

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JULY 12, 1979.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

79-34 The invocation was given by the Reverend Lester E. Burnett, Crestview Baptist Church.

79-34 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

79-34 MAYOR PRO-TEM FRANK WING

Mayor Cockrell expressed her appreciation to Mayor Pro-Tem Frank Wing for a job very well done during his tenure as Mayor Pro-Tem. She particularly thanked for him for all the extra service he performed when she had been out of the City.

79-34 SWEARING IN CEREMONY

Councilman Joe Webb was administered the Oath of Office as Mayor Pro-Tem by City Clerk, G. V. Jackson, Jr. Mr. Webb will serve during the period of July 16, 1979 through September 27, 1979.

79-34 The minutes of the meeting of July 5, 1979, were approved.

79-34 DEFENSE LANGUAGE INSTITUTE

Mayor Cockrell recognized two visitors in the audience from the Lackland Defense Language Institute and welcomed them to the City. The visitors were Major Rodolfo Gallardo, from the Mexican Army and Lt. Commander Hugo de la Rocha of the Peruvian Navy. They were accompanied by Mr. Ronald Greenes of the Defense Language Institute.

79-34 SALE OF \$100,000,000 CITY OF SAN ANTONIO,
TEXAS ELECTRIC AND GAS SYSTEMS REVENUE
IMPROVEMENT BONDS, NEW SERIES 1979-A

City Clerk, G. V. Jackson, Jr., presented the tabulation of bids received for the sale of \$100,000,000 Electric and Gas Systems Revenue Improvement Bonds, New Series 1979-A to the Council. The bids received follow:

Bache Halsey Stuart

Total Interest from August 1, 1979 to maturity	\$111,750,837.50
Less: Premium	11,113.25
Net Interest Cost	<u>\$111,739,724.25</u>

Effective interest rate - 6.0788%

Dillon, Read & Co., Inc.

Total Interest from August 1, 1979 to maturity	\$111,177,643.75
Less: Premium	1,643.75
Net Interest Cost	<u>\$111,176,000.00</u>

Effective interest rate - 6.048173%

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The Clerk read the following Ordinance:

AN ORDINANCE 50,962

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, AUTHORIZING THE ISSUANCE OF \$100,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES 1979-A", FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S ELECTRIC AND GAS SYSTEMS; PROVIDING THE TERMS, CONDITIONS AND SPECIFICATIONS FOR SUCH BONDS; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF; STIPULATING TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY (To Dillon, Read & Co., Inc.).

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

The following discussion then took place.

MAYOR LILA COCKRELL: All right, there is a motion and a second. I would like to call on Mr. Spruce, first. Mr. Spruce, would you like to have any of your staff or consultants comment on the bonds?

MR. JACK SPRUCE: Yes, if it would please the Council. I would like to call on Mr. Freeman to comment on the comparative relationship of these bids as to some others, and how we feel about the value of those bids.

MR. HOWARD FREEMAN: Mayor and Council, as we have tried to do in the past, we have tried to come up with some of the sales that are comparable both in amounts, their utility issues, and they're rated similarly to try to give you some idea of how the rates that we have on this issue compare with others. Our issues today are slightly under 6.5 compared to the most recent issue, which were some refunding bonds issued by the City of Austin. We are about a half percent lower than they are in similar maturities. This was a negotiated issue - just to select the various maturities their longest bond which is the area where we have most of our maturities also. In 2001, the bonds sold for 6.6%, ours are 6.10, and that is pretty indicative of our rate and I believe also, theirs. Some other general issues that were sold, there was a \$150,000,000 worth of Washington Public Power that was sold on June 22. They were rated triple-A by Moody and Standard and Poors, they sold for 6.633%, and on the 19th of June, there was \$150,000,000 issued by Gainesville, Florida, they were electric revenue bonds, they were rated A-1, just one notch under our Double A rating, and they sold for 6.47%, and so our 6.05%, interest cost on these bonds, I think is again indicative on how the market feels about San Antonio's bonds.

MAYOR COCKRELL: Would you repeat the first one, again. I didn't quite get the figures on the contrast with the City of Austin.

MR. FREEMAN: Well, the City of Austin issued some refunding bonds for the utility system, and by comparing the cost of the issue in the year 2001, their rate was 6.60% and the coupon rate on ours, was 6.10% for a comparable maturities, and it runs about 50 basis points or half a percent difference, if you look at it over the various intervals. We're very pleased with this bid, and as I told the Board of Trustees, at our luncheon, Tuesday, I was hoping that they might come in around 6.15 to 6.25, so this is much better than we ever expected, at that time.

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MAYOR COCKRELL: Good, Dr. Cisneros.

DR. HENRY CISNEROS: Yes, thank you, Mayor. Howard, I want to congratulate you and Mr. Spruce and Mr. Poston on the fact that the bids do reflect an interest rate that is lower than what was expected and in that sense, reflects back on the overall management of the company and the market's appreciation for the financial stability and its assurances that the company is going to remain solvent and financially strong. My question is, as to whether some of the others you have cited are similarly to handle debt on nuclear facilities. Do you know if any of the others that you cited?

MR. FREEMAN: Well, of course, Washington Public Power is nuclear that's a primarily nuclear power.

DR. CISNEROS: What was the rate on that?

MR. FREEMAN: It was 6.63%. And I don't know that Gainesville, Florida is, Austin was the refunding of their older debt, which would not necessarily be indicative of the nuclear power.

DR. CISNEROS: But, this would seem to suggest that the market even the long-term credit market, even in light of some of the much publicized incidents, the 3-Mile Island incident, and also the overall situation with respect to safety regulations that may be coming out and such that the overall national market seem to be reflecting some confidence in nuclear power. In other words, that the market place would not discount in any way the debt that was going for nuclear power. Is that a fair statement? Or...

MR. FREEMAN: Yes, I think it is although, I believe at the present time with some of the unknowns in the nuclear industry and just where it is those companies which would be completely nuclear would probably be selling a little bit higher than what ours is where we have a broad mix of diversified fuels. I think that the market will settle down, of course, once the questions are answered, and we can move on. It's the unknown that sort of disturbs the market more than the known.

DR. CISNEROS: I personally take it as a kind of sign of confidence, though, that the market is reflecting some confidence about nuclear long term, which is generally the most sensitive indicator because it deals with people's investment of money, and is as sensitive as the economy is to any announcement or the way the economy is sensitive to so many things and the stock market is sensitive to so many things, that it seems to reflect a certain confidence in nuclear power long term as a viable energy alternative, and one that is financially productive as well. At least the market will reflect that it can be built; it can be delivered; that the money is going to be there, long-term to pay for it. So it's not only a statement of confidence in the utility, the specific utility in this case is the San Antonio City Public Service Board, but also in what we're investing in.

MR. SPRUCE: Yes, I believe that is correct.

MAYOR COCKRELL: There are two of the Councilmen who wish to speak, Mr. Steen.

MR. JOHN STEEN: Thank you Madam Mayor. You know, Howard, as I did last night, I want to congratulate you all. I think that you, of course, your bonds did receive a double A rating from two of the nation's leading financial rating agencies, and I think that, of course, is probably the prime reasons for the fact that you got a very favorable rate interest on these bonds which I thought was great, and also I think it will be brought out always, that the reason that the bonds got this double A rating was the fact that it is a reflection of sound business practices over there at the CPS, and I think, not only in the last couple of years, but I think that for many, many years you've had very sound business practices, and that's why you're always able to sell your bonds at such a favorable interest rate. I think you ought to be congratulated time and time again because of that.

MR. FREEMAN: We certainly appreciate those kind words from both of you.

MAYOR COCKRELL: Mr. Alderete.

MR. JOE ALDERETE: I have a question for Jack. Jack, I saw something very interesting in Fortune Magazine about the over abundance of coal that the nation may be having a glut of coal, to use the term that was used in Fortune Magazine. Can we have a report back from CPSB, as to the trends in the nation, as far as going into the nuclear, coal or lignite, and possibly separating coal and lignite. Fortune Magazine seemed to indicate that it may be a very wise move to either start planning further investment in coal simply because of the large supply of coal expected to be in the country, as compared to any other source of fuel. I was wondering if we could get a report back from CPSB on that, as far as trends in the country, the metropolitan areas, in what direction they are going. If there is a strong trend toward nuclear energy or any other source, it may be a wise move to stay with coal, it may be a wise move to even reinvest in the coal, realizing that the obvious problems with rates, coal-hauling rates. But they seem to indicate from these financial authorities, that it would be a very wise move to stay with coal, or even to invest in coal. I was just wondering if CPSB could give us an analysis of that, a brief one, I don't mean anything real detailed or complex, but it might be able to tell us something.

MR. SPRUCE: Well, there are two things, there's the national picture and then there's our particular application and, of course, we have detailed studies about our own analysis as to what we should be putting into our future generating plans. There is no question but that the United States is well endowed with natural coal, much more so, than most other countries. The utilities, of course, are having a very difficult problem converting to coal because of emission standards and clean air laws, and what you're seeing happening here in San Antonio, as far as the coal freight rates. Coal can be bought from coal producers at very reasonable prices but the problem we've had, as everybody knows, is transportation. As far as the national picture, I think the consensus of most utilities is that the answer between now and the end of this century is going to be coal and nuclear. A lot of utilities have pulled back on extended plans because of a number of things. One is conservation is having some effect on low growth projections. There have been some relaxation of standards on plants that were burning coal, I mean on oil so they could go back and burn coal again. But I would say that until we get some clarification on a national policy until we can feel like we're getting a full support for the full utilization of coal, including opening up other government leases and making some of that coal available enhancing the ability of producers to get coal out without having all kinds of restrictive laws and rules and then a myriad of permits that are required. Some of that does need to be clarified. All we could comment on would be - we can get you some numbers on the coal reserves, etc., and we can give you a history of what other utilities have done in the last year or two years as far as plants that have been ordered. That would give you an indication of where they're going, but I think that a lot of the larger utilities are really trying to find out what is going to be done about the big problems with nuclear and the big problems with coal. There's problems with both of them.

R. ALDERETE: The problem with coal though seems to be centered around one - EPA requirements, and two, of course, the outrageous transportation costs. But they're both of them a government-regulated type of situation and with nuclear the cost is, of course, government connected to some extent, but there is also a basic safety question that has been aired by different sides.

My only concern is that Fortune Magazine seems to be sending a message that this is - "hey, this may be a very wise investment." If it looks like everybody else in the country is going nuclear and nobody is going to tap the coal resource that it may be wise to stay in that market there because you've got it at a very large resource to tap. I was just thinking, Jack, it might be very helpful to the City Council to see more or less what the trend would be on a nationwide scale.

The other question that I was going to ask - is there any possibility of salvaging any of the fuel burning or natural burning gas plants to be converted to any other form of electrical generating plants. Is there any possibility? Could they be converted to either garbage or refuse burning plants, or lignite plants or whatever, so that we don't immediately throw away that capital investment.

MR. SPRUCE: We have several older smaller plants that we probably won't even use this summer to meet the load requirement. Those plants compared to the ones that we are running are inefficient. In other words, they use a whole lot more BTU's to produce a kilowatt hour. Those plants, of course, can be reactivated.

All the plants that were built in Texas from about 1940 on up to now, except for those that were build for lignite, were built with natural gas boilers which are sitting right down on the ground because that was the economical way to built them. They cannot conveniently be converted to use anything except oil. There is one possibility and this is what we call the coal oil slurry which was a federally sponsored program, and we got into that. We got a grant and we got moving on it, and then our program was closed down so the funds were withdrawn. We look at that as a viable possibility; it never was really going to be a big money saver. It would have more application for a utility that was burning oil; it could substitute coal for part of that oil and save back on the oil.

Now, that was before oil got so critical. We still think that program ought to be pursued. It would enable us to use some of our existing natural gas plants and generate with a mixture of coal and oil. Oil is getting to be so expensive now that all of those economics have to be continually reviewed, but that is another possibility. As far as burning refuse, we're continuing to look at that. There's a possibility that we could burn refuse in at least two of the installations that we have. One would be to convert an older boiler, another one would be to supplement part of our coal with garbage or dried solid waste. So, we're continuing to look at those

MR. ALDERETE: By older, are you talking about the natural gas boilers, is that what you're - by older boiler you're saying natural gas boilers?

MR. SPRUCE: Yes, every boiler in our system up to the coal fired plants were built upon natural gas, and they will not accommodate burning coal because there is no room for putting in the equipment that you have to have for removing the ash, trapping the fly ash and removing the slag or the bottom ash. So it's just not economically rebuildable. There is one older boiler at our northside plant that sits up higher off the ground. It's a different design than most of the others, and we've been studying looking at

that and obviously there's problems with hauling trash into that location. We've have to look at the emission and we would have to put a precipatator on there. The other possibility, of course, is using some garbage burning at the Deely plant. We could mix in some garbage with the coal but all you do there is supplement garbage for part of the coal and the economics of that have to be looked at and there again the emission standards and the economics, the whole bit.

The other thing about it is that if we burn all the garbage that was generated in this whole area - I mean produced in this whole area. We're talking about probably about 5% of the BTU requirements of the utility.

MR. ALDERETE: If we burned all the garbage in San Antonio.....

MR. SPRUCE: Yes, for the whole area, San Antonio and the environs.

MR. ALDERETE: Jack, would it be far-fetched to think that possibly we could utilize some of the disposed wastes from other communities around San Antonio to help generate electricity. Is that a very far-fetched idea? Is that a possibility?

MR. SPRUCE: I feel sure at this time that there would be very difficult economic problems but I'd say it's a possibility.

MR. ALDERETE: Difficult economic problems in what - shipping rate.....

MR. SPRUCE: Well, it costs a fair amount of money to - you're talking about taking garbage from towns around San Antonio - see, the quantities they produce compared to San Antonio are relatively small. Then you've got the problem of transportation, presumably you've have a central location somewhere in the urban area. You'd bring it from one place because you're going to have to have a large plant type arrangement to separate out noncombustibles and metals and things that you would want to separate out and sell elsewhere.

So you've got the transportation of moving all of that somewhere which is going to cost you some money and then once there it would be treated like the other. I don't know that we've ever made an estimate of how much we could get if we went to the New Braunfels and San Marcos and Floresville, Falls City, and Castroville, but I think that the amount that we would derive from all of those will be relatively small compared to what we collect here in San Antonio and you'd have to weigh the value of that against the transportation to get it here.

MR. ALDERETE: Houston and Dallas, I think, I know they're considerably further away, could probably have a considerable amount of garbage.

MR. SPRUCE: It would seem to me that if it was an economically viable process, they would be doing it themselves because Houston, you see, has coal plants and

MR. ALDERETE: Oh, do they have coal plants - the type you can convert to?

MR. SPRUCE: Yes, Houston has two on the line - one on the line, one coming on the line, two more under construction. Of course, North Texas has the Texas Utility System which are very large in use of lignite. However, that is something that we will have to continue to study.

