

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, DECEMBER 28, 1967 AT 8:30 A.M.

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The regular meeting of the City Council convened with the following members present: CALDERON, JAMES, COCKRELL, TREVINO and TORRES; Absent: McALLISTER, JONES, GATTI, PARKER.

In the absence of the Mayor and the Mayor Pro-Tem, Councilwoman Mrs. S. E. Cockrell was designated to preside over the meeting as Acting Mayor.

67-824 The invocation was given by The Reverend William H. Arnold, Alamo Heights Presbyterian Church.

The following ordinances were explained by Members of the Administrative Staff, and on motion made and duly seconded were each passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino and Torres; NAYS: None; ABSENT: McAllister, Jones, Gatti, Parker.

67-825 AN ORDINANCE 36,059

APPROPRIATING \$100,491.00 OUT OF NORTH EXPRESSWAY BONDS, 1961, FUND NO. 479.19 PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY SUBJECT TO THE ORDER OF CHARLES M. CAIN, ET AL, SAID AMOUNT BEING IN SATISFACTION OF THE AWARD IN CONDEMNATION CASE NO. C-585 FOR 1.3964 ACRES OF LAND AND IMPROVEMENTS IN N.C.B. 968 AND N.C.B. 970 AND DAMAGES TO REMAINDER OF TRACT ON AVENUE "B" IN SAN ANTONIO NEEDED FOR U.S. 281 NORTH EXPRESSWAY.

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67-826 AN ORDINANCE 36,060

AUTHORIZING EXECUTION OF A CONTRACT WITH MARTIN E. STALEY, ENGINEER, FOR PROFESSIONAL SERVICES IN THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE REMODELLING OF THE MUNICIPAL AUDITORIUM ANNEX (OLD MARTIN WRIGHT BUILDING); AND APPROPRIATING THE SUM OF \$1,800.00 FROM OPERATING CONTINGENCY ACCOUNT 70-01-01 TO SPECIAL PROJECTS ACCOUNT 11-03-18; AND AUTHORIZING THE PAYMENT OF SAID SUM FROM THE LATTER ACCOUNT TO MARTIN E. STALEY FOR SAID ENGINEERING SERVICES.

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67-827

AN ORDINANCE 36,061

AUTHORIZING A CONTRACT WITH EMMIT R. TUGGLE, ARCHITECT, FOR PROFESSIONAL SERVICES PERTAINING TO THE RENOVATION OF THE CHINESE SUNKEN GARDEN CONCESSION BUILDING AND APPROPRIATING \$1,800.00 OUT OF PARK IMPROVEMENT BONDS FOR SUCH SERVICES AND ALSO APPROPRIATING \$150.00 OUT OF THE SAME FUND AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

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67-84

AN ORDINANCE 36,062

APPROPRIATING \$1,602.00 OUT OF PARK IMPROVEMENT BONDS PAYABLE TO CITY PUBLIC SERVICE BOARD FOR INSTALLATION OF ELECTRICITY LINES IN THE NORTHEAST PRESERVE.

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67-578

AN ORDINANCE 36,063

AUTHORIZING PAYMENT OF \$5,575.38 OUT OF THE GENERAL FUND TO CLARENCE RINARD, ARCHITECT, FOR PROFESSIONAL SERVICES IN REGARD TO CONSTRUCTION AND MODIFICATION OF ANIMAL SHELTER BUILDINGS; ALSO AUTHORIZING \$500.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT FOR THIS PROJECT.

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67-828

AN ORDINANCE 36,064

APPROPRIATING \$203,560.00 OUT OF VARIOUS FUNDS FOR ACQUISITION OF RIGHT-OF-WAY AND EASEMENTS PERTAINING TO STORM DRAINAGE PROJECT 56A, U.S. 281 NORTH EXPRESSWAY PROJECT AND UNSEWERED AREA #15.

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67-829

Purchasing Agent Al Tripp advised that identical bids had been received to furnish requirements of automotive and industrial bearings for an eighteen month period beginning January 1, 1968.

