

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 9, 1970.

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The meeting was called to order by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, COCKRELL, JAMES, NIELSEN, TREVINO, HILL, CALDERON, TORRES, BURKE; Absent: NONE.

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70-15 The invocation was given by Reverend Brice G. Dox, Christ Episcopal Church.

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The minutes of the meeting of April 2, 1970 were approved.

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70-15 The following Ordinances were read by the City Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Cockrell, Torres.

AN ORDINANCE 38,436

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF MOORE BUSINESS FORMS, INC. TO
FURNISH THE CITY OF SAN ANTONIO
MUNICIPAL COURT WITH CERTAIN MOVING
VIOLATION TICKETS FOR A NET TOTAL
OF \$1,491.00.

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AN ORDINANCE 38,437

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF COMMERCIAL SALES DIVISION -
SEARS, ROEBUCK AND COMPANY TO FURNISH
THE CITY OF SAN ANTONIO FIRE DEPARTMENT
WITH CERTAIN ITEMS OF BEDDING AND
SHOWER CURTAINS FOR A TOTAL OF
\$2,249.14.

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70-15 The following Ordinance was read by the City Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion of Dr. Nielsen, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Torres.

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AN ORDINANCE 38,438

ACCEPTING THE ATTACHED QUALIFIED BID OF SOUTHWEST LIFT TRUCKS COMPANY TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH ONE GASOLINE POWERED SWEEPER FOR A TOTAL OF \$3,785.00.

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70-15 The following Ordinance was read by the City Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion of Mr. Hill, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSTAIN: Torres; ABSENT: None.

AN ORDINANCE 38,439

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF WESTINGHOUSE SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF CONVENTION FACILITIES WITH ONE DRY TYPE TRANSFORMER FOR A NET TOTAL OF \$1,521.74.

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70-15 The following Ordinances were read by the City Clerk and explained by Purchasing Agent, John Brooks, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 38,440

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS OF PAUL ANDERSON COMPANY, MAVERICK-CLARKE AND DON WITTIG TO FURNISH THE CITY OF SAN ANTONIO PLANNING DEPARTMENT WITH CERTAIN ITEMS OF FURNITURE FOR A TOTAL OF \$2,228.85.

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AN ORDINANCE 38,441

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF AMERICAN ROOFING COMPANY TO RE-ROOF PAGODA AND KITCHEN BUILDING AT PABLOS GROVE - DEPARTMENT PARKS AND RECREATION, CITY OF SAN ANTONIO FOR A TOTAL OF \$1,149.00.

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AN ORDINANCE 38,442

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS OF GRAHAM PAPER CO., POLLOCK PAPER CO., AND STANDARD PAPER & SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN CUSTODIAL PAPER PRODUCTS FOR A TOTAL OF \$11,230.10.

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70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,443

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH C. E. EARNHARDT, DBA EARNHARDT AVIATION FOR LEASE OF PREMISES LOCATED AT STINSON AIRPORT FOR A TERM OF FIVE YEARS.

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Mr. Tom Raffety, Director of Aviation, explained that the property will be used for aircraft storage, repair work and pilot's lounge. There is 9,600 square feet of building space and 27,200 square feet of ground space. Rental on the building is \$2,304.00 per year and \$528.00 per year on the ground space.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,444

MANIFESTING AN AGREEMENT WITH AMERICAN AIRLINES, INC., LESSEE, TO EXTEND SAN ANTONIO INTERNATIONAL AIRPORT LEASE NO. 3-2 FOR ONE YEAR.

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Mr. Tom Raffety, Director of Aviation, explained that this extends an existing lease for a one year period beginning June 1, 1970. It provides that after six months from that date either party may cancel the lease upon giving 30 days' written notice.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,445

AUTHORIZING THE CITY MANAGER TO EXECUTE
A CONTRACT WITH VINCENT MORTELLRA, JR.
FOR INSTALLING TWO-COIN OPERATED LAMINATING
MACHINES AT THE SAN ANTONIO INTERNATIONAL
AIRPORT AND PROVIDING FOR THE CITY TO
RECEIVE FORTY (40%) PERCENT OF THE GROSS
RECEIPTS.

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Mr. Tom Raffety, Director of Aviation, explained that the agreement is for a one year period beginning April 1, 1970, and thereafter on a month-to-month basis. Cancelable by either party upon giving 30 days' written notice.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,446

CHANGING THE NAME OF LISETT PLACE TO
CROFT TRACE LANE AND CHANGING THE NAME
OF VILLITA STREET SITUATED BETWEEN
SOUTH PRESA AND SOUTH ALAMO STREETS
TO PASEO DE LA VILLITA.

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Mr. George D. Vann, Jr., Director of Housing and Inspections, explained that both requests for change in street name had been reviewed by the Planning Commission and approved by them. They also checked with the residents on the streets and they had no objection to the change in name.

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

70-15 The Clerk read the following Resolution:

A RESOLUTION

PROCLAIMING THAT THE TENNIS COURTS
LOCATED IN SAN PEDRO PARK BE
OFFICIALLY NAMED AND HEREAFTER
KNOWN AS JOHN R. McFARLIN TENNIS
CENTER.

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WHEREAS, the City of San Antonio, Texas, hereby takes official cognizance of the outstanding service John R. McFarlin has rendered in promoting and furthering the game of tennis over the years in the City and its environs, and

WHEREAS, in recognition of these services he has willingly provided to the community on his personal time and expense the City does hereby extend its sincere appreciation; NOW, THEREFORE:

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

It is hereby proclaimed that the City tennis courts, located in San Pedro Park are hereby officially named and shall hereafter be known as John R. McFarlin Tennis Center.

* * * *

Mr. Cliff Edgar, Assistant Director of Parks and Recreation, explained this action is recommended to take official cognizance of the outstanding service of Mr. John R. McFarlin in promoting tennis over the years in the City.

Dr. Bernard Fein, representing the San Antonio Tennis Foundation, explained that Mr. McFarlin has been a benefactor to tennis at the college and university levels. He is now willing to help in the municipal field to promote the game of tennis for all citizens of the community. Mr. McFarlin hopes that his contribution in the municipal field will invite other philanthropists to participate in promoting and developing tennis in the community.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,447

SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 14.071 ACRES OF LAND BY THE CITY OF SAN ANTONIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.

* * * *

Mr. Steve Taylor, Planning Director, explained that the action is being taken at the request of San Antonio Properties North, Inc., owners of the property. The property is known as El Dorado North Subdivision, Unit 1, and contains 14.071 acres of land. It is located on Leonhardt Road, South of Nacogdoches. It is proposed to develop the property for residences.

