$105,150.72 OUT OF STREET IMPROVEMENT BONDS PAYABLE TO SAID CONTRACTOR AND ESTABLISHING A CONSTRUCTION CONTINGENCY ACCOUNT IN THE AMOUNT OF \$4,000.00 AND A MISCELLANEOUS CONTINGENCY ACCOUNT IN THE AMOUNT OF \$1,000.00.

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70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,477

ACCEPTING A FEDERAL WATER POLLUTION CONTROL ADMINISTRATION GRANT IN THE AMOUNT OF \$423,750.00 FOR RESEARCH INTO THE PROBLEM OF ELIMINATING VIRUS FROM MUNICIPAL SEWAGE, THE TOTAL COST OF THE RESEARCH PROJECT TO BE \$593,000.00; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH SOUTHWEST RESEARCH INSTITUTE FOR SCIENTIFIC AND RESEARCH WORK IN CONNECTION WITH THE PROJECT; AND APPROPRIATING THE SUM OF \$251,100.00 OUT OF SEWER REVENUE BOND FUND NUMBER 404 PAYABLE TO SOUTHWEST RESEARCH INSTITUTE FOR SERVICES TO BE PERFORMED IN ACCORDANCE WITH SAID CONTRACT.

* * * *

Mr. Carl Norris, City Sewer Engineer, explained that this is a joint effort between the City of San Antonio and the Federal Government and is the first effort of this type in the entire United States. Southwest Research Institute will do the basic research and design of the equipment. The demonstration plant is to be located on the Leon Creek Site. Southwest Research was chosen because of their capability and for facilities to do the work now. The only other organization in the State who could do this work is Baylor Medical School, which is in Waco.

After consideration on motion of Dr. Calderon, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

70-18 The Clerk read the following Ordinances, which were explained by Mr. Cliff Edgar, Assistant Director of Parks and Recreation, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell, Nielsen.

AN ORDINANCE 38,478

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT BETWEEN THE CITY AND HILTON PALACIO DEL RIO HOTEL FOR USE OF 375 SQUARE FEET OF CITY-OWNED PROPERTY ON THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

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AN ORDINANCE 38,479

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT WITH GORDON W. HUDSON III FOR USE OF THE PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

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AN ORDINANCE 38,480

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT WITH RICHARD L. DYKES FOR USE OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

* * * *

AN ORDINANCE 38,481

MANIFESTING AN EXTENSION OF A LEASE AGREEMENT BETWEEN THE CITY AND MRS. STELLA TYLOR FOR THE USE OF CERTAIN CITY-OWNED PROPERTY FOR AN ADDITIONAL PERIOD OF ONE YEAR, ENDING APRIL 10, 1971.

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70-18 The Clerk read the following Resolution:

A RESOLUTION

AUTHORIZING FILING OF APPLICATION
FOR GRANT TO ACQUIRE AND DEVELOP
OPEN-SPACE LAND (11.12 ACRES, SITE
"J" STREET OFF ARTESIA STREET,
PROJECT NO. TEX. OSC-98).

* * * *

Mr. Cliff Edgar, Assistant Director of Parks and Recreation, explained that the grant is for the purpose of acquiring and developing land for a park on the Eastside, which has been discussed with the Council previously, which property is located off of "J" Street. He presented a sketch showing the proposed development of the park. It is hoped that site work will have progressed to the point where it may be partially in use by the latter part of summer. The estimated cost of acquiring and developing the property is \$55,300.00, and the grant application is for \$27,650.00.

After consideration on motion of Mr. Hill, seconded by Mr. James, the Resolution was passed and approved by the following vote:
AYES: McAllister, Calderon, Burke, James, Trevino, Hill, Torres;
NAYS: None; ABSENT: Cockrell, Nielsen.

70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,482

AMENDING THE CURRENT BUDGET BY
AUTHORIZING 28 ADDITIONAL POSITIONS
WITHIN THE PARKS AND RECREATION
DEPARTMENT AND 5 ADDITIONAL EMPLOYEES
WITHIN THE PUBLIC WORKS DEPARTMENT
AND AUTHORIZING A TRANSFER OF FUNDS.

* * * *

Mr. Ancil Douthit, Assistant City Manager, explained that this Ordinance actually transfers currently employed personnel from HemisFair Plaza to the Parks and Recreation Department and to the Public Works Department. This action will result in better supervision of the employees. The Parks Department will be responsible for beautification and maintenance of the grounds. Public Works will be responsible for maintenance of the buildings.

After consideration on motion of Mr. Hill, seconded by Dr. Calderon, the Ordinance was passed and approved by the following vote:
AYES: McAllister, Calderon, Burke, James, Trevino, Hill; NAYS: None;
ABSENT: Cockrell, Nielsen, Torres.

70-18 The following Ordinance was read by the Clerk and explained by Mr. Cliff Edgar, Assistant Director of Parks and Recreation, and after consideration on motion of Dr. Calderon, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

April 23, 1970
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AN ORDINANCE 38,483

ACCEPTING THE BID OF A. P. BOEGNER
FOR DEMOLITION OF A TWO-STORY BRICK
BUILDING AND SWIMMING POOL STRUCTURE
LOCATED AT 504 MATAMORAS STREET;
AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT FOR SUCH WORK;
AUTHORIZING PAYMENT OF \$3,650.00
TO SAID CONTRACTOR AND APPROVING
A TRANSFER OF FUNDS.

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70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,484

AMENDING AND EXTENDING THE CURRENT
CONTRACT WITH GEORGE EVERS AND
LESLIE SCHWETHELM TO OPERATE A
PEDAL BOAT CONCESSION IN BRACKENRIDGE
PARK FOR AN ADDITIONAL FIVE-MONTH
PERIOD TERMINATING ON SEPTEMBER 30,
1970.

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Mr. Cliff Edgar, Assistant Director of Parks and Recreation, explained that the current contract expires on May 1. They would like for Mr. Evers to continue operating, but he wants to reduce the minimum guarantee and the percentage payments. The City is recommending that the contract be extended for a five-month period to September 30. The City will then call for bids on the concession. It was explained that when the City discovers that a contract is expiring in the middle of a season, they try to extend it and then to take bids, so the new concessionaire will have an opportunity to get ready for the next season.

