

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, SEPTEMBER 19, 1974.

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

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74-46 The invocation was given by The Reverend Monsignor Bernard F. Popp, St. Paul's Catholic Church.

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74-46 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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74-46 The minutes of the meeting of September 12, 1974, were approved.

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74-46 Councilman Morton introduced the following Resolution:

A RESOLUTION  
NO. 74-46-58

INVITING THE BOARD OF DIRECTORS  
OF THE NATIONAL ASSOCIATION OF  
HOMEBUILDERS TO MEET IN SAN  
ANTONIO IN THE FALL OF 1977.

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WHEREAS, homebuilding is one of the largest industries in the United States, and

WHEREAS, the Board of Directors of the National Association of Homebuilders is meeting this week in San Francisco to consider the site of their fall meeting in 1977, and

WHEREAS, the Board of Directors meeting of NAHB is attended by over 1000 members of the organization, and

WHEREAS, San Antonio has outstanding convention facilities to hold such a meeting and many historic attractions for visitors to enjoy, and

WHEREAS, the Greater San Antonio Builders Association has been active in the affairs of the National Association and with over 1400 members is the largest local association in the country, and

WHEREAS, Mr. E. J. Burke, former Councilman of San Antonio, is a past president of the National Association of Homebuilders and Councilman Clifford Morton is presently serving as a Director;  
NOW, THEREFORE:

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

SECTION 1. The City Council does hereby cordially invite the Board of Directors of the National Association of Homebuilders to hold their fall meeting in 1977 in San Antonio, Texas and in so doing assures them that the "welcome mat" will be out and the City will cooperate in every way possible to insure a most successful meeting and memorable visit to San Antonio.

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

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STATUS REPORT ON EASTSIDE DRUG CLINIC

Mr. James Bailey, Executive Director of Bexar County Mental Health-Mental Retardation Center, spoke to the Council to explain the present status of the Eastside Drug Center. He distributed prepared statements concerning budgets, patients, etc. (Copies of these documents are included with the papers of this meeting.)

Mr. Bailey stated that, contrary to rumor, the center is not being closed, but the mode of operation is being changed. There had been some consideration of closing the center because of a budget deficit in the coming year. The Eastside facility was made possible in the first place through a special type of contract with the Federal Government through EODC. New federal policy denies the renewal of this funding. Instead of closing the unit, it was decided to cease dispensing methadone and do it through a private pharmacy. This will reduce costs about two-thirds.

Mr. Bailey explained the detailed operation of the Eastside Clinic as well as other functions of the MH-MR Center and then discussed with the Council overall drug problems in San Antonio. Mr. Bailey was joined in his discussion by Mr. Mike Bustamante, the Project Director.

Mrs. Helen Dutmer spoke concerning the treatment of drug addicts and said that repeat addicts should be confined to hospitals for treatment and not sent to a lenient treatment center.

Mr. Eugene Coleman also addressed the Council concerning the great need for a treatment center on the Eastside and his efforts in getting the center started.

Council members expressed great interest in the program and assured Mr. Bailey and Mr. Coleman of their interest and cooperation.

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MAYOR CHARLES L. BECKER: Will you read the Ordinance please.

The Clerk read the following Ordinance:

AN ORDINANCE 44,328

ORDERING A SPECIAL ELECTION TO BE HELD  
IN THE CITY OF SAN ANTONIO ON THE 5TH  
DAY OF NOVEMBER, 1974, TO SUBMIT TO  
THE QUALIFIED VOTERS OF THE CITY CERTAIN  
PROPOSITIONS TO AMEND THE CITY CHARTER.

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MRS. LILA COCKRELL: Mr. Mayor.

MAYOR BECKER: Yes madam.

MRS. COCKRELL: You'll recall that I had called attention to the fact that one of the proposed Charter Revision items actually contained two major subjects in the one item. In other words, the item of direct election of the Mayor and also the proposal of the change in the method of electing Councilmen. Since I feel that State law rather clearly indicates that we should have separate items for major proposals, I asked that the City Attorney's staff review this and develop an alternate wording which would permit it to be submitted in separate proposals for the voters. I believe that the City Attorney's staff has done this and has it ready.

There is one further question that perhaps we should raise and be sure that we have reached consensus of the Council and that is on the filling of a vacancy in the office of the Mayor. The Council needs to indicate clearly whether it prefers for the Council in voting to fill that vacancy whether they may select from among all the members of the Council or whether they should select only from those members of the Council running at large in the event that the change of the method of election of Councilmen passes. I think that's one point that we need to give final direction to the staff, but otherwise I do recommend that we go for the two proposals submitting these two major issues in separate proposals because I think there are, obviously, maybe many people who would favor one and oppose the other. They should have the right to vote on them separately.

MAYOR BECKER: All right.

DR. JOSE SAN MARTIN: Mr. Mayor, I'd just like to suggest that we direct the staff that in the case of a vacancy in the Mayor's Office that the remaining members of the Council all together, both those elected by district and those elected by at large, that the entire Council have the responsibility for naming a new Mayor. I'd like to move on that.

MRS. COCKRELL: Mr. Mayor, I'd like to clarify that. I think that, it was not quite the issue, it was the issue of whether the person selected to be the replacement could be from the whole Council or only from the ones elected at large.

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DR. SAN MARTIN: I mean that they should all have a say so in the vote and everyone should be eligible for the position of Mayor regardless of the method of election of that individual member, whether he was elected by district or by at large method. In other words, they are all eligible to be Mayor. They are all eligible to vote for them.

MR. LUIS GARCIA: Yes sir. The alternative plan calls for the eligibility of all the remaining Councilmen to be selected Mayor. If the Council desires, I have an alternative plan where only those who are elected at large would be eligible, but that's up to you.

REV. CLAUDE W. BLACK: I think, Mayor, that it is extremely important. We do not want to create a second class Council.

MAYOR BECKER: No.

REV. BLACK: So, it seems to me that when we begin to limit and restrict the ability of that Councilman to, in spite of the fact that he comes from a district, when we begin to restrict and limit the activities of that Councilman as far as the action of the Council is concerned, then we, of course, make a second class Councilman out of him. I think this is general principle and should be adhered to. Now, once the people decide and all of us then are responsible in terms of our action on the Council, therefore, that person would be elected by the people because we are representatives in that respect, and I certainly would not agree that we would restrict the replacements to persons who just simply run at large, because I think that would make second class Councilmen out of the rest of the persons.

DR. SAN MARTIN: If you need a motion, and I'd like to....

MR. W. J. "BILL" O'CONNELL: That was discussed here in Section 8?

MR. ALVIN PADILLA: Yes.

MRS. COCKRELL: It's an issue that I thought we should make a final decision on. It had been raised and a question asked about it.

MR. GARCIA: This was just a matter of information for the Council so that they would be fully informed.

MRS. COCKRELL: The second point that I think needs to be clarified, and I'm sorry Mr. Morton is not here, maybe he will be back in just a moment, I do want to raise a question. A question has been raised as to whether or not the provision providing for the establishment of administrative boards would permit the establishment of a police civilian review board. I would like to ask, I think Mr. Reeder had some thoughts on this. I would like to ask for either Mr. Garcia or Mr. Reeder to comment on this.

MR. GARCIA: I don't think that that was addressed to me, Crawford.

CITY ATTORNEY CRAWFORD REEDER: I heard the last part of what you said.

MRS. COCKRELL: Yes, the question has been raised by some as to whether or not the inclusion of the provision that would enable the City Council to establish administrative boards would permit that provision to be used for the establishment of a Police Civilian Review Board.

CITY ATTORNEY REEDER: No, I didn't think it would. It wouldn't permit it any more than it's presently permitted. I mean you all could go ahead and establish a Civilian Review Board now, which, of course, I've kind of argued against, although it's a policy question. But, the reason that the proposed amendment would not give the City Council any greater power than it already has in that respect is that we already have a State Statute that provides for a Fire and Police Commission and you can't override a State Statute by a Charter amendment. So, you would still have the State Statute. You'd still be in exactly the position you are now.

MR. PADILLA: Mr. Mayor, before we consider the whole thing, I'd like to ask some questions.

CITY ATTORNEY REEDER: Of me, Mr. Padilla?

MR. PADILLA: Yes sir. Of you among others. I'm concerned about the, perhaps it's a small point, but I don't want there to be confusion in the event that this passes. The way that you define the word "electors" in this ordinance, I notice that you use it and if it is to have the same definition every time you use it, I think we have a problem. You're saying, for instance, in paragraph four, Proposition one, that each member of the Council shall be a citizen of Texas, a qualified elector of the City. Now, that to me means someone who's qualified to vote in the election.

CITY ATTORNEY REEDER: That's what it means to me. Where are you reading that? What page?

MR. PADILLA: I'm reading Proposition one, Section 4, paragraph 4 of Proposition one. It says "each member of the Council shall be a citizen of Texas, a qualified elector of the City." Does that mean basically a person is a qualified elector who is qualified to vote in the City election?

CITY ATTORNEY REEDER: That's what I think it means. Where did you get that Mr. Garcia or where did Mr. Cosgrove get it? Okay, out of the Statutes.

MR. PADILLA: Now, the way you use the word elector on the next page in paragraph six, it says, "members of the Council from Place 1 through Place 7 shall be elected from such districts or wards which shall be numbered accordingly," etc. and "each member shall be elected by a majority of the qualified electors." Don't you mean a "majority of the people voting in the election?"

CITY ATTORNEY REEDER: No, we mean the majority vote of the qualified electors because if you're not an elector, you can't vote.

MR. PADILLA: Well, if you're an elector by virtue of being qualified to vote. You're not an elector because you voted, are you? That's what I'm asking you. In other words, if an elector....

CITY ATTORNEY REEDER: You can't vote unless you're an elector.

MR. PADILLA: If an elector, but you just said a while ago, that an elector is a person who is qualified to vote, you didn't say who voted.

CITY ATTORNEY REEDER: No, I know it. That's right.

MR. PADILLA: Now, you're saying a majority of the electors in a district are necessary to win an election. I'm saying that you perhaps should have said a majority of the people participating in the election or a majority of the qualified voters voting.

CITY ATTORNEY REEDER: Okay, you want to make a note to change that Luis? What else?

MR. O'CONNELL: Excuse me, Al. Let me ask you a question. It says that by majority vote of the qualified electors...

CITY ATTORNEY REEDER: Now that's what I was going to say but it's...

MR. PADILLA: Doesn't it say that in this paragraph dealing with districts?

CITY ATTORNEY REEDER: They'll be elected by a majority vote of the qualified electors of the particular district, that's the way mine reads.