MR. ALDERETE: Jack, if we could have that report back on that, I would really appreciate it. The other question, Madam Mayor, is directed to you more than anybody else. The Energy Task Force that was formed by the City

Council - I know they spent considerable hours listening to tremendous amounts of information and for some - I don't know if there is a reason or not - we haven't gotten a report back from them as to whether they thought it would be wise to continue with nuclear power or not. I would like to know whatever happened. I'm sure they've gathered sufficient information to make a decision. I'm just wondering what happened to it.

MAYOR COCKRELL: Mr. O'Connell has called me just - it was either yesterday or this morning, I don't recall which, but he stated that that committee had never quite jelled their report. They had been looking at all the different alternative fuels, and they were in the process of, I think he said of preparing a questionnaire to send to their members asking their opinions on a number of different issues related to the overall field they were studying. They said that as they were writing the questionnaire they seemed to have difficulty because the situation continued to change and were trying to write the questions properly so frankly all I can tell you is that they have never come to any kind of a conclusion as yet.

MR. ALDERETE: Could we direct this Energy Task Force to come back with a report or analysis as to what they discovered.

MAYOR COCKRELL: We certainly can. As I recall when we appointed that Task Force we did not give them a time limit, but I had assumed that they would probably be coming in before too long. I didn't think we wanted to pressure them - say with a six week limit or whatever, but apparently they have continued on to meet and review the issues so the Council may certainly ask for a report and set a suggested time whatever.

MR. ALDERETE: I'd like to request that we get a report back from them Madam Mayor. I think they've had sufficient time to review and at least give us an analysis as to what they think as public citizens of the City of San Antonio. Do you need a motion on that?

MAYOR COCKRELL: By the way, I just want to say on that subject - I was advised that there was a news conference this morning which was indicated or alluded that there may have been some pressure or something to that Committee not to make a report. That's totally inaccurate because the only contact I have had with that Committee that I know of any Council member having is just that on a few occasions I have been called and given kind of a progress report and I guess maybe once or twice during the whole time.

MR. ALDERETE: Well, I guess after this particular motion I'd like to be recognized for a motion so we could get back a report from the Energy Task Force.

MAYOR COCKRELL: Fine. I'll be glad to. Mr. Thompson.

MR. BOB THOMPSON: I'd like to bring emphasis to bear on this potential of burning solid waste and converting that energy. We've got a continuing problem with the site selection and we're going to be allocating some money today, or have the opportunity to do so for solution of disposal of solid waste. We need to press in that direction. I've already spoken to Mr. Frank Kiobassa, and I will renew my request and have him to contact your shop, sir. And I know they've got some new proposals in their office and we'd like to share those and get a mix of ideas so that we could proceed in that direction as soon as possible. I will be placing my energies and efforts into accelerating the process by which we might convert to the burning of our refuse which would eliminate one problem and solve possibly in some degree another. So I want to announce to you that I will be trying to accelerate that project.

R. SPRUCE: All right, sir.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. HELEN DUTMER: Yes. Mr. Spruce, I'd like to ask why it is that San Antonio envisions such a problem with the burning of solid waste? Now, I have family that lives in Ames, and I took a little short visit so that I could see this plant. Their problem is that they've run out of solid waste. They don't have enough solid waste to keep the thing up. They've gone to the surrounding territories but then Ames is not nearly the city that San Antonio is, that's true. But they've cut down on their expenses greatly because now they are required - Betty has four containers. They're required this by city ordinance and they just simply won't have their garbage picked up if they do not comply. In one the dry garbage goes, the other one the wet garbage, the solids, glass and the metals are separated out into a separate container and since they found that they have trouble with some of the plastics when they were burning some of the plastics, now they have to have the fourth container added to put the plastics in, and it's a way of life with them. It is very economical for them up there. I don't know why San Antonio could not make them comply with the same rules and regulations to cut down on the expense of sorting and separating.

MR. SPRUCE: You're right, Mrs. Dutmer, that is one of the very large expenses in most places where they start out. They've just gone into the common

MRS. DUTMER: They did too, up there.

MR. SPRUCE: And it's true that plastics have been a large part of the problem because they generate poly vinyl flourides which are deleterious both to the boiler and to the atmosphere. But there are a number of places in the country where the programs have been started up. They run into problems and they drop back. I think this is something we will see more of in the future and our minds are open on it. We just look at studies - we've been working with the Public Works Department and when we come up with something we believe is an economically viable arrangement there is no reluctance on our part to do it if it would save money for the rate payers to help the citizens. We're in favor of it.

MRS. DUTMER: I'm sure there isn't, but I just thought I'd inspect some of the methods they're using up there and it works out beautifully.

MAYOR COCKRELL: Now, we have three citizens who are registered to be heard so if there are no other Council questions we'll call on the first. Mr. Newton Trey Ellison.

MR. NEWTON TREY ELLISON: Before I start on my comments - I'm a member of that Committee. I have something to say about the Energy Task Force - why it was shut down. It will not be taken off my time.

MAYOR COCKRELL: Sir, you have a total of 5 minutes.

MR. ELLISON: The Energy Task Force was shut down just as the Three Mile Island was about to blow and it was dissolved without the permission of anybody involved into a committee of three composed of Martin Goland, and I can't remember her name, and Houston Wade.

Houston Wade has since been denied tenure at Trinity University and has received another offer for employment in Los Angeles. So, the whole thing is in kind of a mess and we were beginning to ask some questions about some of those things that happened at Three Mile Island, and it just kind of dissolved. All I got was a notice that I should submit something in writing. Well, I don't want to submit something to Martin Goland in

writing. The Southwest Research Institute stands to lose \$100 million in contracts if that STNP goes down, and so I don't think - I'd rather not have my questions edited.

Secondly, the thing I want to talk about is Comfort versus Peak/Demand. This is a zerox of a diagram found in the Sept. '78 Welding Design and Fabrication. It shows how the solar air conditioner works. This is a more simplified drawing that was prepared by the Absolute World Center that I'll also pass on, that you can copy and send on. It's got the address of Welding Design and Fabrication and my number if you want further information.

Okay, Comfort and Peak/Demand - Comfort is a function of three things, temperature, humidity and air flow. Right now, this situation that is going on right here is a very energy intensive and electricity intensive way of providing comfort which is a very precise and site specific feeling. It's right here on the skin. It depends on what kind of clothes you're wearing and how the wind is blowing. With this sort of device you can achieve comfort. In fact you can keep meat in a room like this without using any electrical energy except for a very small pump.

Now, I wish that CPSB would begin investigating this sort of thing instead of trying to get us locked into these large capital intensive programs. The programs that I have proposed many times in the past are very much labor intensive. They are very much site specific, and they will go a lot further toward solving our problems than the satanic Bay City plan. Thank you.

MAYOR COCKRELL: Thank you, let's see, you are connected with the San Fernando Pyramids Solar Corporation.

MR. ELLISON: Yes, that's the name of our company. Right now it's a non-profit corporation, but we're hoping to change that soon.

MAYOR COCKRELL: Thank you, sir. The next speaker is Mr. Lanny Sinkin.

MR. LANNY SINKIN: Mayor and members of the City Council, my name is Lanny Sinkin. I'm Co-coordinator of Citizens Concerned about Nuclear Power. I regret the fact that we were not able to get sufficient signatures in a very short period of time, but we tried in order to force the bond issue onto the ballot and let the people of San Antonio at least have one chance to vote on this project.

It was a function of our misunderstanding of the law, quite frankly it was our responsibility for not having clearly understood the law and acted sooner to begin the petition drive. We won't make that same mistake on the next bond issue, we assure you. But I don't think you really need to have 35,000 people sign a petition to recognize that the people of San Antonio have the right to vote on the largest investment in their history. I think you ought to put the issue of the Nuclear Power Plant on the ballot and let there be full scale debate about it and let the people of San Antonio hear the kind of indepth information that the City's Energy Task Force heard, and we have very different interpretations of what has happened to that Task Force.

We, too, believe that the Task Force was preverbally deep sixed to prevent it from coming out with this report because we believe the majority of the Task Force was ready to say, get out of STNP because that Task Force took the time to listen. They took the time to hear all sides, they don't put five minute limits on the deliberations. We spent an extensive amount of time talking to them, giving them books, giving them

articles. They heard from the other side and we found over a period of time that there was a growing concern among the members of the Task Force that I think jelled with Three Mile Island that they were ready to vote for us to get out of the project and that's why the report was never written. I hate the idea that someone like Martin Golland, the President of a company that makes millions of dollars out of the nuclear industry is assigned the task of writing the report along with Reba Malone who is the person that Trey couldn't remember. The other person is Dr. John Baldwin at Trinity, not Dr. Houston Wade. We think that report should be written based on the feelings of the committee, and there was an attempt to get the feelings of the committee and that too, was squelched but we won't go into the politics of why the committee hasn't reported, but we think that it would be valuable for that committee to report.

As I say, we will be ready the next time the bonds come. Our economic projections now are that you will have to issue at least \$500 million more in bonds before the construction of the South Texas Nuclear Project is complete which will mean numerous hundreds million dollars bond issues sinking us deeper and deeper into debt. I don't think it sound business practices any more than signing a coal contract, we don't have a fixed freight rate is a sound business practice and they were warned about that at the time they signed the coal contract. I hope you will put the South Texas Nuclear Project on the ballot in San Antonio, and let the voters of San Antonio have at least one chance to say whether they want this insanity to continue. Thank you.

MAYOR COCKRELL: Thank you. Coral Ryan.

MRS. CORAL RYAN: Good afternoon, I'm Coral Ryan, representing the group, Mothers and Others Mobilizing for Survival. I live at 414 Kings Court. We wish to express our objection to more money being spent on the South Texas Nuclear Project. We believe that operations of the South Texas Nuclear Project will impose unnecessary risks to our children and to our environment. We find the current disclosures avoid some as large as five feet square in the containment building at the South Texas Nuclear Project, particularly distressing. Our organization is dedicated to educating the public and our representatives to the dangers of Nuclear Power. We wholeheartedly support a public referendum and we will continue working for one in the near future. We will applaud City Council if you will initiate one. We are also working to change the direction of San Antonio's current energy commitment from nuclear to one of conservation and development of safe renewable energy sources. We want the City of San Antonio to initiate an aggressive effective program of conservation. We ask City Council to request a copy of the Master Plan for Energy Conservation that Portland, Oregon has put into operation. We think that Portland has been very effective in controlling their energy usage by planning for effective utilization of present sources of energy. We would like the opportunity to study Portland's planning depth and develop a similar plan.

We ask that the Task Force be appointed by City Council to develop a Master Safe Energy Plan for San Antonio. We request that the plan include equipping and operating City buildings to maximize energy conservation, converting present City-owned buildings to solar energy, designing new buildings to meet new standards for efficient solar energy, making available low interest loans for homeowners to make their home energy efficient and utilize solar energy.

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MRS. RYAN: We are very much in favor of developing safe sources of energy. We know that three to four times more jobs are created through methods of conservation and development of solar energy than through the use of nuclear power. We are aware of the magnitude of the problems and our request for action. We believe that the time to act is now, if we are going to have an energy plan responsive to the needs of the people. We ask that City Council respond to our request. One, to stop San Antonio's involvement in the South Texas Nuclear Project; two, to procure a copy of Portland, Oregon Master Plan for Energy Conservation; three, to appoint a task force to develop a master safe energy plan for San Antonio. We would appreciate any questions or discussions you have at this time. We also want a written response for our request. Thank you.

MAYOR COCKRELL: Thank you very much. I might just respond on an individual basis to your question. There is a portion of your request with which I would personally agree, I think it'd be very interesting to get a copy of Portland's energy savings, energy conservation packet. Certainly I'd like to request City Public Service to get that for us. They may already have it in their information but if not they would secure it for us. And I did think that planning for the future as we construct new public buildings in reviewing the energy efficiency in the ones that we have is certainly very constructive, and I would personally endorse that portion of your remarks although I cannot embrace all of it.

MRS. RYAN: I appreciate that, every step helps.

DR. CISNEROS: Coral, on your point, the last point, the one about an energy safe plan, I think is what you called it, you put an emphasis on solar energy as I understand that portion of it. Is it your contention that if we were to do something like free up the amount of capital that's involved in the nuclear project now, that we would invest that in solar activity at this time. Is that the point that you are making?

MRS. RYAN: Yes, that the nuclear power is tying up all of our resources, \$100 million bond issue today is a good example.

DR. CISNEROS: Okay, that's the first part of it, so that kind of frees up the money, but the second part of it then is, your contention that that money could be spent in solar activity now, is that right?

MRS. RYAN: Conservation and solar utilization of the energy we have now. We're wasting 50% of the energy we are using.

DR. CISNEROS: So, you would do things like what, shaving off the peaks and those sorts of things in the conservation area?

MRS. RYAN: Well, also..INAUDIBLE...homes and saving on the energy that we do use, making more efficient.

DR. CISNEROS: And then to generate additional power, because all the indications are that we will need additional power even with conservation, or at least it's not a risk that I personally would be willing to take by conservation alone we would meet our energy needs.

MRS. RYAN: Right, we need to develop off other sources.

DR. CISNEROS: What sources are you interested in at that point?

MRS. RYAN: In the whole spectrum of solar which would include random, geo-thermo and the other things.

DR. CISNEROS: You know if we actually had to do this, if you had the folks who are willing to sort of look at your plans. What would you, what would be the next step, actually going to make loans to persons to do solar for their homes, individual homes.

MRS. RYAN: Yes, that would be a good step..

DR. CISNEROS: I really, really question whether the state of the art such that that is the next step. That's where the logic breaks down because I really question whether we've got the technology, the distribution system, etc. to do that, for a system that has 250 thousand units that involve not only households, but business, and new growth to do it with solar, when solar is still costing \$5000 per house to do what's necessary to do what we do with gas and electricity. Do you know of any city that has done that?

MRS. RYAN: I don't know of any city who has initiated...

DR. CISNEROS: That has utilized solar as a major part of their mass energy system, not just demonstration, not just some examples, like what we have at Trinity or what you might do in a public building, but I'm talking about for mass public delivery of energy. Do you know of any city that has implemented solar in that way?

MRS. RYAN: No, and I believe that a lot of the problem is due to our national energy policy, 96% of the energy research and development funds have been spent for nuclear. We need to turn around our energy plans throughout the nation.

DR. CISNEROS: Okay, but even if I were to agree with you, that the problem is at the national level, and I probably do - that we not done sufficient research and that something of this magnitude takes a national commitment, solar. The facts are that it hasn't been done, and the facts are that when we are talking about having energy on line in the early 80's, that we are not masters of that situation, we are operating in an environment in which that research has not been done, therefore, that technology does not exist, therefore, to commit a major city of 250 thousand units of delivery to that is a very questionable, don't you agree, it's a very questionable next step?

MRS. RYAN: No, I don't, I think we should start immediately. I think that the issue of needing energy in the near future have been answered for San Antonio through studies - studying another coal plant, we could have another coal plant to meet our immediate needs by '83, '85 and go to other sources.

DR. CISNEROS: But do you know that if we did that, there wouldn't be the capital available to do what you say, because all the capital that we are spending on the nuclear plant, would have to go to building a coal plant.