After consideration on motion of Dr. Calderon, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote:
AYES: McAllister, Calderon, Burke, Nielsen, Trevino, Hill, Torres;
NAYS: None; ABSENT: James, Cockrell.

70-18 The Clerk read the following Ordinance, which was explained by Mr. Leonard Baker, Assessor and Collector of Taxes, and after consideration on motion of Dr. Nielsen, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: James, Cockrell.

AN ORDINANCE 38,485

GRANTING TAX EXEMPTION OF CERTAIN PROPERTIES OWNED BY VARIOUS RELIGIOUS AND CHARITABLE ORGANIZATIONS (ARCHDIOCESE OF SAN ANTONIO, CATHOLIC STUDENT CENTER, IN NEW CITY BLOCK 1902; SOUTHEAST BAPTIST CHURCH, PARSONAGE, IN NEW CITY BLOCK 13,174; RIVERSIDE BAPTIST CHURCH, PARSONAGE, IN NEW CITY BLOCK 13,138; BRIGHT & MORNING STAR BAPTIST CHURCH, CHURCH BUILDING, IN NEW CITY BLOCK 10,296; GRACE MEMORIAL CHURCH OF GOD IN CHRIST, CHURCH BUILDING, IN NEW CITY BLOCK 10,247; BELLAIRE BAPTIST CHURCH, PARSONAGE, IN NEW CITY BLOCK 11,155; GRACE BIBLE CHURCH, INC., PARSONAGE, IN NEW CITY BLOCK 14,070; DAUGHTERS OF CHARITY OF ST. VINCENT DE PAUL, ST. LOUIS PROVINCE, WELL BABY AND PRENATAL CLINIC, IN NEW CITY BLOCK 11,268; ARCHDIOCESE OF SAN ANTONIO, ST. HENRY'S PARISH, CHURCH PARKING LOT AND PLAYGROUND, IN NEW CITY BLOCK 2856; APOSTOLIC ASSEMBLY OF THE FAITH IN CHRIST JESUS, CHURCH BUILDING, IN NEW CITY BLOCK 8594; EAST ST. MATTHEWS BAPTIST CHURCH, CHURCH BUILDING, IN NEW CITY BLOCK 10,283).

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70-18 The Clerk read the following statement:

A RESOLUTION

ADOPTING POLICIES, REQUIREMENTS AND PROCEDURES FOR RELOCATION IN THE MODEL NEIGHBORHOOD AREA IN CONJUNCTION WITH THE MODEL CITIES PROGRAM DECLARING A FIVE-YEAR FORECAST AND ONE-YEAR ACTION PROGRAM TOGETHER WITH SUPPLEMENTAL MATERIAL TO BE CONSISTENT WITH THE GENERAL POLICIES AND REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SUBMIT A RELOCATION STATEMENT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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Mr. Roy Montez, Model Cities Director, stated this Resolution and Relocation Statement has been discussed previously with the Council. He asked this be approved, so it may be submitted to HUD for consideration.

April 23, 1970
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The matter of grievance procedure and abatement of condemnation proceedings in cases of relocation was discussed.

After consideration, Mr. Torres made a motion that the Resolution be adopted with the provision that the following be added at the end of Paragraph C, Section 2 of Part III of the Relocation Statement, "That condemnation proceedings shall not be instituted until the five-man grievance committee, specified herein, has had reasonable time to negotiate and implement the grievance procedure outlined herein." The motion was seconded by Dr. Nielsen. On roll call, the motion prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

70-18 Action on three Resolutions pertaining to Model Cities Projects, Adult Basic Education, Narcotic Addiction and Guidelines for Employment of Model Neighborhood Residents in connection with work done on Model Cities Projects, was postponed for one week.

70-18 MODEL CITIES CAPITAL OUTLAY PROJECTS FOR PUBLIC AND PRIVATE SCHOOLS

City Attorney Howard Walker advised that the Legal Department of HUD in Washington, D. C., is studying an opinion on whether the project for private schools violates the first amendment to the Constitution. The opinion has not as yet been received.

City Manager Henckel stated the CPPC has recommended that these projects be submitted as one. The Edgewood School District will agree to submitting their project separately. The Catholic Archdiocese does not want the projects separated. The Manager advised the Staff could not recommend the private school projects, since the legality has been questioned. He would recommend approval of the Edgewood project.

After consideration Dr. Calderon made a motion that the Council request HUD to approve the Capital Outlay Project for the Edgewood School District and the Catholic Archdiocese. The motion was seconded by Mr. Torres. On roll call, the motion prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

The City Manager stated HUD will be advised of the Council's thinking on this project and the formal ordinance will be presented after the legal opinion is received.

70-18 CITATION - MR. MORRIS COLLINS

Mayor McAllister, on behalf of the Council, presented a Citation to Mr. Collins for over seven years of dedicated service, as a member of the Board of Commissioners of the Urban Renewal Agency.

70-18 Mayor McAllister was obliged to leave the meeting and Councilman Dr. Herbert Calderon was designated to preside as Acting Mayor.

70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,486

AUTHORIZING PAYMENT OF \$8,691.00 TO THE SOUTHERN PACIFIC COMPANY, THE SAME BEING THE CITY'S SHARE OF THE COST OF INSTALLING CROSSING SIGNALS AT THE INTERSECTION OF MERIDA STREET AND THE SOUTHERN PACIFIC RAILROAD TRACKS ALSO AUTHORIZING A TRANSFER OF FUNDS.

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Mr. Stewart Fischer, Director of Traffic and Transportation, explained that this provided for payment of one third (1/3) of the cost involved in the installation of the crossing signals on Merida Street and reminded the Council that the matter had been previously discussed and agreed upon.

After consideration on motion of Mr. Hill, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James, Cockrell.

70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,487

GRANTING PERMISSION TO JOHN R. EVANS, TO CONSTRUCT AN EIGHT-FOOT HIGH WALL ALONG THE REAR PROPERTY LINE AT 116 THELMA DRIVE.

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Mr. George D. Vann, Jr., Director of Housing and Inspections, stated that the property in question backs up to City-owned property and that the construction of a wall would have no effect on any other persons and he recommended adoption of the Ordinance.

