

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 12, 1974.

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

74-45 The invocation was given by The Reverend Doctor William P. Lytle, Madison Square United Presbyterian Church.

74-45 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

74-45 The minutes of the meeting of September 5, 1974, were approved.

74-45 REPUBLIC OF TEXAS CHILYMPIAD

A delegation from San Marcos, Texas, led by Mr. Leo Doorf, invited members of the Council and all citizens of San Antonio to participate in the 5th Republic of Texas Chilympiad to be held in San Marcos September 19 through 22, 1974. Each member of the Council was given a personal greeting by each member of the delegation.

74-45 TEXAS HISPANIC-AMERICAN HISTORY INSTITUTE

Dr. San Martin asked Mayor Becker to sign a letter which he had prepared declaring the intent of the City of San Antonio to enter into a contract with the Texas Hispanic Association for the use of one of the buildings at HemisFair Plaza.

Mr. Charles Barrera, President of the Association, will plan a trip to Spain to make final arrangements with the Spanish Government.

Mayor Becker expressed pleasure in having Spain represented in San Antonio and congratulated Dr. San Martin for successfully concluding his negotiations in this matter.

74-45 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mrs. Cockrell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Black, Lacy, Morton.

AN ORDINANCE 44,305

MANIFESTING AN AGREEMENT WITH ROY A. SWANSON
TO LEASE 8000 SQUARE FEET OF SPACE AT INTER-
NATIONAL AIRPORT FOR A ONE YEAR PERIOD.

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74-45 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Mr. O'Connell, seconded by Mrs. Cockrell, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Black, Lacy, Morton.

AN ORDINANCE 44,306

ACCEPTING THE LOW QUALIFIED BASE BID OF VILLARREAL CONSTRUCTION CO., FOR CONSTRUCTION OF CONCRETE WORK AT SUTTON HOMES PARK, PARK RANGER STATION AND SAN PEDRO PARK, FOR A TOTAL OF \$38,880.43; AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONSTRUCTION CONTRACT FOR THIS PROJECT; AND APPROPRIATING A TOTAL OF \$42,880.43 FROM VARIOUS FUNDS, WITH \$38,880.43 PAYABLE TO SAID CONTRACTOR, \$2,500.00 FOR USE AS A MISCELLANEOUS CONTINGENCY ACCOUNT, AND \$1,500.00 FOR PURCHASE OF IRRIGATION EQUIPMENT FOR THE BRACKENRIDGE PARK RANGER STATION.

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74-45 The following Ordinance was read by the Clerk and explained by Mr. William T. Donahue, Director of Human Resources and Services, and after consideration, on motion of Mrs. Cockrell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Black, Morton.

AN ORDINANCE 44,307

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SOCIAL SERVICE AGENCIES TO OCCUPY SPACE AT THE WEST END MULTI-SERVICE CENTER FOR THE PURPOSE OF PROVIDING SOCIAL SERVICES TO THE PUBLIC.

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The agencies referred to above are:

1. State Department of Public Welfare
2. Adult Continuing Education
3. Head Start Child Development Centers of Economic Opportunities Development Corporation
4. Social Security Administration.

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74-45 The following Ordinance was read by the Clerk and explained by Mr. Francis Vickers, Director of San Antonio Convention Facilities, and after consideration, on motion of Mrs. Cockrell, seconded by Mr. O'Connell, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, O'Connell, Padilla; NAYS: None; ABSENT: Black, Morton, Mendoza.

AN ORDINANCE 44,308

INCREASING THE MAXIMUM PRICES THAT MAY BE CHARGED FOR CERTAIN FOOD AND DRINK ITEMS BY CONCESSIONAIRES AT MUNICIPAL AUDITORIUM, THE CONVENTION CENTER, AND LA VILLITA.

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74-45 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: Black, Mendoza.

AN ORDINANCE 44,309

AUTHORIZING PAYMENT OF THE SUM OF \$1,301.90 TO THE BEXAR COUNTY HOSPITAL DISTRICT, IN PAYMENT OF HOSPITAL EXPENSES FOR TREATMENT OF DECEASED POLICE OFFICER HARRY J. BRACKMAN.

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AN ORDINANCE 44,310

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH BROWN ENGINEERING COMPANY, PROVIDING FOR ENGINEERING SERVICES IN CONNECTION WITH THE UNIVERSITY HILLS SUBDIVISION SANITARY SEWER OUTFALL PROJECT; AND APPROPRIATING THE SUM OF \$15,000.00, WITH \$14,000.00 PAYABLE TO SAID COMPANY AND \$1,000.00 TO BE USED FOR MISCELLANEOUS CONTINGENT EXPENSES.