MR. PADILLA: Right, that's the way mine reads and it should say a majority vote of the people voting or those, you see, what I'm saying Bill, if you have 100,000 qualified voters and only 10,000 vote, if you need a majority electorate, you need 50,000 plus one of the people qualified to vote. Okay, voting yeah. Okay, now the next thing is, I didn't find anything in this ordinance that says when these proposals, approved if any, will become effective.

CITY ATTORNEY REEDER: That should be there, there's no question about that. Is that in there? Where is it?

MR. PADILLA: I didn't see it, Mr. Garcia, it may be in there sir.

MR. GARCIA: For the 1975 election.

CITY ATTORNEY REEDER: Where does it say that?

MR. GARCIA: Right at the beginning.

MR. PADILLA: Okay, if you'll point it out to me. Page 2, paragraph 2.

MR. GARCIA: Yes sir, about the...we have to...the direction of the ordinance and of the propositions as they are worded right now, by January 1, 1975, the Council will have to divide the districts.

MR. PADILLA: It says, Mr. Garcia, that if the district proposition passes, the Council will divide itself into districts by January 1, but it doesn't say a word about when any other proposition that might pass will be effective.

CITY ATTORNEY REEDER: I see. He's saying that we've taken care of the districts rather than...

MR. PADILLA: See, the district itself may lose and then you wouldn't have an effective date for the other seven.

CITY ATTORNEY REEDER: We should put a provision in there as to when the amendments that are voted on favorably become effective. You might make that....

MR. PADILLA: With one exception, this Council went on record as saying that if the pay raise proposition passed, it would be effective at the beginning of the new Council, not January 1, 1975. It should be May 1

so that no member of this Council would receive any of the pay increase if it passed.

CITY ATTORNEY REEDER: Okay, I think you're right about your second one. I think you're wrong about the first one, but I'd like to have you on my staff. I wish you were a lawyer.

MR. PADILLA: I wish I was a lawyer too, Crawford. It pays better than \$20 a week.

CITY ATTORNEY REEDER: I wish I was a lawyer.

MR. PADILLA: All right. That's Proposition No. five, this is a question because it isn't clear to me that Proposition No. five as written in the ordinance does what we have discussed in our discussions and what we intended to do and that is that tax monies, that we not be required to issue a written receipt or mail a receipt. I read it and I do not see that it accomplishes that.

CITY ATTORNEY REEDER: Perhaps Mr. Garcia will handle that one. He worked on that when I didn't work on that one.

MR. PADILLA: Proposition No. five.

CITY ATTORNEY REEDER: On page six, yes sir.

MR. GARCIA: Yes sir, page five. And what is your question Mr. Padilla?

MR. PADILLA: Does Proposition five, as written in your proposed ordinance, accomplish what this Council has indicated it wants accomplished?

MR. GARCIA: Yes sir.

MR. PADILLA: Will you be a little more clear on that, Mr. Garcia. In helping me understand this, the way it's written, you see, it says "shall Section 90 of the Charter of the City of San Antonio be amended to provide that the Assessor and Collector of Taxes or other designated official shall collect, issue receipts for and deposit all ad valorem property taxes," etc. etc. Now, what we had discussed was making it possible for the City to collect taxes and not have to mail back a receipt. We said that costs the City \$50,000 a year.

MR. GARCIA: Yes sir, because we can then by ordinance prescribe the method that receipts may be issued and so on and so forth. This is what we're getting at. We can then have control over the method that we can issue the receipts especially for redemption purposes, you know, wherever possible. This is a problem. We're controlled by the Charter right now.

MR. PADILLA: Does the Charter not say that you will mail back a receipt?

MR. GARCIA: Yes sir.

MR. PADILLA: You see, it doesn't say here that the Council or the Manager can simply designate someone and prescribe the method whereby or the systems which body will operate under.

MR. GARCIA: What we are really attempting to do really is to leave it up to you to find a method of following through with the issuance

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of receipts for the payment of taxes that come in by mail. That's what it amounts to.

MR. PADILLA: I think the point that bothers me is that if you would.. "shall Section 90 be amended to permit the City Council to set forth methods, etc. by which taxes may be collected and so forth," then it would be, if approved, it would have left it in the Council's hands to designate systems to be used or methods to be used. The issuance are not of receipts, etc.

MR. GARCIA: Yes sir.

MR. PADILLA: So, I want to clear that. Do you feel that this....

MR. GARCIA: Yes, especially with most people, see what we're dealing with are laws when people didn't really deal too much with checks and cashier's checks and everything else in the old days. So, they prescribed, State Statutes do prescribe that a receipt be issued.

MR. PADILLA: I understand all that. I'm just wondering if the way you wrote this proposed ordinance actually accomplished what we wanted.

MR. GARCIA: Yes sir. It gives the Council the leeway to prescribe any method that would be acceptable to, or reasonable, let me put it that way.

MR. PADILLA: All right. Thank you, Mr. Garcia, that's all, Mr. Mayor.

DR. SAN MARTIN: Mr. Mayor, I would like to follow what Mr. Padilla was saying because I have the same reservations. You specifically say in Proposition five "issue receipts for" and then by ordinance you come back and say you don't have to issue receipts. You can just use a check.

MR. GARCIA: Well, you can then decide a policy as to which method to issue the receipt for. Whether in the check itself, you know, by stamping you know, as receipt for all taxes paid and so forth.

DR. SAN MARTIN: The fact that it says here you will issue receipts for does not necessarily mean that you have to issue a receipt.

MR. GARCIA: That's right, that is correct, yes sir. The method of issuance...

DR. SAN MARTIN: There's no contradiction here?

MR. GARCIA: I don't believe so, Doctor. We've thrashed that out considerably because it is a thorny problem.

MR. O'CONNELL: Excuse me, if I was a voter and we were telling the voters we're not going to issue any more receipts, we're going to let the ...and then he reads this thing, it says to issue receipts for, which they were not going to, it looks to me like you tell them one thing and you're going to do another.

DR. SAN MARTIN: I just want to be sure we're doing what we say we're doing.

MR. O'CONNELL: That's just a pure fact.

CITY MANAGER SAM GRANATA: But you will get a receipt, either it will be a receipt, designate that you will give them a receipt or you say your cancelled check will be your receipt. They're going to get a receipt

of some kind but not necessarily just a receipt as we know it today, just if you pay your taxes. It could be their check you designate to be their receipt.

MR. PADILLA: It's confusing to me, if I may, Mr. Mayor, because I agree with Dr. San Martin and Mr. O'Connell that if it simply said that the City Council and the City Manager that change the Charter so that the Manager or the Council or vice versa, may designate methods whereby or to be used for the collection of taxes and so forth, I could understand that that would give us the latitude that we seek but the word receipt in there is confusing. One more question, paragraph 1 of Section 8, it says, "the person elected to the last place of the Council shall serve as the Mayor during his term of office. I was just wondering what the last place is.

MR. GARCIA: We, of course, are trying to figure out a method where if you use the alternate proposition, that is, the nine, that in case say number one failed and number two passed, Proposition No. one failed that is districts and so on and so forth, and two passed, if we didn't designate what place the Mayor would come into being, then we'd really have a problem.

MR. PADILLA: My point is, if I may. In one place, you say that, you know, shall the Mayor be elected at large. Suppose that fails and this passes that the person elected to the last place shall be Mayor, do you have a contradiction?

MR. GARCIA: In other words, you're saying that number one will pass..

MR. PADILLA: Or let's say number one would fail.

MR. GARCIA: Number one would fail and number two will pass?

MR. PADILLA: And paragraph one of section...yeah, Section 9, this simply says in paragraph 1, "the person elected to the last place on the Council shall serve as the Mayor."

MR. PADILLA: Does that mean then that the City....

MR. GARCIA: Then we go back to the nine Councilmen as we have here at large running at large, so there wouldn't be any necessity of mentioning the at large but it would be the last place in the Council, which would be number nine, number eleven, as far as districts, I think it's already been...

MR. PADILLA: We don't have a situation where if we go back to the nine member Council, Place 9 is going to be the Mayor?

MRS. COCKRELL: Yes it is.

MR. GARCIA: Yes, that's exactly what it says.

MRS. COCKRELL: Al, may I comment on this? This was because, this is only if we separate the proposals. In other words, if we have it so that you can either vote for both or for one or the other. Now, if direction election of the Mayor passes, but the new method of electing Councilmen fails, then the direct election of the Mayor will apply to the present method of electing Councilmen but the person who runs in Place 9 would then be running for Mayor. So, it permits the two things to be judged each on their own merits, and that was why it was written with the word, last place, because if the new method of electing Councilmen passes, of course, the last would be the 11th place, if it fails the last would be the ninth place.

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MR. GARCIA: So, you already have it set up in Proposition No. 1 as to what place the Mayor is running. This is just a failsafe in case one fails and two passes and you have the direction election of the Mayor, well where is the Mayor going to run? Well, this is just the failsafe to take care of the situation.

MR. PADILLA: Very good.

MAYOR BECKER: Well, all right. Now, then so as to allay any fears about this Proposition No. 7 about the Boards, Commissions and all that, if I understood Mr. Reeder correctly, there is no greater powers given to the City Council through this Proposition 7 to create, say, a civilian review board than there is right now.

MR. GARCIA: That is correct. You have no more power under this proposition then you have really right now. It just gives you a little more leeway in setting these things up. Actually you can set up anything you want.

REV. BLACK: Mr. Mayor, if any more powers are given then the historic reference of many Councils were in error when they advised me that the only way you could ever get a civilian review board is that you'd have to have State Statute to do it. I've heard this for many, many years and so, there's a whole lot of folks wrong if this would permit it.

MAYOR BECKER: Well,...

MRS. COCKRELL: Mr. Mayor, I don't want to close off debate, but if there is no other debate, I would like to move that we pass the alternate ordinance which separates the two proposals of election of the Mayor and the election of the Councilmen and that it be placed on the ballot in that form.

DR. SAN MARTIN: I second.

MAYOR BECKER: Call the roll.

AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza.

NAYS: None.

ABSENT: None.

MRS. COCKRELL: Mr. Mayor, let me just add one further comment. This City Council, I think, has taken very appropriate action in giving the voters of this community the opportunity to review their City Charter. There have been two Charter Revision Commissions, each of whom have put in hours and hours of service in studying the Charter. As one member of the Council, I want to say that I do not plan to go the community and to try to tell the citizens how I feel they should vote. I am simply going to do everything I can to see that these issues, both sides of the issues, can be presented in public discussions and in debates. I feel that all of us will be willing to go and visit with the citizens on these issues. I hope every civic club in the City will have meetings and will have debate pro and con on some of these issues, and then when the citizens do vote, they will either decide to reaffirm certain provisions in our present Charter, or they will elect to select new methods and change the Charter. I feel that this is in the public interest for the citizens to have this opportunity to review their Charter and to make decisions. That is why I have strongly supported this effort to give the citizens the right to choose.