After consideration on motion of Mr. Hill, seconded by Mr. Torres, the Ordinance was passed and approved by the following vote: AYES: Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James, Cockrell.

70-18 The Clerk read the following Ordinance:

AN ORDINANCE 38,488

AMENDING THE CURRENT BUDGET BY RE-ESTABLISHING THE DEPARTMENT OF HUMAN RESOURCES; APPROPRIATING THE SUM OF \$15,305.00 OUT OF THE UNAPPROPRIATED SURPLUS OF THE GENERAL FUND AND AUTHORIZING TRANSFER OF THE SAME TO THE DEPARTMENT OF HUMAN RESOURCES.

* * * *

City Manager Henckel said that this Ordinance puts money in the budget for operation of the department, which is to be reinitiated June 1. The Administrative Assistant to that department will be in San Antonio on May 15 to set it up. The Council will have the whole month of May to determine the type of Ordinance that they want to pass establishing the department and the duties of same.

On motion of Dr. Nielsen, seconded by Mr. Trevino, the Ordinance was passed and approved by the following vote: AYES: Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Cockrell.

70-18 The following Ordinance was read by the Clerk and explained by City Attorney Howard Walker and after consideration on motion of Mr. Burke, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Cockrell.

AN ORDINANCE 38,489

APPROPRIATING THE SUM OF \$536.50 OUT OF STORM SEWER AND DRAINAGE BONDS, #489-02, PAYABLE TO JACK D. SYKES, OFFICIAL COURT REPORTER, COUNTY CIVIL COURT AT LAW FOR PREPARATION OF STATEMENT OF FACTS REQUIRED IN APPEAL BY CITY OF CONDEMNATION CASE NO. C-215 STYLED CITY OF SAN ANTONIO VS. NICK ALEXANDER, ET AL TO COURT OF CIVIL APPEALS AND PERTAINING TO PARCEL 5760 IN STORM DRAINAGE PROJECT 56A.

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70-18 The following Ordinances were read by the Clerk and explained by Assistant City Manager Ancil Douthit and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Cockrell.

AN ORDINANCE 38,490

AMENDING THE CURRENT AGREEMENT WITH THE SAN ANTONIO INTERNATIONAL TRADE FAIR, INC., FOR LEASE OF CERTAIN OFFICE SPACE IN THE HEMISFAIR PLAZA ADMINISTRATIVE BUILDING BY INCREASING THE SQUARE FOOTAGE AND THE RENTAL CHARGE FROM \$100.00 TO \$200.00 PER MONTH.

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with them and such funding is not available at this time.

The City Manager recommended that the Council go ahead with a contract for a transportation study based on the presentation made by the Research and Planning Council. He asked the Council to authorize the City Manager to prepare a contract. It will be prepared by the City and will include specific needs that the Aviation Department feels should be covered in the study, as well as items recommended by the Research and Planning Council. Such a study is something that is needed by the community. He did not feel that anything will be gained by postponing action or putting it out for bids. When the contract is prepared, it will be presented to the Council for formal action. If it produces the results expected, it will then be possible to pursue grants for funding the second phase of the study. Cost of the study is \$52,500.00. The City will pay \$40,000.00 and the Research and Planning Council will pay \$12,500.00. The study, when completed, will belong to the City of San Antonio and be publicly available.

Mr. James made a motion that the City Manager be authorized to prepare a contract for the Air Transportation Study, which, when completed, will be presented to the Council for formal action. The motion was seconded by Mr. Hill. After discussion, the motion prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill; NAYS: Torres; ABSENT: Cockrell.

Mr. Torres spoke and voted against the motion for the following reasons: He felt the City should solicit proposals and make the determination of who should make the study; the information for the study is available to the City Staff, who should have the capability to do the work; since it is a regional study, other municipalities should participate in the cost; and, the group proposing the study possibly has a pecuniary interest in the results of it.

70-18 At 10:30 A. M. King Antonio the XLVIII, in the person of George Judson, accompanied by the Texas Cavaliers, paid a good-will visit to the City Council. King Antonio introduced Miss Laura Wells Negley, Queen of the Order of the Alamo's Court of Classics, and Princess of the Golden Renaissance, Miss Janice Jean George. The King then presented the Members of the Council with gold coins of the realm of King Antonio the XLVIII.

70-18 A Public Hearing was held on the proposed annexation of 14.071 acres of land.

Mr. Steve Taylor, Planning Director, explained that the property is located Southwest of Leonhardt Road and Southeast of Perrin-Beitel and Nacogdoches Roads. The property is known as El Dorado North Subdivision Unit 1 and consists of 60 residential lots. The request for annexation was made by the owners, San Antonio Properties North, Inc.

No one spoke in opposition.

The hearing was then declared closed and the first reading of the Annexation Ordinance will be held on May 7.

RECOMMENDATIONS FROM MR. BOB JONES, CHAIRMAN
OF THE MAYOR'S HOUSING ADVISORY COMMITTEE
AND THE ENSUING DISCUSSION

MR. BOB JONES: Mr. Mayor, members of the Council, my name is Bob Jones.

COUNCIL: Bob who?

MR. BOB JONES: I want to be sure and identify myself to all of you. I'm here as chairman of your Advisory Commission on Housing with a recommendation that has come forth as a result of your earlier decision, which I'm sure you remember, concerning Turnkey III. In line with that, you instructed this committee to study the matter further and come forward with additional recommendations. We have those recommendations for you this morning. It consists of the recommendation of 400 units under the more conventional type housing units to be accomplished by the Housing Authority on land they purchase and contracts they let on various scattered sites throughout the City with not more than 50 units per site a total of 400 units. Then an additional 36 units are to be acquired under the rehab program on existing properties also scattered throughout the City. This recommendation comes to you from the committee. I have a list of the committee members if you'd care to have a list so that you'll know who your committee consists of.

MAYOR McALLISTER: I imagine that the Council would prefer to have a copy of the report and consider that and act on it at the next meeting.