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74-45 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Mr. Morton, seconded by Mrs. Cockrell, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell; NAYS: None; ABSENT: Black, Padilla, Mendoza.

AN ORDINANCE 44,311

AUTHORIZING THE CITY MANAGER TO ENTER INTO A STANDARD PROFESSIONAL SERVICES CONTRACT WITH BROWN ENGINEERING COMPANY TO PROVIDE ENGINEERING SERVICES AND PREPARE PLANS AND SPECIFICATIONS FOR THE 101 LIMITED SUBDIVISION OFF-SITE SANITARY SEWER MAIN; APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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74-45BARBARA DRIVE DRAINAGE

In answer to Mrs. Cockrell's question, Mr. Mel Sueltenfuss advised the Council that work started on Monday of this week on the Barbara Drive Project. It will be completed in 30 to 45 days.

74-45 The following Ordinance was read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion of Mrs. Cockrell, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: Black, Mendoza.

AN ORDINANCE 44,312

AUTHORIZING ISRAEL FOGIEL TO ERECT
A SIX-FOOT FENCE AROUND THE PERIMETER
OF PARK FOREST SUBDIVISION.

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74-45 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Dr. San Martin, seconded by Mrs. Cockrell, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla; NAYS: None; ABSENT: Black, Mendoza.

AN ORDINANCE 44,313

ACCEPTING THE LOW BID OF CENTURY DATA
FORMS COMPANY TO FURNISH THE CITY OF
SAN ANTONIO WITH PRINTED PERMIT FORMS
FOR A TOTAL OF \$2,094.60.

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74-45 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Black.

AN ORDINANCE 44,314

ACCEPTING THE LOW QUALIFIED BID OF SLIMP
OIL COMPANY TO FURNISH THE CITY WITH
ASPHALT ASBESTOS ROOF SEALANT FOR A TOTAL
SUM OF \$1,118.00.

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AN ORDINANCE 44,315

ACCEPTING THE LOW BID OF DIAMOND FENCE COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH GALVANIZED TUBING FOR A TOTAL OF \$24,291.00.

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AN ORDINANCE 44,316

ACCEPTING THE LOW QUALIFIED BID OF BLAZE GUARD MFG. DIV. OF AMERICAN LA FRANCE, INC., TO FURNISH THE CITY WITH FIRE HOSE FOR A NET TOTAL OF \$19,592.00; AND AUTHORIZING PAYMENT TO SAID COMPANY.

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AN ORDINANCE 44,317

ACCEPTING THE LOW BID OF ACTMATIC SERVICE COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH AIR CONDITIONING UNITS FOR A TOTAL OF \$5,955.40.

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AN ORDINANCE 44,318

ACCEPTING THE LOW QUALIFIED BID OF AND MANIFESTING A CONTRACT WITH ALAMO IRON WORKS FOR SAID COMPANY TO FURNISH AND THE CITY TO BUY ALL OF ITS REQUIREMENTS FOR SIGN CLAMP ASSEMBLIES FOR THE PERIOD TERMINATING JULY 31, 1975, AT A PRICE OF \$2.35 PER PAIR.

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AN ORDINANCE 44,319

AUTHORIZING THE PURCHASE OF CERTAIN CATALOGUES FROM THE CARROLLTON PRESS FOR A TOTAL OF \$1,970.00, LESS 5%.

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AN ORDINANCE 44,320

ACCEPTING THE PROPOSAL OF AMERICAN AUTOMOBILE ASSOCIATION TO FURNISH THE CITY WITH SCHOOL SAFETY PATROL SUPPLIES, FOR A TOTAL OF \$2,751.25; AND AUTHORIZING PAYMENT.

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74-45 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Padilla, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: Black.

AN ORDINANCE 44,321

GRANTING PERMISSION TO ALAMO FIREWORKS, INC., TO CONDUCT A FIREWORKS DISPLAY IN CONJUNCTION WITH THE DIEZ Y SEIS CELEBRATION AT THE REUBAN SALAZAR CULTURAL CENTER, 400 GARNER STREET, ON SEPTEMBER 15, 1974, OR ON SEPTEMBER 16, 1974, IN THE EVENT OF INCLEMENT WEATHER.

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The following conversation took place:

MRS. LILA COCKRELL: I would like to ask the City Attorney to clarify for us the status of our Charter revision proposal. In particular, I was concerned about one problem and that was in the draft proposals that we received last week. There were two separate issues which had been written up in one proposal, namely, the issue of whether or not the electorate wanted to authorize direct election of the Mayor and the second issue was for or against changing the method of electing the Councilmen. In the draft proposal, these were both incorporated into one article. I was very hopeful that perhaps the two issues could be separated because there, obviously, might be persons who would favor one or the other but not both of the proposals. I would like for them to have the option of voting on them as individual proposals rather than as a package deal and I'm just wondering how that can be done.