The hearing will be held on April 23 at 10:00 A. M.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,448

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MISSOURI PACIFIC RAILROAD COMPANY AUTHORIZING THE CITY TO ELECTRICALLY CONNECT TRAFFIC SIGNALS AT THE INTERSECTION OF ANDREWS STREET AND QUINTANA ROAD, WITH THE RAILROAD'S EXISTING SIGNALS.

* * * *

Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that this work will be performed by the Railroad. The City will reimburse the Railroad to a maximum of \$350.00. The purpose is to electrically connect a City traffic control signal into the Railroad's track circuits, so that the signals can be coordinated.

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

70-15 The following Ordinances were read by the City Clerk and explained by Mr. Bill Lindquist and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 38,448-A

EXTENDING TO MARCH 31, 1971, THE PRIVILEGE GRANTED CUSTOMERS OF THE TOWER RESTAURANT FOR ELEVATOR SERVICE WITHOUT PAYMENT OF TOWER ADMISSION CHARGES.

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AN ORDINANCE 38,449

MANIFESTING AN AMENDMENT TO THE TOWER FOODS, INC. CONTRACT BY PROVIDING ONE ELEVATOR TO BE OPERATED BY SAID CORPORATION FOR EXCLUSIVE USE OF TOWER RESTAURANT CUSTOMERS AND EXTENDING OTHER PROVISIONS UNTIL MARCH 31, 1971.

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70-15 The following Ordinances were read by the City 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: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 38,450

AUTHORIZING A TRANSFER OF FUNDS AND APPROPRIATING \$439.50 OUT OF GENERAL FUND SURPLUS FOR PAYMENT OF EXPENSES INCURRED IN CONNECTION WITH SAYERS AVENUE PROPERTY FOR CIVIC PURPOSES; APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$936.20 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR U. S. 281 NORTH EXPRESSWAY PROJECT, SALADO CREEK OUTFALL SEWER LINE, SAYERS AVENUE PROPERTY FOR CIVIC PURPOSES, HILLCREST PAVING PROJECT, AND HIGHWAY 90 WEST PROJECT.

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AN ORDINANCE 38,451

MANIFESTING AN AGREEMENT WITH MR. E. J. SHERWOOD TO AMEND THE PRESENT LEASE AGREEMENT FOR LEASE OF SPACE IN HEMISFAIR PLAZA SO AS TO REVISE THE RENTAL SCHEDULE TO CONFORM WITH PRESENT RENTAL RATES.

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AN ORDINANCE 38,452

GRANTING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF A SMALL ANIMAL HOSPITAL TO BE LOCATED AT 5603 KENWICK DRIVE IN ACCORDANCE WITH CHAPTER 6 OF THE CITY CODE. (JIMMIE W. WELCH, WELCH CONSTRUCTION COMPANY, INC., LOT 1, BLOCK 4, NEW CITY BLOCK 13722, KENWICK VETERINARY HOSPITAL)

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70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,453

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE PARTNERSHIP OF EVERETT S. BROWN AND MAX STAPPER, DBA BROWN'S ENCHILADAS, FOR LEASE OF BUILDINGS 515 AND 516 AT HEMISFAIR PLAZA, FOR A TERM OF FIVE YEARS, WITH A FIVE YEAR RENEWAL OPTION.

* * * *

Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that this is a lease of 600 square feet in the Goliad Food Plaza and is for a five (5) year period. During the months of April through September the rental is forty cents (40¢) per square foot per month and for the months of October through March the rental is ten cents (10¢) per square foot per month. The monthly rental, however, shall never be less than ten percent (10%) of the gross receipts for the month. The lessee pays for utilities. The lessee has an option to extend the lease for an additional five (5) years.

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

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,454

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH CHARLES E. MUELLER DBA HOUSE OF SIR JOHN FALSTAFF FOR LEASE OF BUILDING 655 AT HEMISFAIR PLAZA FOR A TERM OF FIVE YEARS WITH A FIVE YEAR EXTENSION OPTION.

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Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that this is a lease of 5,705 square feet located in the Lake Pavilion Building at HemisFair Plaza. It is for a five (5) year period with an option to extend the lease for an additional five (5) years. Rental is \$100.00 per month, plus five percent (5%) of the gross receipts other than from vending machine operations, plus fifty percent (50%) of all amounts remitted to lessee by any vending machine subcontractor when such vending machines are owned and operated by the subcontractor, plus fifteen percent (15%) of all gross receipts from vending machines owned and operated by the lessee. Lessee shall pay for utilities, carry liability insurance and maintain the inside of the building.

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

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70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,455

AUTHORIZING THE CITY MANAGER TO EXECUTE
A LEASE AGREEMENT WITH G. HASSLOCHER
DBA FAIR FOODS FOR LEASE OF BUILDINGS
534, 535, AND 536 AT HEMISFAIR PLAZA
FOR A TERM OF THREE YEARS.

* * * *

Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that this is lease of space in the Goliad Food Cluster. It consists of 900 square feet with rent being ten cents (10¢) a foot during the months of October through March and forty cents (40¢) a foot during the months of April through September. The lessee will pay for the utilities.

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

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70-15 Item #20 on the Agenda, being consideration of an agreement with the United States Department of Commerce - Economic Development Administration, for the 1970 Youth Opportunity Grant, was withdrawn at the request of the City Manager.

70-15

REPORTS FROM CITY MANAGER

STATUS OF NORTH EXPRESSWAY

The City Manager stated he had been requested to make a report on the question of what will happen if the State Highway Department should refuse or fail to build the North Expressway and whether the City would have a claim for a refund for the right-of-way already purchased. He stated the Council has received a copy of the memorandum on the subject written by the City Attorney.

The Mayor stated that it is all right to get a statement from the City Attorney, but it should not be an indication of doubt of the State Highway Department. The State Highway is just as anxious as the City is to get on with the construction of the expressway. The State Highway has discussed the matter with the Attorney General of the State of Texas and he feels that the State Highway Department has a definite commitment by the Bureau of Public Roads to construct the highway.

Mr. Torres stated the State Highway Department has refused to go along with the study of an alternate route as requested by Secretary of Transportation Volpe. He asked the Council to again ask the State Highway Department to make a study of an alternate route. He complained that much of the delay is because the City of Olmos Park won't agree to the North Expressway going through that community.

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The Mayor stated that he agreed that Olmos Park is delaying the matter insofar as the study of an alternate route is concerned. He said that he would be glad to have the Council name Mr. Torres, as a Committee of One, to consult with Olmos Park authorities to see if they can get them to change their minds.

Mr. Torres stated he would accept the appointment.

Mr. Burke then made a motion that Mr. Torres be named as a Committee of One to confer with Olmos Park authorities to see whether or not they will grant consent to cooperate with the Texas Highway Department in running the North Expressway through the City of Olmos Park.