MRS. RYAN: We would have to stop the nuclear spending.

DR. CISNEROS: I'm saying the capital that would have been used in the nuclear plant would apply to do what you say which is to build the coal plant would have been used up.

MRS. RYAN: There are studies that have been done, and I'm not familiar at this time with the exact dollar figures but there is not any comparison with the amount of investment in the nuclear power total as it will be to start the coal plant, and I'm sure there are people here who can give more facts on the exact figures, but the Deely Coal Plant didn't cost us \$2 billion, I know that. I'm not exactly sure how much it did.

MAYOR COCKRELL: He was referring to our 28% share.

DR. CISNEROS: Our own share amount, that's all we're paying for.

MRS. RYAN: We're anticipating by the time the power plant is complete, that it will cost San Antonio that much.

MAYOR COCKRELL: Thank you, Mrs. Dutmer.

MRS. DUTMER: I don't think, I'm not an expert on this but, Coral, how can you possibly think that one single source of energy can serve every sector of the country.

MRS. RYAN: We're not saying solar.

MRS. DUTMER: You're thinking about strictly San Antonio, I think what they're looking is more or less an overall picture than can be utilized in every sector of the Country, just like rummy dumb idea, about everybody turning in your blanket order of everybody turn your thermostats to 80, down here in San Antonio with our heat and our windowless buildings there's no way you can exist in an 80 degree heat, cause the air flow isn't there or anything else. Now, we go up to Duluth, Minnesota and in order to maintain 80 degrees, they're going to have to light their furnaces during the summertime, so really you - until they take a look at this nation sector by sector and divide some sort of energy control sector by sector I don't think it'll ever be successful, solar or otherwise.

MRS. RYAN: Well, I think that doing it sector by sector, we can start with San Antonio, that's where we are now. We can turn the nation's policy around ourselves if we use foresight and some vision.

MRS. DUTMER: But they can't use solar everywhere either. They have ten months of winter, they have 2 months of summer and out of that they have maybe 5 days of sunshine.

MRS. RYAN: That's right. We're not saying that solar is the answer to the entire energy situation. We say let's use solar where we can, where it can be efficient in the home. I don't see running a home entirely on solar, myself, but let's utilize the solar heating for like hot water, and let's eliminate the waste of high level electricity needs and use the solar the way we can use it.

MRS. DUTMER: It's going to be twice as expensive if you can't in an overall manner, it'll be twice as expensive to use one source for one item and another source for another item. At this stage of the game, I don't see the feasibility of it. I agree they can do some studying on it, but at this state of the game it's ridiculous to think that it's going to be the answer.

MR. ALDERETE: You know, Madam Mayor, to quiz any person as to why or how you would accomplish developing solar energy is really quite unfair because one of the basic problems is the lack of commitment not only on the part of local government or state government but of national government. The President in his token of amounts of money that he's dedicated to solar energy is just that - it's token. If he would bother to invest the time and the money and the effort that he has invested in trying to find nuclear power, or establish nuclear power or establish other uses of natural resource fuels, and I think solar energy technology would step up considerably. You know, it's a tough situation to address a citizen, and tell them, hey you are going to invest all your money in a coal plant, you're not going to have anything left. Perhaps if we went into solar energy perhaps the government would wise up and help invest with local government to get that additional funds.

I mean there's other methods. I mean nobody can come up with the answer right now. City Public Service staff takes months to come up with their analysis on various reports whether it's on fuel oil, coal, or nuclear, and yet I've seen that consistently on many occasions to be wrong. So, how can you expect a citizen to come up and have all the answers at hand, I think that's quite unfair. I think there's a - you know you've got a very - there's a very regressive negative view about solar energy we have been duped constantly by the major oil corporations, and we have been convinced seemingly that solar energy is not here yet with their fancy high priced advertising on TV. That's just one of their methods of delaying this technology to come and reach us simply because they're in the process right now of purchasing up all the major solar developing industries not only in the state but in the Country, Atlantic Richfield just bought up 21% of Solarex about three weeks ago and they're going to continue to do so and when they're going to do so because that's the only thing that they can control.

They can't control the energy itself from the rays of the sun, but they can control the commodity. I just wanted to clarify that. I think it's a little bit unfair to question the citizen as to how we are going to do it financially.

MAYOR COCKRELL: Mr. Eureste.

MR. BERNARDO EURESTE: I just wanted to comment on the \$2 billion business. She mentioned \$2 billion and Councilman Cisneros said that we were talking about our costs assuming that our costs is less than \$2 billion. The total cost of the project now is \$2 billion. The cost to San Antonio is \$560 million. The interests cost will double that figure and the historic price structure, of the project to the participants and to the City of San Antonio is a 23% increase per year since the inception of the project 1973. That was the time the first price was put on the project. It has increased by 23% per year compounded and today stands at over 100 percent increase in cost than it was first established and that's an increase to the City of San Antonio. Now, I'm sure than in 1973 had an opponent said that it's going to cost you a billion dollars; it's going to cost the City of San Antonio a billion dollars, somebody would've said, "You're crazy, you don't know what you're talking about." But yet here we stand in 1979 and we have a cost right now to the City of five hundred and sixty million dollars and the interest on that is a hundred and twenty-three percent of that cost. So, you add one hundred and twenty-three percent to the cost that's there and that's what you get in terms of interest down the road. 26 - 27 years from now. So, by the time we pay off the cost that we have established today, we would have paid off more than a billion dollars. Now, I said last year and other people have said last year who are more experts at this business than I am - I'm not an expert - but people who are experts at this business than I am - I'm not an expert, but people who are experts, have said that the cost to the project will continue to go up. The industry trend shows about a 20% increase nationally. The price goes up at 20%. Whether you calculate or re-calculate, invert your subtracted multiplication divisors, whatever you do, the 20% is there-nationally to the City of San Antonio, we have had a little worse experience than has been experienced nationally. Maybe it's because we don't have the controls on the project and maybe it has to do because the contractor who has the project who has no experience, who has never built a project like this before. And maybe it has to do with the magnitude of the project. It is anticipated to be one of the biggest projects nationally, at least that's my understanding. So, we stand today at \$560 million or a total cost to the City rate payers of a billion dollars. So, we're a \$1 billion away from the figure that was cited.

In September, we will get a report from CPS, I mean not from CPS, but from the participants in the STNP. That report will tell us that cost of the project has gone up once again. Now, the last time they came by, they told us that the price of the project had gone up and the cost was in several hundred million dollars. Not a few thousand dollars, several hundred millions. Because of the magnitude of the project when it goes up 1%, or 2% or 3% it is hitting the millions...

MAYOR COCKRELL: We have a rule that only one person is to be at the mike, and I don't believe there - were there any further questions of the person at the microphone?

MR. EURESTE: Yes, I wanted to ask...

MAYOR COCKRELL: She may be excused, if you're through with her.

MR. EURESTE: Well, can she stand there?

MAYOR COCKRELL: If you have any other questions, certainly.

MR. EURESTE: I might have a question at the end. I don't know why I get interrupted when I speak. I try to do some intellectual stuff here, and I'm thrown out of kilter by some remarks that deals with how many people can stand up there.

I think she went up there to ask her a question. I just can't understand that. The - it's very likely that the project will increase again in September. At least they've estimated the cost of the project will be given to us and the cost will be higher than the \$2 billion that is presently the total and for the City of San Antonio it means another increase, possibly to the City I'd say between 15 and 20% and that's no more than a year after we were given the last estimate. So, the trend will continue and the curve continues to more or less follow its historical nature, or its historical pattern. For the year '82 - '83, if it is completed by then, now we also had a slip in time by one year, so we could have another a slip in time by another year. So, let's say it '82 - '83. The calculations in the 21-22% increase annually compounded does take the cost of the project to the City of San Antonio at \$1 billion just for principal cost alone. The interest on that is at or about 123% of that principal cost. You add that 123% which is a billion two hundred - if you want it to be just in round figures - a billion two hundred and 30 million dollars to the billion dollars in principal costs and you are talking about a total cost to this project in '82 - '83 of two billion two hundred and 30 million dollars thereabouts. So, the two billion figure is pretty good. As a matter of fact, it is under what the '82 - '83 figure will tell us. And, very likely we will have a slip in time. Because I don't think we're through with the problem, that have been discovered with this project. I don't think we're through with investigation, the inquiries, etc., etc. and the legislation that might come out of Washington because of the terrible accident at 3-Mile Island. So, we more than likely will have a slippage in time of another year and if you have that and you can add another 21 or 22% increase to the cost of the project. And by then you are talking about 2 billion, possibly five hundred million dollars to the cost to the City of San Antonio. Those are real dollars. They are reflected in the bond issues of the type that we see here today. A hundred million dollar bond issue is not something to laugh at. It is high, it puts a tremendous burden on the City of San Antonio, and it's very likely we'll be tying our hands for future development down the road. Because it is eating up our ability to incur debt.

The reason that we have a rate increase that was talked about last night that it tied to the STNP is because we have what are known as balloon bonus. The bond payback is a constant figure. The City is a de-escalating or an escalating and de-escalating type of bond. That is we have set up our payment schedule, and the way we pay out so that we will peak in a couple of years and then we're on the down swing. And if we sell some more bonds then we will peak again and then we're on the down swing. At least in a few years we can see ourselves on the down swing. With the CPS bond, if you are paying \$50 billion today, you are paying \$50 billion from now through the year 2000. If you issue these bonds, and you are paying \$65 billion a year, you are paying \$65 billion a year to the year 2000. And if you sell some more bonds and you incur another \$6 million annual payment both principal and interest, you can add that on top of what you currently owe, and it's a flat out constant payback schedule. There's no decrease in that schedule of payments. There is a constant, constant increase each time we sell bonds. And what has happened to CPS is that it has overindebted itself. You know, the City could sell a hundred million dollars of General Obligation Bonds and would not have to go up on its tax rate because we have some cushion. But CPS, because of its aggressive nature of building, you know building for the future, regardless of the cost, has, I would say, overcommitted itself and basically overcommitted the City.

On the other note about whether this is the right way to go given that it's nuclear - we still don't know what the cost of fuel is going to be in the future. There is no guarantee on that, and I think Congressman Gonzales is very right when he says that nuclear is going to be cheaper, and you are going to be able to deliver energy at a cheaper rate, because - the cost of that fuel product is low today, well, you cannot rely on that being the case in the future. So, I think that the best argument is what we are experiencing today. You need to deal with what you are experiencing today, in that industry and the experience today is that the capital costs of nuclear are extremely high and there is no control on those costs. The fuel cost of that commodity, again, might not be controllable because you have made such a heavy capital investment in what you've got.

It's just like a person who has a cadillac versus a person who has a volkswagen, and is having to stand in line for gas, one has made a major capital investment in buying the cadillac I didn't mean you, we're not - I can just see those lines in New York or Philadelphia or wherever on the West Coast, and you see the heavy cars, the very expensive cars and then you see the very inexpensive cars. Somebody doesn't feel too comfortable in what is happening to them. And I would imagine that whomever has made a very heavy capital investment in that car doesn't feel too comfortable. Now, what we need is a solar car.

The other point is that it is the young people that will have to deal with the future. It is the older generations that are - and this is nothing personal okay, - it is the older generations that are burdening us with this tremendous, tremendous obligation, financial for one, safety for another. Perhaps we will be able to pay the bonded indebtedness that we have - that had been imposed upon us and upon our generations, but - I don't know, I guess we'll have to talk to one another when we get up to the happy hunting ground, because we are going to be, well we will make it. Some of us will get there ahead of others, but we'll all be there at one time or another, and when we get there we can talk about how, you can ask some of the older people - can ask the younger people, how do you dispose of the nuclear waste and you can ask us, you can ask Henry and me because Henry and I will be dismantling the STNP, because it is in our generation that the plant will be decommissioned and you can ask us and you can ask our children how did you decommission that plant that was so controversial back in the 1970's and 80's. I hope that we have a clean body and not a polluted body when you go up to your happy hunting grounds and talk to you about it and that we can tell you we took care of it in a proper way and not that we will have to tell you that we still haven't figured it out; it's still a monster standing out, nobody has figured out what to do with it.

MAYOR COCKRELL: Thank you. Mr. Steen.

MR. STEEN: Thank you Madam Mayor, Bennie, you sure you didn't major in speech. He's a good actor all right. You know, Madam Mayor, I once again have a great thought to save us a lot of time and energy, and it's not a new thought. It really comes from an old joke years ago.. INAUDIBLE.. But you know - we're all guilty of this, and we all seem to have our favorite speeches for our favorite subjects when they're brought up before the City Council to be discussed and I don't know why we just don't number those speeches you know, like 15, 18 and 20, instead doing your whole speech which takes about 15 minutes or 20 minutes, just holler out number 19, and we'll all know what it is.

MAYOR COCKRELL: Thank you very much for your suggestion. If there's no further questions from the Council we are now ready for the vote. The Ordinance has been moved and seconded. Clerk will call the roll.

AYES: Cisneros, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell.
NAYS: Webb, Eureste, Alderete.
ABSENT: None.

MAYOR COCKRELL: All right, the motion carried with eight votes, and we thank all of the persons from CPS who were here with us. Yes, Mr. Alderete.

MR. ALDERETE: Can we move on the motion to have a report back from the Energy Task Force, what would be appropriate, about 15 days, or 30 days or what?

MAYOR COCKRELL: Let's put 30 days at the outside because apparently from the reports they have been a little bit at a stand still.

MR. ALDERETE: I'd like to move that we have report back from the Energy Task Force in 30 days as to what their analysis was.

MRS. DUTMER: Second.

FOR COCKRELL: All right, there's a motion and a second that we request the Energy Task Force to bring us a report in about 30 days, if there's no discussion those in favor say aye. Any opposed no. Motion carried.

ESNEROS: Aye.

EBB: Aye.

DUTMER: Aye.

Wing: Aye.

EURESTE: Aye.

THOMPSON: Aye.

ALDERETE: Aye.

CANAVAN: Aye.

ARCHER: Aye.

STEEN: Aye.

COCKRELL: Aye.

MAYOR COCKRELL: All right we go then to the consent agenda.

Mr. Steen moved that items 6-21, constituting the consent agenda be approved, with the exception of Item 11, to be considered individually. Mr. Webb seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 50,963

ACCEPTING THE LOW QUALIFIED BID OF SAN ANTONIO CONTRACT MAINTENANCE TO FURNISH THE CITY WITH JANITORIAL SERVICE AT THE CONVENTION CENTER ARENA FOR THE FISCAL YEAR 1979-1980.

* * * *

AN ORDINANCE 50,964

EXTENDING THE CURRENT CONTRACT WITH HELICOPTER SPECIALISTS, INC., TO FURNISH THE CITY POLICE DEPARTMENT WITH POLICE HELICOPTER PARTS AND SERVICE FOR A ONE YEAR PERIOD.

* * * *

AN ORDINANCE 50,965

ACCEPTING THE LOW QUALIFIED BID OF STEWART & STEVENSON SERVICES, INC., TO FURNISH THE CITY AVIATION DEPARTMENT WITH A DIESEL MOTOR GENERATOR FOR A NET TOTAL OF \$15,459.00.