In accordance with State law, lots were drawn to determine the successful bidder with the bidder drawing the lowest number to be awarded the contract. The numbers drawn are as follows:

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Capitol Bearing Service, Inc. drew No. 50; Bohls Bearing & Power Transmission Service drew No. 37; and Midcap Bearing Service drew No. 14.

On motion of Mr. Trevino, seconded by Mr. James, the following ordinance was then passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino and Torres: NAYS: None; ABSENT: McAllister, Jones, Gatti and Parker.

AN ORDINANCE 36,065

ACCEPTING THE PROPOSAL OF AND MANIFESTING A CONTRACT WITH MIDCAP BEARING SERVICE TO FURNISH THE CITY OF SAN ANTONIO WITH ALL REQUIREMENTS OF AUTOMOTIVE AND INDUSTRIAL BEARINGS FOR AN EIGHTEEN MONTH PERIOD COMMENCING JANUARY 1, 1968, AND TERMINATING JULY 31, 1969.

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The following ordinances were explained by Members of the Administrative Staff, and on motion made and duly seconded were each passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino and Torres; NAYS: None; ABSENT: McAllister, Jones, Gatti and Parker.

67-830

AN ORDINANCE 36,066

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF TELSCO INDUSTRIES TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION WITH CERTAIN REMOTE CONTROL VALVES AND ELECTRICAL CONTROLLERS FOR BRACKENRIDGE GOLF COURSE FOR A TOTAL OF \$7,446.56.

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67-831

AN ORDINANCE 36,067

ACCEPTING THE ATTACHED LOW QUALIFIED BID TELSCO INDUSTRIES TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN UF SINGLE CONDUCTOR ELECTRIC WIRE FOR THE PARKS DEPARTMENT FOR A NET TOTAL OF \$4,653.48.

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67-832

AN ORDINANCE 36,068

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF MOORE BUSINESS FORMS, INC. TO FURNISH THE CITY OF SAN ANTONIO, CORPORATION COURT WITH CERTAIN MOVING VIOLATION TICKETS FOR A TOTAL OF \$1,386.00.

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67-833

AN ORDINANCE 36,069

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF ANDERSON MACHINERY COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE TRACTOR-DOZER FOR A NET TOTAL OF \$42,465.00.

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67-833

AN ORDINANCE 36,070

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF ANDERSON MACHINERY COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE TRACTOR LOADER FOR A NET TOTAL OF \$31,277.00.

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67-833

AN ORDINANCE 36,071

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF HOLT MACHINERY COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE CABLE CONTROLLED TOW-TYPE SCRAPER FOR A NET TOTAL OF \$10,500.00.

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67-833

AN ORDINANCE 36,072

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF THE JESS McNEEL MACHINERY CORP. TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE SAUERMAN SCRAPER FOR A NET TOTAL OF \$2,270.00.

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67-833

The Clerk read the following ordinance.

AN ORDINANCE 36,073

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF THE JESS McNEEL MACHINERY CORP. TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC WORKS WITH ONE CRAWLER TYPE CRANE FOR A NET TOTAL OF \$26,192.00.

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Mr. Al Tripp, Purchasing Agent, explained the bids received and recommended acceptance of the Jess McNeel Machinery Corporation bid.

Mr. Roy Klossner, third low bidder, advised the Council that he felt he had submitted the low qualified bid in that specifications called for the successful bidder to have a complete local facility for parts and service. He said the specs stated that this would be a determining factor. He maintained that this provision was not being met by the other bidders. He said the specs were designed to protect the City from having to wait for parts and felt the successful contract should be modified to provide a \$50.00 a day penalty for any down time over one day and he was willing to abide by such a requirement.

After due consideration of the matter, Dr. Calderon made a motion that the ordinance be passed as recommended by the Staff. The motion was seconded by Mr. James and on roll call was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino and Torres; NAYS: None; ABSENT: McAllister, Jones, Gatti, Parker.

67-834

The Clerk read the following ordinance.