The motion was seconded by Dr. Nielsen and on roll call prevailed by the following vote: AYES: McAllister, Burke, James, Cockrell, Nielsen; NAYS: Calderon, Trevino, Hill; ABSTAIN: Torres; ABSENT: None.

70-15

REPORT OF CITY COUNCIL COMMITTEE ON FIESTA

Mrs. Cockrell read the following report of the committee:

The City Council Committee on Fiesta Week Coordination met on Friday, April 3, to discuss certain matters relative to a carnival contract by the Fiesta Commission.

Present at the meeting were Mr. E. J. Burke, Mr. Pete Torres, and Mrs. Lila Cockrell, Council Committee; Mr. Gerald C. Henckel, Jr., City Manager; Mr. Stewart Johnson, President and Mr. Davis Burnett, Executive Vice President, Fiesta San Antonio Commission; and Mr. Eugene Love, Carnival Producer; an associate, and Mr. Ralph Langley, Attorney.

The following facts were determined from the meeting:

1. Mr. Gene Love, Carnival Operator, and Associates, made a proposal to the Fiesta San Antonio Commission, Inc. to operate a carnival on either public or private land at a scale of rates shown in the attached letter. A letter of intent to grant Mr. Love the exclusive rights to operate a Fiesta Carnival was signed by Mr. Davis Burnett, Jr. and Mr. Love. (See Exhibit A.) (Exhibit A and the following Exhibits, B, C, D, are on file with the papers of this meeting.)
2. A subsequent letter, dated March 18, 1970, was sent to Mr. Burnett on behalf of the Fiesta Commission, stating that the Fiesta Commission intended to terminate the agreement on March 24 under certain conditions. (Exhibit B.)
3. Mr. Langley, on behalf of Mr. Love, answered in a letter dated March 24, 1970, which was delivered by hand. (Exhibit C.)
4. In a letter dated March 20, 1970, Mr. Davis Burnett, Jr. signed a letter of intent to grant the exclusive rights to produce a Fiesta Week carnival to George Lane, Manager of the Amusement Area, HemisFair Plaza. (Exhibit D.)

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5. At its board meeting on March 25, the Fiesta San Antonio Commission ratified the agreement with Mr. Lane contained in the letter of intent.

Mr. Langley, on behalf of Mr. Love, has prepared a summary of the position of Mr. Love, and a restatement of his offer or proposal to the City of San Antonio and/or the San Antonio Fiesta Commission. This is being sent to the City Council members under separate cover.

Mr. Burnett stated that the Fiesta Commission had terminated the agreement with Mr. Love when their own investigation revealed that the large tract of land formerly owned by Urban Renewal and recently purchased by the Four Seasons Hospital Group, Dr. Max Morales, Chairman, would not be available since construction was scheduled to start prior to Fiesta Week. Mr. Burnett stated they felt this property was a key to securing sufficient off-street land. They did not pursue the on-street rights since they felt it was the policy of the City Council not to grant permission for a carnival on the streets.

Mr. Henckel stated that he would recommend against a carnival using the city streets for the following reasons:

1. It is illegal.
2. The carnival creates health and police department problems.
3. The costs to the city are excessive for clean-up and police protection.
4. It would compete with the carnival at HemisFair Plaza from which the City of San Antonio derived income of \$15,000 last year from our concessionaire, Mr. Lane.
5. The HemisFair Plaza operation is a controlled carnival with city having right to request removal of any objectionable operators.
6. A carnival which could afford to pay \$60,000 for the right to produce it has to have a very large "take" which usually comes from those citizens least able to afford it.
7. The City employees are seriously inconvenienced in difficulty of access and parking.

After discussion, the committee voted, by a 2-1 vote to recommend that the City Council authorize the Fiesta Commission to enter into an agreement to permit a carnival on the city streets in line with the \$60,000 proposal by Mr. Love.

Reasons for the majority position (Mr. Burke and Mr. Torres) are:

1. For many San Antonio citizens, particularly those living on the West Side, the street carnival is the Fiesta event in which they participate to the greatest extent. The absence of the street carnival has lessened their interest and participation.
2. The Fiesta Commission has had financial problems and the income from the carnival will greatly assist the commission.

3. While there may be some question of legality, this also pertains to some of the other Fiesta operators. Fiesta is based on cooperation by all rather than a strict interpretation of legality.
4. Police and health problems already exist because of the carnival in HemisFair Plaza.

Reasons for the minority position (Mrs. Cockrell):

1. Concur with the position of Manager as stated previously.
2. Concerned that a lawsuit could jeopardize not only the carnival operation but also all parade permits and other street uses.
3. Agree with item #1 in majority position and would have been willing to consider a controlled off-street carnival had land been available.
4. In absence of available land, hope that carnival at HemisFair Plaza may be enjoyed increasingly by all citizens to fill this need for Fiesta Participation.

All three Council members concur in the following recommendation: If the City Council should agree to authorize the use of streets for a carnival, we recommend that the city charge the Fiesta Commission for the costs incurred by the city as a result of the carnival operation.

MRS. COCKRELL: This is the report as submitted by the committee and the majority position, of course, is to recommend a carnival on the streets. I would like to further point out to the City Council that I feel that it would be guidance to the Fiesta Commission if we explored all possible avenues on this matter.

The first vote, which might be the final vote, of course, would be on the carnival on the streets. If this motion passes, then, of course, that will be the position of the Council. If that motion should not pass, I think the Council should consider, in turn, each of the other alternatives. A carnival off the streets, but on available public or private land or a carnival off the streets on private land or if those all three should fail, then it would be obvious that the Council would not concur with any carnival other than the one at HemisFair Plaza.

MR. TORRES: I didn't hear the third, Lila.

MRS. COCKRELL: The third was a carnival off the streets on private land. In other words, should the first motion fail, there are these other alternatives and I think that the Council should consider each one to give final guidance to the Fiesta Commission on the desires of the Council. If a motion to have the carnival on the streets would pass, then that would be the final motion.

DR. NIELSEN: Mr. Mayor, the clarification about on the streets, would that include on and off-street both or is that just limiting it to the streets?

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MRS. COCKRELL: The first motion would include on the streets, plus available off-street land. So, it is both on and off, I didn't make that clear.

MR. TREVINO: May I suggest that the first motion be where we would consider having a carnival, although not at HemisFair, and that would make a clearer feeling whether we would be willing to consider any other proposition.

MRS. COCKRELL: It's just up to the Council. But the committee's recommendation is specifically that the Council authorize a carnival using the City streets and also other land.