ASST. CITY ATTORNEY LUIS GARCIA: Well, Mrs. Cockrell, we intended to have a sort of a memo type situation here for you this morning; however, our secretaries found themselves without typewriters this morning. Somebody took them and as a result, this memo may be delayed, you know, for a while. However, trying to answer the question that you have, particularly to the direct election of the Mayor, the only way that we could possibly achieve that would be for some type of a lock-out on the machine. Otherwise, we may find ourselves with amendment number one - being the increase of the membership of the Council to 11, 7 by districts and 4 at-large; and amendment number two - being the direct election of the Mayor. Now, if amendment number one fails and amendment number two passes, and we have only 9 Councilmen, which seat will be the one that will govern insofar as running for Mayor at-large.

We also come to the proposition that if amendment number one passes and you increase it to 11, 7 from districts and 4 at-large, and amendment number two fails, how are you going to select a Mayor--from the 4 at-large or from the 11 total Councilmen. So it creates a problem that will probably take at least three, we foresee at least one or two lock-outs on the machine that could possibly achieve this - your intent in having a separate amendment for the election of the Mayor. We studied that yesterday and we tried to come up with some form that could achieve that purpose.

MR. ALVIN PADILLA: What regulates the way that items have to be put on the ballot? Is that state law or is that the City Charter itself that is regulating....?

ASST. CITY ATTORNEY GARCIA: I don't understand, Mr. Padilla, I'm sorry.

MR. PADILLA: Well, we've been told many times by the City Attorney or yourself that each item proposed for amendment has to be listed separately. In other words, like the membership of the Council increasing to 11, that has to be one item and the matter of 7 from districts and 4 at-large has to be one item. The matter of the Mayor at-large has to be one item.

ASST. CITY ATTORNEY GARCIA: Yes, sir.

MR. PADILLA: Says who? Is it the City Charter that says or is it state law?

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ASST. CITY ATTORNEY GARCIA: It is really the state law. However, we infringed upon it for the simple reason that it would be the only way that you could possibly have a clear amendment set up in the ballot where a person could vote, you know, all the way through, I mean, without confusing the issue.

MR. PADILLA: Well, it would seem to me that the best way to not have it confused would say, you know, propose that the membership of the Council be increased to 11 members and providing for the election of 7 from districts, 4 at-large, including the office of Mayor, who shall run at-large.

ASST. CITY ATTORNEY GARCIA: Yes, sir.

MR. PADILLA: Then you vote yes or no for the whole thing in that proposal. You've got three proposals according to somebody's definition.

ASST. CITY ATTORNEY GARCIA: But that sounds very good except that if you're going to have a separate amendment for the election of the Mayor and that amendment fails.....

MR. PADILLA: It wouldn't fail the way I stated it because you either buy the whole thing or you don't.

MRS. COCKRELL: The way it's written now you have got to buy the whole thing.

ASST. CITY ATTORNEY GARCIA: No, you don't but you still have to amend the Charter into the selection of the Mayor. You still have to have that regardless. I mean, if you are going to do anything with the increase in the structure of the Council, you will have to have an amendment as to the election of the Mayor and the Mayor Pro-Tem and wherefrom it's going to come, you know, how are you going to do it.

CITY MANAGER SAM GRANATA: If that failed, would it revert back to what we're doing today?

ASST. CITY ATTORNEY GARCIA: To what we're doing today. You could come back to what we....

MR. PADILLA: Did you hear the way I stated it, Mr. Garcia? Propose, or you know, that the membership of the Council be increased from 9 to 11 and providing that 7 of these 11 be elected from districts and 4 at-large, including the position of Mayor who will be elected at-large. Then all of them pass or all of them fail.

ASST. CITY ATTORNEY GARCIA: In one amendment you mean or.....

MR. PADILLA: Yeah but if it was legal - if it is legal.

ASST. CITY ATTORNEY GARCIA: That's the way it is.

MRS. COCKRELL: That's the way it is proposed, Al. My question was suppose someone, for example, preferred the present method of electing the Councilmen but would like to have, let's say, Place 9 or Place 1 or Place something designated specifically for direct election of the Mayor. Now is this possible? In other words, they are for maybe direct election of the Mayor but they're against changing the method of electing Councilmen.

ASST. CITY ATTORNEY GARCIA: Correct.

MRS. COCKRELL: There is no way that we could get that option.

ASST. CITY ATTORNEY GARCIA: Well, unless we have.....