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AN ORDINANCE 50,966

AUTHORIZING THE PURCHASE OF TWO SEWAGE LIFT STATIONS FROM P.M.I. FOR A NET TOTAL OF \$24,148.00.

* * * *

AN ORDINANCE 50,967

ACCEPTING THE LOW QUALIFIED BID OF ARMSTRONG CONSTRUCTION, INC., IN THE AMOUNT OF \$38,766.00 FOR PLAYGROUND FACILITIES AT SOUTH-CROSS COMMUNITY PARK, SUBJECT TO RECEIPT OF ENVIRONMENTAL CLEARANCE FROM THE U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT COVERING SAID CONSTRUCTION UPON RECEIPT OF ENVIRONMENTAL CLEARANCE FROM HUD; AND AUTHORIZING PAYMENT FROM FUND 28-002, PROJECT NO. 002027.

* * * *

AN ORDINANCE 50,968

MANIFESTING AN AGREEMENT TO EXTEND THAT CERTAIN LEASE BETWEEN THE CITY OF SAN ANTONIO AND ALLAN HALL D/B/A CARGO CATTLE CO., AUTHORIZED BY ORDINANCE 46800 DATED JUNE 25, 1976.

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AN ORDINANCE 50,969

APPROVING THE ASSIGNMENT OF A PORTION OF A LEASE AT INTERNATIONAL AIRPORT TO THE JOINT VENTURE OF INTERAVIA, INC. AND SKY CENTER, INC.

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AN ORDINANCE 50,970

MANIFESTING AN AGREEMENT WITH MOBIL OIL CORPORATION TO EXTEND THE PRESENT LEASE AGREEMENT AT STINSON MUNICIPAL AIRPORT (LEASE #570) FOR A PERIOD OF ONE YEAR FOR A GROUND RENTAL RATE OF \$0.04 PER SQUARE FOOT PER YEAR, AND WITH ALL OTHER TERMS AND CONDITIONS REMAINING THE SAME.

* * * *

AN ORDINANCE 50,971

AMENDING AND EXTENDING THE EXISTING AGREEMENT WITH THE BELLAIRE ATHLETIC ASSOCIATION, FORMERLY BELLAIRE PANTHER CUBS FOOTBALL CLUB FOR LEASE OF CITY-OWNED PROPERTY FOR AN ADDITIONAL THREE-YEAR PERIOD.

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AN ORDINANCE 50,972

MANIFESTING AN AGREEMENT TO AMEND THE CONTRACT WITH JOE CONRAD, DBA 19TH HOLE GOLF CENTER.

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AN ORDINANCE 50,973

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SUNDAY SCHOOL ATHLETIC ASSOCIATION, DISTRICTS II AND V FOR LEASE OF 25.676 ACRES OF CITY OWNED PROPERTY FOR THE PURPOSES OF DEVELOPING SPORTS FACILITIES THEREON AND CONDUCTING ORGANIZED SPORTS ACTIVITIES.

* * * *

AN ORDINANCE 50,974

ACCEPTING THE PROPOSALS OF RABA-KISTNER CONSULTANTS TO PROVIDE THE CITY WITH GEOLOGIC AND GEOTECHNICAL INVESTIGATIONS FOR TWO MUNICIPAL SOLID WASTE DISPOSAL SITES FOR A TOTAL COST OF \$37,000.00.

* * * *

AN ORDINANCE 50,975

CLOSING AND ABANDONING A PORTION OF DAUGHTRY ROAD IN COUNTY BLOCK 4428, AND AUTHORIZING A QUITCLAIM DEED TO B.B. SMITH COMPANY, INC., FOR THE CONSIDERATION OF \$1.00 AND THE DEDICATION OF THE NECESSARY RIGHT OF WAY FOR THE REALIGNMENT OF DAUGHTRY ROAD.

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AN ORDINANCE 50,976

ESTABLISHING RATES FOR PARKING OR STORAGE
OF AIRCRAFT AT STINSON MUNICIPAL AIRPORT.

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AN ORDINANCE 50,977

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS
MAKING OVERPAYMENTS OR DOUBLE PAYMENTS
ON CITY OF SAN ANTONIO TAXES.

* * * *

79-34 The Clerk read the following Ordinance:

AN ORDINANCE 50,978

ACCEPTING CONVEYANCE OF A 2.885 ACRE PARCEL
OF LAND FROM THE SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT AS THE SITE OF LANIER
SWIMMING POOL TO BE USED AS A PUBLIC
RECREATION FACILITY.

* * * *

Mr. Wing moved to approve the Ordinance. Dr. Cisneros seconded the motion.

Mr. George Noe, Administrative Assistant to the City Manager explained the Ordinance.

Mr. Thompson expressed concern regarding the maintenance and operation costs of the Lanier Swimming Pool. He stated that he would like to see more financial participation by school districts in projects such as this.

Mayor Cockrell stated that this project has been in the planning stages for quite some time and felt that the City Council has an obligation to complete it without any kind of delay.

Mr. Eureste spoke in support of the Ordinance.

Mr. Steen also spoke in support of the Ordinance and concurred with Mr. Thompson's remarks.

Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Wing presided.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

79-34 ZONING HEARINGS

22. CASE 7744 - to rezone Lot 17-B, Block 10, NCB 10506, in the 6100 Block of Pecan Valley Drive from "D" Apartment District to "B-2" Business District, located west of the intersection of Dollarhide Avenue and Pecan Valley Drive, having approximately 225' on Dollarhide Avenue and approximately 100' on Pecan Valley Drive.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 50,979

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 17-B, BLOCK 10, NCB 10506, IN THE 6100 BLOCK OF PECAN VALLEY DRIVE FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

23. CASE 7746 - to rezone Lot 1, Block 1, NCB 11974, 2529 Nacogdoches Road from "B" Two Family Residential District to "B-1" Business District, located west of the intersection of Danbury Drive and Nacogdoches Road having 221.5' on Danbury Drive and 100' on Nacogdoches Road; Lot 7, Block 1, NCB 11974, 2523 Nacogdoches Road from "B" Two Family Residential District to "B-2" Business District, located on the northwest side of Nacogdoches Road, 100' southwest of the intersection of Danbury Drive and Nacogdoches Road, having 100' on Nacogdoches Road and a depth of 221.5'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that street dedication, in accordance with the Major Thoroughfare Plan, is accomplished and that a solid six-foot screen fence is erected and maintained along the northwest property line. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 50,980

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 1, NCB 11974, 2529 NACOGDOCHES ROAD FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; LOT 7, BLOCK 1, NCB 11974, 2523 NACOGDOCHES ROAD FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT STREET DEDICATION IN ACCORDANCE WITH THE MAJOR THOROUGHFARE PLAN IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST PROPERTY LINE.

* * * *

24. CASE 7738 - to rezone Arbitrary Tracts 100 and 101, Block 2, NCB 13802, in the 5100 Block of Crestway Drive, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the northeast side of Crestway Drive, being 280' southeast of the cutback between Randolph Boulevard and Crestway Drive, having 396.14' on Crestway Drive and a depth of 344.5'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained along the southeast property line. Mr. Canavan seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 50,981

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 ARBITRARY TRACTS 100 AND 101, BLOCK 2, NCB 13802, IN THE 5100 BLOCK OF CRESTWAY DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHEAST PROPERTY LINE.

* * * *

79-34 Mayor Cockrell returned to the meeting and presided.

79-34 Item 25, being a proposed ordinance awarding a contract to James Hunnicutt and Associates for parking and traffic consultant services at International Airport, was withdrawn from consideration.

79-34 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell, NAYS: None; ABSENT: None.

AN ORDINANCE 50,982

ADOPTING THE CITY OF SAN ANTONIO LEGAL HOLIDAY SCHEDULE FOR FISCAL YEAR 1979-1980.

* * * *

79-34 The Clerk read the following Ordinance:

AN ORDINANCE 50,983

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF LABOR (DOL), IN THE AMOUNT OF \$400,000 FOR THE FISCAL YEAR 1980 EMPLOYMENT AND TRAINING PROGRAM OF MIGRANTS AND OTHER SEASONAL FARM WORKERS UNDER THE PROVISIONS OF TITLE III OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT.

* * * *

Mrs. Dutmer moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to Mr. Canavan, Mr. Ken Daly, Assistant Director of Economic and Employment Development, explained the Ordinance which grants \$400,000.00 in federal money to the CETA program.

Mr. Canavan expressed his concern regarding the spending of tax dollars to migrant workers that are not American citizens.

Mr. Archer concurred with Mr. Canavan.

Mr. Eureste spoke in support of the Ordinance.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

79-34 The following Resolutions were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

A RESOLUTION
NO. 79-34-70

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT MRS. DORA M. ARIZPE HAS VESTED RIGHTS UNDER ARTICLE THREE OF ORDINANCE NO. 48484.

* * * *

A RESOLUTION
NO. 79-34-71

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT SAN ANTONIO RANCH HAS VESTED RIGHTS UNDER ARTICLE THREE OF ORDINANCE NO. 48484.

* * * *

79-34 The Clerk read the following Ordinance:

AN ORDINANCE 50,984

ESTABLISHING RULES, TIMES, AND REGULATIONS FOR CONDUCTING COUNCIL MEETINGS.

* * * *

Dr. Cisneros moved to approve the Ordinance. Mr. Steen seconded the motion.

Mr. Thompson made a motion to amend the Ordinance by deleting the phrase, "or drinking," in Section 2, Item C, pertaining to City Council members only. Mr. Alderete seconded the motion.

A discussion then took place among a few of the Council members on the amendment.

Mrs. Dutmer spoke against the amendment because she felt that the Council would be able to go through the meeting much faster, if the Council members would refrain from sipping or drinking beverages at the meeting. She suggested that a statement be inserted into this Ordinance

making it a rule that all Council members be present for the Citizens to Be Heard Session at 5:00 P.M.

Mayor Cockrell stated that a quorum is only required but that all members are urged to stay for this point in the meeting.

Mr. Steen spoke against the amendment. He stated that if citizens are not allowed to drink beverages in the Council Chambers, then this rule should also apply to the City Council members.

A discussion then took place on the pros and cons of allowing beverages in the Council Chambers.

Mayor Cockrell explained to the Council how this matter was dealt with in previous years.

Mr. Eureste spoke strongly in favor of the amendment.

After considerable discussion, the motion to delete the phrase, "or drinking" for Council members, failed to carry by the following vote: AYES: Cisneros, Webb, Eureste, Thompson, Alderete; NAYS: Dutmer, Wing, Canavan, Archer, Steen, Cockrell; ABSENT: None.

The original motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Webb.

79-34

The Clerk read the following Ordinance:

AN ORDINANCE 50,985

AMENDING THE PAY PLAN SO AS TO CREATE NEW PERSONNEL POSITIONS, AND AMENDING THE BUDGET OF THE HEALTH DEPARTMENT, ANIMAL CONTROL DIVISION, SO AS TO ADD TO THE PERSONNEL COMPLEMENT.

* * * *

Dr. Cisneros moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to Dr. Cisneros' question, Mr. Rolando Bono, Assistant to the City Manager, explained the Ordinance and the number of workers currently on the field. He stated that at the present time, 1700 calls were coming in simply on animal bites. He stated that the stray dog problem would be addressed after August 1st.

A discussion then took place among a few of the Council members regarding the priority being given to the animal bite problem.

City Manager Huebner stated that there is an acting director at the Animal Control Facility and the best is being done, considering the number of personnel at the present time. He stated that it will take more time before the problem is totally taken care of. He asked that the Council allow them to proceed with the progress as outlined by staff several weeks and stated that Mr. Bono spends an inordinate amount of time dealing with the Animal Control Facility.

Mr. Eureste stated that his concern was the lack of leadership at the department of the Animal Control Facility. He stated that the personnel were not being motivated.

Mr. Huebner spoke to the Council regarding the dismissal of the director of the Animal Control Facility. He stated that he is scheduled to listen to the tape of the hearing and the matter will proceed in the usual fashion.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Webb.

79-34 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 50,986

AMENDING THE CONTRACT WITH CITY TOWING ASSOCIATES, INC., FOR WRECKER SERVICE, SO AS TO INCREASE THE FEES WHICH MAY BE CHARGED FOR VARIOUS SERVICES, AND TO PROVIDE FOR MORE FREQUENT REVIEW OF THE CONTRACT.

* * * *

79-34 The Clerk read the following Ordinance:

AN ORDINANCE 50,987

AMENDING CHAPTER 6 OF THE CITY CODE, DECLARING CERTAIN ANIMALS, CERTAIN ACTS OF ANIMALS AND THE MANNER IN WHICH THEY ARE KEPT, ANIMAL NUISANCES, AND PROVIDING PROCEDURES FOR THE ABATEMENT OF SUCH NUISANCES.

* * * *

Mr. Wing moved to approve the Ordinance. Mr. Webb seconded the motion.

Ms. Karen Davis, Executive Assistant to the City Manager, explained several sections of the Ordinance. She explained how a person can keep ownership of a dog that people have claimed to be a nuisance.

A discussion then took place among a few of the Council members regarding Section 2, sub-section 6(d).

In response to Mr. Thompson, Mr. George Hernandez, Assistant City Attorney, explained that bees are considered to be wild animals and if people want to keep bees as a hobby, they would have to obtain a permit.

After discussion, Mr. Thompson made a motion to amend the Ordinance by excluding bees from Section 2, sub-section 6(d). Dr. Cisneros seconded the motion.

Mr. Archer spoke in favor of the amendment.

There was some discussion as to why permits needed to be issued.

Dr. Cisneros urged his colleagues to vote for the amendment.

On roll call, the amendment to the main motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Thompson, Canavan, Archer, Cockrell; NAYS: Wing; ABSTAIN: Eureste, Alderete; ABSENT: Steen.

Mrs. Dutmer spoke regarding Section 1, sub-section 5.G.(2). She stated that 10 dogs were too many to allow on a piece of property. She asked how people can complain about barking dogs.

Ms. Karen Davis stated that a person can call in and complain, perhaps even a citation could be issued to the owner.

In response to Mr. Eureste, Ms. Davis stated that they would investigate and report to the Council on the feasibility of scaling the license fee so that the license cost will be determined by the number of dogs a family has.

Dr. Cisneros spoke regarding the repeated number of impoundments. He felt that an animal such as this should be destroyed. He stated that this type of animal should be classified as "vicious."

The following citizens spoke regarding the Ordinance:

Dr. Amy Freeman Lee, representing ~~Man and Beast Inc.~~, stated that they were grateful to the Council for their concerns on the problem. She also stated that it is the hope of this organization that City Council grant the holding of an animal for 5 days instead of 3 days regarding the adoption plan. She suggested that City Council have the authority to declare an emergency in the city, if this should ever be necessary. She stated that her group was opposed to the expansion of the ordinance to permit the pursuit of animals in private property. She stated that cases like this in the past, have resulted in law suits.