MR. BOB JONES: There's an ordinance that could be read. I don't know if there's copies of the ordinance but an ordinance has been prepared by the Housing Authority and I think reviewed by the City Attorney for your consideration for a city ordinance. I'd like to at this time go ahead and have all the members of the committee and Housing Authority that are present, please stand, please. Thank you so much, Mr. Mayor.

MR. TORRES: Has there been a written report put out on the new proposal?

MR. BOB JONES: No, sir.

MR. HILL: Well, we have a paper here from Dick Jones.

MR. BOB JONES: You've got a letter from, a copy of a copy of a letter dated April 17, which consists of the recommendations, Mr. Torres.

MR. HILL: Yes, that's right.

MR. BOB JONES: Mr. Inselmann, did you, did members of the Council get their copies?

CITY CLERK: We sent one to everyone.

DR. CALDERON: I did.

MR. HILL: Is this what you're talking about, this April 20.

CITY CLERK: April 17,

MR. HILL: Well this says April 20.

MR. TORRES: Well actually your recommendation, Bob, is strictly that the Housing Authority be allowed to proceed with the Construction of 400 new units of Federal Housing with a maximum of 50 units on any one site and the Housing Authority proceed with the acquisition of 36 existing single family houses. Now are the sites selected? Do we know where those sites are?

MR. BOB JONES: I don't believe they've even started looking at sites yet. I think they will probably be the responsibility of the Housing Authority. I doubt whether you would want that authority.

MR. TORRES: I don't imagine we'd want to make it public. I mean, of course, what worries me is the Mayor's Housing Advisory Committee don't know where the sites are either, do they?

MR. BOB JONES: That's right. I sure want to know.

MR. TORRES: Well, I know when you find out you tell me and I'll go out and we can purchase some property together, how's that for you?

MR. JONES: Mr. Torres, I'll leave that up to you. I'd be a little afraid to do that.

MR. TORRES: Well, of course I said it in jest, Mr. Jones.

MR. BOB JONES: I know you did. I think really down when you get in the domain of the site selection that unless you leave it to the Housing Authority you're treading a pretty treacherous, and pretty thin ice.

MR. TORRES: I see. Well, I was just wondering, Bob. I know that you have all been meeting for a long time. We're talking about you need authority for only 436 units, right.

MR. BOB JONES: This goes out to the original authority.

MR. TORRES: I see. When you're talking about a rather specific site but the general area do you come up with any conclusions as we had specified once before that 100 would be in each quadrant of the City. That is no part of your recommendation.

MR. BOB JONES: The only discussion was concerning Edgewood and we decided it was better to stay out of Edgewood. Not a part of the recommendation.

MR. TORRES: You're talking about single family dwellings or quadruplexes or . . .

MR. BOB JONES: We're talking about combinations, one to four units in the construction in quadrants. But not more than 50 in any one location. The 36 could be acquired. The existing houses could be acquired all through the city wherever they might be available.

MR. TORRES: Well, how many of these 400 would be quadruplex?

MR. BOB JONES: I don't think that has been broken down. That would depend on the Housing Authority to determine the best thing somewhere on the location too.

MR. TORRES: Before we vote on this thing, are we going to get a briefing from . . .

MAYOR: I, my suggestion is that the Council not vote on it at this time but that we consider this matter and study it and then come up with our conclusions and act on it next week.

MR. TORRES: Aren't there minutes on the discussions that the committee had, Bob?

MR. BOB JONES: Yes.

MR. TORRES: Could those be made available to the Council?

MR. BOB JONES: Yes.

MR. TREVINO: Mr. Jones, you said that these were in different, not single family residences, but the ones that will be purchased, the 36, will be single residences.

MR. BOB JONES: The 36 will be single residential.

MAYOR: Rehabs.

MR. TREVINO: Rehabs but they will all be rental units.

MR. BOB JONES: Yes sir, all of them. Everything is rental.

MR. TREVINO: Well, maybe you can call it cautious, maybe I am.

DR. NIELSEN: Did you consider the Los Angeles plan?

MR. BOB JONES: No sir.

DR. NIELSEN: In any part of these 436 units?

MR. BOB JONES: I'm not familiar with that type of plan.

MAYOR MCALLISTER: I wonder if Mr. Dick Jones would like to add some comments.

MR. DICK JONES: Thank you Mayor, City Council. As to your question, to the Los Angeles Plan, I found that it was a very tiny experiment of ten units out in Los Angeles. The regional director of HUD said it was tried to see if they could avoid the referendum required in each community on all public housing. It involved a leasing program that the flow subsidy funds into General Housing through a non-profit sponsor. He concluded that the paper work and the involvement was much too heavy for the production of housing and recommended that we not consider it for San Antonio.

DR. CALDERON: Dick, could you give the Council an idea as to the breakdown per hundred units in so far as duplexes and quadruplexes and so on.

MR. DICK JONES: What we hope to do Dr. Calderon, is to acquire land wherever we can. Land that is near shopping, near schools, near public transportation, and we'll be developing housing on scattered sites in this manner from single family homes, duplexes, quadruplexes small complexes of 10 units but never more than 50 in any one location. Basically, we're trying to get away from the institutional appearance of public housing in the past. We hope to achieve privacy in a sense for the families. These are some of the basic goals that we're going to have our architects working on it with the Housing Authority.

April 23, 1970

-17-

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MAYOR MCALLISTER: OK. Thank you very much. Mr. Zachry, did you want to be heard in connection with this?

MR. ZACHRY: Thank you, Mr. Mayor, Gentlemen. Yes, I want to be heard because I want to protest this recommendation that was made by Bob Jones and his committee. Essentially, it differs from last September's presentation in bids received and recommendations made to you only in "scattering" the 400 houses and in buying 36 more already built. That is the way I understood it. I judge from what Mr. Jones was saying that he was giving consideration now to merely renting them and not entirely offering these houses for sale. I am not sure whether that is his intent or not. You have experienced bitter denunciations, we well know that; free gift of taxpayer money on lavish and unnecessary scale (houses far better than many of the neighbors, bought with their own hard earned cash); remotest possibility of proposed occupant being so motivated by gift that his earning power would increase to point he could pick up a conventional loan and finance plan; great burden of school and municipal operations with only 1/6 of regular tax as a contribution by the Housing Authority and it will probably decline. You will experience even more bitter denunciations from far more people than before under this method of "scattering" the houses and they will be merited. My suggestion is:

A. City of SAHA acquire land, enthusiastically use all its resources to lessen cost--use its purchasing power, right of eminent domain, land planning, site development, realistic lot size, utility installation, bus routing, building code revisions, so forth. Other aids may prove feasible.