MRS. COCKRELL: If they're for one of the issues, they're for direct election of the Mayor but they're against changing the method.....

MR. PADILLA: Well, we addressed that issue, Lila, we addressed that issue. Do you remember that Mr. Morton and Mr. Becker were for any number of different options and some of us pointed out.....

MRS. COCKRELL: Yes, but these were on different methods of electing the Council.

MR. PADILLA: No, we were talking about the whole thing.

ASST. CITY ATTORNEY GARCIA: It can be done but it will take an additional.....

MRS. COCKRELL: I just raised this point because I have.....

ASST. CITY ATTORNEY GARCIA: Two amendments, I believe.

MRS. COCKRELL: I have visualized this as being a separate issue and so that's why.....

CITY MANAGER GRANATA: If it's a separate issue, we just would delete the at-large for the Mayor from what the way it is now and just put a separate amendment or elect the Mayor at-large. If that fails, then you can revert back to the way you do it today, whether it's 11 or 9.

MR. PADILLA: When did the last draft come out? Was that what you all gave us last week---cause it's the last thing I have.

ASST. CITY ATTORNEY GARCIA: Yes, you will have the same draft with the additional - with two more amendments, I believe. The only one that we're not clear on yet is the changing of the tax year. We have to get that cleared from our bond attorney.

MR. PADILLA: See, I must confess I'm confused at this moment, at this point in time, because the last time that we discussed this, to my recollection, we were told, you know, Sam said that the way I stated these amendments of changing the size of the Council so that is the way that they are written up. The last time we discussed them, the Council was told the size of the Council, the method of election of the Mayor were two separate issues and had to be put on two separate columns so to speak on the voting machine.

ASST. CITY ATTORNEY GARCIA: Mr. Padilla, that's what we understand the law says; however, it is almost impossible for us to write the amendments that the Council has directed us to write, to set up for this Charter election without confusing the issue too much and doing it as compact. I think we took it upon ourselves to interpret this and this would be the only solution. If you were increasing the Council and leaving it right there in the election at-large, of course, things would be different but you are setting up seven districts and four at-large. You tell us which way you want to go. If amendment one passes and amendment two, the election of the Mayor fails, you tell us which way you want the Mayor selected, then we'll go from there.

MR. PADILLA: All right. That's why I asked you the original question, Mr. Garcia. If the City Charter is what dictates this situation that can create confusion, for instance, 11 members of the Council passes but 7 by districts and 4 at-large with the Mayor at-large fails or vice versa, then you can have a very confused situation. I asked you what regulates it, the state law or the City Charter because it occurred to me that if the City Charter regulates this, then that perhaps should be the point that is addressed.

ASST. CITY ATTORNEY GARCIA: Well, the state law is very explicit on this. It states that each one should be voted on separately. However, we got together on this, believe me, and tried to work it out that way but it's almost impossible. It is almost impossible unless you can come up with all kinds of lock-outs on the machine which would really confuse the voters.

MAYOR CHARLES BECKER: May I suggest this that we discuss this at the "B" session this afternoon so we can move along with Citizens to be Heard? We're making such good time here this morning, we might make Dallas by noon if we're lucky. Let's see if we can.....

DR. JOSE SAN MARTIN: Mr. Mayor, I'd like to ask Mr. Garcia if he has given the Council a copy of the request that I asked about the meaning of filing for another office that I sent Monday to the City Attorney's office? What constitutes filing for another office?

ASST. CITY ATTORNEY GARCIA: There will be a memo coming in to the Council very, very soon with all of these - with a draft of all the amendments that we have completed to date. I don't believe that it will that that matter will come up because it refers only to other offices besides the City Council.

DR. SAN MARTIN: But it doesn't say so in the original wording. In other words, if you're running by district and then you decide to run at-large the next time, do you have to quit that because.....

ASST. CITY ATTORNEY GARCIA: It would be for any other office besides the City Council.

DR. SAN MARTIN: Are you going to specify?

ASST. CITY ATTORNEY GARCIA: Yes, it will specify to that effect. In other words, if you announce that you're going to run again for the City Council, that will not.....

MR. PADILLA: Is that announce or file?

ASST. CITY ATTORNEY GARCIA: Or file, you know, whichever.....

MR. PADILLA: There's two different words there.

ASST. CITY ATTORNEY GARCIA: Correct. It will be file.

MR. W. J. O'CONNELL: It gives you a chance to change your mind.

MAYOR BECKER: All right. We'll start with Citizens to be Heard.

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CITIZENS TO BE HEARDMR. STEPHEN HARVESTY

Mr. Stephen Harvesty, 7113 Bandera Road, expressed appreciation to the Council for its action in raising the tax exemption for senior citizens to \$10,000.