MAYOR BECKER: I just have one regret about the whole thing, Lila, and that is that we didn't have three options extended to the citizens whereby the third option would have been to elect everybody from the districts. That's the only comment I have on the whole matter.

MRS. COCKRELL: If we had done that I would have liked to have had a fourth option though and that was the minority report of the Committee itself, which had a strong minority report that there be a district residence and election at large which is still another method. So, I don't know how many options we would have had to have to get us all in a happy frame of mind.

MAYOR BECKER: I think that if we had had the three at least though we would have had, you might say, a fully rounded proposal for the citizens and it wouldn't have been a sort of a bob tail situation.

DR. SAN MARTIN: Mr. Mayor, I'd just like to make one short statement that I feel that this Council has taken a daring step where other Councils have not dared to let the people of San Antonio take a look at the Charter after 23 years to see how they feel about it. I think that the needs of the community in 1975 are different from the needs that we worked on in 1950 and I know because I was involved in the preparation of the change of Charter at that time, and I think I agree with Mrs. Cockrell that the people of San Antonio should express once and for all how they feel about the Charter. As a strong supporter of Council-Manager government, I feel that the changes that we have submitted in no way endanger the basic concept of Council-Manager government. I think that we have not in any way interfered with the authority of the City Manager in running the City and for that reason I don't feel that those who were afraid that we were going to scuttle Council-Manager government have no reason to fear. I think this will make our Charter a more practicable, a more functional instrument, and I certainly do not agree with those who say we're trying to scuttle Council-Manager government.

MAYOR BECKER: I'd like to say, Doctor, additionally, that I don't think this is the first daring step the Council has taken.

DR. SAN MARTIN: I know that, but in this area....

MAYOR BECKER: I think we've pioneered many things and I might say that we've opened up many areas that heretofore were considered untouchable by certain, you know, types of philosophy. I won't comment on the fact that I thought they were reactionary philosophies, but be that as it may, and I think we've done this without usurping any powers of the City Manager. I read where certain mention was made of that recently that there are opinions shared in some circles that we've usurped certain powers of the City Manager. I find this hard to believe particularly where I sit knowing as much or as little as I do about the operation of this government. I've never found one single instance where in my opinion, the power of the Manager has been usurped by this Council or any member of it. I'd like to go on record establishing that as a fact right now. Because it's easy to stand off at a distance, you know, when you're 100 miles away and say that doesn't look like an elephant to me or it does look like one, but when you are close up to it and that's the only way really to be in a position to know what you're talking about ordinarily it doesn't seem that we've done any great evil act as far as I can view it any way. Do you feel like your powers have been usurped, Mr. Granata?

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MR. GRANATA: No, sir, and I can truly say that this Council and I have never had a bat roost meeting since I've been City Manager.

MR. PADILLA: Mr. Mayor, may I make a short statement.

MAYOR BECKER: Yes sir, a series of short statements.

MR. PADILLA: No, just a short statement and one that will differ to some extent. I would like to encourage the citizens to get out and participate in this Charter Election, to organize meetings in neighborhoods or wherever they be and I for one will be happy to come out and talk to you. I take a slightly different stance from Mrs. Cockrell. I will be happy not only to discuss it with you, but to tell you how I feel about it. I think you're entitled to know that. I think that I can tell you that I support every proposition with the possible exception of one which I will tell you about in meetings. There's one that I have concern over. I did vote for it, that is on the record. I voted for it for the sake of unanimity in this area, but I think that the citizen is entitled, in my opinion, to know how a Councilman feels about it. I do not feel that I can sit here and support issues that are to go on the ballot November 5, if I am not for them. I feel, on the contrary, that I should have voted against them if I were not for them. But, with that one exception I am for that and I'll discuss that detail with anyone that cares to discuss it.

MAYOR BECKER: You wouldn't care to name which one it is that you're referring to?

MR. PADILLA: Yes sir, the one that I'm concerned about is the one that deals with Boards and Commissions.

MAYOR BECKER: Well, I don't know whether you were present, Al, but it was agreed, at least I was under the impression that it was, that the intent of that Proposition seven was to specifically add and include those Boards that Councilman Morton has been referring to and those are, would you care to name them.

MR. MORTON: One of them would be a long range planning board. Some people call it comprehensive planning - I would call it long range planning and the other would be a board that would be responsible for both the operations of the Market and HemisFair Plaza.

MAYOR BECKER: There was no intention to include a civilian review board in that group, and I think this is where some apprehensions that have arisen from.

MR. PADILLA: My basic reservation on that, of course, I don't want to get in a discussion on it, but I think Cliff knows it, we were sitting next to each other one day, I simply don't feel that we need any more fragmentation of City government. I think that the fact that we have a lot of boards and commissions, particularly one, is the basis for one of the major problems that we have in the City of San Antonio.

MR. MORTON: Al, this is where Council appoints the board members.

MR. PADILLA: I like that part.

MR. MORTON: And they approve the budget.

MAYOR BECKER: Okay.

CLERK: Mr. Mayor, we have a companion ordinance here.

The Clerk read the following Ordinance:

AN ORDINANCE 44,329

AUTHORIZING A CONTRACT WITH BEXAR COUNTY PROVIDING FOR HOLDING THE SPECIAL CITY BOND ELECTION AND THE SPECIAL CITY CHARTER AMENDMENT ELECTION IN CONJUNCTION WITH THE GENERAL ELECTION NOVEMBER 5, 1974; AND AUTHORIZING PAYMENT TO BEXAR COUNTY IN THE SUM OF \$100.00 PER CITY ELECTION PRECINCT.

\* \* \* \*

CITY CLERK JAKE INSELMANN: Mr. Mayor and Council, this Ordinance sets out the responsibilities between City and the County in connection with these elections. While our elections are being held in conjunction with the General Election, they are, in fact, separate elections. The City, of course, will call its own ordinance, you know, call the elections and the City will also use the same election officials that the County will use. We'll conduct our own absentee voting here at City Hall. We'll canvass our own absentee votes and City Council, itself, will canvass the votes of those elections. The County is going to provide space on the voting machines for the ballots. They are going to prepare the machines and service them, and in the bond election, they are going to keep the vote separate for the property owners and non-property owners. They're going to provide transportation to and from the election precincts. They are also going to provide all the necessary training and supplies, machine ballots, sample

ballots, affidavit forms, everything that's needed, rather than both of us, you know, ordering supplies. We're not going to duplicate anything, and they're going to make available to us all the records of the election that we need, so that we have, in fact, separate elections. I will cooperate with the County Clerk and County Court and the Clerk will cooperate with me in separating the returns of the election on election night. We pay the County \$100 per City election precinct. We have 182 City Election precincts plus the absentee box. So, in dollar figures we're talking about \$18,300 that we will pay the County. We've talked about it. We feel this is fair to both the County and the City, and I can assure you the City is getting off cheap. I recommend the adoption of this Ordinance.

MR. MORTON: I so move.

DR. SAN MARTIN: Second.

MAYOR BECKER: Call the roll.

AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla.

NAYS: None

ABSENT: None.

MRS. COCKRELL: May I ask one clarifying question. I just -- to be sure that it was understood by all on the City Attorney that the point that Mr. Padilla raised about the effective date which was incorporated. It was my intent that it be incorporated in the motion I made, and I believe it was the intent of the Council that that be incorporated.

MR. PADILLA: Since you raised it, Lila, do you also, and was it also your intent to include the word, other.....

CITY MANAGER GRANATA: The word, voting.

MR. PADILLA: The word people voting or.....

MRS. COCKRELL: Yes, the two points that Mr. Padilla raised are very good points.

MAYOR BECKER: Mrs. Dutmer, did you want to speak to this matter, please.

MRS. HELEN DUTMER: I'm sorry. I guess I should have raised my hand while you were discussing it. It's after the fact now, but in reading your Ordinance, I found two discrepancies. Number 1, you did not make any proviso for the vacating of an office of a person being elected from the districts. It merely says with qualification. The only qualification that is set forth in this is that they reside in the district six months before they file for the office period. Now, what happens when they move from that district? There's no proviso whatsoever made for it.

MAYOR BECKER: We agreed the last time that was discussed that they would automatically forfeit their office.

MRS. DUTMER: Your agreement and your implications though mean absolutely nothing should the thing ever come to a Court of Law. Implication means nothing. It's fact.

MR. PADILLA: A person that moves would no longer hold the qualifications.

MRS. DUTMER: You know that. I know that was the intent but intent means nothing when it comes down to the question. It has to be a fact.

MR. GARCIA: We have that covered. Everybody has to be qualified. If Proposition one passes, a man or a woman has to be qualified to be selected or elected to that office. Number 1, if he becomes a candidate he has to live in there for at least six months. The first election, of course, we will make an exception he just has to live there. He can move in there the day before the filing, and he will be eligible for that.

MRS. DUTMER: That isn't what I'm talking about.

MR. GARCIA: As to the becoming disqualified or resigning or anything along that line the proposition so states that he shall be eligible and eligibility goes back to the same thing we're addressing ourselves to. Number 1, that they be a resident of that district.

MR. PADILLA: Doesn't the City Charter, Mr. Garcia, state in some other Section that we don't contemplate amending that if you do not meet the qualifications for office, you vacate the office.

MR. GARCIA: Yes, that is.....

MR. PADILLA: So, it would apply to anyone at large or from districts the moment that that person no longer met the qualifications for holding that office.

MRS. DUTMER: That's true, Councilman Padilla, that is true but you're setting forth qualifications for the new method of electing a Council person by district and you have not made any proviso for the vacancy of that office should he, after he's elected would remove himself from that district. In other words, the only proviso you've made for qualification is that he reside in that district six months before he files for candidacy. There is no proviso for if he moves out after he has been elected.

MR. PADILLA: Yes, I think the City Charter has, but I can't cite you.....

MRS. DUTMER: No, City Charter does not deal with, right now, does not deal in any way with district election. You're talking about an entirely new.....

MR. PADILLA: No, but the City Charter does deal, I believe, in one part of this with.....

MRS. DUTMER: It won't.....(inaudible).....

MR. PADILLA: A person remaining qualified or vacating the office. Now, we don't propose.....

MRS. DUTMER: Let's stop here that right now.

MR. PADILLA: .....that part of it so that would still hold.....

MRS. DUTMER: All right, but let's stop right there when you said when he does not meet the qualification. Show me in here where the qualification includes that he reside in that district during the term of his office. Now, show me in your Ordinance where it says that, and I'll apologize and go sit down.

MR. PADILLA: No, no, there's no apology necessary. You may have a point. The point I was addressing was that if he no longer remains qualified, he vacates the office.