AN ORDINANCE 36,074

SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 36.608 ACRES OF LAND BY THE CITY OF SAN ANTONIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARING (KNOWN AS WHISPERING OAKS, UNITS I & II, OWNED BY DENTON DEVELOPMENT COMPANY) Hearing set for 10:00 A.M. January 11, 1968.

* * * *

Planning Director Steve Taylor explained that the contemplated annexation concerns a subdivision known as Whispering Oaks, Units I and II and the action is being taken at the request of the owner, Denton Development Company.

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

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67-835 The following ordinance was explained by Fire Chief Milton Rogers, and on motion of Mr. Trevino, seconded by Mr. James, was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino and Torres; NAYS: None; ABSENT: McAllister, Jones, Gatti, Parker.

AN ORDINANCE 36,075

AUTHORIZING TOM L. BRUNDAGE TO CONDUCT
FIREWORKS DISPLAY ON JANUARY 1, 1968.

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67-836 The Clerk read the following ordinance.

AN ORDINANCE 36,076

MAKING AND MANIFESTING A CONTRACT WITH
DR. L. A. DUNBAR, VETERINARIAN, FOR
PROFESSIONAL SERVICES FOR A FEE OF
\$751.00 PER MONTH PLUS CAR ALLOWANCE.

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Dr. William Ross, Health Director, explained that Dr. Dunbar has reached retirement age and they have not been able to find a replacement because of a problem in the pay scale. He said Dr. Dunbar handles the meat and poultry inspection program and recommended that his services be retained under contract.

Councilman Torres expressed concern in that he did not want to see the City use a contractual issue to circumvent the retirement program and asked that he be advised of progress made in recruitment.

Mrs. Cockrell also asked that the Council be given a report on retirement on a permanent basis.

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

66-831 Mrs. Cockrell asked that a report be given next week of the study of LaVillita and plans for its redevelopment.

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66-831 Mrs. Cockrell advised that a suggestion has been made that there be sidewalk carts at LaVillita where fresh flowers could be sold and if fresh flowers are not in season, the colorful mexican paper flowers could be sold. She asked that this be given consideration in plans for LaVillita during HemisFair.

67-644 Mr. J. D. Lang, Vice President of H. B. Zachry Company, read a letter to the City Council requesting the City close Villita Street to through traffic during the construction period of the parking garage over the street which is under consideration by the Council.

Mr. Stewart Fischer, Director of Traffic and Transportation, stated he has studied the request and it was his recommendation that this be a permanent closure to vehicular traffic of the block between Presa and Navarro Streets. Present plans call for closing Villita Street from Alamo to Presa and make it a pedestrian walkway. If this were done, the signals at Navarro, St. Mary's and Dwyer Avenue could be removed and would improve traffic flow in the area. He showed a sketch of the parking structure which would have a pedestrian walkway leading to LaVillita. The sketch showed supporting columns in the middle of Villita Street.

Discussion then took place as to what the H. B. Zachry Company was actually asking for as the Council last week understood that only the air rights over the street were needed.

Mr. Lang stated that they did not know last week what the design requirements would be and it has since been found that the structure would need support columns located in the street. The project architect advised that sufficient plans for review would be ready in the next two or three weeks.

After further discussion, Mrs. Cockrell advised Mr. Lang to submit all necessary information regarding this matter to City Manager Henckel so that he can study it and make a report to the Council next week. Also that he submit the plans to the Fine Arts Commission for review as soon as possible so it too can make its recommendation.

67-824 Mr. Raul Rodriguez, 719 Delgado, spoke to the Council regarding racial discrimination by the City Public Service Board and specifically Mayor W. W. McAllister. He then presented a copy of deed restrictions placed on property owned by the Mayor in 1949 which prohibits ownership or use of the land by Mexicans or Negroes, etc.,

A copy of Mr. Rodriguez's statement and a copy of the alleged deed restrictions are on file with these minutes.

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CORRECTIONS TO MINUTES OF THE MEETING
OF DECEMBER 28, 1967 REGARDING REQUEST
OF H.B. ZACHRY COMPANY TO CLOSE VILLITA
STREET DURING CONSTRUCTION OF PARKING
GARAGE.