B. Call for bids on 3 and 4 bedroom houses meeting FHA requirements. (When 5 are needed, eliminate living room.) Specify average unit cost must be under \$10,000. 600 can then be built for the money available instead of 436. Have monthly payments include school tax--lesser house cost justifies same. Require contractor to secure financing for 400 of such houses more to be sold to public. Surely the City should extend to general public savings in its land and site development plus all possible savings from mass production made possible by Federal Projects. It will then be logical for the contractor to even increase this 400 number sizeably.

Now understand me well--I am requesting you to advertise for bids not negotiate it. We will submit a proposal in line with A and B, the two I mentioned, on these general plans.

I ask that you move quickly and place under full construction all Federal assistance programs now available to you ere they are lost to San Antonio.

I further ask the City, HUD, private industry fully cooperate in designing a "San Antonio Housing Plan". We have a very distinct city. We want individual homes, not high rise apartments. The culture, its industries, its professions and its population increase from birth and from the rural to urban movement demand a different treatment. No other program, if this one is successfully executed, could gain more respect from outside industry, more help to make available more jobs that our citizens so badly need.

DR. CALDERON: Are you recommending then one site for the construction of 436 units.

MR. ZACHRY: Not necessarily. It could be divided into several sites, you could lay it out as you see fit.

DR. NIELSEN: OK. Your first premise was that the City approach this in a more comprehensive manner. Basically, is that what you're saying? Then you began some other points I think we should give some serious consideration to. I appreciate your being here and it's very interesting.

MR. ZACHRY: We should use everything humanly possible to get a house, a good house, down within the range where people in general can afford to ultimately own.

DR. NIELSEN: That's another premise that you're indirectly stating then. . .

MR. ZACHRY: That's the basis of philosophy behind what I've said.

NIELSEN: If that's the case, why did you pick a \$10,000 figure? Why not in the range of seven to eight?

ZACHRY: I said under ten.

NIELSEN: Oh, under ten, you're not excluding then even seven. . .

MR. ZACHRY: No sir. I said if you couldn't bid on one under \$10,000 then we shouldn't ask for it--shouldn't consider it.

DR. CALDERON: In other words, you're recommending the building of separate single family units as opposed to duplexes, quadruplexes on up.

MR. ZACHRY: Yes.

MAYOR MCALLISTER: Thank you.

MR. ZACHRY: The contractor has 1,000 units to start on. Six hundred that are going to come under the funds that are provided under this present program and 400 he would arrange financing on his own for--to sell to people in the ordinary course of business. That would be the requirement. Most likely, the contractor would go farther and build more because he would be able to obtain economies with the City's help and the items that I mentioned. It will give you something that is worthwhile for our city.

DR. CALDERON: Including the school tax on the rental, would this not unduly increase the rent to the tenant to the point he could exclude conceivably those who cannot afford to pay above a certain point, a certain level?

MR. ZACHRY: It's totally illogical to me to see that you would ultimately or had originally programmed houses to cost between \$15,000 and \$20,000 in this program and that they were to pay 10% of their income which was either \$3,000 or \$6,000, 20% of that income rather, for a rent. All right, if they're paying that little on that much house, they could afford to take a little more out of the amount that went to the amortization of that house or half that cost almost and give it to the school board.

DR. NIELSEN: Well, in any event, if it were one of the home ownership kinds of programs, you'd already have the school taxes included.

April 23, 1970
ac

MR. ZACHRY: Well, of course, I'm talking about the original grant that you have that was based on Turnkey III made to the Housing Authority. The utilization of that and the requirements that are affixed to that utilization of which I think that you could get ameliorated if you tried but I'm sticking to that requirement now.

DR. NIELSEN: OK.

MAYOR MCALLISTER: Mr. Zachry, thank you very much for your suggestion. I'm going to, with the Council's permission, say that we will have what you have just said transcribed and copies of it given to all members of the Council and also made available to Mr. Bob Jones and his committee. We'll ask them to give it study and I'm sure that many of the points that you've made are points in which they're entirely in sympathy. We'll not take any action on this at this time but we'll have the matter included on the agenda for next Council meeting.

MR. ZACHRY: Mr. Mayor, I dislike to take issue with any of your committees that are set up. I have talked with Mr. Jones several times, Mr. Dick Jones. I have offered all these suggestions and all the possible resources we had to help him in some way and try to develop a plan that I thought would be helpful to the City. I much prefer that it come through some of your committees instead of coming through me direct as an opposition to some of the things they have but so far I've met with no support.

MAYOR MCALLISTER: The Council will certainly give it careful study and we appreciate, Mr. Zachry, the fact that you have expressed yourself as you have.

MR. ZACHRY: Thank you.

DR. CALDERON: Mr. Mayor, I would recommend that we not set next week as a date to make final determination. It seems to me that we do need to get some feedback from the Housing Authority and the Mayor's Housing Committee. I think a lot of study and research has to be done before we take any action.

MAYOR MCALLISTER: We can get that back. Mr. Jones and the Housing Authority are not at all objecting to somebody being able to build a satisfactory structure for \$10,000 or less that someone else says is going to cost \$15,000.

MR. TORRES: Of course, though, just this Dick, you are still, as I understand it, faced with the same HUD standards which resulted in the high cost per unit which we were confronted with last November, are you not?

MR. DICK JONES: Yes. That is correct. The rules haven't changed. This fall, it looks like this construction will be merged with FHA and we'll find a merger of into one construction standard between the FHA 236 program and the public housing program so we do have some change coming along September 1. Some of the things which Mr. Zachry mentioned, are not possible such as making separate agreements on school taxes. We'd want to look very carefully into the whole business of adequate square footage within the house for the family.

MR. DICK JONES: (cont'd) We noticed the earlier proposals from Mr. Zachry's firm average \$18,500 so we would be extremely interested to know how we could arrive at a much cheaper unit. However, we respect his expertise and know-how and the heavy research that he's put into his low cost housing through the years and we'd be delighted to sit down with him and see if some of the ideas that he discussed have some possibilities for us.