Mr. Harvesty then asked if anything had been done following the Council's instructions to the City Manager to look for ways to return control of the City Public Service Board to the City Council. He also discussed the matter of CPS financing its nuclear activities out of its general fund.

Mayor Becker explained to Mr. Harvesty that Certificates of Obligation cannot be used to finance CPSB because they would be a direct responsibility of the City rather than the utility. He went on to say that other methods of financing are being looked into.

City Manager Granata read a memo he had written to the City Council dated July 1, 1974 concerning this matter. In his memo, Mr. Granata recommended the selection of a citizens committee to study matters relating to the City Public Service Board. He suggested that the committee include a management specialist, an engineer with experience in public utilities, a financial specialist, an attorney versed in municipal bond law, a consumer representative, possibly someone from a minority or low-income group and a member of the City Council. (A copy of Mr. Granata's memo is included with the papers of this meeting.)

Mayor Becker assured Mr. Harvesty that the matter is receiving the attention of the staff and Council.

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RICHARD NAVEJAR

Mr. Richard Navejar, 1208 S. Walters, who has been a temporary employee working in the tax reappraisal project, said that he has received a notice of termination from the Personnel Department. He said that he has been denied a Civil Service hearing because the City Attorney has issued an opinion that he is actually a County employee. He asked that the Council clarify his status.

Personnel Director Clyde McCullough verified that Mr. Navejar has been terminated but that an attempt is being made to find a permanent job for him. He has turned down two job offers already.

After discussing all aspects of the situation, Mayor Becker asked that the City Manager have the City Attorney's office again review the legal status of Mr. Navejar and to let him know the findings.

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LES MENDELSON

Mr. Les Mendelson, representing Festive Enterprises, Inc., requested that the City Council consider an ordinance at its next meeting for a contract between the City and Festive Enterprises for the souvenir concession contract at the Tower of the Americas. He explained that the Purchasing Department had advertised for bids and had received two bids. The bid of Festive Enterprises was high. The Purchasing Department has declared that both bids are disqualified on technicalities and will be re-advertised. He said that the bid of his client is in the best interest of the City and the minor technicality should be overlooked and the contract awarded to Festive Enterprises.

Mr. John Brooks, Purchasing Agent, said that 8 invitations were mailed out. Two bids were received. The bid of Festive Enterprises failed to include three copies of the standard provisions. The other bid included only one copy of the standard provisions. The bid form clearly states that three signed copies of the standard provisions are to be submitted. Mr. Brooks recommended that all bids be rejected and re-advertised.

Mayor Becker commented that in the past, it has proven out that the considered opinion of the Purchasing Department is usually right. He recommended that the Council follow the recommendation made by Mr. Brooks and reject all bids.

Mr. Padilla recalled other times when the Council has made exceptions when it is for the City's benefit. He recalled particularly the late bid received from the San Antonio Light which was accepted anyway. He felt that the City should make an exception in this instance also.

After a full discussion of the matter, Mrs. Cockrell made a motion that all bids for the souvenir contract be rejected and that the bid be re-advertised as recommended by the Purchasing Agent. The motion was seconded by Dr. San Martin and by the following roll call vote, the motion carried. AYES: Cockrell, San Martin, Becker, Black, Lacy, O'Connell; NAYS: Morton, Padilla, Mendoza.

DOUGLAS McDONALD

Mr. Douglas McDonald, 5518 Beech Valley, spoke again to the Council concerning the high water rate charged in his area by the Lackland City Water Company. He asked the Council to force the company to lower its water rates.

City Manager Granata said that the study of private water companies will be brought to the Council next week in "B" session. He said that the City has the right to control rates charged by private water companies but must be sure that they are making a fair return on their investment.

Mr. Morton said that the City Water Board has rates for inside and outside the City limits. He suggested that the City look into the rates charged by private water companies which are higher than those rates charged by the City Water Board outside of the City limits.

Rev. Black said the matter of rate increases for all utilities will probably be before the Council for some time. He felt that the Council should have a policy calling for periodic reports on utility rates to keep it informed.

74-45 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Mendoza presided.

74-45 JESSE GUZMAN

Mr. Jesse Guzman, Chairman of Fiestas de la Raza, described a celebration at HemisFair Plaza sponsored by his organization. He invited all Council members to attend.

MRS. FRANCES LEVINSON

In answer to a question from Mrs. Frances Levinson, Dr. San Martin advised her that the City Public Service Board has negotiated two or three very small contracts for gas supplies with other companies than Coastal States.