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PARAGRAPHS 4, 5, and 6 ON PAGE SEVEN OF DECEMBER 28, 1967
MINUTES ARE TO BE DELETED AND THE FOLLOWING INSERTED IN THEIR
PLACE:

The following discussion took place:

MR. LANG: Time is absolutely of the essence. We have our
drilling rigs down and are beginning on our first foundation
pouring for the day and everyday is golden for us since we have
only the months of January, February, and March to do this. We
are simply seeking permission at this time to close the street.
We are not asking for a final approval of plans or anything else.
It is a matter of expediency in getting our construction going
that causes me to be here this morning.

MRS. COCKRELL: You need at least a temporary closing before
next week, is that your position?

MR. LANG: Yes.

DR. CALDERON: I would personally agree with that. This won't
involve in any way passing on the aesthetics or architectural
design of that area? Is it just merely permission to close the
street?

MRS. COCKRELL: You are beginning the foundation work, or will be?

MR. LANG: We are starting the boring on the south end of the
block for the foundation work, yes maam.

MRS. COCKRELL: How soon will your complete plans be available
for review?

MR. LANG: I have with me here the architect who is working on
them. I would like to ask his opinion on that.

ARCHITECT: I think we could have a rough, sufficient plan for
review in about two to three weeks.

MR. TORRES: Mr. Lang, what work would be done between now and
next Thursday that would require the use of the street?

MR. LANG: Foundation building.

MR. TORRES: On the street?

MR. LANG: Yes. We want to go through the area as rapidly as we can and we have to do this in sequence because the piers are in a row as you know and we anticipate doing some work in the street.

MR. TORRES: Well, you are not going to be doing any drilling on the street itself are you?

MR. LANG: Yes sir.

MR. TREVINO: If we are not in accord in closing the street to traffic, how would that effect it?

MR. LANG: I have some drawings---we have two thirty foot spans in here---each one of which is wide enough for a street. They could both be used for traffic, or one for a mall and one for traffic, or both be used as a mall, whichever you would favor.

MR. TREVINO: Do these columns have to be right in the middle of the street? We don't have but about fifty feet there.

MR. LANG: We have sixty feet.

MR. TREVINO: Three feet of columns?

MR. LANG: Yes sir.

MRS. COCKRELL: The work that you would do, say in the next week, would not get above the ground level, is that correct?

MR. LANG: That is correct.

MR. TORRES: Well, I don't believe any of the action that we took last week contemplated or gave you either actual or implied permission to use any part of the street. Did it Mr. Lang?

MR. LANG: I was not here.

MR. TORRES: In the purchase plan from the CPSB, as I recall, you were purchasing at \$6.00 per sq. ft., land on both sides of that one block of Villita Street. Nothing was said then about the use of the street itself. As I see it you are contemplating using the street and what concerns me is you are contemplating using a public street. You have a private lot, owned by a private individual; you have a parking lot. The street is critical to this successful venture by this individual. I am talking about Mr. Van Henry Archer who owns a private parking lot in the area. Frankly, as I see it, I would not be able to acquiesce on the proposal, either now or in the future for the use of the street by a private individual in variation of the rights of another private individual. We are just turning over public land which I think is against public policy.

MRS. COCKRELL: Let me ask for further clarification. I agree with Mr. Torres that it was not my understanding that there was to be any work done under the street. I was not aware that that was contemplated. The question as to whether or not the street is to be kept open for either vehicular or pedestrian thoroughfare is one I think can be reviewed. It seems to me, that in view of the lack of any further information, that it is going to be necessary to delay the decision one week on this matter.

DR. CALDERON: I think it would be advisable to forego acting on this, until we have a full Council next week. And we can act on it at that time. I think that would be more desirable.

MR. LANG: May I ask that we may be permitted to go to work, leaving out the actual work in the street itself.

MR. TORRES: Well, if you are going to work on your own private property, property that you have already acquired from the CPSB, you would need no approval from the Council at all, unless you are involved with public property itself.