MRS. DUTMER: All right. But you haven't set forth his qualifications, I agree to that, Al, but I can't - we're not on the same wave length. I agree to that.

MAYOR BECKER: Why don't we let the legal department.....

ASSISTANT CITY ATTORNEY GARCIA: Section 7, Mr. Mayor, Forfeiture of Office, any member of the Council who ceases to possess the required qualifications for office or who is convicted while in office of a felony shall be declared - shall forfeit his office. So, we still have that.

MRS. DUTMER: I'm not an attorney, but as I said, I always go to people who know what they're talking about. In this case, this person absolutely knows what he's talking about having been originally and continuously keeping up with this Charter. Now, go back to your qualifications for your persons now, then you go to your qualifications for your new set-up and you have not provided the qualifications for that member continuing to hold that office.

MR. PADILLA: If he moved out, Louis. I think what Mrs. Dutmer is saying that if he's qualified when he runs for office and is elected, and then it doesn't say in here relative to the districts specifically that if he moves out, it does say, I tend to agree with you, yet because it does say in the Section of the Charter that if you no longer have the qualifications, you forfeit the office, and one of the qualifications in Proposition one, Helen, is that he live in that district with the exception of the first election - six months before he files.

MRS. DUTMER: It doesn't say that in here, not in the ordinance I have in my hands here, it does not say that.

DR. SAN MARTIN: Let me ask something, Mr. Mayor. Do we need a, and this is to Mrs. Dutmer, suppose that we are qualified to be sitting on this Council but suppose we decide to move outside the City limits tomorrow and go live outside the City limits, wouldn't I automatically be disqualified?

ASSISTANT CITY ATTORNEY GARCIA: Yes, sir. Yes, sir.

MRS. DUTMER: Not City limits, districts.

DR. SAN MARTIN: Well, the City limits and a district are equivalent in my way of looking. You're elected from a certain district, we're elected from a district which encompasses the entire City limits, it's the same whether it's a small district or whether it's the whole City. Right now, today, wouldn't you say that we have one big district instead of 11 or seven, I mean what's the difference, Helen?

MRS. DUTMER: In your concept, but not according to my informant.

DR. SAN MARTIN: Well, in your concept, I was qualified for this position by living inside a certain geographical area, right?

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MRS. DUTMER: Yes.

DR. SAN MARTIN: Suppose I decide tomorrow to move out to Boerne, what happens?

MR. GARCIA: You have forfeited your office.

MRS. DUTMER: Well, of course, this follows but this does not necessarily follow in districting. Now, as I said I don't represent myself as an attorney. I'm bringing you a message from a very well qualified attorney who could break down your reasoning in less than three minutes.

DR. SAN MARTIN: Well, let's have him.

MAYOR BECKER: Well, I think, Helen, that what we're trying to do here is rely on the City staff, the Legal Department, Mr. Reeder, Judge Garcia, and so forth, and if they say it's, you know, iron clad, so to speak. I know that you can write a contract that says essentially the same thing on one page as it takes sometimes 30, 40, 50 pages by elaboration and all the whereas and to wits and everything, and even if it's 50 pages long, it still doesn't cover every contingency.

MRS. DUTMER: Yeah, but two simple sentences would cover this, Mayor. I'm not being obstinate about it. What I'm after is if the electorate decides to pass this thing, they should have every safeguard.

MAYOR BECKER: I personally wouldn't have compunction whatsoever about including a simple sentence that would state, specifically, that any person who runs from a district must continue to reside in that district during the entire term of office. That wouldn't bother me one iota, you know. Now if the Legal counsel agrees with that, and the Council agrees with it, I think maybe that will put your fears to rest on that matter.

MRS. DUTMER: Fine.

DR. SAN MARTIN: Would you also have, Mr. Mayor...

MR. MORTON: Helen, being all comprehensive, you want a statement in there that will simply say that after election, a Council person or the Mayor shall continue to have the same requirements placed on him to be able to continue in office as he would have in order to be eligible to run for the office.

MRS. DUTMER: I'm telling you that from the State level on your districting plan even though they say Bexar County is one encompassed territory, that in the districting plan, they saw fit to put a clause in there stipulating that the person that is elected to that position at the State level must reside there during his term of office or forfeit his office.

MR. MORTON: You didn't answer my question, yes or no.

MRS. DUTMER: Yes, that's what I want in there to safeguard the citizens.

MAYOR BECKER: If that will make everyone feel better about it, you can include that, can't you, Judge or Crawford without going into great lengths about it?

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MRS. DUTMER: Fine, that's all I'm asking in the first place.

MR. GARCIA: If that's what the Council wants, we'll include it.

DR. SAN MARTIN: How about running at large, you'll have to specify that he must reside within the City Limits.

MRS. DUTMER: No, there is no....

MRS. COCKRELL: The Council, in the alternate Section 4, it says "each member of the Council shall be a citizen of Texas, a qualified elector of the City, shall have resided in the City at least one year prior to filing his application for election and must reside in the City during his term of office." We could add the sentence, "those members elected from a district must reside in the district during his term of office."

MRS. DUTMER: Right, we thought this should be on a geographic designated...

MR. PADILLA: We've already covered that but we don't want to go through it again.

MAYOR BECKER: Okay, now what's the next thing, Helen?

MRS. DUTMER: All right. The other thing is that I concur, I concur wholeheartedly that I also am not, well, you might debate this question now, but I'm not so mossbacked that I can't see that maybe the Charter does need revising in some places. I'm not going into the community and fight this thing contrary to what the press might have implicated being a member of the GGL. I am not going that way. But I do feel that it is a duty of mine to go before the people and tell them exactly the pros, the cons, the way the Revision Committee felt about it, the number of votes that separated it so that they can get a true and composite picture of it and go out and vote yea or nay and then whatever they vote, I stand behind.

MAYOR BECKER: Okay, all right. Where are you going to start, Helen? What part of town?

MRS. DUTMER: Southeast.

MAYOR BECKER: Southeast. All right, let's start with Citizens, you've gotten your things out of the way, haven't you, Jake? Okay, let's go with Citizens to be Heard.

(At this point, staff members retired from the Council Chamber to revise the Election Ordinance as requested by the Council. Later in the meeting, the Charter Election discussion resumed as follows.)

CITY MANAGER GRANATA: Mr. Mayor, Mr. Garcia and Mr. Inselmann have been working on the Charter Revision Ordinance. Let's let them explain and make sure all of your things have been incorporated and then we will rescind the other ordinance and revote this one and then it will be in accordance with what you requested.

MR. GARCIA: Mr. Mayor, I believe you all have copies of the new ordinance prepared as directed by the Council earlier today.

MR. MENDOZA: Could you get some copies to the press, please.

MR. GARCIA: May I direct your attention to page 1, last paragraph. The new ordinance will read as follows: "Each member of the Council shall be a citizen of Texas, a qualified elector, and registered to vote in the City. He shall have resided in the City at least one year prior to filing his application for election and must reside in the City during his term of office." The change is "registered to vote" in the City.

Let me direct your attention to page 2, second paragraph right about the middle. Let me read the whole paragraph please. "Members of the Council for Place 1 through Place 7 shall be elected..."

MR. PADILLA: Excuse me, Mr. Garcia, what paragraph were you on, sir?

MR. GARCIA: "Members of the Council for Place 1 through Place 7 shall be elected from such districts or wards which shall be numbered accordingly and each such member shall be elected by a majority vote of the qualified electors voting in the particular district or ward." The change there is "voting". It is an addition.

MR. PADILLA: Mr. Garcia?

MR. GARCIA: There's still something, there's one more change. "Each member from a district or ward shall reside within its boundaries at least six months prior to filing his application for election and continuing during his or her term of office and failure to do so shall render such office vacant." That is the addition that you had.

DR. SAN MARTIN: That keeps him in his district.

MR. PADILLA: Yes, my question was simply this, and it's a question, it isn't my view one way or another, the last paragraph, page 1, does the state law require that you be registered to vote to become a candidate for a public office, or are we doing this when the state law does not require it?

MR. GARCIA: I believe that there was a change in the law recently. I am not sure. I do know this. That the Election Code, Section 101, defines qualified elector as a man who is registered to vote and qualified to vote. So, that is the...

MR. PADILLA: Because you see this Council has not directed staff to make that one of the qualifications. I was wondering if you had to do it because of state law. We simply had said that in this district and at large proposal that the candidates from districts would live in their district six months except for the first election, would live in the City one year and would be, you know, citizens of San Antonio, for at least one year and residents of the district for six months except for the first election. We didn't say anything about registered to vote. I was wondering if state law does not require you to do that. Is that something you just kind of decided to flavor this thing with or what?

MR. GARCIA: No, I believe that that is in in our regular....

MR. PADILLA: You know to serve on juries, you must be otherwise qualified, as you know, as a citizen but you don't have to be registered to vote to serve on a jury.

MR. GARCIA: If that's the Council's wish, I don't know of any reason why it could not be but I think if you're going to put a qualification

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as to residency as to everything else and as to being a citizen and everything else, certainly qualified to vote would not be a ...

MR. PADILLA: I was wondering what the State law says on this because you know I don't want to have any problems with this thing.

MR. GARCIA: I can find out for you, but I believe that it would be necessary.

Mr. O'CONNELL: I believe we talked about this thing this morning, didn't we?

MR. PADILLA: No, we didn't. That's why I raised the point now. My point is this, Bill, that staff in our conversations among the Council members, staff was not instructed to say anything about being registered to vote, so, I thought perhaps they went to State law or realized the State law requires this. Because the City Council never instructed staff to make being registered to vote a requirement or a qualification for office. We did say you have to live in the district six months. We did say you have to live in the City a year, but we didn't say anything about being registered to vote.

DR. SAN MARTIN: Mr. Garcia, what is the requirement where the City Clerk when you file for election makes you show your voter registration certificate? What is the authorization for that requirement?

CITY CLERK JAKE INSELMANN: Under our present Charter, which of course was adopted in 1952, a qualified elector, the only way you could be one was to have paid your poll tax, you know, if you were a qualified elector then you had to have your poll tax before you could file. Sometime along the line, 1967 I think they changed some article in the Election Code.

DR. SAN MARTIN: State Election Code?

CITY CLERK: My recollection is that you had some legislators that filed for office and didn't register to vote. It turned out, you know, in this change they just overlooked this and they said they didn't need to be a registered voter as long as they had the qualifications of...if you went and registered to vote. I had the same problem come up in the City Election, and of course, it was ruled that...you can't vote but you can still file. But in this last election I still continue to ask them to give them their registration certificate.

DR. SAN MARTIN: Statement inaudible.

CITY CLERK: Yes sir, registered voter and as a home rule city, I think that you could require this. They do this in the other cities around Texas, and of course, my feeling is that if a fellow doesn't go register to vote why he ought not be a candidate.