Mrs. Levinson said that due to economic conditions there may be a de-escalation in gas prices and suggested that San Antonio consumers should be protected in case there is a decline in prices. This protective clause should be included in any contract.

Mrs. Cockrell explained how pricing procedures are now in the hands of the Railroad Commission.

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida, said that the HemisFair area should have been reconstructed as a residential area by Urban Renewal Agencies. He also criticized the Urban Renewal Agency's efforts on the west side of San Antonio.

74-45 Mayor Becker returned to the meeting and presided.

74-45 CITIZENS TO BE HEARD (Continued)

EASTSIDE DRUG CENTER

Mr. Eugene Coleman, 3315 Willowood, representing Project Able, said that he is concerned about the closing of the Eastside Drug Center, 411 Spriggsdale Avenue, by the Bexar County Mental Health and Retardation Board. He said that it is a very fine center handling 150 to 200 addicts. Project Able is on a note for \$11,000 for repairs made to the center. He asked that the Council designate a committee which would work with a committee from the Eastside to figure out a way to keep the center open to keep from putting all these drug addicts back on the streets.

Mayor Becker suggested that Mr. Coleman discuss this matter with Mr. Jack Skipper who could probably explain the Mental Health-Mental Retardation decision.

Mrs. Cockrell stated that she thought it appropriate for the Council to express its concern to the MH-MR Board and ask them for a verbal report on this matter.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley Avenue, discussed the matter of Charter Revision with the Council. She said that the propositions which will be submitted to the voters will require changes in other parts of the Charter if they are approved. She said many changes will be required and urged the Council to consider these matters very carefully.

Mrs. Cockrell invited Mrs. Dutmer to submit her suggestions to the City Attorney for consideration in preparing the election papers.

MR. CHARLES MIDDLETON

Mr. Charles Middleton, San Antonio Welfare Rights Organization, again spoke to the Council about the consumer rights plan he had proposed to the Council several weeks ago.

City Manager Sam Granata stated that the proposed 12 points had been submitted to the various utilities but so far the telephone company is the only one to reply. It is expected that replies from the other utilities should be received in about two weeks. He said that he would keep after the matter and report back to the Council in two weeks if possible. He asked Mr. Middleton to contact the City Manager's office to find out when the report will be ready for the Council.

MRS. CECILE RAY

Mrs. Cecile Ray, 510 Bee Street, submitted a petition signed by 148 persons protesting the climbing utility rates. (The petition is on file with the papers of this meeting.)

REVEREND S. E. STEWARD

Reverend S. E. Steward, 714 South Rio Grande, described the bad drainage situation in the 800 to 1100 block of Hedges Street as being pathetic and said it is imperative that corrective measures be taken. He also asked that the City put in sidewalks in this area. The school board has refused to put in sidewalks.

City Manager Granata said that this problem is listed as Project No. 9 in the proposed bond election. If the bonds are approved, the matter will be taken care of at an estimated cost of \$2,100,000. It is not known at this time if sidewalks will be a part of the overall project.

Rev. Steward also asked that a house at 1012 Hedges be demolished. It is frequented by drug addicts and winos.

Mr. George Vann, Director of Building and Planning Administration, said that he would have this matter investigated.

MR. ERVIN E. CAREY

Mr. Ervin E. Carey, Von Ormy, Texas, complained of his utility bill - particularly the fuel adjustment charge - and said it was getting beyond his ability to pay.

Mrs. Cockrell explained to Mr. Carey the fuel adjustment charge which appears on the electric bill.

Mayor Becker assured Mr. Carey of the Council's concern over rising utility costs and said that every effort is being made to control the situation.

Mrs. Cockrell read the following Resolution:

A RESOLUTION OF RESPECT
74-45-57

WHEREAS, T. G. Peters, General Manager of the Greater San Antonio Chamber of Commerce, unexpectedly departed from this life on Tuesday, September 10, 1974, at the age of 52 years, and

WHEREAS, "Pop" Peters, as he was affectionately known, served the City of San Antonio through his Chamber activities since 1961, and

WHEREAS, he held the positions of Industrial Department Manager from 1964-67 and Assistant General Manager from 1967-69. In 1969, he was made General Manager and at the time of his passing was also serving as Economic Development Executive Manager, and

WHEREAS, his expertise and advice will be a distinct loss to the Chamber and the City in the program of industrial development, and

WHEREAS, it is the desire of the City Council of the City of San Antonio to pay tribute to T. G. "Pop" Peters,

NOW, THEREFORE, BE IT RESOLVED by the members of the City Council of the City of San Antonio, on behalf of ourselves, the Mayor, the City Manager, the officials and employees as well as the citizens of this community, we do express profound regret upon the occasion of the death of T. G. "Pop" Peters and tender to the bereaved members of his family our heartfelt sympathy.