MRS. COCKRELL: I believe he is asking for the temporary closing of Villita Street to vehicular traffic as they begin the work.

MR. TORRES: I think we need to give the property owners in the area, I don't know if there is more than one, the benefit of appearing before the Council and being heard. I am just saying I recognize the beautiful plans, the imagination behind it, Mr. Lang, and I have always recognized Mr. Zachry's leadership role in the community, but we have got private individuals involved and the use of a public street. I just feel out of fairness to both parties that we should hear from them before we take any action on closing the street. Of course this is merely one man's opinion.

MR. TREVINO: Another point here. We were discussing the selling of air rights. We have never discussed the selling of Villita Street.

MR. TORRES: Or the use of the street itself.

DR. CALDERON: I suggest that we postpone action on this.

MR. LANG: May I make one comment on this? Of course this has only been underway for a week and we had Friday, Saturday, Sunday and Monday on account of Christmas kind of disrupted things, but we have had to proceed the pace of the design and the matter of structural requirements. As we investigate the design problems, it necessitates that we have the supporting pier. At the time this was discussed last week, this information was not available.

MRS. COCKRELL: Well, may we ask then, that just as quickly as you have the full information about any additional requests that you will need to make of the City, that this be given to the City Manager for his review and recommendation to the City Council.

CORRECTION TO DECEMBER 28, 1967 MINUTES.

MRS. COCKRELL: Also as quickly as the drawings are ready, the Fine Arts Commission will need to review these for recommendation to the Council. The Council appears to be in agreement that no action will be taken today which means that you would be free to proceed with any work directly on the property. But they do not feel that as of today they can give even the temporary closing of the street without further review.

MR. LANG: We have the problem of trying to get construction machinery and equipment in and out of the lot on which we are working and of necessity requires us to go through this block we are talking about and without some kind of a temporary order, it stymies us from really getting anywhere.

MR. TORRES: Have the parking lots been closed?

MR. LANG: No sir, but they will be after the first of the year as I understand it.

MR. TORRES: But for the time being, the parking lots have not been closed and as far as you can see they will not be closed for the next week?

MR. LANG: What they are doing today is they have made the surveys as to where the various piers go and they are not parking automobiles in the area where they want to do the immediate drilling. Its a matter of juggling the cars back and forth until the first of the year when, it is my understanding, they propose to cease parking there so we can proceed full speed with construction.

MRS. COCKRELL: Well, it seems that the Council will not be able to take any action today, but they will review the matter very carefully before next week. We would appreciate whatever information you can make available so that prior to next week, we will have had time to have a report from our City Manager.

MR. LANG: Thank you very much.

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CORRECTION TO DECEMBER 28, 1967 MINUTES.

67-623

Mr. Anthony Guajardo spoke to the Council regarding his request for a rehearing of Zoning Case 3117.

Acting City Attorney Bruce Aycock reported that there is a suit against the City pending regarding this case which would have to be dismissed before a rehearing could be held. He advised there are time limitations in the Code and to have a rehearing would be an unusual procedure. If there is new evidence, the Council could send the case back to the Planning Commission for reconsideration.

Mr. Guajardo stated he had agreed to dismiss the case if the Council consented to a rehearing. The suit is set for trial on January 2, 1968, but this can be reset pending Council's decision on his request.

It appearing that his request would not receive five affirmative votes, Mr. Guajardo was asked to come to the next meeting when the other members will be present and at which time action will be taken on his request.

67-824

The Clerk read the following letter.

December 26, 1967

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

Gentlemen and Madam:

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

12-26-67 Petition of Mr. W. E. Dean requesting permission to use 83.62 acres of land in NCB 13833 and 8 acres in NCB 13832 which is zoned "R-4" for the development of a temporary camp ground during HemisFair with facilities for travel trailers, pickup campers, tent campers and tents if required. Facilities to be dismantled within sixty days.

/s/ J. H. INSELMANN
City Clerk

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There being no further business to come before the Council, the meeting adjourned.

A P P R O V E D:



M A Y O R

ATTEST:
City Clerk

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12-28