MR. TORRES: I may point out that we have, since Mr. Love entered into a contract or with a letter of intent with the Fiesta Commission, that the offer there was for the use of the streets should the streets become available, the offer was to pay \$60,000 and I think that we have since received the same offer. The City of San Antonio, that is, has received the same offer from Mr. Love, in which he also states that the same accelerated payment offer, previously made, would apply. Now I understood that a proposed ordinance was to have been sent to you, Mr. Burke. Is that correct?

MR. BURKE: I had one in the mail yesterday.

MRS. COCKRELL: I submitted this proposed ordinance to the Manager's office for their study and I haven't heard back on that yet. But I think the first thing to do is to clarify what the intent of the Council is and then we can proceed to be guided by that.

MR. TREVINO: You haven't made a motion, have you, Mrs. Cockrell?

MRS. COCKRELL: No.

MR. TREVINO: Let me make a motion at this time. I'd like to move that we consider whether we would like to have a carnival other than that at HemisFair, outside of HemisFair Plaza.

MAYOR McALLISTER: Why don't you state the motion positively that we go on record that we oppose a carnival anywhere except at HemisFair?

MR. TREVINO: Well, that's negative. That's saying no. Okay, I move that we don't have a carnival outside the one at HemisFair.

REV. JAMES: I second the motion.

MAYOR McALLISTER: Okay, is there any further discussion?

DR. CALDERON: I would like to offer an amendment to that. To permit the use of private property for such an activity. My main concern is that no public property at all be used to duplicate the carnival.

MR. TREVINO: This is the purpose of my motion, Herbert. You are willing to consider any outside, then we go into either private or streets or whatever, but this is the purpose of the first one.

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DR. CALDERON: Yes, but your motion is all inclusive.

MAYOR McALLISTER: His motion is all inclusive, in other words, his motion is that we not have any other carnival beside the one at HemisFair on private property or elsewhere.

DR. CALDERON: My point is that we should permit those who have private property, wherever it may be, the right to hold a carnival. Of course, given the proper permit and so on.

MAYOR McALLISTER: Mr. Henckel, is it not correct that a carnival cannot be held on private property unless the property is properly zoned? It has to be zoned "J".

CITY MANAGER HENCKEL: That is correct. There are two ordinances; one provides for the proper zoning for carnival, which is "J" zoning. There's another article of the Code, which states that there can be no carnival at the central business district without a special permit from the Council. This refers only to private property, it doesn't refer to public property at all.

MRS. COCKRELL: As a clarification, may I ask this question? Would it be possible for the City Council to waive, for a special event, the zoning requirement? Does the City Council have that authority?

CITY ATTORNEY WALKER: Technically, no. If you have a zoning ordinance; you haven't. The zoning ordinance itself doesn't require waivers and does not arbitrarily have waivers.

MR. TORRES: Let me point out my own position, if the Council please, on this matter. Of course, Mrs. Cockrell read the entire report, which includes the majority's position. The thing that concerns me, the primary issue that concerns me, was that a letter of intent had been signed with Mr. Love by the Fiesta Commission and then Mr. Burnett and the Fiesta Commission turn around. Incidentally, this letter calling for \$60,000 payment to be accelerated in the future years, if the use of the streets was obtained. Subsequent to that, and without the Council even being approached on the matter, and without an inquiry having been made as to whether the Council would agree to go along with the use of public property, Urban Renewal Property or the City streets, a contract was entered into with Mr. Love's competitor. I said it before. I don't think that he was treated fairly. I think that the offer is good. An offer has been submitted to the Council. I didn't bring my copy of that proposed ordinance with me this morning. I assume that the other Council members have received a copy of this.

DR. CALDERON: While you're reading it, Pete....

MR. TORRES: I'm not going to read it, I'm just going to look at it.

DR. CALDERON: Felix, to clarify your motion, I am concerned that....

MR. TREVINO: I know what I mean.

DR. CALDERON: You're not willing to restrict your motion strictly to public property. In other words, you want to include both public and private property.

MR. TREVINO: I'm trying to get the Council off dead center. If we're willing to consider any carnival activities outside of HemisFair, let's vote that way and then we'll decide whether it will be on public property, whether it will be on private property, whether it will be on the streets or anything. But, we have to decide first whether we want to consider that or not. If we don't want to consider it, why waste our time?

MAYOR McALLISTER: Mr. Henckel, while Mr. Torres is glancing over that ordinance, you might state to the Council what is involved in the event that a carnival would be held on private property.

CITY MANAGER HENCKEL: There's quite a bit involved. Just to clarify the issues, I think we need to find out first of all what our contractual agreements are with the Fiesta Commission. Under that agreement, the Fiesta Commission can request in writing to the Council for the use of the properties for Fiesta-type activities. This has not been done. We have not received any requests from the Fiesta Commission for the use of any property for a carnival. I want to point that out to the Council. They may have made verbal statements to the Council Committee or to individuals, but they have not complied with their contract with the City to request a carnival.-No. 1. No. 2-That particular contract with the Fiesta Commission provides that the City will not grant to anyone the use of any City property for the use of Fiesta-type activities without the written request of the Fiesta Commission. So, there are two separate points in the contract, I think you must know what they are and what the facts are concerning those two points. The determination that needs to be made this morning is, first of all, whether the Council will consider a carnival other than the one that is now presently in HemisFair Plaza. If the Council so decides, then I think we need to comply with our contracts that we've made with the Fiesta Commission, as well as all City laws and ordinances.

MRS. COCKRELL: It seems to me that the key thing is to determine the intent of the Council toward the carnival or toward a second carnival or any other carnival and if the Council were interested in the idea of another carnival, in order to carry out the legal provisions, I think we would have to receive this in writing from the Fiesta Commission. But it could be done at a called Council meeting that would be held at the earliest possible moment complying with the legal requirement. I think it would have to be though, the first step is to determine the Council's intent.

MAYOR McALLISTER: I want to say to the members of the Council that I received three telegrams this morning from property owners strongly opposing a carnival on streets. I have received in the last few days three other telegrams and several, I don't know how many, calls -- a dozen -- telephone calls, at best, from citizens who are opposed to the carnival on the streets. You're ready for the question?

DR. NIELSEN: In speaking against the motion, Mr. Mayor, I just want to remind you that we do have a responsibility in terms of a carnival kind of development and atmosphere and option for a number of activities for this community and if in fact a carnival does inconvenience a businessman for a week or so, you know the long term community good that can come from it far transcends, it seems to me, the inconvenience and I personally have got to speak against the motion.