MR. PADILLA: Mr. Mayor, I raised the question though I personally agree with Mr. Inselmann. I think personally that if a person doesn't even care enough about citizenship to register to vote, he shouldn't be a candidate. However, that's my opinion, Jake, and that is also yours. I asked the question because I'm concerned that there have been recent decisions and I can't cite you verse and paragraph about where the decisions came from, but I think the decisions have stated, in effect, that a person does not have to be registered to vote if he otherwise meets the qualifications for a candidate.

And since we did not discuss the registration to become a qualified elector I wonder where you got it whether State required you to put in here or whether you...

MR. GARCIA: I got it from the old Charter.

DR. SAN MARTIN: Mr. Mayor, the only question that I have here and I have no objection to requiring a person to have a voter certificate when they file, I have no objection to that. It's whether someone would sue the City and force us to let him file for office even though he is not a registered voter.

MR. GARCIA: Otherwise qualified.

DR. SAN MARTIN: Otherwsie qualified as an elector. So, we may be putting something in here that we could not sustain in court.

MR. PADILLA: In view of recent decisions that's why I asked you, Louie.

MR. GARCIA: Yes sir, I understand. Yes sir I understand what the problem is, but this is one phase of this proposition that merely refers back to the qualified electors which is basic all the way through. It has really nothing to do with him being eligible or anything along that line because you can be eligible to vote and not be registered. And you're not qualified because you're not a qualified elector as defined by the Election Code, is one who meets all the requirements.

DR. SAN MARTIN: But not by the courts.

MR. GARCIA: I beg your pardon.

DR. SAN MARTIN: I mean the courts have a different interpretation.

MR. GARCIA: Well, the quarrel with the courts has really been not on that basis. The quarrel with the courts has been in residency.

DR. SAN MARTIN: On what?

MR. GARCIA: On residency for the time limit and so on and so forth, that has been the main quarrel.

DR. SAN MARTIN: There have been some cases where the question of not having a voter's certificate does not disqualify a person from filing for office. That's the only thing.

MR. GARCIA: But I'm not aware of those, Councilman. I'm sorry, I really don't...

DR. SAN MARTIN: Jake, you're aware of some of those cases.

CITY CLERK: I'm not aware of any particular case.

MR. GARCIA: I can have them checked.

CITY CLERK: Luis, I had a couple of them that didn't meet the requirements and I just didn't take them.

MR. PADILLA: Jake, if a person comes before you to file for City Council and does not have his voter's certificate but is willing to sign an affidavit or take an oath that he is a registered voter, will you accept that?

CITY CLERK: Well, ordinarily, I'd check it out even though he doesn't have a voter's certificate with him, he might be registered.

MR. PADILLA: My concern is this, Jake, if somebody walked into your office and this happened at five minutes to 12 on the last day and doesn't have his registration slip but he says I'll take an oath, I'll sign an affidavit, I'm a registered voter and I want to become a candidate. Now, will you take his application?

CITY CLERK: Yes, sir, I will.

MR. MENDOZA: When you say five minutes to 12 on the last day, why did you say...?

DR. SAN MARTIN: Let me bring up something.

MR. PADILLA: I'm not going to give away any tactics, Leo.

DR. SAN MARTIN: I filed, Mr. Garcia, I filed twice in 1957 and 1959 and I distinctly recall that although no lawsuits or court cases were made, at least one in each election that I ran in 1957 and 1959, where some people were denied the filing and for the City Council because they did not have their so-called poll taxes at the time and it's the same Charter we're operating under right now.

MR. GARCIA: The same Charter, yes. It requires for a person to be a qualified voter.

DR. SAN MARTIN: In other words, would you say that you would rather leave it as it is and then let the courts decide whether Jake has got to take someone who does not have a voter's certificate?

MR. GARCIA: I would say this, Docotr, that if the courts would force us to do it, we'll go ahead and do it but we have never had anybody come in and try to do it.

DR. SAN MARTIN: You'd be surprised, it can come up any day.

MR. GARCIA: But certainly, this thing has been in force here since 1954 and it is not really unreasonable.

MRS. COCKRELL: I'd like to ask a question, and that is this business about that Mr. Padilla raised earlier about the electors voting in the particular election. Now you have a word here, you have "by a majority vote of the qualified electors voting in a particular district or ward," now do you mean by that in that specific election or do you just mean...?

MR. GARCIA: Oh yes, of course. "Members of the Council for Place 1 through 7 shall be elected from such districts or wards which shall be numbered accordingly and each member shall be elected by a majority vote of the qualified electors voting in the particular district or ward." Yes, it would be correct.

MRS. COCKRELL: Then down here you're talking about Places 8 through 11, but you don't add that voting in the particular election or anything.

MR. PADILLA: A majority, 8 through 11 should also have a majority of the voters voting in those races.

MR. GARCIA: No, but they run at large.

DR. SAN MARTIN: They run at large.

MR. PADILLA: But they also need a majority to be elected.

MR. GARCIA: Of all the qualified voters.

MR. PADILLA: Of all the qualified voters voting, not the qualified electors.

MRS. COCKRELL: The point we were raising is if there are 100,000 registered voters in the City but only 50,000 vote in the election, the question is, you wouldn't want to have to get a majority of the 100,000, you would just want the majority of the 50,000.

MR. PADILLA: Of the voters voting, yeah.

CITY CLERK: Add the word "voting".

MR. GARCIA: We will add the word "voting" to that.

MR. PADILLA: Since we're going to add a word, do we have to, you know, vote this thing again? We've already passed it this morning.

MR. MENDOZA: I think we should reconsider this....

MR. PADILLA: With the proviso that you add these things in there.

CITY MANAGER GRANATA: They added several things and want to make sure. That's why we want it passed again.

MR. PADILLA: You're going to do it in pencil this time, Sam?

CITY MANAGER GRANATA: Statement inaudible.

MRS. COCKRELL: In said election in the City...

CITY CLERK: In the City...

MR. MENDOZA: Mr. Garcia...in said election...

MR. PADILLA: "majority of all qualified voters voting in said election."

MRS. COCKRELL: In the City.

DR. SAN MARTIN: In the City.

MR. GARCIA: In the entire City.

MR. PADILLA: Statement inaudible.

MRS. COCKRELL: Then we could do the same up here then. To be "voting in said election in a particular district" if you want to put that in there.

CITY MANAGER GRANATA: "Shall be elected by a majority of all qualified electors voting in the City."

MRS. COCKRELL: Yeah, but if the top one then should be a "majority vote of all the qualified electors voting in said election in a particular

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district or ward," the one down here should be "all qualified electors voting in said election in the City."

MR. PADILLA: That's right.

MR. GARCIA: The top one is all right, isn't it?

MRS. COCKRELL: I'd just put in "in said election" following the word "voting". "Voting in said election in a particular district..." Mr. Mayor, I move reconsideration of the ordinance we passed.

MR. PADILLA: Point of order, Mr. Mayor. Are these all of the changes or are there more?

MR. MENDOZA: No, there's more, there's other changes.

MR. PADILLA: There's other changes?

MR. MENDOZA: Well, let me, just so that I'll have my information straight. What was the other item, the one that Mr. Padilla brought up, I don't see it in the paragraph here? I know we've pretty much decided on that but I want to make sure.

DR. SAN MARTIN: When you register to vote, he questioned whether that was directed by Council to be included, was that right, Al?

MR. PADILLA: Yes, I know that the Council didn't direct it but I thought perhaps a State law required it and this is where staff got it.

MR. MENDOZA: But you're satisfied with....

MR. PADILLA: It turns out the City Charter requires it, but the Charter does not require you to see a voter registration slip, Jake, so you will accept their application upon affidavit.

CITY CLERK: Oh yes..yes sir.

MR. PADILLA: Okay, that's what I was concerned about. Someone not being able to file because they forgot it.

MR. MENDOZA: Well the, we'll go to the third change or second change.

MR. GARCIA: Oh yeah, the bottom of the page, page 3. "This proposition if adopted, except the amendments to Sections 13 and 15, shall become effective from and after the General City Election on the first Tuesday of April, 1975 and such procedure shall be followed for that election. The amendments for Sections 13 and 15 shall become effective May 1, 1975."

MR. PADILLA: Very good.

MRS. COCKRELL: Wait just a minute. I want...inaudible...I know these shall become effective. I don't see how that works. Doesn't it have to become effective on January 1 so that when you file for the election you're filing under the new procedures?

MR. GARCIA: You will be filing at that time. There's no question about it. But the office itself will not be available until May 1. Actually, 1170 (V.A.T.S.) took care of this because after the election then the Council will go ahead and adopt the amendments, as such, and will set the procedures. However, this will only really pin it down for the benefit of the electors.

MRS. COCKRELL: I really don't understand this because if it's not effective until April, then I think we would not be in order to pass the districting or do any of the supplemental work.

MR. GARCIA: No, you can do that. You can certainly do that. Before January 1, you're going to have to set up all of the districting and everything so that they can in turn be filing for office and everything else before January 1. Now, you have to remember that if you make it effective on January 1, you have the quorum end of it. This is what we're talking about. These are the sections that go to the procedures that you have here in the Council. You can't afford to have those running from January 1 all the way through.

MR. PADILLA: In other words, you are saying, Mr. Garcia, that if the voters approve the district and the at large combination method, then we can start doing all the preliminary work like setting up the districts and candidates can be filing from districts and so forth but as of election date, the new arrangement will be in order? Now, there again, I question, but not like Mrs. Cockrell, I question that date because I think it ought to be May 1 when a new term starts because you're going to have the quorum problems for the last two weeks or three weeks. The quorum problem that you mentioned, you're going to have the last weeks in April.

MR. GARCIA: No, you won't because it doesn't become effective until May 1, the quorum problem. Those are the sections that we are saying will not become effective until May 1.

MR. PADILLA: Amendments 13 and 15 become effective May 1. Now is one of those salaries? Because we said salaries becomes effective May 1.

MR. GARCIA: Well, that's a different one. That's also changed. We're talking about Proposition 1 right here only. This is the...we have to make special exceptions to the first two and make them as specific as possible. You see you have Sections 13 and 15 on the same page, page 3. They refer to quorum and they refer to ordinance and resolutions and if you make it effective on January 1, well then you've got to have eight out of nine here ruling in almost everything. It has to be when the new Council...

MR. PADILLA: It has to be when the new Council takes office. Except that candidates, if it passes, candidates for the election next spring will file under the new rules of the game, in other words, from districts and for at large.

MR. GARCIA: Yes sir, if the first proposition passes, by January 1, this Council will set up the seven districts and everything else. That's what this is all about.

MR. MENDOZA: Okay, I think the Council is clear on that one.