DR. NIELSEN: In Operation Breakthrough, though, is there not a considered effort being made to arrive at within FHA, HUD regulations and guidelines, ordinances and codes and this whole gamut of structures that have to be rethought and redesigned isn't that one of the aspects of. . .

MR. DICK JONES: Right. In the 22 cities that have been selected to participate in Operation Breakthrough, the goal is to see if some technical breakthroughs cannot be made and also in other areas to lower the price of homes. But, basically, we're still up against the high cost of land, labor, materials, and money. That factor, the high cost of money, has been the one that has been most devastating to the seven Turnkey developers that we are now working with and have tended to exagerrate the prices of the homes.

MR. BURKE: Mr. Mayor, if there's going to be a merging of FHA and public housing with the result of lowering of the construction standards in public housing and you expect this to take place in September why can't we delay this thing? Why do we need to act now if there's some way that we can produce more housing as suggested by Mr. Zachry by a forthcoming lowering of standards? Is there any real reason why this needs to be acted on at this time?

MR. DICK JONES: The Housing Authority is responsive to the directions from City Council. We figure that, as a general rule, it takes about 18 months to 2 years to do the basic planning, acquire the land, get the plans drawn and advertising bit. So, we'll await your wishes.

MAYOR MCALLISTER: Alright, thank you.

MR. TORRES: You've been very tactful, since last November.

MR. DICK JONES: Let me show you my scars.

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70-18 Mr. Reynolds Andricks, Festival San Jacinto Association, introduced Mr. Gil Thoele, Jr., Prime Minister of the St. Paul Winter Carnival, who was visiting San Antonio during Fiesta Week and participating in the activities.

Mr. Andricks then presented Miss Gloria Garza, Miss Fiesta Galaxie, and her alternates, Miss Judy Mahlman, Miss Ann Beardsley, Miss Pamela Blume, Miss Neta Saathoff, Miss Stacey Hasbrook, Miss Cheryl Heinz, Miss Carolyn Powell, Miss Rhonda Rothenberg, Miss Darla Worley, Miss Laurie Laskowski and Miss Susan Zimmermann, all of whom are students from local colleges.

70-18

TUESDAY MUSICAL CLUB

To an inquiry by Mr. Torres, the City Manager stated that Mr. Bob Frazer has been ill and the Staff has been tied up with HemisFair Plaza during Fiesta Week, but that he will try to have a report on the status of the Tuesday Musical Club very soon.

70-18

EISENHAUER ROAD CROSSING NEAR KINGSTON

Traffic and Transportation Director, Stewart Fischer, reviewed the traffic problem. He stated they are working on a plan to obtain land from Radio Station KTSA in the block of West Kingston Drive. If this land can be obtained, the City will build a road, which will provide another access to the subdivision. Then the traffic flow can be altered on Kingston Drive, which is presently the only access road and is a divided artery with two-way traffic on each side. The road will cost about \$15,000.00 and the signal between \$2,500.00 and \$3,000.00. If things work out, the Staff will come to the Council for an appropriation of funds. They will then try to complete the work before school starts in September.

70-18

CS CHEMICAL PARALYZER SPRAY

Councilman Torres introduced an ordinance prohibiting the sale, offer of sale, delivery or gift to any person under 21 years of age of that certain chemical Orthochlorobenzalmalononitrile, known as CS, and providing for a penalty not exceeding \$200.00 for violation.

He commented that he had made an addition to the ordinance prepared by the City Attorney making it also unlawful for any person under the age of 21 to have CS in his possession. He asked that the Council adopt the ordinance.

Dr. Calderon stated that he would go along with the ordinance, but that the Police Department has made recommendations concerning the Glue Sniffing Ordinance, three of which are pertinent to the CS Ordinance. They are, (1) that a sign be displayed stating that it is illegal to sell the product to persons under 21, (2) there is no permanent display of the product to discourage shoplifting, and (3) that a copy of the ordinance be given to each store selling these products. He asked that action be delayed to see if these recommendations can be included in the ordinances or that it be handled administratively.

April 23, 1970
ky

-22-

The delay of one week was agreeable to Mr. Torres.

70-18 The City Manager stated that the Glue Sniffing Ordinance will be on the agenda for next week.

Mr. Remigio Valdez, President of the Mexican American Betterment Organization, advised the Council that he has been informed that the Council would consider the Glue Sniffing Ordinance next week. He asked that the Council consider requiring local manufacturers to store toxic substances in warehouse buildings rather than in open storage. He reported that some boys had cut a fence and had stolen the chemicals from barrels which were stored outside.

70-18 Dr. Nielsen introduced the following Resolution, which he asked the Council to consider:

RESOLUTION

WHEREAS, the reports of increasing use of glue and other volatile toxic products by the youth of San Antonio during the past year continue to mount, and

WHEREAS, the damaging effects and pathology of such inhalants are medical knowledge, and contribute to juvenile and school problems, and

WHEREAS, City ordinances to regulate sale and use of such products have met with some success in eliminating this problem, but certain legal limitations prohibit municipalities from enacting and enforcing legislation at the legal level,

THEREFORE, BE IT RESOLVED THAT THE

City Council of San Antonio urges the Governor and elected State officials to work for prompt passage of appropriate legislation requiring addition of oil of mustard or similar chemical (lacrimatos) to glue or other solvents having property of releasing toxic vapors or fumes.

* * * *

70-18 EQUAL EMPLOYMENT ORDINANCE

Mr. Torres introduced an ordinance amending Ordinance No. 36768 and adding thereto provisions making certain employment practices unlawful and expanding the functions of the City's Community Relations Commission providing that said commission shall perform the functions as the City's Equal Employment Opportunity Commission, providing for enforcement and investigations and providing penalties for the violation of this ordinance.

He then reviewed the ordinance and asked the Council to give it serious consideration.

After discussion, action was postponed for one week.

Mr. Fernando Rodriguez, 2310 Ruiz Street, member of Model Cities Manpower Component Review Committee, and active in many organizations interested in equal employment, spoke in favor of a City ordinance in this field.