CITY MANAGER HENCKEL: I think, Mr. Mayor, I should also point out that the motion concerns HemisFair Plaza whether or not there is to be a carnival other than HemisFair Plaza. We are holding one contract this morning with the Mexican Chamber of Commerce for a food and beverage operation in the carnival area of HemisFair Plaza during Fiesta Week pending the outcome of the decision to be made by the Council. If the Council decides that the carnival is to be held elsewhere, they will not have their operation at HemisFair Plaza. Secondly, we have been under negotiations for a permanent facility in the Plaza, which was not presented this morning for the same reason. The concessionaires feel that the City should protect the concessionaires at HemisFair Plaza from activities that would compete directly with them during the best week of the year. Last year, we had 107,699 paid admissions into HemisFair Plaza during Fiesta Week. Also, I want to point out that this year the City is spending in excess of \$4,000 for amusement and entertainment for Fiesta Week in HemisFair Plaza with the majority of this money being spent for Latin-type entertainment, mariachis, bands and etc. So, the City is making every effort to provide for this group of citizens entertainment for Fiesta Week.

DR. NIELSEN: I just hope, under any circumstances, that we're not gearing the HemisFair operation for carnival-type atmosphere to, in fact, supported one month out of the year. I just hope that that's not what we're doing.

MR. TORRES: I would like to offer a substitute motion at this time. In support to that substitute, I would say that during Fiesta Week there are many people that come to downtown San Antonio. The more activities in downtown San Antonio that we have the more people that will come down to San Antonio, so that I do not think that Mr. Henckel's reasoning is valid that by obtaining or having a downtown carnival that we are going to take away from the HemisFair Plaza area. In fact, the more people come into downtown San Antonio, the more people that are going into the HemisFair Plaza area. Secondly, with reference to the previous ordinance adopted by the Council, contractual ordinance entering into a contract with the Fiesta Commission, there has been an intent stated by the Fiesta Commission to the effect that they would agree with the Council action in this regard. Therefore, I would offer as a substitute, an ordinance granting unto Eugene Love & Associates a permit for the use of certain public streets and property in accordance with the presentation made to the City Council Committee for the use of three City streets adjacent to City Hall on Dolorosa Street and during the period from April 17, 1970 through April 26, 1970, and granting the revenue therefrom to the Fiesta San Antonio Commission, Inc. It stated:

WHEREAS, heretofore on February 2, 1970, the City Council of the City of San Antonio enacted and adopted a so-called "Fiesta Ordinance" giving and granting to the Fiesta San Antonio Commission, Inc., the right to permit and in turn lease or rent unto other City-owned facilities and public streets, and

WHEREAS, the Fiesta San Antonio Commission has performed and continues to perform a praiseworthy purpose in coordinating Fiesta activities, and

WHEREAS, the Fiesta San Antonio Commission has reported to the Council its desire and a recommendation that the City itself enter into a contractual undertaking with Eugene Love & Associates for the utilization of certain City streets and other public properties for the conduct of a carnival during Fiesta Week 1970, with a part of the revenue to be paid or payable to Fiesta San Antonio Commission, Inc., and

WHEREAS, the City Council of the City of San Antonio is of the opinion that the conduct of a carnival on City property will inure to the benefit of the public and to the citizens of San Antonio;
NOW, THEREFORE,

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

SECTION 1. The exclusive jurisdiction over the streets and public properties heretofore granted to Fiesta San Antonio Commission, Inc. is hereby revoked as to the properties described in the body of this ordinance, as is any authority to conduct or grant permits to conduct any carnival for the calendar year 1970.

SECTION 2. There is hereby granted to Eugene Love & Associates an exclusive permit to place, erect, construct and maintain such temporary facilities as may be necessary and proper for the conduct of a carnival, which shall be open to the public without the payment of admission price, upon all of the following property, (as described in the ordinance, which I'll enter into the records), and/or on such property as the City Council shall direct.

SECTION 3. The permit shall be for the period from April 17, 1970, through April 26, 1970, and for each "Fiesta Week" as designated by City ordinance for a period of ten years.

SECTION 4. The entitlement to conduct the carnival shall include and encompass the right to install and conduct rides, etc.

SECTION 5. In return for such permit there shall be paid by Eugene Love & Associates on or before five days from the date of the passage of this ordinance, the sum of \$60,000 in cash, such sum to include the \$15,000 earnest money or binder fee heretofore paid by Eugene Love & Associates to Fiesta San Antonio Commission, Inc. The amount payable shall increase in accordance with the schedule herein stated.

SECTION 6. The carnival so authorized is hereby designated as an official function of Fiesta Week, 1970.

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SECTION 7. The permit so granted is exclusive only as to the properties and the territory described in this ordinance.

SECTION 8. Providing for the amount to be payable to the Fiesta Commission and the amount that shall be payable to the City, which I think for the purposes of this motion, we shall leave blank to be specified if adopted. At this point, if the ordinance is adopted, to be specified by the Council, as well as SECTION 9., which I shall leave a blank, as far as my motion is concerned, so that if the motion is adopted, that this sum shall be fixed by the Council, and I would move for the adoption of the substitute at this time.

MAYOR McALLISTER: Is there a second?

DR. NIELSEN: This is a question, Mayor, may I ask for a point of clarification from Mr. Torres, does that include Section 2 - A, B and C, as spelled out in the ordinance?

MR. TORRES: I should think, Dr. Nielsen, that if the text of the intent of the ordinance is adopted, that the Council would select the specific location.

DR. NIELSEN: If we were to vote on this, we would not be specifically tying down, at this very moment, the particular properties and streets.

MR. TORRES: You're absolutely correct.

DR. NIELSEN: Okay.

MR. TORRES: Regarding the amount of the bond.

MR. TREVINO: We're not bounded by what was read here.

MR. TORRES: As to the streets, the amount of the bond or the amount of money that goes to the Commission or to the City of San Antonio.

MAYOR McALLISTER: The intent of the substitute motion is to enter into a contract with Love for ten years for the use of the streets for carnival purposes during the week of Fiesta. No further discussion, I call for the vote.

CITY CLERK: Mr. James - No; Mrs. Cockrell - No; Dr. Nielsen - Aye; Mr. Trevino - No; Mr. Hill - No; Mr. Torres - Aye; Mayor McAllister - No; Dr. Calderon - No; Mr. Burke - No.

MR. TORRES: I just have a - did I hear No, Mr. Burke?

MR. BURKE: You heard a No, because when we discussed this before in our Committee on the majority report, Mr. Torres, we were going through the San Antonio Commission and we were going to have it for one year. If you want another substitute motion, with those, then I'll vote with you.

MAYOR McALLISTER: Call for the original vote, motion.

CITY CLERK: Mrs. Cockrell - No.

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MAYOR McALLISTER: This is the original motion of Mr. James.