MR. PADILLA: Are you willing to go with the City Attorney on that Lila?

MRS. COCKRELL: ... Statement inaudible....

MR. PADILLA: I agree with Lila based on past experience.

MR. GARCIA: Page 4, "shall Sections 8 and 9 of the City Charter shall be amended effective from and after the General City Election of the first Tuesday of April, 1975 and such procedure shall be followed for that election to provide for the direct election of the Mayor such sections when amended to read as follows: The change, of course, was the effective date from and after the City Election."

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Page 5, "shall Section 6 of the Charter be amended to increase the compensation of the Council members effective May 1, 1975." That's the change. And compensation effective May 1, 1975, each member of the Council shall receive as compensation, etc. etc. That is the addition. The last page, page 10...

MRS. COCKRELL: May I ask a question on page 5? That proposition five down there, does that need a time that it is effective?

MR. GARCIA: That's up to the Council.

MRS. COCKRELL: Otherwise, if we don't specify, when would it be effective, immediately?

MR. GARCIA: No, that's up to the Council. Whenever the Council wants it to become effective.

MR. PADILLA: Have you covered it? Have you...inaudible...?

MR. GARCIA: Yes, you will. It is not really mandatory. It is set up so that the Council can set up its own rules and regulations.

MR. PADILLA: Yeah, but wait a minute. There is a counter section, a section that is really going to be amended in the Charter now. So, this new permissive Charter change, so to speak, must have an effective date.

MR. GARCIA: It becomes effective immediately after the election.

MR. PADILLA: Does it say that in here?

MR. GARCIA: As soon as the Council adopts it, immediately after.

MR. PADILLA: This is a permissive clause. Now that's going to be effective whether a Council, any Council, ever takes advantage of it or not.

MR. GARCIA: I understand that.

MR. PADILLA: The thing is that the permissive clause itself has to have an effective date. In other words, can we do that today or do we have to do it after the election, and after the election what date do we have to wait for before we can do it?

MR. GARCIA: You do it immediately after the votes are canvassed and you adopt...inaudible...of the election.

MR. PADILLA: Does it say that in here, that it's effective immediately?

MR. GARCIA: 1170, Mr. Padilla.

MR. PADILLA: Does it say it's effective immediately after the election votes are canvassed?

MR. GARCIA: Yes sir, adopted immediately.

CITY MANAGER GRANATA: After the canvass, Al, that ordinance will...

MR. PADILLA: I'm not clear.

DR. SAN MARTIN: Explain 1170 of the election code.

CITY CLERK: No amendment shall be considered adopted until an official order has been entered upon the records of said city by the government body declaring the same adopted.

CITY MANAGER GRANATA: You ratify the canvass and...inaudible...

MR. PADILLA: Would 1170 have covered everything else?

MR. GARCIA: Yes sir.

MR. PADILLA: Okay, that wasn't the response we got this morning on it. The thing is, Luis, the lawyers know what the laws are and we don't, so we have to ask.

MR. GARCIA: I'm sorry. I don't quarrel with that because I think this is good because the people should know, we know, you know, we all will know about it and I could explain it to you and everything else, but it is good for the people to know when these things are to become effective. That's all right. There's nothing wrong with that.

MR. MENDOZA: Okay, any other...

MR. GARCIA: Section 3. Section 3 of page 10, "propositions approved by a majority of the voters voting shall become effective upon adoption pursuant to Article 1170, V.A.T.S. unless otherwise provided herein. We go back to the same, just exactly what I went through a few minutes ago.

MR. PADILLA: You added that in there?

MR. GARCIA: Yes sir, we added in there for safety.

MR. PADILLA: You added that in there because I caught you.

MR. GARCIA: Even though, you know, by implication and everything else it's there.

MR. PADILLA: You know lawyers shouldn't be using implication and words like that.

MR. GARCIA: I'll take that back.

MRS. COCKRELL: Mr. Mayor, I move reconsideration of the action taken this morning in approving the ordinance calling for a special election for Charter Revision.

MR. MENDOZA: Okay, do we have a second.

DR. SAN MARTIN: I second it.

MR. MENDOZA: All right, sir, any discussion on the motion, any clarifications. Call the roll.

AYES: Cockrell, San Martin, Black, O'Connell, Padilla, Mendoza.

NAYS: None.

ABSENT: Becker, Lacy, Morton.

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MRS. COCKRELL: Mr. Mayor, I move that we pass the substitute ordinance as we have received it and corrected it and that we now call the election according to the new ordinance.

DR. SAN MARTIN: I second it.

MR. MENDOZA: Any discussion on the corrections that have been made to substitute?

MRS. COCKRELL: You need the caption read again.

MR. MENDOZA: Okay, Garland.

The Clerk read the following Ordinance:

AN ORDINANCE 44,328 (REVISED)

ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN ANTONIO ON THE FIFTH DAY OF NOVEMBER, 1974, TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY CERTAIN PROPOSITIONS TO AMEND THE CITY CHARTER.

\* \* \* \*

MRS. COCKRELL: I particularly call attention on page 2 to the changes that we made by inserting the words in the second paragraph after the word "voting" we inserted "in said election". Further down in that paragraph, the end of the paragraph we substituted after the words "qualified electors" we inserted "voting in said election in the City."

MR. MENDOZA: Okay, any discussion? Call the roll.

AYES: Cockrell, San Martin, Black, O'Connell, Padilla, Mendoza.

NAYS: None.

ABSENT: Becker, Lacy, Morton.

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida, said that the San Antonio Urban Renewal Agency is in fact a City agency. He criticized it and said that the agency acts like it is a corporation and acts without regard to the public. He said that it may be the time to take it into the City's organization.

MR. ARMANDO QUINTANILLA REPRESENTING MR. RICHARD NAVEJAR

Mr. Armando Quintanilla, representing Mr. Richard Navejar, spoke to the Council following up Mr. Navejar's appearance before the Council last week. Mr. Quintanilla asked if the Council had determined the status of this man who has recently been released from employment in the tax reappraisal project.

City Manager Sam Granata read an opinion from the City Attorney dated September 16, 1974, in which he declared that Mr. Navejar was not in fact an employee of the City as defined by the City Charter, and, therefore, was not entitled to a hearing before the Civil Service Commission.

Mr. Quintanilla claimed that even though this man had signed an affidavit acknowledging the fact that he was being hired on a temporary basis he had been told to disregard that affidavit and not to worry because he was a regular employee. He demanded that Mr. Navejar be reinstated as a full time City employee.

Personnel Director Clyde McCullough again reviewed the attempts that had been made to find a permanent job for Mr. Navejar. He had turned down all jobs that were offered to him.

Mr. Carl White, Finance Director, said that no temporary employee had ever been told that his status had changed. He explained again the circumstances of the tax reappraisal project. These men were hired for this one project and one project only.

MR. WILLIAM WALLACE

Mr. William Wallace spoke to the Council concerning the Urban Renewal Agency which he asked be investigated. He said that last January and February he had referred some people to Urban Renewal Agency to make application under the Housing Repair Program. To date no one has come out to inspect the houses or to make any contact with the applicants.

Mr. Wallace also spoke of drainage needs in the Acme Road area and needed improvements to Acme Road itself. He also said that sidewalks are very badly needed along Acme Road.

Mr. Mel Sueltenfuss, Director of Public Works, said that he has been negotiating with landowners in the area for additional right of way so that Acme Road can be improved. He said that he, too, would recommend installation of sidewalks in the area. The project is alive and being worked on.

MR. PRINCE C. MORGAN

Mr. Prince C. Morgan, 3907 San Fernando, explained the need for a bridge on Menchaca Street between Elmendorf and Hamilton Streets. He said that this is a bad crime area which needs to be opened up and made more accessible.

City Manager Granata said that there may be sufficient funds in the issue soon to be voted on to include the bridge. He said a cost estimate will be obtained soon.

MR. ALFREDO DE LA TORRE

Mr. Alfredo De La Torre, 821 West Woodlawn Avenue, stated that he is a case worker for the Drug Dependence Program. He spoke as a concerned citizen on behalf of 175 patients that soon will have to be phased out of the program. Funds will be withdrawn on October 31, 1974. These are hard core addicts receiving methadone treatment. If they cannot get methadone they will go back to heroin. He urged the Council to do something about the problem as soon as possible.

Mrs. Cockrell asked for a staff review of this situation and report to the Council.

MS. MARIE PORTER

Ms. Marie Porter, Executive Director of Drug Abuse Central, spoke about the major function of her agency which is to train personnel in school districts and social service agencies to handle problems in their own areas before they become so severe as to have to be referred elsewhere for assistance.

Her organization is training personnel in four school districts in San Antonio. This year they cannot discuss procedures and ways to refer young people to the services of the Drug Dependence Program because it no longer exists. This service was for young people under the age of 20. Dr. Payte's office and the Patrician Movement are about the only sources of help left.

Ms. Porter said that she wanted to urge the City Council as well as Bexar County Commissioners' Court to really look to see if local funds can be found to help the program match the federal funds which would not be available otherwise.

Mrs. Cockrell asked that this problem be included in the staff review which she had asked for in connection with the discussion by Mr. De La Torre who preceded Ms. Porter.

74-46 Dr. San Martin asked City Manager Granata when a partial report on a new plan would be ready.

City Manager Granata said that he would have a report either the first or second week in October. The matter is being worked on now.

74-46 The meeting recessed for lunch at 12:00 noon and reconvened at 1:40 P. M.

74-46 ZONING HEARINGS

C. CASE 5638 - to rezone a 38 acre tract of land out of NCB 11493, being further described by field notes filed in the office of the City Clerk, 8500 Culebra Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; an 839 acre tract of land out of NCB 11493, and a 308 acre tract of land out of NCB 15330, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District; and a 355 acre tract of land out of NCB 11493, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "I-2" Heavy Industry District.

Subject properties are located on the south side of Culebra Road between Loop 410 and Callaghan Road, an overall map showing the above mentioned property is filed in the office of the City Clerk.

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

Mr. Norman Turner, Resident Architect for Southwest Research Institute, spoke in favor of the rezoning. He said that the area was annexed as Temporary "A" Residential and now needs it rezoned to accommodate the activities carried on there for many years. The Planning Commission has recommended the proposed zoning which provides a 250' strip of "R-3" zoning as a buffer along Culebra Road. There is no intention to develop this "R-3" area. It is necessary that the other areas be zoned "I-1" or "I-2" to go with the uses now in the area.

Two people spoke in opposition. They were Mr. Albert Hernandez and Mr. Louis Sanchez. Both men said that under "I" zoning, it would be possible to have junk yards, salvage yards, and other objectionable uses. They also expressed fear of noise and dust and other types of pollution.

