

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE CITY COUNCIL CHAMBER, CITY HALL,
ON THURSDAY, APRIL 21, 1960, AT 8:30 A.M.

The Meeting was called to order by the presiding officer Mayor J. Edwin Kuykendall with the following Council Members present:

KUYKENDALL

DIETERT

PASSUR

JOHNSON

SIMPSON

OLIVARES

PINSON and

SAN MARTIN;

Absent: McMAHON.

The Invocation was given by the Reverend Ed Garrett, Pastor of the Calvary Baptist Church.

On motion of Mr. Dietert, the Council dispensed with the reading of the minutes of the previous meeting.

Councilman Passur stated that the Council had been in discussion with the City Public Service Board for several months and the Board had given the Council some figures where they offer to give the City an amount equal to some 80 million dollars. He then read the following resolution.

A. RESOLUTION

Whereas, over a period of several months, the City Council of the City of San Antonio and the Board of Trustees of the City Public Service System have been engaged in discussions relating to the possibility of increasing the amount paid to the City of San Antonio from the revenues received from the operation of the gas and electric system by said Board; and

Whereas, by letter addressed to the City Council under date of April 7, 1960, the Board stated that under the plan proposed by the Board, the City of San Antonio would receive more money than would be received if the gas and electric systems were sold; and

Whereas, under the plan proposed by the Public Service Board, the City would receive, in cash and benefits to the City, a total amount of \$79,778,000.00 during the first ten years; and a total of \$170,578,000.00 during the second ten-year period; and

Whereas, the City Council feels that a realistic projection can be made covering a period of ten years; and

Whereas, the Public Service Board has, at considerable cost, engaged the services of Ebasco, a well-qualified consulting firm, to project the pertinent figures, and the Board has expressed unanimous confidence in the accuracy of the projections made by Ebasco; and

Whereas, the City of San Antonio is presently considering the selection of another nationally reputable consulting firm to evaluate the positions taken by the Council and the Board during past discussions; and

Whereas, the City Council is anxious, in the interest of the citizens of San Antonio, as owners of the gas and electrical systems, and of all other parties concerned, to avoid unnecessary expense and delay, and is willing to accept the figures prepared by Ebasco for the first ten-year period as substantially correct; and

Whereas, under the plan proposed by the Board, the payments made to the City during the first ten-year period would average \$6,508,000.00 per year for the first five years, and \$9,448,000.00 per year for the second five years;

NOW, THEREFORE,

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

1. The City Council of the City of San Antonio hereby expresses its willingness to agree to and seek a change in the indenture that would allow cash payments to be made to the City of San Antonio as follows:

a. The sum of \$6,508,000.00, in cash, to be paid to the City on February 1, 1961, with a like payment to be made on February 1, 1962, February 1, 1963, February 1, 1964 and February 1, 1965.

b. The sum of \$9,446,000.00, in cash, to be paid to the City on February 1, 1966, the sum of \$9,448,000.00 on February 1, 1967, with a like payment to be made on February 1, 1968, February 1, 1969 and February 1, 1970.

c. From and after January 31, 1970, the City Public Service Board will pay to the City, each month, in cash, an amount equal to 1.15% of the gross revenues for the fiscal year immediately preceding.

Be it further resolved that the City Public Service Board be requested to lend its support to the proposed changes in the indenture, and that the City Public Service Board, signify its acceptance as soon as feasible so that necessary legal and other steps may be taken without further delay.

2. PASSED AND APPROVED this 21st day of April, 1960.

/s/ J. EDWIN KUYKENDALL

M A Y O R

ATTEST: J. Frank Gallagher
City Clerk

Mr. Passur then moved that the resolution be adopted. The motion was seconded by Mr. Olivares.

Mr. Pinson asked if this was the exact total figure the Board said the City would receive during the next ten years. City Manager Andrews answered that it was the exact figure as in the Board's letter of April 7, page 3. He stated that this was the figure that they could pay without a rate increase and could handle without endangering the credit rating. It would not be a compromise, however, it takes the first 5 years and averages them out, and the same is done with the last 5 years.

Mr. A. P. Learned of the firm of Black & Veach, consultants in the field of utilities was asked to make a statement.

Mr. Learned stated that he had 50 years experience and was head of the valuations and rate departments. He said that he had only a day and a half in which to study the matter. The firm of Ebasco which made the original survey for the Board was a competent consulting firm and he doubted whether after a long study much could be changed. He said he found that there had been a phenomenal growth in the utility field and the Board

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has been successful in the operation of the system and felt the Board and the City proposed to safeguard the credit of the system, which is rated the best. He said that 10 years is as long a period as could be used for a realistic projection of growth and revenues. He concluded by stating that he would accept the Board's figures as stated in the resolution.