MRS. COCKRELL: Yes, I had previously stated I would be willing to consider an off the street carnival.

MAYOR McALLISTER: I see, all right, Okay.

CITY CLERK: Dr. Nielsen - No; Mr. Trevino - Aye; Mr. Hill - No; Mr. Torres - No; Mayor McAllister - Aye; Dr. Calderon - No; Mr. Burke - No; Mr. James - Aye.

MR. HILL: Mr. Mayor, I think that with everything that's been said that we, the Council, certainly should consider a carnival for the people that consider this a big part of their participation in Fiesta and that we authorize a carnival to be put on on private property and not on public property and out of the immediate downtown area and I so move.

DR. CALDERON: I would suggest to him a different motion. What you're basically saying is you are more or less making a mandate that a carnival be held on private property.

MAYOR McALLISTER: ..may be held..

DR. CALDERON: I would prefer to make a motion that no public property be used for a carnival other than the carnival activity at HemisFair.

MR. BURKE: Mr. Mayor, I think Mrs. Cockrell's original suggestion is very good, that we put this in the form of three separate motions, starting with the one on using streets.

MAYOR McALLISTER: All right.

CITY MANAGER HENCKEL: Mr. Mayor, I think I should point out at this time that I do have a resolution from the HemisFair Advisory Committee, which I would like to present to the City Clerk, where they unanimously oppose any carnival other than HemisFair Plaza. I just want to get that in the records for your information.

MAYOR McALLISTER: Mrs. Cockrell, why don't you present a motion simply to the effect that the Council go on record as being opposed to the use of public property for carnival purposes other than the contract that we already have at HemisFair?

DR. NIELSEN: Well, that's not exactly what....

MRS. COCKRELL: Well, Mr. Mayor, my suggestion was that if the first motion to consider a carnival on the streets should fail, that the Council then should take a vote on each of two other alternatives. One would be that the City Council would look favorably on granting a permit for a carnival off the streets, but on available public and/or private land. If that passes, that, of course, would be the expression of the Council. The next would be, should that fail, that the Council would look favorably on a carnival off the streets on private land. So, there are still two alternatives before us.

MAYOR McALLISTER: But to present number two, we don't want a motion, we don't want it on public property.

DR. NIELSEN: Well, let me just ask....is it the feeling of this Council that, even in a very limited way, to exclude the public street property around the City Hall, all that's eliminated and to move the use of the streets one block West of here and from there on, that there's enough feeling against that on this Council, that it's not even being considered.

MRS. COCKRELL: The streets are not being considered.

DR. NIELSEN: That's pretty well what this has....

MAYOR McALLISTER: Mr. Hill made a motion that no public property be used for carnival purposes other than our contract with HemisFair.

DR. CALDERON: I so move, Mr. Mayor, I made it a few minutes ago.

REV. JAMES: I second the motion.

MAYOR McALLISTER: All right, no further discussion, call the roll.

MR. HILL: Would you like for me to withdraw my motion?

MAYOR McALLISTER: Yes, if you please. Neither the streets or public property be used for carnival purposes with the exception of the contract that we have at HemisFair Plaza. No further discussion, call for a vote.

CITY CLERK: Dr. Nielsen - No, on the grounds that we still have a large commitment to San Antonio to make available in any and every way possible, a very successful and very confident Fiesta and I think using a limited amount of streets in one given area which is public property, would be right and proper at this time, so I vote No; Mr. Trevino - Aye; Mr. Hill - No; Mr. Torres - No; Mayor McAllister - Aye; Dr. Calderon - Aye; Mr. Burke - No; Mr. James - Aye; Mrs. Cockrell - No, I would be willing to use any public land available through Urban Renewal.

MAYOR McALLISTER: That's not public land.

MR. HILL: Yes, it is public land. Who does it belong to?

MAYOR McALLISTER: It belongs to Urban Renewal.

MRS. COCKRELL: Mr. Mayor, I move that the City Council indicate its willingness to approve permits for a carnival using available public and/or private land.

DR. NIELSEN: I second the motion.

MAYOR McALLISTER: I want to say to the members of the Council that motion is wide open and will mean that we'll have a carnival on the streets. As far as I'm personally concerned, I have had enough with carnivals on the streets. I don't want Mr. Love or anybody else's carnival on the streets.

MRS. COCKRELL: I will add to clarify, the intent of the motion is excluding the public streets.

MR. TREVINO: Are you including that in your motion?

MRS. COCKRELL: Yes, excluding the public streets. I thought that issue had already been settled.

MAYOR McALLISTER: Is there a second to the motion?

DR. NIELSEN: Yes, it's been seconded, Mr. Mayor.

MAYOR McALLISTER: Now, let's state the motion again please, so we have a clear understanding what we're talking about.

MRS. COCKRELL: This is simply an indication that the Council will look favorably on a request from the Fiesta Commission for a carnival, which would be staged on public or private land, not including the City streets. If this motion passes, then it would be my assumption that the Fiesta Commission would be asked to finalize the details of a contract and come with the official contract and I think the City Council would very likely have to have a called meeting very soon to finalize the final contract.

MAYOR McALLISTER: Are you including the HemisFair Area?

MR. HILL: No, this is other than HemisFair.

MAYOR McALLISTER: What would be the public property then, Brackenridge Park?

MRS. COCKRELL: No, there are publicly owned properties that are now being used for parking lots, there are some that are being used for other purposes that I think can be investigated still.

MR. TORRES: With your spirit of cooperation, Mr. Mayor, it could be obtained like that man you have business with, Mr. McAshan, up there, you know, we could use some of McAshan's property, I'm sure.

MR. TREVINO: The point that I think, I'd like to try to erase an image here as being created and that has been repeated -- this is for the citizens, particularly those living on the West side of the City of San Antonio, that this is something that they want and they need. Now, in the past ten or eight days or so I have talked to a good number of people. I happen to be the only member of the Council that lives in that section of the City, at least in the biggest area. I haven't found anybody yet that said that they particularly like to have the carnival, as we usually had it before. Also, I have found, I was surprised, out of about 20 or 25 people that I asked, at one given day - one meeting - that 19 of them had attended NIOSA and they also had gone into HemisFair Plaza, so I'd like to erase the image that says that everybody on the West side cannot afford to pay 25¢ or does not attend any or does not participate or contribute to any of these functions. So, if this is one of the reasons that we're worrying about today, I think we should not worry about it.