Mr. Turner spoke in rebuttal saying that the Research Institute would continue its present policies and certainly nothing of an objectionable nature is done out there. The present landscaping will be continued.

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

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## AN ORDINANCE 44,330

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 38 ACRE TRACT OF LAND OUT OF NCB 11493, 8500 CULEBRA ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AN 839 ACRE TRACT OF LAND OUT OF NCB 11493 AND A 308 ACRE TRACT OF LAND OUT OF NCB 15330, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; AND A 355 ACRE TRACT OF LAND OUT OF NCB 11493, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-2" HEAVY INDUSTRY DISTRICT, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK), PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

A. CASE 5710 - to rezone a 0.422 acre tract of land out of Lot 1, Block 1, NCB 16244, being further described by field notes filed in the office of the City Clerk, 11300 Block of West Avenue, from "B-2" Business District to "B-3" Business District, located on the northwest side of West Avenue; being 440' southwest of the intersection of West Avenue and Patricia Drive; having 110' on West Avenue and a maximum depth of 167.07'.

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

Mr. Barry Brooks, representing Peacock Realtors, spoke in favor of the proposed rezoning. He said that he felt that the request was reasonable and pointed to the other commercial zoning in the area. It is intended that a discotheque would be built on the property.

Mr. Richard Landsman also spoke in favor of the proposed rezoning. He said that this would be a very pretty building and a complement to the neighborhood. He also said that "B-3" zoning is needed in order to have liquor on the premises.

No one spoke in opposition.

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

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B. CASE 5722 - to rezone Lots 18 and 19, Block 4, NCB 1279, 1731 N. Pan Am Expressway, from "D" Apartment District to "B-3" Business District, located northwest of the intersection of Willow Street and N. Pan Am Expressway; having 150.48' on Willow Street and 107.54' on N. Pan Am Expressway.

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

Mr. Wesley Bode, representing Computer Realty Company, said that his company wanted to purchase this property and eventually would build a sales office on it. Due to economic conditions, it would be leased to be used as a retail store for the present. He described the other commercial zoning in the area and urged approval of his request.

Mr. Charles H. Chowning, owner of the property, also urged approval of the request so that he could sell the property.

Mrs. L. F. May spoke in opposition. She described traffic conditions in the area and said that the rezoning would create hazardous conditions around St. Patrick's Church.

After consideration, Mr. Morton moved that the recommendation of the Planning Commission be upheld and the application for rezoning be denied. The motion was seconded by Mr. Lacy, and carried by the following roll call vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: None.

H. CASE 5598 - to rezone the east irregular 41.8' of Lot 51-A, measuring 13.8' along the north property line and 41.8' along the south property line and all of Lot 51, Block H, NCB 8398, 900 Block of Sunshine Drive, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the south side of Sunshine Drive being 1633.9' west of the intersection of Sunshine Drive and Tillman Drive; having 150' on Sunshine Drive and a depth of 290'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council. Mr. Camargo stated that the two notices which were returned in opposition represent more than 20 percent of the area within 200 feet of the property under consideration. In view of this opposition, seven affirmative votes are required for approval of the rezoning.

No one spoke in opposition.

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

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## AN ORDINANCE 44,331

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST IRREGULAR 41.8' OF LOT 51-A, MEASURING 13.8' ALONG THE NORTH PROPERTY LINE AND 41.8' ALONG THE SOUTH PROPERTY LINE AND ALL OF LOT 51, BLOCK H, NCB 8398, 900 BLOCK OF SUNSHINE DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

D. CASE 5703 - to rezone a 6.344 acre tract of land out of NCB 15876, being further described by field notes filed in the office of the City Clerk, 12900 Block of Nacogdoches Road, from "B-1" Business District to "B-2" Business District, located on the intersection of Los Espanada and Nacogdoches Road; having 918.99' on Nacogdoches Road and 355.66' on Los Espanada.

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

No one spoke in opposition.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a 40' setback line be imposed on and a 6' solid screen fence be erected on the southeast property line adjacent to the single family dwellings. Mr. O'Connell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, O'Connell; NAYS: None; ABSTAIN: Morton; ABSENT: Lacy, Padilla, Mendoza.

## AN ORDINANCE 44,332

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 6.344 ACRE TRACT OF LAND OUT OF NCB 15876, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 12900 BLOCK OF NACOGDOCHES ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A 40' SETBACK LINE BE IMPOSED ON AND A 6' SOLID SCREEN FENCE BE ERECTED ON THE SOUTHEAST PROPERTY LINE ADJACENT TO THE SINGLE FAMILY DWELLINGS.

\* \* \* \*

E. CASE 5668 - to rezone a 1.015 acre tract of land out of NCB 15722, being further described by field notes filed in the office of the City Clerk, 13400 Block of Nacogdoches Road, from "B-2" Business District to "B-3" Business District, located on the southeast side of Nacogdoches Road, being approximately 1610' northeast of the intersection of El Sendero Drive and Nacogdoches Road; having 250' on Nacogdoches Road and a maximum depth of 175'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,333

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 1.015 ACRE TRACT  
OF LAND OUT OF NCB 15722, BEING FURTHER  
DESCRIBED BY FIELD NOTES FILED IN THE  
OFFICE OF THE CITY CLERK, 13400 BLOCK  
OF NACOGDOCHES ROAD, FROM "B-2" BUSINESS  
DISTRICT TO "B-3" BUSINESS DISTRICT,  
PROVIDED THAT PROPER REPLATTING IS  
ACCOMPLISHED.

\* \* \* \*

F. CASE 5693 - to rezone Lot P-55, NCB 13667, 9419 Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the southwest side of Fredericksburg Road, being 2535' southeast of the intersection of Fredericksburg Road and Eckert Road; having 105' on Fredericksburg Road and a maximum depth of 362'.

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

No one spoke in opposition.

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

## AN ORDINANCE 44,334

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 P-55, NCB 13667, 9419 FREDERICKSBURG ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

74-46 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Mendoza presided.

G. CASE 5717 - to rezone Lots 11 and 12, Block 128, NCB 7223, 3603 Blanco Road, from "E" Office District to "R-3" Multiple Family Residential District for a day care center with over twenty children, located northwest of the intersection of Blanco Road and Wildwood Drive; having 140' on Blanco Road and 100' on Wildwood Drive.

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

No one spoke in opposition.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished and that a six foot solid screen fence is erected on the west property line. Rev. Black seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

## AN ORDINANCE 44,335

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 11 AND 12, BLOCK 128, NCB 7223, 3603 BLANCO ROAD, FROM "E" OFFICE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, FOR A DAY CARE CENTER WITH OVER TWENTY CHILDREN, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE WEST PROPERTY LINE.

\* \* \* \*

I. CASE 5706 - to rezone Lot 36, Block 20, NCB 10256, 3219 Nebraska Street, from "B" Two Family Residential District to "B-2" Business District, located on the north side of Nebraska Street, being 135' east of the cutback between I. H. 10 Expressway and Nebraska Street; having 50.64' on Nebraska Street and a maximum depth of 109'.

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

AN ORDINANCE 44,336

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 36, BLOCK 20, NCB 10256, 3219 NEBRASKA STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

J. CASE 5694 - to rezone a 2.51 acre tract of land out of NCB 11168, being further described by field notes filed in the office of the City Clerk, 2000 Block of Rilling Road, from "B" Two Family Residential District to "R-2" Two Family Residential District; and a 17.128 acre tract of land out of NCB 11168, being further described by field notes filed in the office of the City Clerk, 2000 Block of Rilling Road, from "B" Two Family Residential District to "I-1" Light Industry District.

The "R-2" zoning being located southwest of the intersection of Rilling Road and Espada Road; having 150' on Rilling Road and approximately 729.8' on Espada Road.

The "I-1" zoning being located 150' west of the intersection of Rilling Road and Espada Road; having 1,132.9' on Rilling Road with a maximum depth of approximately 722.7'.

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.

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After consideration, Mrs. Cockrell made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a 150' building setback line be imposed along Espada Road. Mr. O'Connell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Black, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Padilla.

## AN ORDINANCE 44,337

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 2.51 ACRE TRACT OF LAND OUT OF NCB 11168, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 2000 BLOCK OF RILLING ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT; AND A 17.128 ACRE TRACT OF LAND OUT OF NCB 11168, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 2000 BLOCK OF RILLING ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A 150' BUILDING SETBACK LINE BE IMPOSED ALONG ESPADA ROAD.

\* \* \* \*

K. CASE 5704 - to rezone Tract 31-B, NCB 12117, 4359 Industrial Center, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located 1394' east of Perrin Beitel Road and 730' south of S. Summer Wind Lane; having a width of 498.31' and a maximum length of 585'.

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

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AN ORDINANCE 44,338

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 TRACT 31-B, NCB 12117, 4359 INDUSTRIAL CENTER, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

74-46 The following Ordinance was read by the Clerk and explained by Mr. Roy Montez, Assistant Director of Planning and Community Development, and after consideration, on motion of Dr. San Martin, seconded by Rev. Black, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Padilla.

AN ORDINANCE 44,339

ACCEPTING AN ADDITIONAL GRANT OF \$45,135.00 FROM THE TEXAS DEPARTMENT OF PUBLIC WELFARE FOR THE CITY'S COORDINATED DAY CARE PROGRAM - FIFTH YEAR PROJECT AND INCREASING THE BUDGET OF SAID PROJECT BY SAID AMOUNT.

\* \* \* \*

74-46 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: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

AN ORDINANCE 44,340

AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION FOR A GRANT FROM THE TEXAS CRIMINAL JUSTICE COUNCIL IN THE AMOUNT OF \$5,324.00 TO PURCHASE AN X-RAY UNIT DESIGNED FOR DETECTING EXPLOSIVE DEVICES.

\* \* \* \*

AN ORDINANCE 44,341

AMENDING CHAPTER 16 OF THE CITY CODE TO PROVIDE FOR THE SALE OF SNOW CONES - RASPA - WITHIN THE CITY.

\* \* \* \*

## AN ORDINANCE 44,342

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TEXAS HIGHWAY DEPARTMENT FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF STREET LIGHTING SYSTEM FOR U. S. 281 EXPRESSWAY BETWEEN MULBERRY AND TUXEDO AVENUES; AND AUTHORIZING PAYMENT OUT OF ACCOUNT 16-15-01 IN THE SUM OF \$162,500 PAYABLE TO STATE TREASURER ACCOUNT OF TRUST FUND 927.