Dr. Johnson stated that this was not what he had been working for the last 6 months. He felt that this was not a compromise and will accept the figure of the Board as recommended by the firm of Black and Veach, one of the firms the Board recommended as qualified to make a report on the matter.

Mr. Pinson stated that the original figure that was suggested by the city was fair and he did not feel that it was an asking figure or one that should be traded on. It was apparent that the Council wants to accept the figure and did not see how the City Public Service Board can fail to accept its own figures. He concluded by stating that it will avoid a long and costly fight with the City Public Service Board and would go along with the resolution.

Dr. San Martin stated he felt the same and in the interest of avoiding delay and further expense he would go along with it. He said the City needed the money now as there are many improvements that need to be made.

Mr. Passur stated that under our present tax structure the City raised the taxes four cents last year and under present plans the tax rate would go up to \$2.04 next year. He said if the city gets this money he would like to reduce the tax rate to \$1.85. City Manager Andrews agreed that this could be done. Mr. Passur then went on record as favoring such a reduction in the tax rate if the money is received as scheduled. Also in favor of a reduction was Dr. Johnson.

Mr. Pinson stated that if the City had got the figure it proposed the reduction would be more substantial. On roll call the resolution was adopted by the following vote: AYES: Kuykendall, Passur, Dietert, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

First zoning case heard was a continuation of Case No. 1268, to rezone Lot 15, NCB 10853, located on the east side of Goliad Road between Blackwood Blvd. and Alfrey Drive from "D" Apartment and "F" Local Retail Districts to "J" Commercial District and from "D" Apartment District to "F" Local Retail District that portion of Lot 16, NCB 10853 not previously zoned "F" Local Retail District.

Mr. Steve Taylor, Planning Director stated that it was his understanding that it is agreeable with the applicant that since the deal for the property has fallen through, to have this case sent back to the Planning Commission. No one else appeared to be heard. On motion of Mr. Olivares, seconded by Mr. Dietert, the case was referred back to the Planning Commission, by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon;

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Next heard was Case No. 1255 to rezone Lot 1, NCB 12174, located on the south side of Eisenhower Road, 535.56' west of Kingston Drive, from "A" Residence District to "E" Office District. The Planning Director briefed the change and stated the Planning Commission recommended the change. No one appeared in opposition to the change. On motion of Dr. San Martin, seconded by Mr. Dietert, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 432

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, NCB 12174, FROM "A" RESIDENCE DISTRICT TO "E" OFFICE DISTRICT.

(Full text of Ordinance in Ordinance Book J.J. Page 262)

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Case No. 1261 to rezone Lot 39, NCB 11067, located on the north side of Gillette Boulevard, 1,692.79 feet east of Palo Alto Road, from "B" Residence District to "D" Apartment District. The change was briefed by the Planning Director who stated that the Planning Commission recommended the rezoning. No one appeared in opposition. On motion of Mr. Olivares, seconded by Dr. San Martin, the recommendation of the Planning Commission was approved by the passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 433

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 39, NCB 11067 FROM "B" RESIDENCE DISTRICT TO "D" APARTMENT DISTRICT.

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Full text in Ordinance Book J.J. Page 263

Next heard was Case No. 1276 to rezone Lot 27, Blk. 12, NCB 1704, located at the northwest corner of McCullough Avenue and East Mistletoe Avenue from "D" Apartment District to "E" Office District. The Planning Director briefed the Council on the change. No one appeared in opposition. On motion of Mr. Passur, seconded by Dr. San Martin,

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the recommendation of the Planning Commission to grant the change was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 434

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 27, BLK. 12, NCB 1704 FROM "D" APARTMENT DISTRICT TO "E" OFFICE DISTRICT.

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Full text in Ordinance Book J.J. Page 263

Next heard was Case No. 1282 to rezone Lot 164-A, Blk. 15, NCB 11111, located on the southwest corner of Moursund Boulevard and West Baetz Boulevard, from "B" Residence District to "JJ" Commercial District. The Planning Commission approved of the change. The Planning Director briefed the Council on the change. No one spoke in opposition to the change. On motion of Mr. Dietert, seconded by Mr. Passur, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Pinson, Olivares and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 435

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 164_A, BLK. 15, NCB 11111 FROM "B" RESIDENCE DISTRICT TO "JJ" COMMERCIAL DISTRICT.

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Full text in Ordinance Book J.J. Page 264

Last heard was Case No. 1288 to rezone Lots 11 and 12, NCB 11257, located on S. W. Military Drive, approximately 1,000 feet west of its intersection with Bynum Avenue, from "B" Residence District to "F" Local Retail District. The Planning Director briefed the Council on the change. No one spoke in opposition. On motion of Mr. Olivares, seconded by Mr. Passur, the recommendation of the Planning Commission to grant the rezoning was approved by passage of the following ordinance by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

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AN ORDINANCE 28, 436

AMENDING SECTION 2 OF AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, ETC.," PASSED AND APPROVED ON NOVEMBER 3, 1938, BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, NCB 11257 FROM "B" RESIDENCE DISTRICT TO "F" LOCAL RETAIL DISTRICT.