BE IT FURTHER RESOLVED that this Resolution be spread upon the permanent records of the City and a copy, executed by the Mayor and attested by the City Clerk, be sent to the members of the bereaved family.

* * * *

Upon motion duly made and seconded, the Resolution was adopted unanimously.

74-45 The meeting recessed for lunch at 12:30 P. M. and reconvened at 2:05 P. M.

74-45 ZONING HEARINGS

C. CASE 5713 - to rezone Lots 23 and 24, Block 14, NCB 3810, 2546 Steves Avenue, from "B" Two Family Residential District to "B-1" Business District, located southwest of the intersection of Steves Avenue and Clark Avenue; having 50' on Steves Avenue and 125' on Clark Avenue.

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

No one spoke in opposition.

After consideration, Mr. O'Connell made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Becker, Morton, O'Connell, Mendoza; NAYS: San Martin, Black, Padilla; ABSENT: Lacy.

AN ORDINANCE 44,322

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 23 AND 24, BLOCK 14, NCB 3810, 2546 STEVES AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

D. CASE 5702 - to rezone the south irregular 256.95' of the west irregular 485.72' of Tract B, NCB 10598, 302 Springfield Road, from "B" Two Family Residential District and Temporary "A" Single Family Residential District to "I-1" Light Industry District, located on the east side of Springfield Road being 640' northeast of the intersection of Springfield Road and Dietrick Road; having 256.95' on Springfield Road and a maximum depth of 485.72'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,323

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH IRREGULAR 256.95' OF THE WEST IRREGULAR 485.72' OF TRACT B, NCB 10598, 302 SPRINGFIELD ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT AND TEMPORARY "A" SINGLE FAMILY RESIDENTIAL

DISTRICT TO "I-1" LIGHT INDUSTRY
DISTRICT, PROVIDED THAT PROPER
PLATTING IS ACCOMPLISHED AND THAT
A SIX FOOT SOLID SCREEN FENCE IS
ERECTED ON THE EAST PROPERTY LINE.

* * * *

E. CASE 5699 - to rezone Lots 44 through 49, 57 through 59 and 60 through 65, Block 22, NCB 7508, from "F" Local Retail District to "B-3" Business District.

Lots 57, 58 and 59 are located at the intersection of Pettus Avenue and Culebra Road; having 133' on Pettus Avenue, 142.93' on Culebra Road and 63.3' on the cutback between these two roads.

Lots 44 through 49 and 60 through 65 are located between Pettus Avenue and Culebra Road being 308' west and 333.93' southwest of the cutback between Pettus Avenue and Culebra Road and a maximum distance of 300' between these two roads.

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

No one spoke in opposition.

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

AN ORDINANCE 44,324

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 44 THROUGH
49, 57 THROUGH 59 AND 60 THROUGH 65,
BLOCK 22, NCB 7508, FROM "F" LOCAL
RETAIL DISTRICT TO "B-3" BUSINESS
DISTRICT.

* * * *

A. CASE 5556 - to rezone a 1.479 acre tract of land out of NCB 12962, being further described by field notes filed in the Office of the City Clerk, 8000 Block of Dorset Drive, from "B" Two Family Residential District to "O-1" Office District, located on the east side of Dorset Drive, being 150' southeast of the intersection of Thames Drive and Dorset Drive; having 428.12' on Dorset Drive and a depth of 150'.

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

Mr. Camargo reminded the Council that this Case had been heard in full three weeks ago. At that time the Council postponed a decision to give the proponent and opponents a chance to come to an agreement.

Mr. Roy Leslie, Jr., representing the Level Corporation, said that there had been a meeting with some of the neighbors. As a result of the meeting, Level Corporation had made a written commitment regarding the location of air conditioning equipment, garbage containers, building setback, landscaping, etc. The Corporation has not made financial arrangements yet pending the outcome of the rezoning case.

Mrs. Margaret Rote, 613 Barchester, said that there had been a meeting. The general neighborhood feeling is opposed to the rezoning, however, in order to have some say in the development of the property, some of the property owners might agree to rezoning. The neighbors do not feel satisfied with the intention of Level Corporation and fear that the property would be sold once it is rezoned.

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

B. CASE 5591 - to rezone the west 100' of the north 375.2' of Lot 3, Block 101, NCB 11071, 1230 Gillette Boulevard, from "B" Two Family Residential District to "B-3" Business District, located on the south side of Gillette Boulevard, being 350' west of the intersection of Gillette Boulevard and Mills Street; having 100' on Gillette Boulevard and a depth of 375.2'.