\* \* \* \*

## AN ORDINANCE 44,343

ACCEPTING A SUPERSEDING GRANT IN THE AMOUNT OF \$15,420.00 FROM THE GOVERNOR'S OFFICE OF TRAFFIC SAFETY, FOR CONTINUATION OF THE PHOTOLGGING OF SAN ANTONIO PROJECT, FROM OCTOBER 1, 1974 THROUGH JUNE 30, 1975; AUTHORIZING EXECUTION OF A CONTRACT CHANGE NOTICE, EXTENDING THE PERIOD OF THE PHOTOLOGGING OF SAN ANTONIO PROJECT - SECOND YEAR, FROM JULY 1, 1974 THROUGH SEPTEMBER 30, 1974; AMENDING THE TOTAL COSTS AND BUDGETS OF SAID PROJECTS; AND REVISING THE CITY'S CONTRIBUTIONS TO THESE PROJECTS.

\* \* \* \*

74-46NORTH EXPRESSWAY

Mr. O'Connell stated that he wanted to bring to the attention of the Council a serious traffic situation which it appears will develop with the construction of the North Expressway. There will be a serious bottleneck at the intersection of Airport Boulevard and Loop 410 which also will affect traffic on the Loop and on the expressway. He asked that this be checked into.

74-46 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Mrs. Cockrell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

## AN ORDINANCE 44,344

AUTHORIZING PAYMENT OF \$3,500.00 TO THE NATIONAL LEAGUE OF CITIES COVERING MEMBERSHIP DUES FOR THE PERIOD OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975.

\* \* \* \*

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Mrs. Cockrell said that she is still very interested in the Man in Washington program and said she would like to see something done on it.

City Manager Sam Granata stated that he would be glad to have interviews any time the Council is ready.

74-46 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: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

AN ORDINANCE 44,345

APPROPRIATING THE SUM OF \$44,855.00 OUT OF VARIOUS FUNDS, FOR THE PURPOSE OF ACQUIRING TITLE TO AND EASEMENTS OVER CERTAIN LANDS; AND ACCEPTING THE DEDICATION OF AN EASEMENT OVER CERTAIN LANDS; SAID LANDS AND EASEMENTS TO BE USED IN CONNECTION WITH CERTAIN RIGHT OF WAY PROJECTS.

\* \* \* \*

AN ORDINANCE 44,346

CLOSING AND ABANDONING PORTIONS OF CERTAIN STREETS IN LOMA ALTA ADDITION NO. 4 AND AUTHORIZING A QUITCLAIM DEED TO SAM H. SCHAEFER, FOR THE CONSIDERATION OF \$1.00.

\* \* \* \*

AN ORDINANCE 44,347

AUTHORIZING EXECUTION OF STANDARD CITY PROFESSIONAL SERVICES CONTRACTS WITH CERTAIN ENGINEERING AND ARCHITECTURAL FIRMS, PROVIDING FOR ENGINEERING AND ARCHITECTURAL SERVICES IN CONNECTION WITH VARIOUS PUBLIC WORKS PROJECTS; APPROPRIATING THE SUM OF \$50,272.50, WITH \$47,972.50 PAYABLE TO SAID FIRMS, AND \$2,300.00 TO BE USED AS MISCELLANEOUS CONTINGENCY ACCOUNTS; AND AUTHORIZING TRANSFER OF \$300,000.00 TO SEWER REVENUE FUND 820-03 FOR CONSTRUCTION OF CUSTOMER-DEVELOPER PROJECTS.

\* \* \* \*

<u>FIRM</u>	<u>SERVICES</u>	<u>PROJECT</u>	<u>AMOUNT</u>
Pape-Dawson Consulting Engineers, Inc.	Engineering	Plotch IH 35 Texaco Sub-division Off Site Sanitary Sewer Main	\$2,737.50

<u>FIRM</u>	<u>SERVICES</u>	<u>PROJECT</u>	<u>AMOUNT</u>
Pape-Dawson Consulting Engineers, Inc.	Engineering	Ploch IH 10 Texaco Sub-division Off Site Sanitary Sewer Main	\$2,625.00
Marmon & Mok Associates	Architectural	Westside Branch YMCA Development Project.	\$42,610.00

\* \* \* \*

## AN ORDINANCE 44,348

ACCEPTING THE LOW QUALIFIED BID OF MEADER CONSTRUCTION CO., INC., OF \$1,754,975.10 TO CONSTRUCT A SEWER OUTFALL LINE DESIGNATED THE WINE CUP RELIEF LINE, REVISING THE PROJECT'S BUDGET BY AUTHORIZING AN INCREASE IN THE COST TO \$2,012,997.00, AUTHORIZING PAYMENTS TO THE CONTRACTOR AND ADDITIONAL ENGINEERING FEES TO HOWARD W. GADDIS, ENGINEER, ACCEPTING AN ADDITIONAL GRANT OF \$801,748.00 FROM THE ENVIRONMENTAL PROTECTION AGENCY, AND PROVIDING FOR AN ADDITIONAL CONTRIBUTION OF \$267,249.00 FROM 1970 SEWER BOND FUNDS.

\* \* \* \*

74-46 The Clerk read the following Ordinance:

## AN ORDINANCE 44,349

ACCEPTING THE PROPOSALS OF TOBIN RESEARCH, INC., THE CITY WATER BOARD, AND THE CITY PUBLIC SERVICE BOARD, THROUGH WHICH THE CITY SHALL ACQUIRE A CURRENT SET OF 1" - 100' MAPS FOR THE ENTIRE CORPORATE LIMITS OF THE CITY; AND APPROPRIATING THE SUM OF \$135,000.00 AS PAYMENT FOR MAPS, RIGHTS AND SERVICES ACQUIRED BY THE CITY.

\* \* \* \*

The Ordinance was explained by Mr. Joe Madison, Executive Assistant to the City Manager, who said that this Ordinance finalizes an agreement with the City Water Board and the City Public Service Board for a consolidated mapping program which was worked out through the Mayor's Interagency Coordinating Committee. The City agrees to pay its pro-rata share to join these utilities in a mapping program begun by them in 1966.

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

74-46 The following Ordinance was read by the Clerk and explained by Mr. Jim Parker, Assistant City Attorney, and after consideration, on motion of Mrs. Cockrell, seconded by Rev. Black, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

AN ORDINANCE 44,350

APPROPRIATING \$64,500.00 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, IN SATISFACTION OF JUDGMENT IN CONDEMNATION CAUSE C-904, STATE OF TEXAS ET AL. VERSUS VIRGINIA MARTIN ET AL, IN THE COUNTY COURT AT LAW NUMBER SIX OF BEXAR COUNTY, TEXAS.

\* \* \* \*

74-46 Item 13 of the Agenda was a duplicate of Item No. VI on the Docket.

74-46 Item 14 of the Agenda being a proposed ordinance amending Chapter 46 of the City Code was withdrawn from consideration at the request of the City Manager.

74-46 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, O'Connell, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton, Padilla.

AN ORDINANCE 44,351

ACCEPTING THE LOW QUALIFIED BID OF CENTURY DATA FORMS COMPANY TO FURNISH THE CITY WITH CERTAIN PRINTED FORMS AND AUTHORIZING PAYMENT THEREFOR IN THE SUM OF \$1,162.25 OUT OF POLICE DEPARTMENT FUND 101.

\* \* \* \*

AN ORDINANCE 44,352

ACCEPTING THE LOW BID OF BRO-DART, INC., AND GAYLORD BROS., INC., TO FURNISH THE CITY OF SAN ANTONIO WITH RECORD CASES AND HOLDERS FOR A NET TOTAL OF \$3,278.08.

\* \* \* \*

74-46 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton.

## AN ORDINANCE 44,353

ACCEPTING THE LOW QUALIFIED BID OF UNION TILE CO., TO FURNISH THE CITY WITH FLOORING WORK FOR A NET TOTAL OF \$1,320.96; AND AUTHORIZING PAYMENT TO SAID COMPANY.

\* \* \* \*

## AN ORDINANCE 44,354

ACCEPTING THE LOW QUALIFIED BID OF MICRO TECH, INC., TO FURNISH THE CITY WITH AN ULTRAFICHE READER PRINTER AND ULTRAFICHE READER FOR A NET TOTAL OF \$1,797.74; AND AUTHORIZING PAYMENT TO SAID COMPANY.

\* \* \* \*

## AN ORDINANCE 44,355

ACCEPTING THE LOW BID OF ALAMO WELDING AND BOILER WORKS, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH POLE LIGHT STANDARDS FOR A NET TOTAL OF \$3,971.20.

\* \* \* \*

## AN ORDINANCE 44,356

ACCEPTING THE LOW QUALIFIED BID OF MEDICAL ELECTRONICS TO FURNISH THE CITY WITH ECG RECEIVERS AND TRANSMITTERS FOR A NET TOTAL OF \$5,160.00; AND AUTHORIZING PAYMENT TO SAID COMPANY.

\* \* \* \*

## AN ORDINANCE 44,357

ACCEPTING THE LOW BID OF CLAUDE WRIGHT & ASSOCIATES TO FURNISH THE CITY OF SAN ANTONIO WITH FIRE FIGHTING EQUIPMENT FOR A TOTAL OF \$5,312.82.

\* \* \* \*

74-46EMERGENCY MEDICAL SERVICE

Mr. Padilla stated that he had heard that a new Chief had taken over the Emergency Medical Service.

City Manager Granata stated that the Fire Chief may have made a change but so far he was unaware of it.

Mrs. Cockrell requested that members of the City Council be furnished with copies of the feasibility study of the Applewhite Reservoir so that it could be studied.

Mrs. Cockrell reminded the Council that no one has been appointed to replace Mr. Beckmann on the River Corridor Committee following his resignation from the City Council. She then moved that Mayor Pro-Tem Mendoza be appointed to fill the vacancy on the River Corridor Committee. The motion was seconded by Dr. San Martin and carried by the following roll call vote: AYES: Cockrell, San Martin, Black, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Becker, Lacy, Morton.

74-46 The Clerk read the following letter:

September 13, 1974

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.

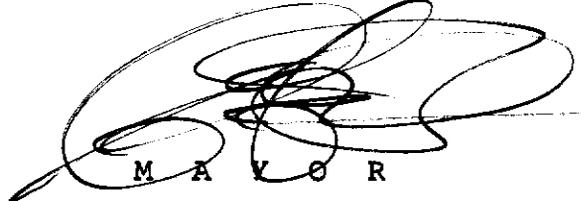
September 11, 1974                      Petition of Mr. M. Lee Glass, 715 Stadium Drive,  
San Antonio, Texas, regarding the need for some  
major road improvements on McCullough Boulevard.

\* \* \* \*

/s/ J. H. INSELMANN  
City Clerk

There being no further business to come before the Council,  
the meeting adjourned at 4:00 P. M.

A P P R O V E D



M A Y O R

Charles L. Becker

ATTEST: *J. H. Inselmann*  
City Clerk

September 19, 1974  
nsr