70-18

CITIZENS TO BE HEARD

Mr. Mike Wish, representing Mr. M. Food Stores, asked the Council to reconsider its action in denying rezoning of property at Eisenhower and Van Dyke. He stated that residents in the area do not object to the change in zone and they now have additional evidence to submit for consideration.

Mr. Wish was advised to submit to the City Manager in writing the reason for reopening the case. This will be forwarded to the City Attorney for an opinion as to whether this case should be reopened.

Mr. Clayton Russell, 122 San Rafael, spoke of the need for a larger Council Chamber and increased pay for Council Members.

Mr. W. F. Keller, representing the San Antonio Building Trades Council, stated another fatal accident has occurred in the industry and asked the Council to take action on an industrial safety ordinance.

Dr. Calderon recommended that an appropriate resolution be drafted expressing the Council's concern in this field and call upon the State Industrial Safety Commission to expedite the formulation of safety rules and regulations.

Councilman Torres asked that the safety ordinance, which he previously proposed, be placed on the agenda of May 7 for consideration.

Mr. Fernando Rodriguez, representing San Antonio Independent School District PTA Council in the Model Cities Component Review Committee, asked the Council to consider an addendum to Manpower Guidelines, which the committee has approved. The addendum is as follows:

ADDENDUM TO MANPOWER GUIDELINES

February 10, 1970

From: Component Review Committee

1. The members of this component review committee voted unanimously on February 10, 1970, to require that on-site inspection by a team designated by this committee be made part of any contractual agreement made between the City of San Antonio and contractors participating in Model Cities programs.

The contractor will make available to this committee, for its thorough review and analysis, all personnel records and related data, as well as any other pertinent document within the scope and purview of the entire personnel spectrum.

April 23, 1970
ky

All perspective contractors will be subject to review by the committee. These contractors will be subject to inspection or investigation at any time during the life of the contract, or after a contract has been terminated in order to ascertain that contract provisions regarding resident employment are being complied with.

Any indication of non-compliance will be referred by this committee to the San Antonio City Attorney and to the Department of Housing and Urban Development for further investigation and proper action.

2. Page 10 - Section b

- (2) If a Model Cities contractor who has employed no MNA residents receives another contract outside the MNA, his non-MNA work force must be moved to this project outside the MNA. This contractor would then be able to employ MNA residents on the Model Cities contracts.

70-18 The Clerk read the following letter:

April 17, 1970

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

Gentlemen and Madam:

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

4/7/70

Petition of Mr. U. L. Winkler,
AA Sani-Rooter Plumbing Co.
requesting that master plumbers
be advertised in the Yellow Pages
of the Telephone Book.

4/16/70

Petition of Science City Development,
Corp. for the annexation of 29.688
acres of land on Culebra Road platted
as part of Westglen Village, Unit 1.

J. H. INSELMANN,
City Clerk

* * * *

There being no further business to come before the Council, the meeting was adjourned.

A P P R O V E D

J. H. Inselmann
M A Y O R

ATTEST *G. V. Jackson*
City Clerk

April 23, 1970
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CITY COUNCIL MEETING - APRIL 23, 1970

MODEL CITIES CAPITAL OUTLAY PROJECTS FOR
PUBLIC AND PRIVATE SCHOOLS

* * * *

CITY MANAGER HENCKEL: As you know, the CPPC, at a recent meeting, decided they would take no further action on any Model Cities Project until the Council made some decision. The reason that we have it on both agendas is so that if the Council decides they want to take action today, you may do so. If you want to consider that at your formal meeting. If you prefer to discuss it at the informal session, we can do it that way.

MR. TREVINO: I would suggest that we discuss it further at our formal meeting.

MAYOR MCALLISTER: Does that agree with everybody?

DR. NIELSEN: All three of them?

MAYOR MCALLISTER: Yes. Hold item 24 over.

CITY MANAGER HENCKEL: Mayor, we can go right into today's B session with it so that if you want to take formal action next week you can.

DR. NIELSEN: They were on the B session. We didn't know what 24 boiled down to until we got here and it is these three.

MR. TORRES: What about the School Capital Outlay Program? Why isn't that one of these three ordinances?

CITY MANAGER HENCKEL: Howard can comment on the status of the Legal opinion.

CITY ATTORNEY WALKER: We received a call from the Legal Division of the Fort Worth office. I received a telephone call from this man...a man by the name of Teel, in which he advised me that he had received a communication from the Model Cities Department raising the question as to violation of the First Amendment with reference to a portion of the program and funds being expended on the non-public schools. I told him that "yes, the problem had been raised--the question was up before us here" and he said "We consider the question of sufficient seriousness that we are not going to try to answer it at this legal level but we are going to send it to our legal office in Washington, D. C." I said "Fine, when may I expect to hear from you?" He said "I imagine I can have your information by your next council meeting" which would be today.

Now, Mr. Montez tells me that one day this week he was contacted by the Regional Office not the Legal Section--and they were aware of this situation and they stated that the matter had been submitted for a legal opinion at the Washington level, that the opinion was not yet forthcoming. They thought it would be in a few days but they did not know precisely when it would be in and, while we may still get something this week, I have no way of knowing because it is now being prepared in the Legal Division at the Washington office. As soon as it is prepared, I am assuming it will be sent to your office and I will probably get a wire on it.

April 23, 1970

ac

MR. TORRES: In any event then, Jerry, since the questions--the legal questions are at the Regional level and since our action would be one of either approving or disapproving the concept of the program itself and, two weeks ago you said that if an opinion was not forthcoming in ten days that we would, at the Council meeting of April 23, move one way or another on this. Now, are we prepared to discuss this downstairs today?

CITY MANAGER HENCKEL: We certainly can discuss it downstairs today. You received a communication I'm sure from interested parties--we have. First of all the CPPC Board recommended that it be submitted as one and, now as I understand it, the Edgewood District would agree to submitting theirs separately. Then you have received a communication at least we have, from the Catholic Archdiocese that they would not want to (cough). This is a decision that would have to be made. At this point, I do not believe the staff could recommend that we approve it as it is now submitted with both projects being in there. We think the legality insofar as the Catholic Schools are concerned--we do not question the legality of the Edgewood proposal at all and that would be the only one that we could approve or recommend.