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Full text in Ordinance Book J.J. Page 264

The following ordinances were passed and approved by the following vote: AYES: Kuykendall, Dietert, Passur, Johnson, Simpson, Olivares, Pinson and San Martin; NAYS: None; ABSENT: McMahon.

AN ORDINANCE 28, 437

ACCEPTING THE LOW BID OF H. B. ZACHRY COMPANY, IN THE AMOUNT OF \$209,920.26, FOR THE STREET RECONDITIONING PROGRAM FOR 1960; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND AUTHORIZING PAYMENT OF THE SUM OF \$209,920.26 OUT OF THE GENERAL FUND ACCOUNT NO. 09-04-10 TO H. B. ZACHRY COMPANY IN CONNECTION THEREWITH.

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Full text in Ordinance Book J.J. Page 265

AN ORDINANCE 28, 438

ACCEPTING THE LOW BID OF H. B. ZACHRY COMPANY, IN THE AMOUNT OF \$235,620.44, FOR THE STREET SEALCOATING PROGRAM FOR 1960; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND AUTHORIZING PAYMENT OF \$235,620.44 OUT OF GENERAL FUND ACCOUNT NO. 09-04-10 TO H. B. ZACHRY COMPANY IN CONNECTION THEREWITH.

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Full text in Ordinance Book J.J. Page 265

AN ORDINANCE 28, 439

AMENDING THE CITY BUDGET FOR FISCAL YEAR 1959-60 BY APPROPRIATING \$495,540.70 OUT OF UNAPPROPRIATED SURPLUS OF THE GENERAL FUND AND APPLYING SAID AMOUNT TO SPECIAL PROJECTS ACCOUNTS 09-04-10 SEAL COATING AND RECONDITIONING PROGRAM 1959-60 OF THE GENERAL FUND; AUTHORIZING THE HIRING OF SEVEN ADDITIONAL ADMINISTRATIVE PERSONNEL IN CONJUNCTION WITH THE 1959-60 SEAL COATING PROGRAM.

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The following ordinance was read by the Clerk:

AN ORDINANCE 28, 440

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF McDONOUGH BROTHERS, INC. TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE ASPHALT PAVING MACHINE ON RENTAL PURCHASE BASIS AS SPECIFIED.

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Full text in Ordinance Book J.J. Page 266

Mr. Albert Tripp, Purchasing Agent, explained the bids received and stated the Public Works Director and himself recommended the purchase of the used paving machine. Mr. Pinson stated that he felt a used machine should not bring such a high price. It was brought out the machine was slightly used and in a near-new condition, being only 6 months old and used only 200 hours. After discussion of the matter, on motion of Mr. Olivares, seconded by Dr. San Martin, the ordinance was adopted by the following vote: AYES: Kuykendall, Dietert, Passur, Simpson, Olivares and San Martin; NAYS: Pinson; ABSENT: McMahon and Johnson.

City Manager Lynn Andrews called attention of the Council to the need for reaffirming the policy set up by the Council regarding drives for various welfare agencies. He stated that some time ago the Council had set up a one-drive policy. He now had a letter from the American Red Cross for a drive and unless the policy is changed he wanted to answer the letter in the same way that he has answered others. He said this was a matter that the Council might want to study. After due consideration of the matter, Dr. San Martin made a motion that no change be made in the present policy regarding drives by welfare agencies and that careful study be made of the matter for next year. Seconded by Mr. Olivares, the motion carried by the following vote: AYES: Kuykendall, Dietert, Passur, Simpson, Olivares and San Martin; NAYS: Pinson; ABSENT: Johnson and McMahon.

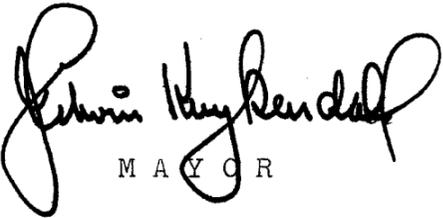
The City Manager read a letter from Mr. R. H. Thompson, General Manager of the City Water Board, inviting the Council members to a meeting next Tuesday, April 26th at 3:30 P.M. to hear a report regarding the need for an increase in water rates.

King Antonio XXXVIII, John White, arrived for a goodwill visit with the Council. He was accompanied by Miss Winifred Winter, Queen of the Order of the Alamo and Miss

Sharon Garner, Miss Fiesta. The group was escorted by members of the Cavaliers. Mayor Kuykendall welcomed the group and thanked them for the fine work they were doing in bringing happiness to the children at the schools and hospitals they have visited.

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There being no further business the meeting adjourned.
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A P P R O V E D :


M A Y O R

ATTEST:


City Clerk