Dr. Cisneros explained the intent of the Ordinance as it relates to the pursuit of an animal on unenclosed private property.

A discussion then took place on the implementation of the ordinance as it regards to the pursuit of animals on private property.

Mr. Bill McNeal spoke regarding the Animal Control Ordinance. He stated that there is a problem of not having the opportunity to protect the animal because of the section of the Ordinance dealing with the pursuit of the animal on private property. He asked that the Ordinance not take effect for 10 days, in order that the public can be made aware of the new ruling by Council.

Mr. Steen then moved to give Council direction to the City Manager that a 10 day moratorium be allowed to warn the public of the pick-up of animals on private unenclosed property. Mr. Webb seconded the motion.

A discussion then took place on this motion.

Mrs. Sybil Kane stated that she did not think that a moratorium was necessary. She felt that the Animal Control Facility could handle the matter. She then proceeded to speak against the motion.

After further discussion, Mr. Steen's motion failed to carry by the following vote: AYES: Webb, Alderete, Canavan, Steen; NAYS: Cisneros, Dutmer, Wing, Eureste, Thompson, Archer, Cockrell; ABSENT: None.

On roll call, the motion motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

Dr. Cisneros asked the Public Information Office to publicize the Ordinance.

79-34 The meeting was recessed at 4:55 P.M. and reconvened at 5:10 P.M.

79-34

CITIZENS TO BE HEARD

MR. DON GREEN

Mr. Don Green, with V.O.I.C.E., asked about the status of the request regarding the Five Palms Drive project. He understands a report was made to the Council by the Department of Public Works. He stated that an ordinance is necessary to complete the project and it is important to the citizens because of the gasoline situation. He asked the Council for information as to when this ordinance could be passed.

Mr. Kiolbassa, Director of Public Works, gave a background on the project and explained the current status. He stated that it is a matter of appropriating funds in order that the contract can be awarded. He stated that a report on the project was delivered to the Council in their packets.

Mr. Thompson made a motion that an ordinance be prepared for consideration at next week's meeting. Mr. Canavan seconded the motion. On roll call, the motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

NEWTON TREY ELLISON

Mr. Newton Trey Ellison spoke to the Council stating that air conditioning can be accomplished through solar energy. He stated that the South Texas Nuclear Plant would not be needed if this were done. In response to Mr. Alderete, Mr. Ellison stated that the cost is extensive, yet San Antonio could become a center for solar energy. He then proceeded to explain how the model would work.

Mr. Ellison further stated that he will be meeting with the Energy Task Force Committee.

MR. E.L. RICHEY

Mr. E.L. Richey stated that the Council can eliminate the services of unnecessary city employees. He stated that the Council should have this as a first priority in trimming the city budget. He further stated that merit raises should be given instead of the 7% rate increase across the board.

MR. KARL WURZ

Mr. Karl Wurz read a prepared statement regarding the proposal submitted by Mr. Clyde McCullough, Personnel Director, on salary wages. He stated that he has previously objected to the Kansas-Denver Study. He further stated that upgrading is based on insufficient criteria. (A copy of his statement is on file with the minutes of this meeting.)

79-34

RESIDENTS OF THE
SAN PEDRO HILLS/THOUSAND OAKS
SUBDIVISION

A group of citizens representing the San Pedro Hills/Thousand Oaks Subdivision petitioned the City Council to provide a Fire Station and EMS Services in their area. They feel that they pay adequate taxes to support their petition.

The following citizens spoke on the matter:

MRS. CAROLYN COTTINGHAM

Mrs. Carolyn Cottingham, 2133 Green Creek, presented the petition and spoke on behalf of the residents regarding their need for life-saving services in their area.

Mr. Eureste stated that a Fire Station in that area had been included in the 1978 Bond Issue which had failed. He stated that the Council representative of that area voted against the bond issue.

Mr. Webb reiterated Mr. Eureste's statement.

A general discussion then took place on requests made by citizens and the necessity for a bond issue. A discussion also took place on the raising of property taxes to support bond issues.

(Mayor Cockrell at this point stated that it was 6:00 P.M. and time to adjourn the meeting.)

Council discussed the matter and concurred to extend the Citizens To Be Heard Session.)

Mr. John Valco, 2133 Green Creek, also spoke about the necessity of life-saving services. He asked that the Council consider this area as soon as possible because it is a fast-growing area.

Mr. Marvin Nipper, 2142 Green Creek, also spoke about the lack of City services in their area including parks, police personnel and drainage. He requested that Council approve a Fire Station with EMS services in this area.

Mrs. Sharon Eidelbach, RN, a resident, spoke of an incident that occurred in this area and the amount of time it took to go out there and save a life. She asked for definite answers regarding the needy project.

Mayor Cockrell stated that the Council cannot give any answers today, but that the matter would be taken into consideration. She stated that staff will be asked for an updated review of costs for a project such as this. She also explained about the time frame with regard to priorities on a bond issue.

Mr. Eureste stated that he would be working on the reprogramming of monies in the budget and could not see any problem in supporting this project.

-
MR. GEORGE ALVA

Mr. George Alva, representing San Antonio Cab Drivers Association, explained that the airport is in need of a meter rate increase. He stated that they have not had a meter increase since 1974.

Mrs. Dutmer referred to a report made by the City Staff recommending against posting fares. (A copy of this report is on file with the minutes of this meeting.) She suggested that the request be referred to the taxi cab committee for their recommendation to Council.

-
MR. LUIS CAMPOS

Mr. Luis Campos stated that the City Police Department has purchased a new fleet of automobiles which are big gas users and feels that this is not conserving on energy. He stated that the City should set an example and purchase the compact automobiles. He asked the City Council to re-evaluate the City's purchase of these automobiles in light of the present gas situation.

Mayor Cockrell asked staff to review the comments made and advise the Council on why the larger size cars were purchased.

-
MR. WAYNE NEVIL

Mr. Wayne Nevil spoke to the Council regarding Ordinance 45929 on junk vehicles. He stated that he is experiencing problems with his business because of this new Ordinance. He feels that he doesn't operate a junk yard.

Mr. Luis Garcia, Assistant City Attorney, explained the procedure that is available to Mr. Nevil on his grievance.

Mr. Wing explained that there is an abundance of used car lots on Commercial Avenue and this amendment to this Ordinance addresses concerns of citizens in the area. Mr. Wing also detailed the criteria which constitutes a junk vehicle.

July 9, 1979

Honoaable Mayor and Members of the City Council
City of San Antonio

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

July 2, 1979

Petition submitted by Michael
L. Stobel, for the Muscular Dystrophy
Association, requesting the City
Council to lift its ban on the sale
of beer at Sunken Garden Theater, during
the 3rd Annual Top Rock Search.

/s/ G.V. JACKSON, JR.
City Clerk

* * * *

- - - - -
There being no further business to come before the Council,
the meeting was adjourned at 6:30 P.M.
- - - - -

A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST: *G.V. Jackson Jr.*
City Clerk

Excerpt From The
City Council Meeting
July 12, 1979

Mayor Lila
Cockrell:

Item 35.

City Clerk,
Norma Rodriguez:

An ordinance amending Chapter 6 of the City Code, declaring certain animals, certain acts of animals and the manner in which they are kept, animal nuisances, and providing procedures for the abatement of such nuisances.

Mayor Lila
Cockrell:

Dr. Cisneros?

Dr. Cisneros:

Yes questions of Ms. Davis, I think who drafted it. I just want to make sure a certain numbers of points are covered. The question of animal control persons being able to go on to private property.

Ms Karen Davis:

Yes.

Dr. Cisneros:

What is allowable and not allowable under the ordinance that you've drafted?

Ms Davis:

Okay. The ordinance would allow them to pursue stray animals who are deemed to be a nuisance on to private property. They can go on that private property and apprehend those animals. It provides for conditions where we are dealing with animals that are not properly restrained, not under the control of their owner who is present, not on a lease, and not -- or not enclosed by a fence. And those are the animals that could be apprehended on private and public property by the animal control officers.

Dr. Cisneros:

Okay. In other words, an animal control officer after a dog who runs on to a business parking lot can now be apprehended.

Ms Davis:

That's right.

Dr. Cisneros:

An animal that runs on to a front yard can now be apprehended.

Ms Davis:

That's right.

Dr. Cisneros:

The only cases would be when an animal doesn't go into -- I mean, when he goes into a fenced yard, that our people would not pursue him into a fenced yard.

Ms Davis: That's correct.

Dr. Cisneros: Let me ask you about that fenced yard. If there's an animal inside and he is unlicensed, doesn't have a tag, can the animal control officer go into the house and ask the person whether that is their animal. If the person says no that's not my animal, can we then get that animal with the person's permission to come on his yard. Is that allowable under this ordinance?

Ms Davis: I think that would be possible, but there's not really a -- I can't think of a situation where if an animal is enclosed that it's going really to come to the intention of the animal control officer --

Dr. Cisneros: -- no, he may run into it --

Ms Davis: -- unless he's responding to a call.

Dr. Cisneros: He may easily run into that.

Ms Davis: The ordinance provides that animals must be licensed and vaccinated also. So that's covered in the ordinance.

Dr. Cisneros: Okay. So whether they're in a yard or out of a yard, they've got to be licensed.

Ms Davis: The idea of pursuing the animal into unenclosed private property, we are not going to intentionally go into an enclosed area to apprehend animals that may be pets of the people who own that property.

Dr. Cisneros: No, I understand. But if there is a situation where there is an animal that runs into a yard, which is very frequent, I think that's going to be eighty percent of the cases, the animal will find a way to get into somebody's enclosed area when he's being chased. What would be the animal control officer's recourse at that time? He has to go and knock on the door and say --

Ms Davis: At that point, I think that our policy would be that we would have to -- we would want to obtain permission of the property owner to go into that enclosed area to get the animal.

Dr. Cisneros: Okay. Fine. Does this ordinance make provisions for destroying animals that have bitten people a repeated number of times without any further opportunity to put that animal back out on the street?

Ms Davis: An animal that has repeatedly bitten someone would be under the ordinance -- could be declared a vicious animal. And in order to keep a vicious animal, the people must obtain a permit and to get the permit, they must prove that animal is not a nuisance to the neighborhood and would not endanger anyone's life. And under those conditions -- be very difficult to get a permit. In that case we would work with the people, they would have to get rid of the animal. Now we would euthanize the animal if the person requested us to do so, but the idea is that legally we would go in and they would be required to dispose of the animal in some way.

Dr. Cisernos: Okay. Thank you very much.

Mayor Lila
Cockrell: Thank you. Mr. Wing.

Mr. Wing: Ms. Davis, I thought that -- it says here that the animal control supervisor has the authority to hold the animals a minimum of three days. I thought we had made that two days in case of overcrowded conditions.

Ms Davis: Okay. What that is is two days for holding, one day for adoption. That was our understanding from the meeting. Currently we hold them five days; three days for re-claiming and two days for adoption. And that would reduce that to the two-and-one or a total of three days.

Mr. Wing: Okay. Thank you.

Mayor Lila
Cockrell: All right. Mr. Thompson.

Mr. Thompson: Thank you, Madam Mayor. I'm trying to look and see if I can answer my own question. But, I'm concerned about Item 6(d).

Mayor Lila
Cockrell: 6(d)?

Mr. Thompson: Yes. We have declared bees to be nuisance per se. And is there any exception to that anywhere in this ordinance? Is that a statement without reservation?

Ms Davis: I think the attorney could clarify that if I'm wrong, but I believe that that is one of the conditions where a person would need to get a permit in order to keep bees. That is keeping without a permit.

Mr. Thompson: That's authorized in this ordinance?

Ms Davis: Yes. Before you get to (a) it says that keeping the following animals within the corporate limits of the city without an animal permit.

And then to get the permit, if they can prove that those bees are not a nuisance; if they're keeping them for purposes of honey or whatever, it's some kind of a business, they would have to get a permit for that and the bees could not become a nuisance, a public nuisance.

Mr. Thompson:

Well one of the things that an ordinance in its title must do is advise those people that read it that the ordinance pertains to them. And this one declares certain animals, certain acts of animals, and the manner in which they are kept animal nuisance, and providing procedures for the abatement of nuisance. If I read that and I was a beekeeper, I don't think would be advised that this particular ordinance had application to my hobby. And I don't know whether we can -- I don't think that bees are under this properly. I don't think the title is sufficient and I don't think that bees should be controlled under an animal control provision.

Ms Davis:

Maybe the attorney can address that, I'm --

Mr. George Hernandez,
Asst. City
Attorney:

One of the things, Councilman Thompson, that we did not change was the definition of animal as it exists in the city code. And the animal definition, I believe, is perhaps broad enough to include bees now.

Mr. Thompson:

I don't think a bee is a living vertebrate.

Mr. Hernandez:

No, but it's an invertebrate.

Mr. Thompson:

Well, that's everything.

Mr. Hernandez:

That's as it existed -- so we didn't -- now, bees are also wild and common law.

Mr. Thompson:

Is a bird?

Mr. Hernandez:

I say particular types of birds, like ravens and things like that, could be considered wild animals.

Mr. Thompson:

Well, when we go around defining nuisance --

Mr. Hernandez:

-- now, all that we wanted to do on the bee question is to provide that people who wanted to keep bees for the purposes of --

Mr. Thompson:

-- a hobby --

Mr. Hernandez:

-- of a hobby or whatever, would have to get a permit. That's all.

Mr. Thompson:

Where's Mr. Archer? He's the only beekeeper I know. I hope he's pleased with this.

Another thing I had a question about was nuisance per se and in the area of liability for animal owners if the city declares an animal to be a nuisance per se, and it hurts somebody, then we have violated a long standing Texas rule wherein the animal got the first bite free before he was declared to be a vicious animal. Now, we have declared him to be a vicious animal before he got the first bite and that does affect the liability of an owner of an animal that we define to be a nuisance per se and then this animal hurts somebody. We are in fact creating some liability on the part of those animal owners above and beyond what we see here as we have enlarged upon what a commonlaw definition of what a vicious animal is. My primary concern was that of bees, and I'm still a little perplexed about it.

Mayor Lila
Cockrell:

All right and so what you're -- are you proposing any change or -- in other words, in our prior ordinances had bees been included?

Ms Davis:

They had not been addressed.

Mayor Lila
Cockrell:

Had not been addressed.

Mr. Thompson:

We're going to have a whole rash, Madam Mayor, of people that -- either we come out and tell them they can't keep them and bees are swarming all around, and we're trying to take their bees away from them and they don't know where to come home and we've taken the hives away and we don't have permits.

Mayor Lila
Cockrell:

All right. Would you like to recommend --

Mr. Thompson:

-- I would move --

Mayor Lila
Cockrell:

-- that 6(d) be removed then?

Dr. Cisneros:

I'd second that --

Mr. Thompson:

-- well, I haven't made it yet. I would move that we amend the ordinance for Section 2 -- if I can find it -- where is that --

Ms. Davis:

-- second page.

Mr. Eureste:

Second page what?

Mr. Thompson:

Section (d), 6(d) be omitted.