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Another, it's an inconvenience that would be created on the citizens themselves. We've had and I stated this last week, we have before asked several organizations from all sections of the City that we were willing to sponsor such an affair and they will not for reasons of their own. On the other hand, I've had citizens sometimes complain and we have had them. This is one of the reasons we took them off the streets. We have citizens complain to the fact that there were no sanitary facilities and that they were imposing on the citizens themselves, because they have to rush all over the place and try to find a place when the kids needed to go and they were imposing on the businesses to use their facilities. Also, the food concessionaires had no place to wash their hands. They had no facilities at all. This is one of the reasons it was taken off the streets. Another reason, of course, is the fact that a lot of money that is spent goes out of the City. So, I wish you'd consider this when you vote on this.

DR. CALDERON: I would like to support Mr. Trevino in what he has said. I recall not too long ago, I think it was Mr. Bill Lindquist who mentioned that the post-fair attendance had shown that a great majority of those attending the fairgrounds after the fair were Spanish-speaking descent, which certainly shows that they can pay their 25¢. I think that we are at a point where we use this as a crutch or an excuse to find that people over there cannot afford to pay 25¢ admission. Also, I feel that if we would proceed to use public property, in addition to the fairgrounds, for a carnival, we will be taking away the potential of development and of use of the area. We have there a center, hopefully, that we can develop eventually into the amusement and the entertainment center of the City. So, the minute we begin to use other pieces of private property or for several uses, we are minimizing and working away the basic objective.

DR. NIELSEN: The objective of HemisFair is not carnival, Dr. Calderon, it is not.

MR. HILL: Well, my position on this and I'll speak in favor of the motion, is that during HemisFair there are enough people participating at HemisFair - that there are people that can enjoy this carnival and the one at HemisFair Plaza and all other activities in HemisFair and I ask for the question.

DR. NIELSEN: Call the question.

MR. BURKE: Mr. Mayor, may I ask Mrs. Cockrell, if she would accept an amendment limiting the grant to a one-year period of time?

MRS. COCKRELL: Yes, I would say that this first contract would be a one year. We realize that time is very short and that the usual practice of competitive bids may be difficult, if not impossible, due to this situation and if it were entered into a one-year basis then for next year's operation, it could be honored.

MR. TREVINO: Would the motion include anything entered into the contract?

MRS. COCKRELL: The motion includes, it would look favorably on the contract. The Fiesta Commission and the City Manager's office would have to get the final contract worked out and we would have to have a called Council Meeting.

MR. HILL: I agree.

MAYOR McALLISTER: Okay, now call the question. No further discussion. Call the roll.

CITY CLERK: Mr. Trevino - No; Mr. Hill - Aye; Mr. Torres - Aye; Mayor McAllister - No; Dr. Calderon - No; Mr. Burke - Aye; Rev. James - No; Mrs. Cockrell - Aye; Dr. Nielsen - Aye, my youngsters and those in the neighborhood are looking forward to coming both to HemisFair and the carnival during Fiesta Week.

MAYOR McALLISTER: The motion prevails and the motion simply states that the Council will consider a request from the Fiesta Commission about granting a permit for a carnival off the streets. Mr. Henckel, I suggest that when the proposal comes to you, you have prepared fully a list of expenses of the City that will be involved.

CITY MANAGER HENCKEL: We'll be totally prepared.

MRS. COCKRELL: As an additional motion, I would like to add this motion. I move that we further instruct the Fiesta Commission that we would like for the contract to include provisions and recommendations concurred in by all the Council members. That the City be reimbursed for those costs which would accrue to the City for this operation. Further, I think we could state that any restrictions which apply to the carnival operator at Fiesta Plaza, also apply to the quality of controls of the carnival, which would result itself from the Council action.

MR. TORRES: In view of the fact, Mr. Henckel, that I believe that carnivals are operated by promoters and individual operators hire their own employees and in view of the fact that the Mayor has called to my attention that one of these promoters had a number of complaints from Laredo for failing to pay the minimum wage and the fact that we do have a State minimum wage law now, which in substance now amounts to the same provisions substantially as the City's minimum wage ordinance, which has preempted the City minimum wage ordinance. I should like it if we maintain a close surveillance on these contracts and coordination with the Fiesta Commission to guarantee that none of the people who come in from out of town will deprive the people of San Antonio, who work for the carnival, the payment of the \$1.25 minimum wage. Could you see to it that this is enforced properly?

CITY MANAGER HENCKEL: Mr. Torres, we intend to enforce all City laws and regulations.

MR. TORRES: Well, I'm sure you will.

CITY MANAGER HENCKEL: If this is on private property, of course, it has one particular aspect, if it is on public property, it has another. On public property we have much more control than we would on private. But, again, until the contract and proposal is submitted to us, we have no idea as to what they want. We will enforce all City laws.

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MRS. COCKRELL: Is there a second to that motion?

MR. BURKE: Yes, second.

MAYOR McALLISTER: Okay. You hear the motion.

MRS. COCKRELL: The motion included two points. Number 1 - that if the contract was approved, that the City would be reimbursed for costs such as police protection, health inspections, clean-up costs, and Number 2 - that the same quality controls, which the City exercised at HemisFair Plaza over carnival activity would also apply to a second carnival, if so authorized.

MAYOR McALLISTER: Okay.

MR. BURKE: I seconded it.

MAYOR McALLISTER: Okay. Call the roll.

CITY CLERK: Mayor McAllister - Aye; Dr. Calderon - Aye; Mr. Burke - Aye; Mr. James - Aye; Mrs. Cockrell - Aye; Dr. Nielsen - Aye; Mr. Trevino - Aye; Mr. Hill - Aye; Mr. Torres - Aye.

70-15

QUINTANA ROAD RAILROAD CROSSING

Mr. Hill advised the Council he has received a copy of a report from Major General Reddell, Kelly Air Force Base, concerning blocking by trains. It states that during March, Missouri Pacific trains blocked the crossing 408 times during normal business hours. The report indicates that 175 of these blockages were of five (5) minutes or greater duration. The data indicates more than 200 violations of Sections 33 - 33a of the City Code in the one month.

Mr. Hill stated this bears out that there is no cooperation on the part of the railroad and felt the Council should take definite action to alleviate the condition.

After discussion, Dr. Calderon made a motion that the City Attorney be instructed to advise the railroad authorities by registered mail, return receipt requested, citing specifically the violations and advising that if a satisfactory solution is not given within a reasonable period of time, an injunctive suit will be filed.

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

70-15

STUDY BY TEXAS HIGHWAY DEPARTMENT OF
QUINTANA ROAD GRADE SEPARATION

Mr. Hill asked what the status is of the study. The City received \$20,000 for such a study, which the State Highway Department was to complete on March 30.

The City Manager was asked to find out the status of the report.

70-15

TUESDAY MUSICAL CLUB

City Manager Henckel advised that Mr. Bob Frazer, Director of Parks and Recreation, who has been negotiating a rental agreement, is in the hospital. He will check on the status of this item and report to Council.