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

Mr. Joe Alonzo, the applicant, stated that he had purchased this property early this year and had rented it for use as an auto repair shop. He asked to have the property zoned commercial as the surrounding property is commercial.

Mr. Mitchell de la Garza stated that he lives next door and does not want any commercial zoning in his block. He objected to junk automobiles being stored by the garage operator.

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

F. CASE 5701 - to rezone a 0.284 acre tract of land out of NCB 14591, being further described by field notes filed in the office of the City Clerk, from "R-3" Multiple Family Residential District to "B-1" Business District; and a 0.482 acre tract of land out of NCB 14591, being further described by field notes filed in the office of the City Clerk, 12300 Block of Nacogdoches Road, from "R-3" Multiple Family Residential District to "B-2" Business District.

The "B-1" zoning being located on the northeast side of Rio D'Oro Drive being approximately 147' southeast of the intersection of Nacogdoches Road and Rio D'Oro Drive; having 101.67' on Rio D'Oro Drive and a maximum depth of 150'.

The "B-2" zoning being located east of the intersection of Rio D'Oro Drive and Nacogdoches Road; having 150' on Nacogdoches Road and 145' on Rio D'Oro Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 44,325

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.284 ACRE TRACT OF LAND OUT OF NCB 14591, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT AND A 0.482 ACRE TRACT OF LAND OUT OF NCB 14591, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 12300 BLOCK OF NACOGDOCHES ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTHEAST PROPERTY LINE.

* * * *

September 12, 1974
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G. CASE 5683 - to rezone a 6.703 acre tract of land out of NCB 14572, being further described by field notes filed in the office of the City Clerk, 4900 Block of Higgins Road, from "R-3" Multiple Family Residential District to "B-2" Business District, located on the southwest side of Higgins Road, being 300' northwest of the intersection of Nacogdoches Road and Higgins Road; having 799.5' on Higgins Road and a maximum depth of 463.17'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,326

AMENDING CHAPTER 42 OF THE CITY CODE
 THAT CONSTITUTES THE COMPREHENSIVE
 ZONING ORDINANCE OF THE CITY OF SAN
 ANTONIO BY CHANGING THE CLASSIFICATION
 AND REZONING OF CERTAIN PROPERTY
 DESCRIBED HEREIN AS A 6.703 ACRE TRACT
 OF LAND OUT OF NCB 14572, BEING FURTHER
 DESCRIBED BY FIELD NOTES FILED IN THE
 OFFICE OF THE CITY CLERK, 4900 BLOCK
 OF HIGGINS ROAD, FROM "R-3" MULTIPLE
 FAMILY RESIDENTIAL DISTRICT TO "B-2"
 BUSINESS DISTRICT, PROVIDED THAT PROPER
 PLATTING IS ACCOMPLISHED AND THAT A SIX
 FOOT SOLID SCREEN FENCE IS ERECTED ALONG
 THE SOUTHWEST PROPERTY LINE ADJACENT TO
 THE SINGLE FAMILY RESIDENTIAL AREA.

* * * *

H. CASE 5709 - to rezone Lot AB-3, Block A, NCB 6015, 2134 Hildebrand Avenue, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the south side of Hildebrand Avenue, being 280' west of the intersection of Hildebrand Avenue and N. New Braunfels Avenue; having 56' on Hildebrand Avenue and a depth of 160.56'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,327

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 AB-3, BLOCK A, NCB 6015, 2134 HILDEBRAND AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

At the request of Councilman Padilla, Mr. Joe Madison reviewed zoning case No. 5377 which was denied in April, 1974. The owner of the property had intended to use the property for parking and servicing of trucks used in the business. Subsequent to the zoning hearing, the applicant, Tex Pack Corporation, applied to the Board of Adjustment for a variance to permit parking and the variance was granted.

Mr. Padilla told the Council that he just wanted the Council to see this example of how the wishes and desires of the Council are not being carried out by agencies of the City.

In answer to Mrs. Cockrell's question, Mr. George Vann, Director of Building and Planning Administration, said that the Council could initiate rezoning of this area to "R-1" which would prevent the use now applied to the property. However, he pointed out that even if this were done the present use could continue as a non-conforming use.

After discussion of this matter, Mr. Morton asked that the City Manager invite the attorney in this case, Mr. Tom Martin, and his client to appear before the Council at the first opportunity. He also asked that the staff verify exactly what this property is being used for now.

Mr. Mendoza asked that the staff notify citizens in the neighborhood who were in opposition so that they could also be present.

There being no further business to come before the Council, the meeting adjourned at 3:15 P. M.

A P P R O V E D

M A Y O R

Charles L. Becker

ATTEST:

D. H. Sirelman
C i t y C l e r k