Dr. Cisneros: I'd second it on the basis that we're trying to deal with a particular problem. No sense raising other issues.

Ms. Davis: Okay.

Mr. Thompson: I don't know of any problem that we're curing in this faction.

Mayor Lila
Cockrell: All right, the Chair states the motion which is to delete Item (d) at the bottom of page 2, bees. All right, is there any discussion on that motion? If there is not --

Mr. Eureste: Yes, ma'am.

Mayor Lila
Cockrell: Yes, sir.

Mr. Eureste: Do we have a light system? I'm number three.

Mayor Lila
Cockrell: Oh, I thought perhaps you wanted to speak to the main motion --

Mr. Eureste: Yeah --

Mayor Lila
Cockrell: -- so I'll go around then.

Mrs. Dutmer, was your's on this item or --

Mrs. Dutmer: No, it's on the main motion.

Mayor Lila
Cockrell: I'll come back then. Mr. Steen, was yours on the amendment?

Mr. Steen: It's on the main motion. I have nothing against bees.

Mayor Lila
Cockrell: Mr. Eureste?

Mr. Eureste: Yeah. See, I -- you know, if you were going to remove bees then you might want to also to remove exotic animals. Wouldn't you? I mean, the logic would be there. I mean an exotic animal could be something so tame, yet it's exotic, but it could be something so tame that it would be -- a fish -- you know a yellowback --

Mr. Steen: -- goldfish --

Mr. Eureste: -- you know, goldfish with a white belly. That's an exotic to me. All right. Let's say

the white catfish that comes out of the Edwards Aquifer. You've heard of that, the 'blank white catfish,' albino, I think it's called the albino catfish.

I don't think that we are, you know, trying to put anybody out of business. I think what we're trying to do simply, Bob, is to -- just to bring this type of activity a little under control.

Mr. Thompson: Oh, I agree.

Mayor Lila
Cockrell: All right --

Mr. Eureste: So why would we want to exclude bees? I mean what is the reason for excluding them? The maker of the motion, I would like to ask that.

Mayor Lila
Cockrell: All right. We would then direct a question to the maker of the motion, Mr. Thompson.

Mr. Thompson: Heretofore we haven't had any regulation or licensing of bees and that presents a very interesting question. How many licenses do you get?

Mr. Eureste: One.

Mr. Thompson: Per hive? Per keeper?

Mr. Steen: Per queen.

Mayor Lila
Cockrell: Just a moment. The Chair is going to remind the City Council that in our rules we have had the procedure that an individual does not speak out until they are recognized by the Chairman. At the present time, Mr. Thompson is the recognized person.

Mr. Eureste: Which rules are we talking about?

Mayor Lila
Cockrell: Rules that we have followed up to this point.

Mr. Eureste: What rules -- are they written?

Mayor Lila
Cockrell: We have had standing rules in the past. Yes, sir. And Roberts Rules of Order, which I'm sure you are well-acquainted --

Mr. Eureste: -- that's a lot better --

Mayor Lila
Cockrell: -- also provides that a person in order to

Speak is recognized through a system --

Mr. Eureste: -- that I respect --

Mayor Lila
Cockrell: -- at the present time, Mr. Thompson is recognized and the Chair will appreciate other members not speaking out. All right, Mr. Thompson.

Mr. Thompson: Thank you Madam Mayor. My purpose in offering the motion was that we have heretofore not excluded bees. I don't sense that we have any -- the problem with keeping bees is not anymore today than it was last week or the last year. I think it's a stable situation and we're walking into a stable situation and making it unstable in that suddenly all of the beekeepers or beehives -- and I'm not certain and I'd like to have that question asked -- how many permits must you get for a hive of bees?

Ms Davis: I think the idea was one permit per person on the hobby --

Mr. Thompson: -- so you would permit the person in this case.

Ms Davis: The person. You're not permitting --

Mr. Thompson: -- you've permitted the animal in all others, but you'd permit the keeper in this situation.

Ms Davis: Well the permit --

Mr. Thompson: -- well, I think that's how it would have to be.

Ms Davis: Okay.

Mr. Thompson: Now, as in regards to the other subject that's been brought up about exotic animals; we're going to have to face this definition, this definitional problem of whether this some kind of catfish, whatever they're talking about is included or excluded.

Mayor Lila
Cockrell: Mr. Thompson.

Mr. Thompson: Yes, ma'am.

Mayor Lila
Cockrell: I believe the situation was that Mr. Eureste had started a line of questioning and had directed one to you and had you completed your answer to that question?

Mr. Thompson: Well, no I just really got into that -- answering his question about the exotic animal part.

Mayor Lila
Cockrell:

All right. Well, may I just -- fine. All right. If you will then just complete the answer to his question, then we will return to him.

Mr. Eureste:

I think I have the response. Let me just tell you the concern that I have Madam Mayor.

Mayor Lila
Cockrell:

Then we'll come back to you again, if you wish, but we had gotten around to Mr. Eureste.

Mr. Eureste:

Yes. Let me just state the concern --

Mr. Thompson:

-- I just got started --

Mr. Eureste:

-- state the concern that I have. I have no problem against people that are keeping bees. But at the same time, I think that the reason for permitting is so that those individuals can come before, say, say one of the departments of the city that is administering the permitting and tell us; I've got, you know, fifteen hives or twenty or thirty or whatever, and that we have a check on what's out there, you know, basically. Not that we're going to go out there and tell them how to run his beehive or anything like that. But at least so that we have a count on what might be going on.

Let me tell you a situation that -- I don't know if those bees can run away. But I had some bees, you know --

Mr. Archer:

-- fly away --

Mr. Eureste:

-- in the house -- yeah they can fly away. I had some bees that were let off, you know, from a hive and that wound up in my house. And for years, you know, they were there and they were going through this hole. And they land up all of the inside between the outer wall of the house and the inner wall. They landed all up and I kept spraying into the hole at the top. I kept spraying poisons and, you know, you name it and they still kept -- every year they kept, you know, buzzing in and out, you know, in-and-out. And I kept -- I must have spent, you know, several, you know, maybe twenty, thirty dollars with poisons, you know, trying to get rid of them. I could never get rid of them. I had to call a bee extractor or, you know, a guy who --

Mr. Archer:

-- exterminator --

Mr. Eureste:

-- exterminator. Well, he didn't exterminate them. He extracted them. He went in there, took out all the outside siding and then with

smoke, you know, look for the queen bee and took it out, and took all of the bees with him. Now, I asked him; I said, well, how did they get here. He said, well, they could have come from a hive, you know, somewhere in the area.

Okay. I think that's the reason why, you know, if for example, we have that kind of complaint from a citizen, you know, where we could tell that citizen; well, you know, we know that there are some hives in the area and this might be where they're coming from. Okay. I think that is the purpose for the permitting, to know where they are at.

And, let me tell you, I was very careful when I went after the bees, because I was afraid of them because they bite, you know. I mean, I could just imagine, you know, being swarmed all over, you know, by bees. You know, you got to respect that.

Mayor Lila
Cockrell:

All right. Thank you very much. Mr. Archer was yours to this point about the deletion of these?

Mr. Archer:

Yes, it certainly was. Who put this in here about bees being a nuisance?

Ms Davis:

Does someone have to take credit? No --

Mr. Archer:

-- a nuisance.

Ms Davis:

The reason was just to insure proper care and control of the animal if they keep them.

Mr. Archer:

Well, see there's no way you can watch bees, because most of the bees don't come out of a hive. You can find bee trees. You know. Where they make their nest. There are bumble bees that nest in the ground. There are all kind of rock bees. I guess you mean down here honey bees. But you see, bees do more good, give more benefit than just about anything there is because there's certain farm crops that you wouldn't produce if they weren't pollinated by bees.

Ms Davis:

We have no problem with this issue on the bees.

Mayor Lila
Cockrell:

All right. As I understand it, the intent of the inclusion was that you simply wanted a record of those persons who as a hobby or profession or whatever kept hives of bees in their yard. You wanted those identified.

Ms Davis:

Right.

Mayor Lila
Cockrell:

Now then, there is a motion to have it deleted

and Mr. Archer is speaking in favor of deletion, I gather.

Mr. Archer: Yeah. I mean, I'd rather see down here ants or termites -- (inaudible due to laughter) -- I was just getting ready to bring everybody a bottle of honey, you know, I raise bees.

Mayor Lila Cockrell: There's a motion and a second --

Mr. Eureste: Madam --

Mayor Lila Cockrell: -- this is on the amendment?

Mr. Eureste: Oh, yes.

Mayor Lila Cockrell: All right, sir.

Mr. Eureste: Okay. I think when you talk about ants and what is the other -- ants --

Mr. Archer: -- roaches or termites -- (inaudible due to simultaneous speaking)

Mayor Lila Cockrell: Just a moment, the Chair would like to ask the council to return to order and we have serious business, and we would appreciate trying to get through and not get too much in a spirit of levity.

Mr. Eureste: Right.

Mayor Lila Cockrell: Thank you.

Mr. Eureste: Thank you, Madam Mayor. We're talking here about nuisance created solely by the keeping of the following. Now, I don't know how many people keep termites, you know, as a hobby or keep ants as a hobby. But we do have people that keep bees as a hobby, and it's a good hobby. I wouldn't want to have this -- (inaudible due to laughter) -- let me just tell you that I was not keeping those bees. You know. They came and invaded my house from somewhere in the surrounding area. Now, they became a nuisance to me. Okay. Somebody in the area had the bees. Those bees left the hive and became a nuisance to me and became a cost to me, because I had to get rid of those bees. They were ruining my house. And when we took out that thing, you know, the honeycombs was from about from here to about right here, and about that wide. That's how much honey that had accumulated, you know, in that area over the years. Now that is damage to my house. They ruined my sheetrock. They ruined the shingles on the outside of the house. Plus the exterminator that I had to call in and plus the poisons that I had to buy

and then my time. And when I was cutting the yard, I couldn't cut the yard, you know, sometimes in that part because of the swarm of bees that had found a nest in my house. That's a nuisance. That's the kind of nuisance that we would like to be able to identify or at least know where this potential exists. That's all.

Mayor Lila
Cockrell:

All right --

Mr. Eureste:

I don't think -- it's a negative -- if we were to permit that and charged it five cents for the permit or zero for the permit, I would be very happy. It's just so that we can know -- we will know where they are at.

Mr. Archer:

Well, you know --

Mayor Lila
Cockrell:

-- excuse me, Mr. Thompson.

Mr. Thompson:

Madam Mayor, there's some fundamental questions here and I would like to address my comment to the legal staff. Is that we have that uninvited invasion of bees and as we have defined that if you're a keeper or they are on your property then you are a keeper of those. If the bees then depart and sting or harm someone, we are then an unlicensed keeper by our own definition. And that would spell liability for that. If we were licensed, then we would not be the keeper of a nuisance, if we were licensed. But if we -- if through no act of our own, have those swarm to our house or in the vicinity and then they go to someone else and cause trouble, we have given the definition to that very event as being a nuisance for which I have backed into liability. So, it's a very difficult position. And I still would still speak on behalf of my own motion that we exclude bees from this and I conclude.

Mayor Lila
Cockrell:

All right. The Chair would like to move to a vote. Mr. Eureste, is this just a brief comment?

Mr. Eureste:

Oh, yeah, very brief. The logic would be like animals. You know. Animals as long as they're in your house and they don't run out, they present no threat to nobody. The reason we have to go to the permitting business for animals, for dogs for example, is because the potential is there for them to roam the streets. So then you have to be able to identify where the ownership is so you can begin to get a handle on that matter if it becomes a problem. Likewise with bees, then. If it becomes a nuisance, you know what you're dealing with. That's all.

Mayor Lila
Cockrell:

Fine. Dr. Cisneros.

Dr. Cisneros:

Yes. Just a very quick word. I would like to urge colleagues to vote for the amendment, which would be to delete bees for the simple reason that what we started out trying to do with this ordinance was to deal with the problem of the current animal control situation, the difficulty in the animal control situation. The problem of preventing any kind of an epidemic or anything of that sort in San Antonio. In other words, arming ourselves with the necessary tools. There will be sufficient controversy about the ordinance just on that basis, to not make unnecessary enemies for the ordinance, taking on issues that we did not seek out to do. We can't solve every problem of the city and every animal related problem in one ordinance. But we can solve getting tools to the animal control officers in one ordinance, and let's leave the bees out of it.

Mayor Lila
Cockrell:

All right. We do have citizens to be heard on the general subject. Let me ask if any of those persons wanting to be heard had any comments on the amendment on bees before we vote. If we could dispose of this amendment, then we'll get to the main ordinance and we will call on you. I know you've been waiting very patiently. All right. There appear to be none that have any comment on the order of bees. Mr. Eureste.

Mr. Eureste:

Yeah. This Item number 6 that we're discussing, is this a complete new section?

Ms Davis:

This section -- yes, it's new. We're trying to redefine the animal nuisance.

Mr. Eureste:

How was it defined before? How does this differ from the old definition of animal nuisance?

Mr. George
Hernandez:

The old ordinance defined animal nuisance for a variety of acts that dogs do. It didn't define an animal nuisance in the manner the dogs were kept, for example, unleashed or unmuzzled or --

Mr. Eureste:

Would you read the definition that we used to have for animal nuisance?

Mr. George
Hernandez:

I'd have to have the city code with me. But basically --

Mr. Eureste:

I would like to read it and see how that changes this definition.

Mr. George
Hernandez:

Basically, the -- okay, let me point out first before I read this that there's two definitions of animal nuisance in the new one. One animal nuisance number 5 and then animal nuisance per se number 6. Now the old code had animal nuisance number 5 only, and there has been a lot of substantial change of what number 5 is. But let me read to you what was an animal nuisance under the old code.

Molest a passerby -- this is talking about animals in general, doesn't define animals, what kind of animals, whatsoever, so even if the bees are deleted, someone could come along and define tiger or bee or whatever, an animal -- any animal which molests a passerby or passing vehicles; two, attacks or bites other animals or human beings; three, trespasses on school grounds; four, is repeatedly without a leash or not under the owner's control while outside the owner's premises or upon the streets, alleys or other public places; damages private or public property; barks, whines, howls or in such a manner disturbs with such volume and intensity or with such continued duration as to annoy or distress or disturb a person of normal nervous sensibilities within the vicinity hearing thereof. That's the way it's defined.

This attempt was -- then there's a lot of sections scattered through chapter six of the animal control chapter that deal with nuisances, but they don't call them nuisances. So our purposes -- one of the purposes we had was to take all these sections that were kind of loose and in other sections put them all together in a lump sum so that the people would know.

Mayor Lila
Cockrell:

All right. Fine. The Chair is going to recommend that since we were discussing only deleting one item, bees, that all comments from now on be kept entirely relative to the motion which is to delete Item (d), bees.

Mr. Eureste:

Let me see. I think I need a parliamentary inquiry, maybe a point of order, to tell me whether in the amendment -- I thought you could discuss other parts of the motion. I thought that's the way we have operated --

Mayor Lila
Cockrell:

(inaudible due to simultaneous speaking) -- in deleting -- but through an amendment, in deleting a portion, the comments should be relative to that portion. And then when you dispose of that amendment certainly you are welcome to discuss the entire item.