NIELSEN: Well, in light of the fact that there is a legal opinion being rendered, I don't see that that jeopardizes or diminishes our right that we might have to send it on as one package which certainly wouldn't slow up the process at all.

CITY MANAGER HENCKEL: Well, no sir, you certainly have that right. But in doing this you may jeopardize the entire project.

DR. NIELSEN: Why though? Since it is purely a legal thing.

CITY MANAGER HENCKEL: . . .the CPPC recommendation when you do that.

DR. NIELSEN: No. The CPPC recommends sending the whole thing on.

CITY MANAGER HENCKEL: If you went ahead and approved just the one. . . (garbled) . .if you approved the whole thing then you would be sending it in ahead of the legal opinion that has been submitted by HUD as to whether or not. . .

MR. TORRES: You are merely deferring to approve it pending their legal determination is what you are doing. Now, the problem is, as you are well aware of, Jerry, is that we are getting close to the end of the school year and they are looking for funding for the current school year. Isn't that correct? Wouldn't that be true?

MR. MONTEZ: Well, some of the property that would be purchased by this thing, would more than likely take quite a bit in process and perhaps 30, 40, 50 days in obtaining so it would not really be for this school year. . .

MR. TORRES: Next year. . .though. . .

DR. NIELSEN: The other imperative is that our program budget year. . . we don't have too much time.

CITY MANAGER HENCKEL: What we have to do in our budget year in order to get the balance funded, as Roy stated, there is not any way that we could get approval in time for them to properly go through the procedures of

April 23, 1970

-2-

ac

MR. HENCKEL: (cont'd.) purchasing the equipment and having it available for this year.

MR. MONTEZ: This was for the first year also. We're trying to use some first year monies for this thing and this is why we were trying to. . .

MR. TREVINO: When is your deadline on that?

MR. MONTEZ: Well, the deadline is somewhat flexible, Mr. Trevino. However, it runs from July '69 to July '70. They do allow you some negotiating period there sometime.

DR. NIELSEN: Might we, I think Dr. Cardenas would like to make a statement. Might we hear from him at this time?

MAYOR MCALLISTER: Well, are you talking about No. 24?

DR. NIELSEN: Well, it's all part of what we've been talking about, yes.

MAYOR MCALLISTER: Haven't you decided to pass that under the B session?

MR. TORRES: I don't think we decided that. I think we decided we're discussing whether we're. . .

DR. NIELSEN: We're going to take it up downstairs. . .

MR. TORRES: No, whether we're going to go ahead and approve the School Capital Outlay Program right now or not.

MR. TREVINO: We don't have that before, now, Pete. This is not part of 24. Is it?

DR. NIELSEN: No, but it's been asked.

MR. MONTEZ: It's been distributed before, Mr. Trevino.

DR. NIELSEN: As part of the. . .

MR. TREVINO: Well, I mean as part of those we have to consider. That's not the one we have here now.

MR. TORRES: So, I'd like to especially since my understanding is that Dr. Cardenas was asked to be here this morning. Was he not, Roy?

MR. MONTEZ: We always try to call any sponsor that may have some information which perhaps I would not have available. We try to keep them handy.

MR. TORRES: So you called him in any event.

MR. MONTEZ: A member of my staff I think did. I didn't myself.

MR. TORRES: I'd like to ask if he'll approach the Council on the subject.

DR. CALDERON: Let me say that I will certainly go along with the plan of approving both proposals in a combined form but making it known to the regional office the fact that we'll leave it up to their discretion with regards to separation of the two in other words, obviously when we send both proposals to them they will hold off. . .

April 23, 1970
ac

DR. NIELSEN: Well, I don't think. . .that there's ever been any question...

DR. CALDERON: Yes, but, what I'm saying is this, though, that perhaps we should go ahead and approve both proposals as approved by the CPPC and then stating to the regional office the fact that we realize that they have a legal hangup which regards a portion of the project and we'll leave it up to their discretion to approve any portion of the proposal. This way they perhaps could. . .

MR. TORRES: I think you're right. I think Dr. Calderon is right, Mr. Mayor. And I want to second Dr. Calderon's motion to approve the School Capital Outlay Program.

MR. TREVINO: If you will read the caption, I'll vote for it.

DR. NIELSEN: Mr. Mayor, I'd like to ask Dr. Cardenas if it is possible that they can procure any of this equipment before the end of the school year.

DR. CALDERON: No, that would be up to the regional office.

DR. NIELSEN: If they get it before the end of the school year how quickly can they. . .

MAYOR MCALLISTER: We are going to act on this and that's. . .

DR. NIELSEN: I'd just like to know.
(inaudible discussion among members)

MAYOR MCALLISTER: Gentlemen, we are taking up a lot of time here over this. Let's make up our minds. . .

MR. TORRES: The motion is seconded.

DR. CALDERON: I would move that we approve the Capital Improvements ordinance relating to the Edgewood School District and the Holy Cross School and with the understanding we will leave it up to the regional office to determine whether to approve the whole proposal in its entirety or in any portion thereof.

MR. TREVINO: Well, why don't you just delay the last. . .

MAYOR MCALLISTER: Mr. Walker, have you a comment about that, I question the. . .

CITY MANAGER HENCKEL: Mayor, I think the only things. . .again it would be my recommendation that the Council merely pass a motion or a resolution requesting HUD to approve the entire project. That would. . .

DR. NIELSEN: That's all we ever do anyway.

CITY MANAGER HENCKEL: That would be your intention. The formality of it cannot be done until we receive a legal opinion anyway. So, I think if this is your intention to request them to approve just a motion from the Council to that effect would carry out that intent.

DR. CALDERON: I so move.

MR. TORRES: I second that motion.

April 23, 1970
ac

DR. NIELSEN: Every contract we send in has qualifications of their final legal review anyway.

MAYOR MCALLISTER: All right. You have the motion and a second. Any discussion? Call the roll.

On roll call, the motion prevailed by the following vote: AYES: Burke, James, Nielsen, Trevino, Hill, Torres, McAllister, Calderon; NAYS: None; ABSENT: Cockrell.

April 23
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