70-15

CITY PUBLIC SERVICE BOARD BIDDING PRACTICES

City Manager Henckel reported he has met with Mr. O. W. Sommers. A report has been received on a City Public Service Board meeting with subcontractors. Difficulties have been ironed out. In the future, the City Public Service Board will change the specifications, so that others may bid.

70-15

TAX REVALUATION SURVEY

City Manager Henckel reported that Finance Director, Bennett Bolen, is continuing to meet with the Committee and other political agencies to work out participation in the program. Some desire to participate and others do not. After participation is determined, they will proceed to get firm estimates on the cost. He felt it would be at least six months before an official agreement can be worked out.

70-15

ALAMO AREA COUNCIL OF GOVERNMENTS

City Manager Henckel advised he hoped to have a staff report on City participation next week.

The City Manager, in answer to an inquiry by Mr. Torres, stated he will check to see if AACOG has actually hired a planning consultant on crime studies and whether they have complied with requirements of the Criminal Justice Council that planning consultants be approved by the Central City.

70-15

CS PARALYZER SPRAY

Mr. Torres asked that an ordinance prohibiting the sale of this item to minors be placed on the agenda of April 23 for consideration by Council.

70-15

HUMAN RESOURCES ORDINANCE

Mr. Torres discussed a proposed ordinance creating a Department of Human Resources and Economic Development Administration and asked the Council to give it consideration.

Mayor Pro-Tem Cockrell asked the City Manager to study the ordinance and the appropriateness of establishing such a department.

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The City Manager advised the Council a report has been made to them on this item.

MODEL CITIES - SCHOOL CAPITAL OUTLAY
FOR HOLY CROSS HIGH SCHOOL

Mr. Torres asked if the legal problem had been resolved and when it can be placed on the agenda for consideration?

City Manager Henckel stated the matter has not been resolved and did not know if HUD has given an opinion on it. He has recommended to Model Cities' Administrator, Mr. Roy Montez, that if the CPPC wants to reconsider and break the project into two separate projects, rather than one, as they submitted it, that it will be considered on that basis, which may help. The City Staff will follow up on it as quickly as they can. The City Staff is as anxious as the Council to give schools in the Model Cities Area all the help possible.

CITIZENS TO BE HEARD

EISENHAUER ROAD PEDESTRIAN CROSSWALK

Mr. William Ferguson, attorney, representing a group of citizens, presented a petition requesting the City to install a mid-block crosswalk light on Eisenhower Road, East of Kingston Street. He also presented a letter from Northeast School officials supporting the request.

The request was referred to the City Manager for study and report to the Council.

STUDENT NATIONAL COORDINATING COMMITTEE

Mr. Carlos Richards, 1320 Gevers Street, questioned the Council's judgment in approving applications for discretionary funds for a Special Task Force and Undercover Team to work on drug abuse and murders. He felt these police would be first used on the Eastside and be oppressive to the people. He proposed decentralization of the Police Department and that police officers who patrol the Eastside live on the Eastside.

Mayor McAllister advised that no citizen of San Antonio need fear the law as long as they complied and obeyed the law.

Councilman Torres spoke of the surveillance equipment and asked that before it is purchased that Council be advised.

The City Manager stated he will come to Council for approval of the equipment before it is purchased.

AMERICAN FRIENDS SERVICE COMMITTEE

Mr. Tom Flores, 122 Brees, stated his organization is concerned with the proposed crime undercover operation. \$2,000 is earmarked for electronic surveillance equipment. He felt the money could be better spent to alleviate the conditions which many times lead people to undertake actions of crime.

MR. TREY ELLISON, 627 STOCKTON, ON DRUG ABUSE

Mr. Ellison presented to the Council a 4 ounce bottle of cough syrup, which contains 4 grams of codeine. He said this item may be purchased at drug stores without a prescription and with no questions asked. There is no state law that this be a prescription item. He said the City of Dallas has passed an ordinance making it a prescription item and urged that San Antonio do the same.

The City Manager was asked to obtain a copy of the Dallas ordinance and refer it to the City's Health Committee for study.

MR. CLAYTON RUSSELL, 122 SAN RAFAEL

Mr. Russell spoke on growth of the City and that the Charter be changed to increase the pay of Council members.

MR. LEE DICKINSON, VICE PRESIDENT, SOUTHERN SALES

Mr. Dickinson, representing the firm which distributes the CS Paralyzer, spoke on the safety of the spray.

Mr. Torres stated the matter was referred to the Health Director, who has made a report of its irritating effects. He added that his concern is with the item coming into the hands of minors.

MODEL CITIES COORDINATED DAY CARE PROGRAM

The Council discussed the Citizens Participation Policy Committee's request to reconsider its action on the project in which the E.O.D.C. was listed as sponsor. The CPPC recommends the Family Neighborhood Council of Settlements.

The City Manager recommended that the Council make no change in the project.

70-15 The Clerk read the following Ordinance:

AN ORDINANCE 38,456

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MEXICAN CHAMBER OF COMMERCE FOR USE OF CERTAIN PREMISES IN HEMISFAIR PLAZA DURING FIESTA WEEK, FREE OF CHARGE, FOR SALE OF FOOD AND DRINKS TO THE PUBLIC.

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The City Manager asked the Council to pass the ordinance. If a second carnival is allowed by Council, the Mexican Chamber of Commerce will not enter into the contract. However, if the other carnival is not allowed, they will enter into the agreement.

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

70-15 The Clerk read the following letter:

April 3, 1970

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

Gentlemen and Madam:

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

- 3-31-70 Petition of San Antonio Properties North, Inc. requesting the City to annex 14.171 acres of land out of Co. Blk. 5027 as per field notes attached.
- 4-1-70 Petition of Donald J. Bierschwale requesting permission to open and operate a funeral home and embalming room at 7978 Fredericksburg Road.
- 4-1-70 Petition of Melvin Sawyers requesting permission to erect a 7'6" privacy fence surrounding the rear property at 643 Barrett Pl.
- 4-1-70 Petition of Louis Cardenas appealing the action of the Director of Housing & Inspections in refusing to grant him a home improvement contractor's license and requesting a hearing before the City Council.
- 4-3-70 Petition of Earl Cobb, Jr. requesting a bridge over Martinez Creek at Sabinas Street.

J. H. INSELMANN,
City Clerk

* * * *

April 9, 1970
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70-15 There being no further business to come before the Council,
the meeting was adjourned.

A P P R O V E D

W. W. Wainwright

M A Y O R

ATTEST:

G. V. Jackson Jr.
Asst City Clerk

April 9, 1970
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