Mr. Eureste:

Okay. That's right. Okay. I'm going to keep

myself to bees, then.

In the old ordinance, did we make any reference at all to bees?

Mr. George
Hernandez:

There is no reference whatsoever. Not even in the old -- in the city code as it exists from other ordinances. There's no mention of bees whatsoever.

Mr. Eureste:

Very probable then that never in the history of --

[Tape went blank at this point and resumed with the following]
(Changing of Tape.)

Dr. Cisneros:

-- track of animals that have been there a number of times. People at the pound will tell you of animals that have come in six, seven, eight and one case fifteen times for having bitten somebody in a year. So they'll come in, spend ten days under observation but the point is they will have been in fifteen different times. Well, an animal like that, in my opinion, needs to be destroyed. I mean the owner has proven he has no regard for anyone else in letting an animal like that bite people again. And the animal has proven that he's a vicious animal. So an animal like that needs to be destroyed and that's part -- and that goes back to the discussion we were having earlier about vicious animals. In that the only way that can be handled under this ordinance and in the existing law is that the animal would be declared a vicious animal and then would be, according to this provision that we were debating earlier about bees would be an animal nuisance per se. And in order to keep an animal nuisance per se, you have to have a permit. And Dr. Rothe would just never give a permit to keep that kind of vicious animal and as a result they really would not be able to get him out of the pound, would not ever be able to get a dog out of the pound after he's bit a person three times, that's the limit.

Mr. Archer:

Three times?

Dr. Cisneros:

Yes, sir. Three times.

Mayor Lila
Cockrell:

Thank you very much. And we'll now call on Dr. Amy Freeman Lee.

Dr. Lee:

Mayor Cockrell, members of the council, I'm Amy Freeman Lee, and I'm here to represent the board of directors of Man and Beast, Incorporated.

First we'd like to say how grateful we are to

the council and all of you for your concern regarding this problem and attempts to cope with it, and particularly appreciative of the chance to share our opinions on just three of the points in your new concept.

First of all, it's the hope of Man and Beast that you will hold to the five-day period rather than going back to three. Because if we don't then the whole adoption program will go down the drain and we haven't even had a chance to prove it yet, even though one appearance of Mr. McNeil on television, I had a call from the center saying that hundreds and hundreds of people had been down there to adopt dogs. If we do this thing, we're going to be put back totally in the position of just killing. So that's our first concern.

Second concern is that we hope that the authority to declare a state of emergency in the city will be left to the city council. Because though we may disagree sometime on details, I assure you that the board of Man and Beast has thorough confidence in the council's ability to know when you're in a state of emergency and to act on it.

The third concern that we have is perhaps the most serious to us. We are opposed in principle to expanding the ordinance to permit the pursuit of animals on private property. We say this because we think sometimes laws come in as an expediency and stay to haunt us. It's going to cause a lot of suffering to animals that have not proved that they are vicious. It's going to cause a lot of concern and problems and expense to owners who have been responsible and I can be specific. Just one instance, if you have neighbors who dislike each other, it'll be a marvelous way to continue and promulgate that quarrel. We do not quarrel with the intent that you have in mind, but we think in the promulgation of that law, it's going to cause that kind of problem. Plus the fact, to rebuild the history of this city, that you were sued -- the City of San Antonio has been sued on this issue in the past and the person suing won.

If the council decides to move in this direction, however, MABI would like to suggest to you that we have a moratorium. Because while the citizens have had a chance to learn about the leash law, if you put this into effect immediately, they have not had a sporting chance to understand this problem. And that they will now have the dogs picked up on private property.

I would like to say Mayor Cockrell and members of the council in closing that in our opinion the city manager, Mr. Tom Huebner and his assistant Mr. Bono, have worked (inaudible) on

this problem. They've been very cooperative, certainly with all of us and we're deeply grateful. It's a problem that has existed in this city for decades. And I'll be very frank, when I personally started coming down to talk about it, I know that at best I was considered merely an eccentric sentimentalist. I may still be considered in that category, but at least we now have your attention and you concern, and I assure you we are very grateful for it. Thank you very much.

Mayor Lila
Cockrell:

Before you leave Dr. Lee, let me just be sure I understand your comment on the picking them up on private property. On page five, I'm looking at the number (c) at the bottom. On private property, in all cases where no consent can be obtained, but the officer reasonably believes there is immediate and eminent danger or peril to the public if the animal in question is not seized or impounded. Now that is part of what you're questioning?

Dr. Lee:

Yes, because we feel that this calls on a kind of sensitive and delicate judgment that not most of the people working in the field will have at their command. And that a lot of problems can come from this. I think you'll probably have a test case on it.

Mayor Lila
Cockrell:

For example, what occurs to me, of course, is a problem if a dog has either bitten someone and then run on -- you know, from the street on to private property or appears to be very vicious and that kind of thing and has run up -- the officer is in pursuit, perhaps down the street and temporarily that animal runs up on private property and cannot be coaxed off the property. That's of course what we're concerned about.

Dr. Lee:

I understand and we appreciate, and I repeat, we appreciate the intent. But we are afraid and have a deep concern that in the application of this principle that it's going to cause a lot of problems, a lot of extra suffering to animals that have not been vicious and a lot of problems for owners who have tried to be responsible, and probably bring about some lawsuits to the city. Because I think that invasion of private property is highly questionable. That's our opinion for whatever it's worth.

But, Mayor Cockrell, may I repeat that if you decide to move in that direction, we do hope that the council will give the citizens of the community an opportunity to be apprised of this change, so that it doesn't come suddenly. At least a couple of weeks with the aid of the mass media, so that they have a sporting chance to know that you really mean it and

that the dogs or whatever are going to be picked up on private property now. Which is a total change of anything you've ever had in this city before.

Mayor Lila
Cockrell:

Thank you. Mr. Archer.

Mr. Archer:

Dr. Lee, the intent of moving the holding period from five days to three days was to make room down there in the animal control facility because we voted not to -- you know, you-all came down here and wanted us not to expand, and when we have people from all over the city wanting us to pick up dogs, there's no room to keep dogs five days. And the intent of the thing was to give the director down there the discretion to get rid of the dogs within three days if he deemed that dog not very likely to be adopted. And I think you have to leave it up to somebody to say that if -- with his experience if he says there's no way anybody's going to adopt that dog, then he could get rid of the dog within three days. But if the dog looked like there was a chance that it might be adopted, that it was a fairly good dog, then he could hold him longer if he wanted.

Dr. Lee:

Yes, I understand the problem. But you do remember also that when we came down we said in the master plan San Antonio is going to have to realize that the problem is growing all the time and we are eventually going to have to have more facilities than we do now.

Mr. Archer:

Yes, ma'am. But still we really don't have the money to build another facility right now.

Dr. Lee:

Well, we appreciate that and I know that everybody who comes down feels that his particular issue is the most important one. But may I just point out in passing that when we tried to work with the City of Laredo several years ago and warned them of the impending danger, they said they could not do anything about it, they didn't have any money. But when the problem struck and it became critical, they found the money immediately and then it cost them even more to mop up. So it's our hope in San Antonio that we are going to approach it, not on a crisis basis, because whenever we do that, I don't really think in principle you educate people through fear. I really don't think you do.

Mr. Archer:

Well we really didn't adopt this on a crash basis. I really believe we adopted on a very logical basis and the way we've gone about it, and I think it makes for a lot more businesslike way of running that pound down there, myself.

Dr. Lee:

Well, we appreciate your point of view, but we

don't agree with it.

Mayor Lila
Cockrell:

Thank you. Dr. Cisneros.

Dr. Cisneros:

Yes. Dr. Lee, on the question of the adoption it's exactly as Mr. Archer has pointed out that it's ironic in a way that we in exceeding to the request of your organization created the situation in which we have fewer spaces. Actually, that's not really true because we wouldn't have had the spaces ready now, anyway. But we are going to be looking, and I think the majority of the council when we talked about animal control in the budget session, is going to be looking at ways to come up with new facilities. But we have a problem right here and now, in seventeen hundred calls per day, I think was the figure that was cited, three hundred calls for pick ups per day. You know, we have to do something now, and if that means that the adoption program can't really go into full-blown operation until after the new facility is in place, then that may be what we are backing into. But we do have a problem we need to deal with and I hope you can appreciate that we can't, you know, presto, have the new facility in place.

Dr. Lee:

I do certainly appreciate it, but let me remind us all that one of the reasons you're having these calls is because there is a critical situation. People are fearful because of what they've heard about Laredo and Eagle Pass and Poteet. So in that sense though, certainly you as the council didn't create the problem. But the problem is here.

And may I just respond, Dr. Cisneros, to what you're saying. I'm going to speak very frankly, if I may. Every time I've come down to talk to the council through all the years, my colleagues have advised me not to say what I'm going to say now, and I haven't done it. And they told me not to say it because it isn't effective and it isn't practical. But I'm going to say it because I have that kind of confidence in people, per se, and certainly I have it in you. And that is that the appeal I make is always based on humane ethics. And I certainly never come down here with the thought that anybody on this council doesn't care about the suffering of the animals. I come down here with that thought and that confidence in you that you do. And it's on that basis that I make the plea, because I think the nature and the manner in which we handle the so-called lower animals bespeaks the level of development in this city. And I don't think this council thinks that the be-all-and-end-all of life are just nuts and bolts. I certainly don't. If I really believed it I wouldn't bother to come because

I wouldn't think there would be any way to speak to you human-being-to-human-being. And I'm delighted, Dr. Cisneros, you gave me a chance to say it, because it's been right here in my chest for a long time. I feel that you do care in that way.

Dr. Cisneros:

I have another question, if I may. Following up on your remarks relative to the private property issue. Now, what we are trying to do, and the language may not say it, but what we're trying to do is this. An animal control officer is in hot pursuit of a mangy dog. A dog that is a danger. A dog that is wandering around the corner of Buena Vista St. and Zarzamora, which is in the area where I live. And there's a pack of mangy dogs there. Now if that dog should happen to run on to the lot of the First Mate or the Malt House or a -- something like that, a service station at that corner. He cannot under the present ordinance be picked up, because he cannot go on to that, quote, private property. Under -- what we have tried to do is that. Now we don't want animal control officers to have to go crashing through people's gates and through their yards. That's not going to happen. But what is going to happen is if a dog runs on to a front yard, that it's ridiculous to have to expect the animal control officer to knock on the door and ask permission to get a dog that's standing on the front yard, when thirty seconds later the dog is a block down. We've got to give the animal control officers the tools to deal with the situation and it's not something that can be done on paper. It's something that has to work on the streets. You know, when the man is there in his old clothes with his old truck with nothing but a rope and a dog to pick up.

Now, Karen or George or whoever, when we talked about this ordinance we talked about the issue of fences, and I don't see it written in the ordinance. Why doesn't it state that what we're really after is animals on private property that is not fenced. Front yards and parking lots and those sorts of things. Is that addressed to your satisfaction in here?

Ms Davis:

Okay. The issue has been addressed from a legal standpoint within here and we're going to more clearly define that in our administrative directives and administrative policies from the animal control facility. And that will be part of the -- later on and right now we're going to do as good a job as we can. But the training and the work with the animal control officers, we'll stress that point at that time also. But we intend to join this ordinance with an administrative policy that would more clearly state that fact.

Dr. Cisneros: And as the coordinator of this task force for the city manager, is it your judgment that this is legally sustainable. I mean, you're satisfied that it's legally sustainable.

Ms Davis: Yes.

Dr. Cisneros: Okay. Now Amy -- Dr. Lee, that deals with as best we can with the legal question. It deals as best we can with the practical management situation of putting people on the streets to do a job. I don't know what else to tell you, other than that right now, we've got -- we're sitting on a tinder box and without some tools it's only going to get worse. And all the advanced word that you've been giving us over the years, we have got to act. I mean, we do have to act now because if we think it's bad this summer, we're going to have several thousand more dogs next summer to make it worse.

Dr. Lee: It's not that I don't understand the intent. The bottom line on it is whether or not you think potentially it will bring more problems or not. That is really what the opinion rests on. And you made the statement that something would not happen that you assure me that certain things would -- if you could really assure me of that, I'm sure you wouldn't say it if you didn't think you could assure me. But if you could really assure me of that, I wouldn't have brought the whole issue up. It's just that I think it's potential of a lot of perversion of the intent and that concerns me. So that in my opinion, for whatever it's worth or in the opinion of the board of MABI, board of trustees of MABI, we feel that it has more negative aspects than positive. That's all. But if you disagree with us, that you will give the citizens a chance to learn about it.

Mayor Lila Cockrell: Let me say that there are two other citizens to be heard and we must get through before 5:00 o'clock when we have the regular citizens to be heard time and portion. The Chair will recognize Mr. Steen.

Mr. Steen: Thank you, Madam Mayor. I wonder how long do they want the moratorium for on this private property business?

Mayor Lila Cockrell: Ten days is what I understood.

Mr. Steen: Ten days to two weeks? I would be -- as a council person, I would be willing to go along with that because I think that we should notify the public that we're going to begin to pick up stray animals off of private property. And I think that is an honest thing. And I would certainly be willing to do that.

Mayor Lila
Cockrell:

May I direct a question to the city manager. If the council adopted this ordinance, but wished to give sort of direction that is a policy matter would prefer that we did not utilize the section about animal control officers being able to pursue the dogs on to private property for two weeks, so that we could have a public announcement and education campaign on that subject, would that be agreeable to the management?

City Manager
Tom Huebner:

Oh certainly.

Mayor Lila
Cockrell:

Fine. So that can be accomplished without a change or amendment to the ordinance itself, but just simply through a direction of council policy.

Mr. Huebner:

That's right. What we'd embark upon is a public information program, letting people know that this is the way the ordinance would be enforced and when. That's perfectly agreeable to me.

Mayor Lila
Cockrell:

Fine.
All right. Let me then call on William McNeil.

Dr. Cisneros:

(inaudible) -- may I speak to that point?

Mayor Lila
Cockrell:

Yes, Dr. Cisneros.

Dr. Cisneros:

I just think it would be a real problem not to enforce that portion of the ordinance, the hot pursuit portion. Because, I mean, that's the main body of this ordinance. And that's what we're trying to deal with, not next summer, but this summer. And two weeks means August. And what we're trying to do is implement something that will get us through this period of the hot summer months when the situation is worse. And I'm just assuming that it's going to be a controversial ordinance and assuming that there are going to be some minor difficulties, but I'm also assuming that it is worth putting up with some kind of difficulty, is it worth at least that much to prevent having to get a call from Santa Rosa Hospital that they've got a child over there with a case of rabies. And that's what we're trying to prevent. And two weeks is just defeating the purpose of having this whole discussion now instead of later.

Mayor Lila
Cockrell:

All right. Mr. McNeil.

Mr. Bill McNeil:

Good afternoon. My name is Bill McNeil. I'd elect to talk on three different points in the seizure problem. Again, in principle we support it. We understand that it's a handicap now not to be able to go on private property. I think that we should stress that it should be a public relations thing, where the individual that you give this authority to has good common sense and has been trained in what is a stray animal and what isn't so he doesn't cause problems.

For example, if someone didn't like my two dogs and I leave the home for the day and they come to my gate and open my gate up and let my dogs out. They'll stay around the yard. Then he calls the city and says these dogs are strays and are a nuisance. Although they are tagged with the current rabies, of course, and with their license tags; by the new ordinance they can be picked up and taken down to the animal shelter and held. If I'm not home they can't prevent that or the ordinance would not stop that. So I'm asking -- there's one potential problem, unless I don't understand your ordinance where I, as a good animal owner -- consider myself to be one -- would not have the opportunity to protect my animals. I would not want it to be exposed to the disease that is down in the animal dog pound now, which we hope to correct by the new design.

So basically, the moratorium -- we would ask for a minimum of ten days. There are people that are probably -- that do not believe the city will enforce the ordinance. If we convince them that we will, I'm sure there's certain animals throughout the city that have to be trained themselves to get used to a leash to get used to being in a fenced yard. So we have responsible citizens willing to do this for the city to avoid this. We should give the dog a chance to adjust to a fence or adjust to a leash. So that the first day that dog is in the back yard and tries to dig his way out and gets out, we don't slap him in the dog pound. The dog has an adjustment period, too. If the citizen is going to live up to the ordinance, let the dog adjust to being on a leash and being in the back yard fenced where it should be in the first place.

Then, as far as the emergency status, I think this has already been taken care of and covered. We would want that to remain with the city manager in the city council. That should be your decision alone and not one individual's decision but yours collectively. So we strongly recommend that.

Then the five day versus three day. Let me point out that the stipulation with the unwanted pets is if the facility is

overcrowded you can destroy any unwanted pet that comes in there the day it's brought in. That's the way you wrote it. That's the way it is. Sixty percent of your --

Unidentified
Speaker:

(inaudible) -- three days --

Mr. McNeil:

-- no, I'm talking about unwantededs. Now your unwantededs, let me back up, I misspoke then. Unwantededs under the admission policy of unwantededs the bottom line reads if the facility is overcrowded, even though the individual brought the unwanted pet in once -- (inaudible) -- I don't mean to disagree or get off on a tangent, but it's on your admission form -- that the city has the right to destroy this animal in any period of time if it's overcrowded. That's on the admission form.

So my point is that sixty percent of the animals you're taking in, and as you point out today repeatedly, most of the calls you are receiving are people giving up unwanted pets. So we have the flexibility there to avoid the overcrowded situation. Now what you're asking for or what the city's proposing is we now limit the strays to be either adopted or have a one-day adoption period. So now we're eliminating someone who left town, whose dog got out, he doesn't have the three days to come back and reclaim it. He's only got two days, he's only got one day for it to be put up for adoption. That would be a maximum. So we're talking about eliminating a lot of dogs for adoptable purposes and we're eliminating the person's chance to reclaim the dog.

Another point is you haven't given us as a group, an organization, the opportunity to help you the way we have planned with our pet adoption days. We will be going on the air July 23rd with the first series of free spots to promote pet adoption through your facility. We strongly support that now because a animal has gotten his license, gotten his shots, so it is protected from rabies. Eventually that animal will also be spayed or neutered. So let us not put in your law we eliminate an animal through one day adoption on the stray side and if we're overcrowded we have to eliminate the unwanted pets entirely due to someone's discretion at the dog pound. So I'm saying let the program go in and then look at your master plan.

Granted initially you're going to have nineteen more trucks, naturally you're going to have more animals come in. But by that time we'll have the pet adoptions going and we'll have adopted animals, and logically if they're spayed or neutered, most people will realize if they can go down there for ten

dollars and get a spayed-neutered animal, that's going to be the place they're going to go. They're going to get a spayed-neutered animal, that's going to be licensed, tagged, and vaccinated for ten dollars. That's where we should promote the people to go down to. So let's give them the animals to adopt. Let's not destroy them before they have a chance to adopt them. So basically -- I guess that's the end of my speech.

Mayor Lila
Cockrell:

Thank you, sir. All right. Mr. Eureste.

Mr. Eureste:

I was going to ask a question, but I forgot it. So I'm just going to have to wait.

Mayor Lila
Cockrell:

All right. Mr. Steen.

Mr. Steen:

You know, Madam Mayor, I don't -- it doesn't look like maybe a majority of the council agrees with the moratorium on that part of the ordinance, picking up animals on private property. And, I guess I should make some sort of an amendment motion or something to get it before the house so we can either vote it up or down, whatever the case might be.

Mayor Lila
Cockrell:

The -- on that point you can simply move that the council give direction to the management as to policy that it not be enforced for ten days or two weeks or whatever you wanted to move, if you decided it doesn't require an amendment to the ordinance.

Mr. Steen:

All right. I would so move that we give the city manager direction to allow a minimum ten day moratorium to inform citizens before we begin the pick up of stray animals from private property.

Mr. Joe Webb:

Second the motion.

Mayor Lila
Cockrell:

All right. There is a motion and a second on the -- which would be simply a policy direction relative to the pending amendment -- to the pending motion. Is there any discussion on the policy item? Mr. Canavan.

Mr. Canavan:

No, my question was to Mr. McNeil and that is what we actually do with the stray dogs. The reason for the implementation of the two days and one day and so on is that when that facility was full, then we're unable to pick up any other dogs. What is his solution?

Mayor Lila
Cockrell:

All right. May I just ask if we could hold this until we dispose of this matter of the moratorium. Was the motion ten days or two

weeks?

Mr. Steen: Ten days.

Mayor Lila
Cockrell: Ten days. All right. Let me just check and see, Mr. Eureste, did you want to speak to that one?

Mr. Eureste: Yeah. I don't know that you're going to be, you know, invading, you know, a lot of private territory in that period of time. However, there might be some animals that could cause harm to somebody else that could be captured in that period of time. So I don't see the need for the, you know, for the moratorium. In other words, what I'm saying is that to impose a moratorium is to prohibit altogether the hot pursuit on to private property for ten days. To not have the moratorium and to allow it to go into effect immediately would then allow the city as the need arises to go into hot pursuit on to private property and knowing how the wheels turn at city hall I don't think we're going to be invading every piece of private property in the city, you know, within the next ten days.

But it would allow for us to capture a few animals perhaps that are a nuisance out in the communities. And allows us to implement immediately the most important part of this ordinance. And I really do not think that you're going to have a significant educational effort that can be mounted between now and the next ten days that is going to, you know, change this in the public's eye one way or the other. I just can't see our PIO or our television stations or Sears Roebuck catalog that can respond, you know, overnight to inform the public about what we are about to do.

Mayor Lila
Cockrell: All right. Fine. Dr. Cisneros.

Dr. Cisneros: Yes, ma'am. A couple of clarifications on the ordinance. First of all to use the word just private property is not entirely accurate because the ordinance even as passed now is not going to allow them to run on any private property, dog catchers to go on to any private property. It's going to allow them go into parking lots, places like convenience stores, restaurants and places like that. Where the packs of dogs hang out because that's where there's garbage strewn around from dempster-dumpsters and that's where they are. Or on to front yards when in hot pursuit of an animal that's going across three or four front yards because he's trying to get away from the dog catchers. So it's not exactly right to

scare people and create a controversy for ourselves by hoisting the image on the people that we're going to have dog catchers jumping over people's yards and through their barbecue pits and the rest of it because that's not going to happen.

The second part of what I wanted to say was that the job is a tough job. And as it is right now, the men are going out making pickups of animals, that's all the manpower we have to do. That's what they're doing. They're getting three hundred calls of that for that and that's all they're doing. However, if a guy, as happened to me the other day, is riding down the street and there are five dogs standing in the middle of the street. The dog catcher actually had to honk the horn to get -- you know, clear the way to get the dogs off the street, so the truck could pass. Now in that situation if they want to get the dogs, by delaying the ordinance we're just making it possible not to collect those dogs. Because the first thing those dogs do when they get away from the truck is to step on to private property. Right now you're just saying ten more days before you can stop and pick up a pack like that.

I don't understand why -- you know, what the value is in waiting and I speak against the amendment. I just think we have a problem, let's deal with the problem. In ten days people will learn, you know, what we're after is animals primarily that are unlicensed and because they are unlicensed don't have their shots and because they don't have their shots are more susceptible to rabies and other diseases. Now, if you're really, really concerned, you know, that -- about people -- about people's animals, then maybe we ought to be a little more concerned about the people who haven't taken the time to license their animal and get the animal their shots and therefore are creating a nuisance for their neighbor. I mean let's worry about the neighbor as much as we're worrying about the dog owner having ten days to let the animal run free. Let's worry a little bit about the fact that that person all of this time should have cared enough about the public of San Antonio to have the animal licensed. And that's the issue here.

Mayor Lila
Cockrell:

All right. Mrs. Dutmer.

Mrs. Dutmer:

Yeah. I want to ask two questions. Number one the amendment will allow the person to go on the property or the amendment will allow the moratorium. Which?

Mayor Lila
Cockrell:

The amendment will simply delay putting this ordinance, that portion of the ordinance into effect for ten days.

Mrs. Dutmer:

For ten days. All right. If the ordinance is passed with six votes then it would have the ten days, right?

Mayor Lila
Cockrell:

The amendment simply would have the --

Mrs. Dutmer:

-- unless it is passed with eight. If we pass it with eight, what we're doing is declaring an emergency for animals in San Antonio. Right? And it can go into effect immediately.

Mayor Lila
Cockrell:

In other words, if the main ordinance were passed with eight votes then it would go into effect; otherwise, it won't go into effect for ten days anyway.

Mrs. Dutmer:

Well, that's what I was getting at. You know, all the talk and everything.

Mayor Lila
Cockrell:

All right. Mr. Webb.

Mr. Webb:

Well, I have no problem with putting the ordinance into effect. But I do think that some of these people that are here before us know a little bit more about the protection and the care and the ability to handle dogs a little bit more than I. And one fellow stated in particular, I think it was Mr. McNeil, stated that they were going to try to put some press releases or some stepped-up news media by July 23rd, you know, to kind of help along with this problem. And I'm sure that probably if we give them a ten-day leeway here maybe it will kind of notify everybody. And I don't see a whole lot wrong with giving a ten-day moratorium on the problem that we've had for a number of years.

I realize the fact that the dog catchers can't go on to private property but all of the cases don't exist where that the dog catcher has to go on to somebody's private property. I think the cases are more often than not that they have to go on to the private property. So I don't think we're really creating a real big chaos here by not allowing what is not -- what has already not been allowed for a long, long time right now. So I really don't think we're asking for a great deal to just -- to give the organization a ten-day moratorium then.

Mayor Lila
Cockrell:

Mr. Thompson.

Mr. Thompson:

Yes, ma'am. I think one of the biggest areas of public reaction will be in the invasion of

private property. And I'd like to speak to that and try to defuse the concern of the public because they'll not have the ordinance before them but only what the press reports. And I'd like to make it very clear that under Section 626(c) which permits on to private property in all cases where no consent has been obtained but the officer has a reason to believe that there is a immediate or eminent danger or peril to the public if the animal is not apprehended.

In the circumstance that we would find if there's a yard or fenced area, certainly this animal is not going to get inside that protected area. We're not going to be invading the peace and tranquility of a neighborhood. We're not going to be jumping fences to get into people's back yards, because the animal is not going to get in there. We're merely going to be using those public properties as they are in fact the most public. If they're fenced, if they're guarded in any way, that animal will not be in there. So I don't think the alarm that we might incite in the public's mind about invasion of privacy, invasion of private and public property is going to be near as onerousness as might be initially looked at.

So I don't think we have that kind of problem. I think the public need, the emergency of the need justifies the immediate implementation.

Mayor Lila
Cockrell:

We had had one other citizen who was registered to speak and before we vote, I wanted to ask if she wanted to speak on this issue or would prefer to speak on the main motion. Mrs. Kane.

Mrs. Sybil Kane:

I would just like to just very briefly speak on this because I feel that Mr. Keil -- I think this is something that can be verbally given to Mr. Keil to instruct the personnel on the procedure until such time as you want to go with the ordinance. I mean, I think that he can express the pursuit of the animal so you could adopt it as it is now. And he can instruct the personnel, don't -- they're not going to go up on private property and take some dog from the front porch. And I want -- I mean this is, you know, this is not going to happen. And I think that Mr. Keil can get this across to the people. I don't think you need a moratorium to do it. I think it's very important that that be put in the hands of the supervisor that is doing an excellent job down there.

Mayor Lila
Cockrell:

Fine, thank you. All right, then, if there's no further discussion we'll take a vote on the amendment. Those in favor say aye.

Unidentified
Speakers: Aye.

Mayor Lila
Cockrell: Any opposed no.

Unidentified
Speakers: No.

Mayor Lila
Cockrell: All right, the clerk will call the roll.

[Roll call taken and answered as follows:]

Mr. Steen: Yes.

Mayor Lila
Cockrell: No.

Dr. Cisneros: No.

Mr. Webb: Yes.

Mrs. Dutmer: No.

Mr. Wing: No.

Mr. Eureste: No.

Mr. Thompson: No.

Mr. Alderete: Yes.

Mr. Canavan: Yes.

Mr. Archer: No.

City Clerk
Norma Rodriguez: The motion failed on the amendment.

Mayor Lila
Cockrell: All right. The motion failed and we are now on the main motion and we -- if there's no further discussion, we will call the roll on the main motion.

[Roll call taken and answered as follows:]

Mr. Archer: Yes.

Mr. Steen: Yes.

Mayor Lila
Cockrell: Yes.

Dr. Cisneros: Yes.

Mr. Webb: Yes.

Mrs. Dutmer: Yes.

Mr. Wing: Yes.

Mr. Eureste: Yes.

Mr. Thompson: Yes.

Mr. Alderete: Yes.

Mr. Canavan: Yes.

City Clerk
Norma Rodriguez: The motion carried.

Mayor Lila
Cockrell: All right. Dr. Cisneros.

Dr. Cisneros: Yes. To the city manager, I'd just like to say that rather than rely on, you know, what other organizations may do by way of publicity, I think the councilmen who have stated, you know, concerns about and the reasons for the ten-day moratorium have a point about what might be a public concern. And so I think it is very important that we go ahead and use the city public information offices to explain that what we're talking about is unfenced, unrestrained situations where a dog catcher is in pursuit. And what we're really talking about more than anything else is private property that is almost public property, you know, it's parking lots, HEB, Handy-Andy, Bill Miller's; those kinds of parking lots where packs of animals hang out. And occasionally we may have an incident because they're talking about someone's front yard, and maybe we pick up an animal that someone says he's always kept on the front yard. But the bottom line is we're talking about unfenced, unrestrained areas where an animal has a chance to do danger and to do damage to someone. And if we can capture that in our publicity about what we've done, then I think we will diminish the public outcry by ninety percent.

Mayor Lila
Cockrell: All right. I would suggest we take a five minute break and let's try to get back about five after.

[End of tape]

